

# Brutal development agenda by political panjandrum in Botswana: How CKGR evictions massacred the native citizens (Basarwa) through HIV/AIDS

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## ABSTRACT

The political and economic empowerment of Basarwa in Botswana has never generated a lot of interest in the manner it did following their eviction from Central Kalahari Game Reserve. Most human rights organisations, amongst them Survival International, did bring to the center stage the evictions of Basarwa from Central Kalahari Game Reserve (CKGR). CKGR was established for Basarwa by the British government in 1961 and they have stayed in the area since. The evictions of Basarwa from CKGR culminated into various arguments been generated by governments and NGOs, which were for and against. The government of Botswana advanced that its actions were encouraged by its desire to protect environmental resources and ameliorate the living conditions of Basarwa. The narratives against the government of Botswana centred on the counter argument that the government wanted to start diamond mining following prospecting. What comes out clearly is that Basarwa were not sufficiently consulted before their evictions from CKGR nor were they given any knowledge on HIV/AIDS. This article argues that the government of Botswana did not consult Basarwa before evicting them from CKGR and its actions resulted in Basarwa getting infected with HIV/AIDS. The Basarwa communities have experienced increased mortality, which can be attributed to their unlawful evictions by the Government of Botswana from their ancestral land. The position that the government of Botswana took to evict Basarwa from CKGR without first educating them on HIV/AIDS was never advanced even during the case that Basarwa had against the government of Botswana. It is important to note that Basarwa got infected by HIV and some have since died from AIDS as a result of their unconstitutional eviction from CKGR that was masterminded and carried out by the government of Botswana.

**Keywords:** Botswana, Basarwa, HIV/AIDS, evictions, Central Kalahari Game Reserve.

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## INTRODUCTION

Central Kalahari Game Reserve (CKGR) is the largest game reserve in the world. It is larger than Denmark or Switzerland and bigger than Lesotho and Swaziland combined. This is a place where Basarwa have lived probably for a thousand of years (Botswana Tourism Board, 2006). In the 1970s and 1980s, pressure to remove Basarwa from Central Kalahari Game Reserve (CKGR) by the government of Botswana began to build up for several reasons, such as declining wildlife numbers and the grazing of the domestic livestock in the reserve. To be precise, it will be correct only to qualify

that such reasons were advanced by the government of Botswana. The government of Botswana resettled over 1,100 people outside the CKGR in May to June 1997 (Hitchcock, 2002:805). In this article, the author attempts to examine reasons that prompted the government of Botswana to forcibly evict Basarwa from Central Kalahari Game Reserve (CKGR), despite strong opposition from International Non-Governmental Organisations such as Survival International and high profile personalities.

The article provides some strong opposition to the explanation provided by the government of Botswana,

which is that, the government wished to ensure that park's integrity as a nature reserve was maintained, and that it wished to integrate Basarwa into the country's social and economic life (African Conservation Foundation, 2007:1). As it is argued in this article, the government of Botswana evicted Basarwa from CKGR with full knowledge that there was the HIV/AIDS scourge that had already started claiming lives in Botswana

The paper argues that the eviction of Basarwa from CKGR was prompted by the heinous motive to cleanse them, knew certainly that evictions of Basarwa without any education on HIV/AIDS was likely to lead to infections, which would gradually claim their lives. The government of Botswana knew that the eviction of Basarwa from CKGR during the HIV/AIDS era will result in infections of Basarwa, leading to their significant mortality.

The paper therefore provides argues that the government of Botswana did not observe the rights of Basarwa and intentionally risked their lives in evicting them without first educating them about the pandemic. As noted by Moran (1990) education has been named as the most significant means of fighting the spread of the virus (HIV/AIDS).

## LITERATURE REVIEW

The Basarwa in Botswana are economically and politically marginalised. In many ways, Basarwa are at the bottom of the Botswana socio-economic system. They exhibit some of the highest rates of infant mortality alongside the lowest living standards and literacy rates, and in many cases have insecure access to land and resources. As with many minorities, Basarwa have had to struggle against what they view as domination and discrimination from other groups and the nation state. There were instances in which Basarwa were taken forcibly from their homes and required to work for other people, often with little or no pay, and in some cases physically mistreated (Hitchcock, 2002:798). It is important to note that the then President of Botswana, Mr. Festus Mogae, who led the country at the height of the eviction of Basarwa communities from CKGR was acclaimed for his activism against HIV/AIDS, which means he was knowledgeable about the pandemic and the impact it would have on Basarwa when evicted without any education programmes on the scourge.

As this paper argues, the government of Botswana during the evictions of Basarwa from CKGR was aware of the implications of such evictions on the health of Basarwa communities, resulting from HIV/AIDS scourge. It is indisputable that the evictions of Basarwa from their ancestral land, meaning CKGR, caused both political and economic disruptions, which evidently facilitated the spread of the deadly virus from those infected people, who came into contact with Basarwa resulting from their

participation in the evictions. As indicated in the study that examined the knowledge, behaviour and attitudes of Basarwa towards HIV/AIDS, which was conducted by Dr. Dama Mosweunyane of the University of Botswana in 2004 in Ghanzi District, it emerged that Basarwa were not equipped with any knowledge on HIV/AIDS before and during their unconstitutional evictions. The participants in the study were drawn from the whole district of Ghanzi including New Xade, which is a place to which they were moved. The study revealed that Basarwa were ignorant about HIV/AIDS, which means disruptions of their lives resulting from their evictions from CKGR placed their lives in jeopardy. There is overwhelming evidence that there is a clear connection between movement of people and the spread of HIV/AIDS. According to Klein (2001), restrictions on the migration of people with HIV have usually been justified. It has to be noted that Botswana government did not test those people who came in contact with Basarwa during their evictions nor provided Basarwa with measures to protect themselves.

The uncompromising position of the government of Botswana and its promulgation that its unconstitutional evictions of Basarwa were to integrate and ensure CKGR's integrity was executed against strong opposition not only from Survival International. The government of Botswana defied even appealing voices of dignitaries who wield significant political influence not only in the continent, but at international level, such as Anglican Archbishop Desmond M. Tutu of South Africa. The government also ignored strong negations and appeals from the civil society in Botswana against its inexcusable behaviour against politically and economically disempowered Basarwa who were evicted from CKGR.

Even after Basarwa were favoured by the verdict on a case they took against the government of Botswana to the high court, the contumacious behaviour of the government of Botswana continues unrepentantly against Basarwa. Despite some of Basarwa having contracted HIV, which causes AIDS, the government of Botswana still employs dehumanising tactics, such as depriving Basarwa water from boreholes in CKGR, which further forces them to migrate into destinations where they are abused by members of the dominant groups. The denial of Basarwa indispensable necessities such as water renders them more vulnerable, since they are forced to accept sexual advances in exchange for water and other essentials.

It does not come as a surprise that Sunday Telegraph, A British newspaper, stated that the government of Botswana is ethnically cleansing the San (Basarwa) in ways that would cause outrage if Botswana was not prosperous, stable and pro-Western (Sunday Telegraph as cited by Taylor and Mokhawa, 2003:277). It is the use of the word 'cleansing' in this aforementioned quotation that make it relevant in an examination of ways by which ethnic cleansing of Basarwa was conducted by the

government of Botswana. The view that the government of Botswana relied on HIV/AIDS as the most insidious way of cleansing Basarwa though circumstantial, cannot be simply quashed.

### **CKGR EVICTIONS AND DISRUPTION OF BASARWA LIFESTYLE DURING HIV/AIDS ERA**

The evictions of Basarwa from CKGR by the Government of Botswana were conducted without consultation with Basarwa. This can be attributed to the inferior economic and political status of Basarwa in Botswana and how they are usually treated by members of dominant ethnic groups, such as Bangwato. For example, no people in Botswana today are poorer or weaker than the Basarwa (Good, 1993:205). The evictions were instigated when Botswana was already facing HIV/AIDS pandemic challenge, which the government of Botswana was trying to curb. Botswana's first AIDS case was reported in 1985, which makes it reasonable to believe that when Basarwa were evicted from CKGR, which is their ancestral land, the government knew about the health implications such forced removal would have on ignorant Basarwa population.

