

20 DEC. 2007
Brussels,
MA/amw/D(07) 1738 – A(07) 4413

Dear Dr. Lucas,

Thank you for your letter of 22 November concerning indigenous tribes in Malaysia and Botswana.

The Commission attaches high importance to the protection of the rights of minorities and indigenous peoples. Regarding the situation of the Bushmen in Botswana, we follow the issue closely. The Commission discusses the issue with the Government on a regular and in depth basis, inviting the Government to dialogue with the Bushmen to find a solution acceptable to all. The Commission also maintains contact with representatives of the Bushmen.

As you mention in your letter, the High Court ruled last year – after nearly five years of litigation – that the Bushmen's occupation of the Central Kalahari Game Reserve (CKGR) prior to 31 January 2002 was lawful and that the applicants were wrongly deprived of their possession of the land. Furthermore, government obstacles to the Bushmen living their traditional way of life, through a refusal to issue licenses to hunt game and a requirement to have a permit to enter the CKGR were found to be unconstitutional. The court also ruled that the Government was entitled to withdraw services from the Bushmen living in the CKGR and is not obliged to restore them.

A statement issued by the Attorney General the day after the court ruling accepted the judgment and announced steps to facilitate the implementation of it. However, as advocated by the Court and by the Botswana Centre for Human Rights DITSHWANELO, the court ruling will not resolve all problems and it is essential to promote dialogue between the parties.

The Commission fully supports this line. We call for dialogue and will be supportive in the promotion of it, working closely with EU Heads of Missions accredited to Botswana, within the framework of an overall EU response.

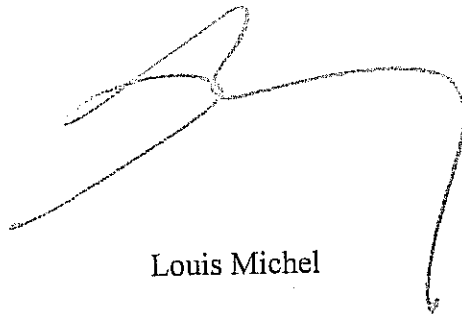
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We also believe that the situation of the Bushmen needs to be seen in the overall context of poverty reduction in Botswana. The Bushmen in the CKGR make up just a small part of the total Bushmen population in Botswana, which is estimated at 40,000 to 50,000. The Commission encourages the Government to implement an inclusive process to tackle poverty which is particularly manifest in rural/remote areas, where the Bushmen mostly live.

Two programmes being implemented under EDF 9 have been designed having in mind the poorest and most disadvantaged sections of the population: firstly, support to strengthening the capacity for community development in the Ministry of Local Government and, secondly, the Non-State Actor capacity building programme. The objective of these programmes is, among others, to improve the situation of communities (in particular the poorest and most disadvantaged ones). Finally, the EDF 10 Country Strategy Paper and Indicative Programme has a clear antipoverty focus, highlighting equity issues in order to reach out to marginalized people.

Against this background, we will continue to follow closely the implementation of the court ruling of 13 December 2006, as well the overall situation of Bushmen.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Louis Michel', with a long horizontal stroke extending to the right and a vertical line ending in a small hook at the bottom right.

Louis Michel