It is important to indicate that the death of Basarwa who are disdained by the dominant groups, such as Bangwato cannot be of any concern, owing to the fact that they are regarded by members of the dominant groups as less human. In fact, the health of Basarwa is most often jeopardised by members of the dominant groups in various ways. For instance, Wilmsen (2003) echoed that, Basarwa in Ghanzi District get large amounts of tobacco for eggshell beads that Basarwa artistically produce (Wimsen, 2003:339). The batter system where artistic work is bought with tobacco, which is said to be prevailing between Basarwa and members of the dominant groups, is meant essentially to endanger lives of Basarwa. Basarwa and some other groups in Botswana have been systematically marginalised through the constitution that is presided over by the ruling elite in the Botswana Democratic Party (BDP), which has ruled Botswana since independence. It is this attitude towards Basarwa that further strengthens the view that Botswana government had sinister motives to cleanse them under the guise of evicting them for their transformation and sustainable development.

Basarwa have suffered and continue to suffer under subjugation and brutality meted out to them by members of the dominant groups, mostly Bangwato and Botswana government officials. In a horrendous example of such atrocities, in 1930, a Ngwato cattleman named Rajaba Monageng whipped one of his three Sarwa to death for supposedly deserting his cattle post and stealing a calving cow, and declared: 'I thrashed them very hard (325 lashes) to teach them a lesson. I have never beaten dogs like I beat those Masarwa and I never would (Wylie

as cited by Good, 1993:210). It is reasonable to blame this incident on violation of human rights that characterised relations between Basarwa and members by dominant groups on the powerless Basarwa many years before independence. It would be irrational to consider this case as an isolated act of brutality by an individual Mongwato farmer. It is alleged that Masarwa and not Basarwa, as the worthless neologism formed by their oppressors dictates, were treated like slaves by the Bangwato. They were compelled to herd the cattle and till the fields of their masters without pay, their children were constantly taken from them against their will to work as servants in the Bamangwato households in Serowe and they were often subjected to most cruel treatment (The Royal African Society, 1935:446). Aforementioned literature provides evidence of cruelty of Bangwato against Basarwa, though incidents that are provided are of cases that occurred before Botswana got its independence. However, it would be lackadaisical to ignore that they are similar incidents of violation of rights of Basarwa even in the twenty first century, at the hands of government officials of the independent Botswana. For example, an incident occurred in Molapo in the Central Kalahari in August 2000, when a group of people from the village were arrested and detained by the Department of Wildlife and National Park's anti-poaching unit and Botswana Police. The twenty men and four women were taken to a remote camp away from the village where they were questioned over three-day period. There are reports that the detainees were beaten and abused (Good, 1993:819). The preceding case of detention of Basarwa and their abuse, provides some evidence that points to the reality that Basarwa are exposed to ill-treatment even today, in the manner they were years before independence. In fact, it is fair to argue that independence in Botswana was never true independence for its indigenous people such as Basarwa (Nthomang, 2004:416).

The government of Botswana adopted the Botswana National Policy on AIDS as part of its effort to reduce the devastating effects of the scourge (AVERT, 2009). It is of particular interest to note that the government of Botswana identified populations that are at high risk of contracting HIV. The highly mobile populations, which include migrant workers were identified as often likely to be exposed to HIV (AVERT, 2009:4). This brings an interesting point to the fore, namely, that the movement of people has some effect in the spread of a disease, or movement of animals for that matter. It is therefore important that when there is an outbreak of a disease or a virus is discovered, movement of people is restricted until they are fully informed. This is often done so that they can take necessary precautions to protect themselves against getting infected. It was therefore absolutely necessary for the government of Botswana to educate Basarwa about HIV/AIDS before evicting them from CKGR, because there was no how they could have

accessed information without government's assistance. It is therefore evident that the government of Botswana deliberately evicted Basarwa so that they can be infected with HIV, resulting in their demise.

It is of interest to note that the government of Botswana's efforts to curb the spread of the virus ignored the differences that exist between the Tswana and the minority groups such as Basarwa. Fundamentally, the one nation consensus (We are all Tswana) that is backed by the assimilationist policy of the ruling party, which advocates for Tswanification/Tswanalisation or majoritarian project of cultural nationalisation (Werbner, 2002:676) came into play. On the other hand, it was reinforced by the negative attitudes towards Basarwa that are deeply rooted and widespread amongst members of the dominant groups. Interestingly, in Serowe, this is the capital village of the Bangwato, they are members of Basarwa communities who have capitulated and are assimilated. Ironically, they do experience various forms of economic deprivation and political disempowerment. For example, behind the house owned by the President of Botswana, His Excellency lieutenant General Dr Ian Khama Seretse Khama, in Serowe village, there resides a group of Basarwa who are without proper housing, despite having come to the village of Serowe and settled for years.

The author of this article through assistance from the Catholic Church in Serowe, managed to help some few Basarwa put up some one roomed houses just behind the house of the president. This manifestation eschews the benign neglect by the government of Botswana, which further defeat the claim by the government of Botswana that the eviction of Basarwa from CKGR was necessitated in their best interest and for their welfare. Instead, it further strengthens the view that the whole eviction undertaking was meant to facilitate HIV infections amongst members of Basarwa communities, in and around New Xade and Kaudwane settlements. The possibility of the various cases of HIV infections beyond the mentioned areas cannot be ruled out. This is because the 'law of propinquity' encourages exogamy and sexual relations amongst Basarwa in every part of the country; through which HIV infections usually escalates.

Basarwa experience negative attitudes not only at a personal and community level, but at government level as well (Mazonde as cited by Nthomang, 2004:420). It can be strongly argued that, the eviction of Basarwa without providing them with knowledge on HIV/AIDS does provide evidence of the animosity that those in authority have against Basarwa. The eviction of Basarwa was actualised in order to eliminate them because they are regarded as a worthless entity that due to outside influence is becoming vexatious. Basarwa are ostracised from both political and economic power positions, which is an advantage for a government that wants to maintain their subordination at all costs.

Basarwa are viewed by the elite within the Botswana

government power structures as a lot that wants to maintain and upholding its culture, resisting assimilation into dominant groups, such as Bangwato. Put in other words, the resistance of Basarwa to assimilation into dominant groups irks the government, which prefers to have them eliminated than to allow them to lead their 'primitive lives' gathering and hunting wild animals in the bush. Of great importance to the government of Botswana are wild animals that Basarwa are blamed for their dwindling numbers. Wild animals are seen as a viable commercial investment by some influential political elite that wants to domesticate them. It is this self enrichment drive that can be blamed for the atrocities that Basarwa are subjected to, that include evicting them from CKGR without first educating them about the dangers such as HIV/AIDS.

The recrimination of Basarwa for the decreasing numbers of wildlife ignores that wild animals are confined into most commercial farms in Ghanzi District. It is worth mentioning that such farms are not owned by Basarwa. Wild animals such as elands, kudus and impalas are a common sight on commercial farms both in Ghanzi District and Tuli Block.

The accusation of decreasing number of wildlife cannot be substantiated with concrete evidence by the government. On the contrary, in May 2002, Albertson's paper that was presented at a seminar organised by Ditshwanelo (Botswana's Centre for Human Rights, pointed out that there was significant increase of wildlife in CKGR, indicating that Basarwa were not at all a threat to wildlife. Ironically, there was confirmation even from government of Botswana's Department of Wildlife and National Parks that Basarwa were environmentally conscious people. This claim by the department is backed by its survey that showed that since the drought of the 1980s wildlife numbers were increasing (Dube, 2002:3).

It is important to note that since Botswana got its independence on the 30<sup>th</sup> September 1966, Basarwa remain marginalised and exploited. However, it is only when they were evicted from CKGR that they were pushed into a scourge in order to eliminate them. Basarwa are always from time to time harassed by the government employing legislations that they do not participate in its making. The participation of Basarwa in decision making in relation to government policies is non-existent, which makes it difficult to believe that the government of Botswana did consult them and got their approval for their relocation from CKGR. What is reasonable, given the political and economic circumstances of Basarwa is that, the government approached them with already concluded plans to evict them. Rather than consultation, the government came to Basarwa with instructions to evict them so that they cannot escape from HIV/AIDS mutilation. For the government of Botswana to publish that Basarwa were consulted and agreed to relocate, further demonstrates

the contempt by which Basarwa are treated in Botswana by the government.

They are two comprehensive points that work against the government's position that Basarwa agreed to be moved from CKGR. Firstly, if Basarwa had agreed to be relocated they would have not provoked some judicial recourse that led to a court case that the government of Botswana lost. Secondly, the government would have embarked on some programme on HIV/AIDS to prepare Basarwa for health challenges outside CKGR. As noted by Hitchcock, when the then Minister of Lands and Housing Honourable Patrick Balopi and Commerce and Industries minister Mr. M.P.K. Nwako asked Basarwa in a *kgotla* (*Traditional podium*) meeting held in Xade to leave CKGR, they objected. They stated that they wanted both to remain in the reserve and to have the right to continue to earn a living there (Hitchcock, 2002:806).

The assessment of the relationship between the government of Botswana and Basarwa is best understood in the light of the description that Basarwa retains their position as the most exploited and impoverished of all. A number of studies testify to their underclass continuities (Good, 1999:191). When Basarwa were moved out of the Central Kalahari, it was done so precipitately that members of families were separated from one another. They also had to shift away from dependence on wild resources (Hitchcock, 2002:814). The separation of family members from one another during evictions and most importantly, during HIV/AIDS era, indisputably accelerated the spread of the virus that was passed from those people who came into contact with Basarwa.

Lack of knowledge on HIV/AIDS and separation of people from their partners provided a recipe that the government of Botswana cherished in cleansing Basarwa, by engaging in evictions that have a potential to promote the spread of the virus. The government of Botswana needed to employ a strategy that will not be immediately be noticeable, such as cleansing of Basarwa through HIV/AIDS, so as not to attract immediate international condemnation, such as in a case of overt genocide.

#### **PRESCRIBED DESTINATIONS: NEW XADE AND KAUDWANE**

New Xade and Kaudwane are places of modern buildings that were prescribed by the government of Botswana for members of Basarwa community who were evicted from CKGR. They are places in the Ghanzi District and Kweneng District respectively. New Xade until buildings were constructed by the government on it was just part of the under-resourced desert. The government's new designed settlements do have primary schools and clinics, but do not have meaningful economic activities that can ameliorate the socio-economic status of

Basarwa on a sustainable basis. As Basarwa were evicted from CKGR the government provided them with some, albeit minimal, compensation for their assets (e.g houses and other facilities) that they lost (Hitchcock, 2002:814). The government still did not design any HIV/AIDS programmes in the language(s) that Basarwa understood.

The programmes that were designed for the whole nation namely: public education and awareness, AIDS education for young people, condom distribution and education, targeting of high risk populations, improvement of blood safety and prevention of mother-to-child transmission of HIV (PMTCT) (AVERT, 2009:3), were written in English and Setswana. Both Setswana and English are languages that majority of Basarwa do not understand. For instance, in a workshop on 'Sustainable Rural Development', sponsored by the Botswana Society and held in Gaborone from 13 to 15 April 1992, Basarwa decried the fact that Setswana was used, which meant that some of them could not understand the discussions (Hitchcock, 2002:809). It can therefore be argued that even if the government designed programmes that are meant to disseminate information on HIV/AIDS, Basarwa did not benefit.

It is important to note that illiteracy amongst Basarwa who were evicted from CKGR is high, which means it was necessary for information on HIV/AIDS to be made available through the medium that is specifically designed for recipients with lowest level of literacy proficiency. It is noted that the dissemination of anti-AIDS messages are hampered by the fact that Radio Botswana only broadcast health messages in English and Setswana. Minorities living in remote regions suffer exceptionally high rates of infections as they are hard to reach (Minority Rights Group International, 2008:2). The reason of distance as having hampered the training of Basarwa on HIV/AIDS before they were evicted from CKGR can not be entertained. The government of Botswana expended massive resources that were allocated for executing the eviction of Basarwa from CKGR without taking the responsibility to provide them with necessary knowledge on HIV/AIDS. If the government of Botswana had the political will to educate Basarwa on HIV/AIDS, it would have not had any problem resulting from CKGR remoteness from the capital city. In contrast, a lot of human resources were readily available in CKGR for the execution of the eviction plan, which would have facilitated HIV/AIDS knowledge provision for Basarwa. It is important to mention that the government of Botswana had an option of requesting for help from Non Governmental Organisations (NGOs) that are dealing with HIV/AIDS, to have Basarwa educated before their evictions. A valid reason that could be given for the government of Botswana ignoring this option is because it was going to militate against its plan of cleansing Basarwa through HIV/AIDS infections.

The government of Botswana provided compensation

and constructed offices for the civil servants in the prescribed destinations without involving Basarwa in the decision making process. Most importantly, the government did not find it necessary to educate Basarwa about HIV/AIDS even when it became evident that they were faced with new challenges. For example, the government moved Basarwa from the terrain that they are familiar with (CKGR to Kaudwane and New Xade), where they had to adjust to new lifestyles. They met strangers who came into their areas to sell goods; they travelled, expending financial resources that were made available to them by the government as compensation for the loss of their properties resulting from the evictions. Most importantly, Basarwa were forced by the dictates of their new lifestyle at Kaudwane and New Xade to travel to other areas to acquire valuables so as to cope in their new milieus.

It is indisputable that it was necessary for Basarwa to have been provided with knowledge on HIV/AIDS before they were compensated by the government of Botswana. This is in the light of the fact that the government of Botswana was fully informed about the effects of HIV/AIDS, as evidenced by the appeal by the President of Botswana when addressing UN assembly in June 2001. It is indicated that President Festus Mogae summed up the situation by saying: 'We are threatened with extinction. People are dying in chillingly high numbers. It is a crisis of the first magnitude' (AVERT, 2009:2). It is incandescently clear that the President of Botswana knew that HIV/AIDS was dangerous to humanity and could lead to its extinction. However, when Basarwa were evicted from CKGR he did not instil his influence to initiate HIV/AIDS programmes for the benefit of Basarwa who were evicted.

It is surprising that even when most marginal minorities, the people of Kalahari, commanded centre stage, at least internationally and in the academic debates; with a focus on processes of their stigmatisation, marginalisation and clientalisation by the state becoming more pronounced (Werbner, 2002:672), no discourses pertaining to how they are affected by HIV/AIDS as a result of their evictions from CKGR by the government of Botswana, was never raised by human rights and health organisations. An alarm was raised on violations of the rights of those Basarwa that were evicted from CKGR by organisations such as Survival International. However, there was never any clear connection established between such evictions and HIV/AIDS infections of Basarwa.

The provision of compensation for Basarwa meant that people from other areas got attracted to both Kaudwane and New Xade. For example, people selling items such as food groceries gravitated into the aforementioned places bringing with them goods that they sold to Basarwa, who had money that they received from the government of Botswana in form of compensation. These interactions between Basarwa and other people who

gravitated into their areas occurred when Basarwa had not received any training from the government on HIV/AIDS.

It is indicated that some Basarwa as a result of challenges of their new lifestyles in Kaudwane and New Xade resorted to begging and prostitution. As echoed by Mr. S. Corry, during the visit by the President of Botswana Mr. Festus Mogae to New Xade, where he distributed handouts in form of blankets, the irony was that the President's handouts reinforced the state of dependency Basarwa have been reduced to. These hunters-gatherers are no longer allowed to hunt and have been turned by the government into beggars and prostitutes (Afrol News, 2004:2). Mr. S. Corry's observation that Basarwa are turned into beggars and prostitutes does confirm that Basarwa who were evicted from CKGR were without doubt exposed to HIV by the government of Botswana, through its unscrupulous, insensitive and unconstitutional actions. Prostitution is responsible for the spread of HIV. As noted, female prostitutes have often been seen as a major source of HIV infections (McKeganey and Barnard, 1992:1).

It is important to also mention that Basarwa through government assistance, such as compensation already alluded to, and psychological torture, have transformed them into alcohol abusers. According to Francinah Baaitse of The Voice newspaper, in an interview she reportedly had with the councillor of New Xade, Ms. Phaephae Raseme, the latter pointed out that, the government has literally stopped the community of New Xade from thinking for itself and made it dependent. According to the councillor, once a month a truck comes and donates destitute handouts and provides money for toiletry. This gesture of generosity is flawed because amongst the items that are donated is sorghum meal, which all goes into production of traditional beer by Basarwa recipients. It is noted that, when the government decided to assist Basarwa, it did not consider their culture, as demonstrated by the fermenting of sorghum meal that is given to them by the government for the production of alcohol (The Voice, 2009:2).

It is important to point out that there is an entrenched connection between alcohol abuse and escalation of HIV infections. In a study conducted by National Institute on Alcohol Abuse and Alcoholism entitled, 'Alcohol abuse and HIV/AIDS in resource poor societies', which was conducted in the United States of America, it was found out that reduction in alcohol consumption is associated with declining incidences in HIV and other blood-borne infections in at risk-populations, such as, alcohol using populations (National Institute on Alcohol Abuse and Alcoholism (NIAAA), 2003). In the light of the preceding finding, it is conspicuous that the rise in consumption of alcohol does correspondently increase incidences of HIV infections.

It can be argued therefore that the government of Botswana is encouraging Basarwa to consume alcohol

by providing them with the necessary ingredient in form of sorghum meal. This is not to undermine the impact of the transgression that compensations that the government paid to Basarwa for their properties before they were forcibly removed from CKGR had on them.

It is important to note that compensations that the government paid enabled Basarwa to buy and produce alcohol, which without any grain of doubt promoted the spread of HIV amongst Basarwa population. Basarwa are also said to be subjected to sexual abuse by government officials. Human rights activists expressed concern over the plight of Basarwa in Botswana. The organisations such as Amnesty International allege that Basarwa in both Botswana and Namibia are sometimes abused by government officials working in the districts populated by Basarwa or San (Refworld, 2004:2). The abuse of Basarwa by members of the dominant groups in Botswana is partly responsible for the spread of HIV amongst Basarwa communities. According to Botswana Guardian as cited by Dama Mosweunyane in a study entitled, 'Knowledge, attitudes and behaviour responses towards HIV/AIDS among the Basarwa: The case of Ghanzi District, he echoed that, During His Excellency President Mr. F. Mogae's visit to New Xade in January, 2007, one of the villagers said, Since the first arrivals of Basarwa in New Xade in 1997, there has been an unprecedented boom in new born babies among teenage girls. These babies are usually "without fathers", implying that the fathers disappear as soon as the girls fall pregnant. Mosweunyane notes that, The Botswana Guardian observed that, there was every evidence of the high birth rate since almost every woman young and old, carried a baby on her back, leading the MP Honourable Christiaan De Graaff to state that, "There are so many children in New Xade that going back to Central Kalahari Game Reserve would be to deny them a chance to get educated because there are no schools there" (Mosweunyane, 2007:15). What is important to note is that the high fertility amongst the Basarwa is an indication that they are sexually abused and their abusers do not use condoms, hence the boom.

### **EXPLORING THE MALADY: ARE BOTSWANA DIAMONDS WITHOUT BLOOD OR PUS STAINS?**

The government of Botswana vehemently denies that eviction of Basarwa from their ancestral land was influenced by the discovery of diamonds in CKGR. The government of Botswana attempted to make the international community believe that the eviction of Basarwa from CKGR had nothing to do with diamonds. Despite denial by the government of Botswana that the eviction of Basarwa from CKGR was purely an act of magnanimity, Bench Marks Foundation (BMF) points out that, mining operations in the CKGR were making it difficult for the community to access water, and proposed

that mining companies pay royalties to indigenous communities (Refworld, 2009:1). On the other hand, it is reported by IRIN that Haile Mphusu, managing director of diamond mining company, Gope Exploration, stated that, 'Bushmen were very happy to co-exist with us. We consulted four communities in the CKGR and five communities in villages outside the CKGR, three of which comprise people who were resettled from the reserve (Refworld, 2009:2). This statement by Haile Mphusu brings the denials by government that Basarwa were evicted from CKGR to allow the mining of diamonds under question. However, it is important to note that the government had absolutely no reason to hide the genuine reason for the eviction of Basarwa unless there is some clandestine intention to cleanse them. It is important to note that the Basarwa are not part of the government of Botswana. For example, no Basarwa holds any position of power to know what plans the government of Botswana has about them. Representatives of constituencies in Ghanzi district (Members of Parliament) (MPs), where Basarwa are subjected to atrocious treatment by government of Botswana, are not members of Basarwa communities (Refworld, 2004:2). This means even if the government of Botswana had a plan to ethnically cleanse members of Basarwa communities, as this article argues, such representatives would not disclose such plans that can tarnish the image of the most glorified African country.

It is clear, though circumstantial, that the Botswana government officials were fully aware that if Basarwa were infected with HIV, with time, they would die in large numbers from AIDS. This observation is well grounded because even Roy Sesana of First People's Movement of the Kalahari, in an interview, pointed out that we are driven into reception centres in New Xade, far away from our ancestors, whom we need for survival. Our people die of AIDS, violence is rampant under the influence of alcohol, and many Basarwa commit suicide. These are things which did not occur among our people in the past. I am convinced that the aim of the resettlement of Basarwa is to exterminate them. It is as if a grave is dug and people are thrown in and carefully covered with sand (Habenicht, 2008:1). It is indisputable that mortality rate of Basarwa following their eviction did skyrocket due to AIDS and other ailments. It is worth noting that the situation is likely to aggravate because the government of Botswana is continuing to persecute Basarwa. For example, the Government of Botswana denies Basarwa the use of community radios, which could facilitate dissemination of information on HIV/AIDS to members of Basarwa communities. In 1998 World View Botswana, which is an NGO, applied to the government of Botswana for a licence to run community based radio stations in the local communities of Basarwa with a hope of empowering them. The government rejected the request saying the state run radio currently meets the objectives of community broadcasting (Refworld, 2004:3). It is

important to indicate that state run radio stations uses both English and Setswana languages, which majority of Basarwa who were evicted from CKGR do not understand, as earlier indicated. It can therefore be argued that the refusal by the government of Botswana to offer permit to World View Botswana to provide assistance to Basarwa to run community radios was meant to deny them information on HIV, amongst others. The government knew that without important information on HIV given to Basarwa, they will be cleansed, which will solve the problem of contumaciousness by some of them. It is common that oppression is most often than not characterised by the elimination of those who are down-trodden. In a country like Botswana that pretends to be democratic and feels duty bound to protect its image in the international sphere, eliminating people who are considered a menace through incurable infections is highly probable. The advantage with the employment of such strategies, for ruthless regimes like Botswana government, it is that they are characterised by concealment of information, which allows the state to resort to victim blaming. It is indisputable that the government of Botswana would like to be exonerated for the death of Basarwa from HIV/AIDS, who were evicted from CKGR. What is likely to be used in defence by the government of Botswana is that it had no control over their day to day activities and could have not protected them from getting infected with HIV.

The government of Botswana have to some significant degree succeeded in convincing the international community that Botswana diamonds are clean. They are no blood diamonds because there is no bloodshed as a result of restraint by Basarwa to retaliate against dehumanising treatment that they receive from Botswana government. It is convincing that Botswana diamonds are not blood diamonds such as those in parts of Africa where diamonds are used to sponsor wars and related human tragedies. However, it is through resources accrued through diamonds that the government of Botswana have managed to mastermind atrocities that it has unabatedly meted against Basarwa communities. The success of the government of Botswana economically is indeed a curse for Basarwa who do not have any assistance even from the British government that is partly responsible for their plight. For instance, when Botswana was given its independence the British government was concerned about the fate of Basarwa after independence with no legal protection set up to protect them and their lands against majority Tswana (Refworld, 2004:1).

Despite the concern that the British government had, Botswana was given independence with full knowledge that Basarwa's rights were encroached upon by the members of the dominant groups in Botswana. It is this inaction on the side of the British government that left Basarwa in the predicament that they will have to endure for ages. When the British government gave Botswana

independence HIV/AIDS did not exist, or at least to qualify the statement, no one knew that it existed. However, the British government knew with some degree of certainty that Basarwa were vulnerable and their existence could be threatened by the dominant ethnic groups who had already demonstrated signs of callousness towards them. As indicated by authors like Miers and Crowder, Basarwa were servants of the rising Bangwato and private property of the cattle owners. From the dawn of the twentieth century Basarwa were treated as less human and such attitude was spreading into many areas within what is now Botswana (Miers and Crowder, 1988:173). Some organisations indicate that the British reinforced the marginalisation of minority groups such as Basarwa. Some echo that, The British colonialists cultivated Tswana tribe and their chiefs as rulers of Botswana, by assuming that no other tribes existed or had chiefs. This made it possible for non-Tswana tribes to be excluded from governance structures prior to independence. After independence, the tswana-tribes consolidated their hegemony (Minority Rights Group International, 2008:1).

It is reasonable to believe that Basarwa are getting conscious about their rights, which the government of Botswana is not comfortable with. Basarwa pursued a landmark case against the government of Botswana in its High Court seeking the right to return to CKGR (Bridgland, 2005:1), which was established as a reserve in 1961 by the British government to protect resident populations of both Basarwa, wildlife and unique ecological features such as rolling plains, fossil river valleys and pans, as earlier mentioned in this narrative. The CKGR was the last part of Southern Africa where Basarwa, the original inhabitants of the region thousands of years before black tribes arrived from the North and white men arrived from Europe, had land rights where they could live according to their own time-honoured culture (Hitchcock, 2002:802; Bridgland, 2005:1). It is these rights that are eroded by the government of Botswana or elite within government structures to be precise. When resistance is build by Basarwa in protecting their fundamental rights, such as land rights, covert means are employed to eliminate them in a way that the government of Botswana can not be blamed for, without profound and thorough examination.

### **DESIRABLE VERDICT AGAINST A CONTUMACIOUS GOVERNMENT**

Basarwa took the government of Botswana to the High Court that is without any Mosarwa judge or even a Mosarwa cleaner, making CKGR case the test case for land claims for Basarwa in Botswana. When it was pointed out to Basarwa that there were no cases of land claims by indigenous peoples that reached a successful conclusion in Africa, they usually responded saying, 'well,



if that is the case, then this one will be the first of many (Hitchcock, 2002:815). The hope that Basarwa had was informed by the fact that at least courts in Botswana are supposed to be impartial. However, there was nothing to suggest that the government of Botswana was prepared to honour any verdict that could give Basarwa the liberty to go back to their ancestral lands, even when some of them had already contracted HIV and heading back to wait for their painful demise.

Basarwa thought everything will be left for the courts to decide upon which a defeated party will accept verdict. Little did they know that courts in Botswana were meant not to protect their rights, but to punish them when they violate those rights of the dominant groups or those of both domestic and wild animals.

The international organisations, such as Survival International dignified personalities, such as political leaders and celebrities, had vested interest in the case. The interest that the case generated placed Botswana's judicial system under the spotlight and immense pressure. The high court under such scrutiny was could therefore not afford any blunder in its judgement. The judges that presided over the case knew that their integrity was at stake and therefore needed to exact themselves circumspectly and objectively. They could not compromise their professionalism just because they are salaried by the government of Botswana that Basarwa had taken to court. In the wake of the eviction and torture of Basarwa, most appeals had already been lodged to influential world leaders. It is interesting to exemplify by providing that a certain Mosarwa named, Komtsha Komtsha, wrote a letter to Her Majesty the Queen, which sadly, could not be delivered to its intended recipient until he died.

Despite this defeat of intent, the letter was published for consumption by the international community. He stated that, if you did not give us to Tswana people during independence then you must tell them to let us go. They are killing our land. They do not understand the animals or the land. They are wasting everything and soon nobody will be able to live. We have always lived with the animals. They are our friends. The Tswana people are chasing us away from the animals (Bridgland, 2005:4). It can be argued that when the case of Basarwa against the government of Botswana was heard in the high court the government was under pressure and fairness was of highest priority, making it difficult for any manipulation of the court. The judicial brains that were on the side of Basarwa were prepared to offer the best challenge against a government that is hailed for respect of human rights by external forces, to unearth the unconstitutionality of the evictions and other related violations of the rights of Basarwa. It has to be noted that the case was never argued in the light of the health hazards that Basarwa were subjected to by the government of Botswana through the evictions that it instigated, which saw them out of CKGR. The obvious

reason for not touching on this aspect in the arguments of the case was because it could have derailed or given government reason to further delay the case.

In a landmark 2006 case, the Botswana High Court ruled that Basarwa should be allowed to return to the CKGR, with family members who were not named as plaintiffs. While the Basarwa court victory made news headlines around the world, the government of Botswana resorted to making the narrowest possible interpretation of the judgement (Minority Rights Group International, 2008:3). It is important to indicate that the judgement that is referred to by Minority Rights Groups International (2008), demonstrated that the government of Botswana's evictions of Basarwa from CKGR was unlawful and against the constitution of the country. The narrowest interpretation of the judgement produced by Attorney Generals Chambers was advanced as follows:

1. Only 189 individuals listed as applicants in the case were to be allowed to enter the CKGR, with their minor children, without permits.
2. Applicants will be required to produce identity documents before they can enter the CKGR.
3. No domestic animals currently outside the CKGR may enter the game reserve since this would be contrary to laws, which remain in force.
4. Domestic animals currently inside the CKGR may remain inside but may not be taken out and then brought back into the CKGR.
5. The applicants may take anything, which is legally permissible into the CKGR, including building materials as long as they are to be used for constructing non-permanent structures
6. The applicants may make arrangements for water to be brought into CKGR for their subsistence needs, and the Director of Wildlife and National Parks reserves the right, as part of the management of the game reserves, to restrict the amounts of water to those that, in her/his opinion, may be reasonably required.
7. Applicants are not given automatic rights to special game licences and are required to apply in a normal way, whereupon each application will be considered on its merit (BOPA, 2006).

It has to be understood that the interpretation that came from Attorney Generals Chambers was meant to undermine the victory that was supposed to bestow dignity upon Basarwa. Its interpretation was made because the judgement was against a government that is made up of members of the dominant groups, such as Bangwato, in favour of Basarwa, who are less human in the eyes of those who rule. Basarwa are usually tried in both customary and subordinate courts in cases that are presided over by members of the dominant groups. When tried in the traditional courts they are usually ridiculed, demonised and the use of a language that they hardly understand places them on a disadvantaged position.

When tried in the subordinate court they are hardly represented by an attorney because they can not afford the costs of such an essential service. So, for Basarwa to win a case against the government of Botswana was read as an insult of their masters who make laws for them. This should be understood comparatively as plebeians having emerging victorious against members of the patrician class in Ancient Rome. The reality that some Basarwa were infected with HIV and will die of AIDS could not have been entertained by Botswana political elite, which could not stand the humiliation of getting defeated in a court of law that is designed to protect their rights and undermine those of Basarwa.

At this point it is important to take each interpretation and appraise it in the light of how it impacts on the health of Basarwa community members. The first interpretation of allowing only those Basarwa who took the government to court to enter CKGR, with their children, without permits, means that Basarwa couples are once more separated. For instance, where only a man, who is the head of the family, is an applicant, his wife or paramour will not be allowed to enter into CKGR with him.

It is also important to note that though minors are allowed with their parents who are applicants into CKGR; they will not be allowed to re-enter the reserve if they leave it when they are no longer minors. Two reasons explain this situation. Firstly, minors who enter the reserve with their parents are not applicants and this means if they grow to be adults, inside the reserve, they would have not been applicants at the time of the judgement. Secondly, having grown into adults whilst inside CKGR will automatically disqualify them when they leave the reserve and have to come back, since they would no longer be minors. Put in simple terms, a two year old boy, who is a minor, can enter the reserve with his parents and stay inside the reserve for sixteen years. However, he will not be allowed to re-enter CKGR if he was to leave it for whatever reason, since he will not be a minor anymore. What the government is suggesting is that those who enter CKGR as minors, with their parents, should not leave the reserve. If they leave the CKGR they will not be allowed back. This interpretation is precisely targeted at achieving a major objective in favour of the government of Botswana. It will further make it difficult or impossible for Basarwa families to unite, which is an excellent recipe for the promotion of social disintegration and infidelity. It is this erosion of family life that serves the government of Botswana in achieving its objective of cleansing Basarwa through increasing their HIV/AIDS infections and re-infections.

It is not outrageous to view this interpretation as closely related to restrictions that the white South Africa had against black people during apartheid. It has to be noted that the restrictions of movement of Basarwa are formulated by a government that has grossly disempowered them. Put in other words, legislations that are used against Basarwa are not formulated with their

participation, in a country that is supposed to be democratic. This reveals the plutocratic and timocratic nature of the Botswana government. It is interesting to note that there is clique of the fortunate few who make laws for the rest of the population. It is worth noting that amongst such policy makers they are no Basarwa participants, as earlier noted. As noted by University of Botswana academic Christian John Makgala, the cabinet in Botswana is viewed as dominated by the Bangwato or people from the Central District (Makgala, 2007:27). It is noteworthy to state that Bangwato have at various stages and epochs masterminded and maintained the persecution of Basarwa.

The ingenuity of Bangwato pertaining to their relationship with Basarwa have often been how best there can brutalise them. This form of attitude has not only permeated other dominant groups, but has also produced gross animosity against Basarwa. As Monageng unapologetically indicated, Basarwa should be taught a lesson. Meaning, they should be brutalised at every available opportunity. If Monageng could beat a defenceless Mosarwa to death, a big question remains. What would prevent him from injecting HIV into his Mosarwa victim if he could?

The other interpretation is that domestic animals that are outside the reserve would not be allowed back into the reserve, and those that are inside the reserve would not be allowed to return into the reserve should they leave it. This interpretation is meant to further economically disempower Basarwa because it limits movement of their animals. For example, members of Basarwa community cannot bring into CKGR animals from outside the reserve for breeding purposes. If their animals stray or are taken outside the reserve by criminals, they would have lost them since they cannot be allowed to have them back into CKGR. This arrangement is designed systematically to keep Basarwa under subjugation and to undermine any means they might have to ameliorate their living conditions.

It has to be indicated that it is the economic deprivation that Basarwa are subjected to, that has exposed them to risk behaviours such as prostitution. It is noted by Whiteside that people who are poor, in most cases are left with no choice but to risk their lives in order to survive (Whiteside, 2002:317). This in substance means Basarwa will continue to get infected and re-infected with HIV, which the government of Botswana will be content with.

The other interpretation is that, the applicants may take anything, which is legally permissible into the CKGR, including building materials, as long as they are to be used for constructing non-permanent structures. The point that is conspicuous with this interpretation is that the government of Botswana does not want Basarwa to have permanent structures inside the reserve. This means they are required to have rudimentary structures that do not provide them with the required safety, when

exposed to attacks or any form of danger. This means Basarwa women can be easily raped because they cannot escape into houses that can offer them required protection. The inability of the government of Botswana to meet the basic needs of Basarwa communities is partly responsible for the spread of HIV/AIDS amongst them. The failure of the government to show remorse even after the court verdict which demonstrated that the government violated constitutional rights of Basarwa, shows the highest level of determination by the government of Botswana to eliminate them.

The government of Botswana in its process of narrowing the interpretation of court verdict on its case against Basarwa, did the unthinkable, by finding a way of denying its own people water. The government of Botswana necessitated its exploits to foster its process of cleansing Basarwa, who emerged victorious from the bitter judicial battle in Lobatse (a town in southern Botswana), by denying them the most key amongst the indispensable, water. As echoed by the regime, the applicants may make arrangements for water to be brought into CKGR for their subsistence needs, and the Director of Wildlife and National Parks reserves the right, as part of the management of the game reserve, to restrict the amounts of water to those that, in her/his opinion, may be reasonably required. It is important to note that the restrictions that Basarwa face from the government of Botswana can just serve to undermine the conservation efforts that the government pretends to uphold.

Refusing Basarwa to bring water into the reserve of an amount determined by them, means they would be forced to over exploit their indigenous sources of water, such as tubers, leading to the extinction of certain plant species. As noted by Albertson, Basarwa use reeds to extract water from the ground and hold precious local fauna and flora dynamics (Dube, 2002:3). This observation it is important to note, was made before Basarwa were forced from their ancestral habitation (CKGR), which means they at that time regarded themselves as true owners of a reserve, which the unscrupulous government evicted them from. The rationing of water to Basarwa is the most dehumanising way of persecution and erosion of human dignity. This also, connected to economic disempowerment, means Basarwa are likely to resort to risky behaviour in order to survive. It is important to note that not having sufficient water and enough food, for instance, can be detrimental to lives of those Basarwa who are infected with HIV or already suffering from opportunistic ailments associated with AIDS.

Is it not insulting that the so called Director of Wildlife and National Parks has to determine how much water Basarwa can bring into the reserve when they have sustained CKGR for years? It is surprising that the government of Botswana though knowing very well that its unconstitutional eviction of Basarwa and subsequent infections is going to lead to the deaths of some of them

from AIDS, it is evidently losing patience and wants them to reach their demise immediately. This is what has led to the government subjecting Basarwa to thirst and malnourishment.

It is indisputable that lack of water coupled with insufficient nutrition will bring the effects of HIV on those who are infected much sooner. The effects will also have devastating results as the level of deterioration of those who are malnourished would be enhanced. It is important to point out that Basarwa whose physical state is affected by AIDS would have to depend on those who are able bodied to bring water into the reserve for them. As they would be no evidence that they are such people who are in the bad state of health, it is highly likely that the Director of Wildlife and National Parks may refuse those who are supposed to bring water for them to do so. It is important to note that the Director of Wildlife and National Parks is not a Mosarwa and do not know their culture and therefore what they use water for. His/her permission will be based on his/her interpretation and Basarwa will be at his/her mercy.

It is clear that the relationship between the Department of Wildlife and National Parks and Basarwa is not harmonious. This is confirmed through various complainants that Basarwa keep making about how they are ill-treated by officials of the department. It is therefore indisputable that the department will have a 'golden opportunity' to promote the demise of Basarwa by denying them opportunities to bring the amount of water that they require for survival. It is important to note that it is clear that in the absence of Director of Department of Wildlife and National Parks or on his/her reluctance, Basarwa can be subjected to life without water. To put it in other words, lives of Basarwa hangs on a thread that is placed by the government of Botswana in the hands of a civil servant who is salaried by the regime. What is worth mentioning is that Basarwa who bring water into the reserve without knowledge of the Director of Wildlife and National Parks risk arrest, torture and incarceration.

It is worth noting that the government destroyed water supplies and withdrew social services from inside the reserve, claiming it was too expensive to provide such essential services (Minority Rights Group International, 2008:1). This claim by the government of Botswana is not convincing, owing to the fact that Basarwa in Botswana are not benefitting from the wealth of the country. For example, no Mosarwa is a Permanent Secretary, Chief Executive Officer of a corporation, Magistrate and an executioner who hangs condemned prisoners by their necks until they die. Basarwa do not own any wealth in a country run by a government made up of members of the dominant groups that are geared towards teaching Basarwa a lesson. To show the determination of a government at persecuting its own people, the government of Botswana prefers to waste large sums of money paying foreign companies to protect its image, than to use the same resources to provide Basarwa with

essentials.

As earlier mentioned, Basarwa who will illegally bring water into CKGR will be arrested, leading to their trials and convictions. This means Basarwa who will be arrested, tried and convicted will further be disadvantaged; as the issue of previous convictions will immediately come into play should they ever seek employment from some sectors of the economy. Put in simple terms, Basarwa who will be arrested for bringing water into the reserve will have criminal records when convicted, which will denied them opportunities for employment before dying from AIDS. For example, a Mosarwa is likely to be denied an opportunity to some occupations, such as enlistment into the Defence Force of the country, due to his/her criminal record. What brings travesty of justice to the fore is that, a Mongwato who does not have to obtain permission from the Director of Wildlife and National Parks to bring an amount of water in his/her homestead in Serowe (a village in Botswana), stands a good chance of taking up any employment that requires that the applicant should not be having any previous convictions. The government of Botswana that do not have any Basarwa is determined to do what is worse than what Rajaba Monageng did when he taught his Mosarwa victim a lesson by lashing him to death. At least he did not subject his victim to a slow and painful ordeal of death from AIDS, which Basarwa are subjected to in the 21<sup>st</sup> century by the government of Botswana.

The last interpretation of the judgement that is formulated by the government of Botswana reads thus: Applicants are not given automatic rights to special game licences and are required to apply in a normal way, whereupon each application will be considered on its merit. This interpretation indicates that Basarwa applicants' rights to special licences are violated. They do have to apply in a normal way to an authority that they have no influence towards. The same department that have mastered the persecution of Basarwa is expected to appraise their applications to hunt wild animals that the department is allowing members of the dominant groups, such as Bangwato, to domesticate.

The whole idea is to foster a process of deprivation, so that Basarwa who are viewed as radical can in the words of Monageng, be taught a lesson. The strategy is employed so that the Department of Wildlife and National Parks can only approve applications of those Basarwa who are not by any means considered a threat to the dominant force of evil. This put in other words, means that those Basarwa who are committed to their course to free themselves from shackles of a government that has for ages treated them as third class citizens would face covert punitive measures. They would be denied hunting licences so that they get tempted to poach wildlife and face torture and incarceration. When incarcerated they would be confined to prisons where they are likely to be sexually abused by homosexuals. This is what provides satisfaction for a government that wants Basarwa to die

from AIDS. The incarceration of Basarwa through enforcement of laws that they did not participate in its making have led to some of them getting infected with HIV, which facilitated its spread amongst their population when released from prison.

It is clear that the government wants to bring Basarwa to submission so that they can capitulate to positions where they are relegated to further economic and political disempowerment. This will enable HIV/AIDS to have colossal effect on them. It is important to note that the poorest by definition are least able to cope with the effects of HIV/AIDS (Cohen, 1998).

The interpretation under discussion here means that the government of Botswana will determine when Basarwa should hunt, which animals and how? This is an arrangement that will benefit the government in many folds. Firstly, it will enable the government to starve Basarwa by denying them hunting licences. This translates to mean that those Basarwa who are infected with HIV/AIDS would have their conditions deteriorating much faster due to lack of necessary nutrients, leading to their deaths. Secondly, the government will arrest those Basarwa who would be denied licences and get forced into illegal hunting by starvation. It has to be noted that the government of Botswana is not as democratic and just as the international community is made to believe. As echoed by Benjamin Segobaetsho, a Motswana gentleman who went on self exile in Canada, The Republic of Botswana is viewed as a prosperous shining icon of Africa by world powers, yet its citizens live under repression characterised by corruption that is engineered by an elite, discrimination based on class/tribe and judicial prejudice of its courts (Segobaetsho, 2007:10).

It is important to highlight some of the discriminatory legislations presided over by the government of Botswana that are relevant to the discussion at hand. White farmers in Ghanzi district do not require any licence from the Department of Wildlife and National Parks to hunt wildlife inside their farms. White farmers anyway in Botswana can hunt and kill animals inside their farms anytime, whilst Basarwa are required to apply for licences to hunt from Department of Wildlife and national Parks in a reserve that they have protected its resources for more than a century. These are some of the manifestations of immense profiteering from apartheid practices of the Republic of South Africa before independence. There is no doubt that Botswana Democratic Party government treats Basarwa in the same way the National Party (*Nasionale Party*) treated blacks in South Africa during the apartheid era.

It is clear that the government of Botswana will be happy to have a country without Basarwa who are refusing to assimilate into the dominant groups, such as Bangwato. AIDS offers the government an opportunity to wipe Basarwa from CKGR to leave dominant groups without indigenous people. The extinction of Basarwa will benefit the government in sending a clear message to

other minority groups, such as Bakgalagadi, that their resistance to government manipulation and control will get them the wrath of the regime.

What is evident is that Basarwa have come to realise that they can no longer be lashed without complaining. They can no longer take their wounds and bruises in total capitulation. This is blamed on international bodies, such as Survival International, that have offered their support to Basarwa against a regime that is well funded through diamonds, beef and tourism. It is axiomatically evident that diamonds, beef and tourism are a curse for Basarwa, whilst for members of dominant groups, such as Bangwato, such resources are a blessing.

### **COSTS OF THE CASE**

The judgement that Basarwa applicants got from the High Court left them and their organisation impecunious. They won a case against the government and instead of making the government of Botswana to pay for the case, they were required to pay for the judicial battle that revealed that their constitutional rights were violated. The court's decision to make them pay for a case they would not have had if the government of Botswana had not evicted them from their ancestral land, served to recoup from them the financial resources that they received from the same government in form of compensation. Rationally, the government of Botswana should have paid for its transgressions and atrocities that it meted against Basarwa. For the high court judges to have concluded that Basarwa should pay their legal costs for a case they won against the government of Botswana reveals in strongest terms the bias of the judicial system of the country. It is worthy to examine how the judges of the court that made the judgement are appointed. As noted by Dan Legala, in one of the weekly newspapers namely: Sunday Standard, the process of appointing judges is shrouded in secrecy, with interviews for such appointments closed to the public. It is not hard to believe that political acceptability, and not merit, is a criterion for judicial appointments (Legala, 2010:1).

It is sensible to argue that the decision to demand Basarwa to pay legal costs for the case, in which they emerged victorious against Botswana government, was meant to punish them for seeking judicial recourse. There is no how the socio-economic status of Basarwa can be improved if an organisation such as First Peoples' Movement of the Kalahari, which is run by Basarwa, is paralysed by verdicts that rob them of their hard earned resources. The verdict is vividly meant to incapacitate Basarwa through financial constraints, so that they do not fight for their rights through the courts anymore. It is important to note that political leaders in Botswana do not parsimoniously expend the country's resources. This means they will continue to violate Basarwa's rights because they do not spend their personal resources on cases against the government.

The government of Botswana promulgates that it is expensive to provide Basarwa inside CKGR with social amenities to meet their exigencies. On the other hand, the same government is expending massive resources in funding its campaign against Survival International and other organisations that are opposed to its ill-treatment of Basarwa. Why the government of Botswana was not made to pay for its irresponsible conduct, can be explained in the light of the political disempowerment of Basarwa. Basarwa do not influence decisions of a government that is constituted by members of the dominant groups as early stated. It is clear that it will take Basarwa some blood and sweat to preside over a case of Bakalaka against the government for their land, if they would ever be any. What remains clear though is that Basarwa, in Bessie Head's words in her novel, *Maru*, Basarwa will someday free themselves from their shackles of the dominant ethnic groups in Botswana (Head, 1971). It is becoming clear that Basarwa are geared towards demonstrating that they are prepared to demand justice. In an interview between Mr. Roy Sesana, who is the leader of the First People of Kalahari and Monkagedi Gaothobogwe of Mmegi newspaper in Botswana, the former made it clear that Basarwa will take the government of Botswana to International Court of Justice (Gaothobogwe, 2010:1). However, their recourse will be centred on violation of their rights by the government of Botswana. It is important that Basarwa also raise the issue of HIV/AIDS that they are facing as a result of having been forcibly removed from CKGR.

It is indisputable that if the government of Botswana is submerged in a façade to ethically cleanse Basarwa through HIV/AIDS, as this paper argues, it would be encouraged to render them economically disempowered. It is important to note that, when the final submissions were delivered in September, 2006 for the case, more than two years had passed. The case ran 134 days in court, 4500 pages of legal documents were produced and presented, 1900 pages of transcript of witness statements, and 750 pages of final arguments from the two sides. It had been the longest and no doubt the most costly case in Botswana's history (Saugestad, 2006:1). In view of the amount of engagement that was involved in the case, someone will expect the parties that were involved to take its verdict seriously, to at least justify the delay and its demands. As it emerged, the government of Botswana delayed the case in order to fulfil its insidious agenda. A convincing conclusion can be drawn that the government of Botswana clandestinely delayed the case so that its costs can skyrocket. It is absurd that the government of Botswana knew it was not going to comply with the judgement of the court if such judgement favoured Basarwa.

There is absolutely no reason why the government of Botswana resorted to procrastination in resolving the case, which was solely under its control. There is some misconception that Botswana courts are independent. However, their bias towards the government and against

the economically deprived continues to betray that important judicial independence.

The delay also ascertained that even if Basarwa were favoured by the verdict, as it happened, they would be infected with HIV/AIDS than they would have been if their case was resolved within reasonable time.

The cost of the case has laid some significant strain in the efforts of Basarwa to protect their rights against a government that is determined to violate them. For instance, Basarwa need more financial resources for other cases that are necessitated by the refusal of the government to comply with the judgement released by its court. Basarwa are not only faced with a challenge of lack of resources, but also with a problem of not knowing what to do in the face of a government that has no respect for judgements from its courts. It is important to note that a lot of jurisprudence which Botswana courts apply was developed by the South African justice system, during the apartheid era, when the law and the courts were no more than a tool of oppression (Legala, 2010:1). It does not come as a surprise that where judgements from the courts favour the oppressed, such as Basarwa, the government brings its own interpretations to undermine such judgements.

### **BASARWA SHOULD BE COMPENSATED**

It is essential to note that there is need for Basarwa to be given compensation by the government of Botswana for having removed them from CKGR, which resulted in some of them getting infected with HIV. The government of Botswana should be taken to task for its atrocities against Basarwa, which should include abdicating its responsibility to provide them with information on HIV/AIDS before forcing them out of CKGR. This calls for the international community to prevent further ill-treatments of Basarwa by forcing for their positive discrimination on matters that are necessary for their social uplift. It also means the government of Botswana getting forced by the international community to pay a substantial amount of money to Basarwa, for the tragedies that the government inflicted on them.

The international court of justice has a duty to make sure that those political leaders who took part in the eviction of Basarwa are forced to compensate them from their own personal resources. This is important as it would prevent future atrocities getting meted against Basarwa, such as their unconstitutional eviction from their areas, without first making sure that they are fully informed about them. Basarwa should be properly consulted if they are to be removed from their areas for the benefit of the entire nation.

It is also important for the international community to take action against the government of Botswana for refusing to provide Basarwa with indispensables such as water in CKGR. It is worth noting that it remains the responsibility of any democratically elected government

to protect its people against any harm. This calls for the government to educate people whenever they are to be removed from their areas about impending dangers, such as HIV/AIDS.

The government of Botswana should compensate Basarwa for its wanton discrimination against them, which has resulted in them remaining economically and politically marginalised. The government of Botswana have failed to take action against its apparatus for torturing Basarwa on allegations of poaching and violating draconic legislations that are designed to curtail their movements. The government of Botswana have also over the years sent incompetent civil servants as a punishment or for victimization, to work amongst the Basarwa communities. For example, civil servants who fail to deliver on their respective position in the capital city (Gaborone) are usually posted to places like Ghanzi District. It does not come as a surprise that the same government feels it can abdicate its responsibility and not provide Basarwa in CKGR with essential services.

Basarwa should instigate appropriate action, including approaching international court of Justice in demanding compensation for their land, which was taken from them by members of the dominant groups in places like Ghanzi District. They should also demand compensation for all HIV/AIDS infections that resulted from their evictions.

### **CONCLUSION**

It is clear that the relationship that Basarwa has with the government of Botswana is characterised by wanton disregard for the rights of Basarwa by the government. It is important to advance that the political and economic disempowerment of Basarwa by the government of Botswana should not be confined to their eviction from CKGR, which exposed Basarwa to HIV/AIDS. It is indisputable that Basarwa were evicted from CKGR without been provided with necessary programmes, so as to take informed decisions in New Xade and in other places that they gravitated to. The unconstitutional and illegal eviction of Basarwa is viewed in the light of the persecution of Basarwa by the dominant groups even before Botswana got its independence from Britain. As exemplified, Basarwa were persecuted in various ways by members of the dominant groups, such as Bangwato. The exploitation of Basarwa enabled members of the dominant groups to amass wealth since they did not pay for their labour, which is an important factor of production.

It is clear that the political and economic disempowerment of Basarwa is masterminded by the ruling class so that they can be extinct. It is indisputable that HIV/AIDS was found to be handy by the government of Botswana in instigating its atrocious undertaking of cleansing Basarwa.

It can be safely concluded that, it is evident that the eviction of Basarwa from CKGR has served to bring to the attention of the international community the atrocities

that Basarwa are subjected to by the government of Botswana. The high court of Botswana's verdict against the government of Botswana was influenced by the involvement of INGOs, which drew the attention of the international community to the case between First People of Kalahari and the government of Botswana. It is such attention that Botswana government was vigilant about, which obtruded objectivity in the judgement of the case, resulting in Basarwa emerging victorious on it.

The formation of First Peoples' Movement of the Kalahari, which is an NGO that was formed by Basarwa to advocate for their rights, have made some significant contributions in offering them a platform to promulgate information about their plights. The support that Basarwa receive from International Non Governmental Organisations (INGOs), such as Survival International, enabled them to seek recourse in the high court of Botswana following their eviction from CKGR. The essay argues that such an eviction did not only dissipate and devastate Basarwa communities, but promoted the spread of HIV/AIDS amongst them. It is important to conclude that the spread of HIV/AIDS amongst Basarwa communities have not been examined in the light of how it was encouraged by their eviction from CKGR, in narratives by scholars and professionals. It is indisputable that Basarwa experienced high mortality resulting from opportunistic infections associated with AIDS and the blame for such falls squarely in the government of Botswana. It remains a human rights violation that the modern world cannot afford to ignore. It is important to end this piece of writing by echoing that Basarwa were forced out of CKGR by the government of Botswana. It is also true that the eviction of Basarwa from CKGR was conducted without first providing them with the necessary knowledge so that they can be cautious and avoid infections. The government of Botswana should be held to account for its atrocities against Basarwa. Most importantly, the government of Botswana should be held responsible for HIV/AIDS deaths amongst Basarwa who were evicted from CKGR. The unconstitutional and illegal eviction of Basarwa from CKGR by the government of Botswana constitutes gross violation of their rights. The use of HIV/AIDS for cleansing Basarwa is a violation of human rights that the government of Botswana should be condemned and punished for by the international community. The beastly and fascist treatment of Basarwa by members of dominant groups in Botswana can not be ignored in the twenty first century.

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