

INTER-MINISTERIAL COMMITTEE ON THE RIGHTS OF SAN

REPORT ON THE CENTRAL KALAHARI GAME RESERVE: RESTITUTION, RIGHTS, CONSERVATION AND A FRAMEWORK FOR IMPLEMENTATION

Ministry of Justice and Correctional Services

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COMMITTEE COMPOSITION

PS - Ministry of Justice and Correctional Services	PS - Ministry of Lands and Agriculture
PS - Ministry of Water and Human Settlements	PS - Ministry of Transport and Infrastructure
PS - Ministry of Local Government and Traditional Affairs	PS - Ministry of International Relations
General Counsel - Office of the President	PS - Ministry of Environment and Tourism
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ABBREVIATIONS

Abbreviation	Meaning
CBNRM	Community-Based Natural Resource Management
CKGR	Central Kalahari Game Reserve
CUZ	Community Use Zone
DWNP	Department of Wildlife and National Parks
FPIC	Free, Prior and Informed Consent
ILO 169	International Labour Organization Convention No. 169 on Indigenous and Tribal Peoples
IMC	Inter-Ministerial Committee on the Rights of San
KWLCA	Kalahari Wildlife Landscape Connectivity Analysis (2022)
MET	Ministry of Environment and Tourism
MJCS	Ministry of Justice and Correctional Services
MOU	Memorandum of Understanding
RADP	Remote Area Development Programme
SGL	Special Game Licence
TT	Traditional Territory
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
WCNPA	Wildlife Conservation and National Parks Act (Cap 38:01)
WMA	Wildlife Management Area

EXECUTIVE SUMMARY

Background and Mandate

- i. The Central Kalahari Game Reserve (CKGR), covering some 52,800 km² of ancestral San territory, is the largest protected area in Botswana and one of the largest in Africa. Between 1994 and 2006, San communities were forcibly removed from the Reserve without adequate consultation, compensation or legal process.
- ii. The Inter-Ministerial Committee on the Rights of San (the Committee), established by the President on 7 February, 2025, following his commitment in the State of the Nation Address of November 2024, was directed to address the CKGR as a matter of priority. This report presents the Committee's findings and recommendations, drawing on consultations at all four in-Reserve settlements and the three principal resettlement communities, together with formal submissions from legal, human-rights and conservation experts.

Consultations and Key Findings

- iii. The Committee conducted consultations at Molapo, Metsiamanong, Mothomelo and Gugamma within the Reserve and at New Xade, Kaudwane and Xere. A striking consistency was observed across all seven communities:
 - (a) the loss of land rights was identified as the root cause of marginalisation;
 - (b) communities expressed a firm demand for legally secure, collectively held tenure over ancestral territory;
 - (c) water, health, education, communications and road access were raised as urgent service failures; and
 - (d) a desire for community-controlled conservation and economic participation.
- iv. Since July 2025, in-Reserve settlements have been without functioning Government water supply or clinic services. The Committee treats these as failures requiring immediate correction, irrespective of the broader restitution process. Across every community visited, the following service delivery needs were raised with particular urgency:
 - (a) water security - boreholes promised but not delivered, existing infrastructure broken down or producing water of poor quality, and communities dependent on irregular tanker deliveries;
 - (b) health access - the effective absence of health services within the CKGR, with residents required to undertake long journeys to access even routine care, and particular concern for chronic conditions and expectant mothers;
 - (c) education - deep distress at the hostel system, which separates children from families for extended periods, with a consistent demand for schooling to be provided close to where children live;
 - (d) communications - near-total absence of mobile-network or telephone coverage, leaving communities unable to summon assistance in emergencies or access information; and

- (e) road access - tracks between and around settlements described as impassable for parts of the year, constraining movement and impeding service delivery.

Legal Framework

- v. The Committee received formal submissions from Advocate Gordon Bennett, the Centre for Human Rights at the University of Pretoria, the UN Special Rapporteur on the Rights of Indigenous Peoples, Dr Liz Alden Wily, Survival International, and the Kalahari Wildlife Landscape Connectivity Analysis team.
- v. Three legal pathways were assessed against ILO Convention No. 169, which Government has committed to ratify. Only the third - a community-held Traditional Territory declared as a Private Game Reserve - meets the Convention's durability requirements. Community Use Zones and special regulations have interim value but do not constitute a final settlement.
- vi. Three legal anomalies require resolution:
 - (a) no lawful mechanism exists for subsistence hunting;
 - (b) residents cannot hold title to land within a State Game Reserve; and
 - (c) the 2000 Game Reserve Regulations apply on the fiction that nobody lives in the CKGR.

Conservation

- vii. The ecological evidence establishes that the CKGR and the Kgalagadi Transfrontier Park are the only two major wildlife population cores in the last intact Kalahari ecosystem, with the connecting corridor approaching a critical connectivity threshold.
- viii. The restitution of rights and the effective conservation management of the Reserve are not competing objectives. They are the same objective: a co-management framework provides the community stewardship, institutional clarity and international finance that the Reserve's conservation requires.

The CKGR Integrated Roadmap

- ix. The Committee's central recommendation is that Cabinet endorse the CKGR Integrated Roadmap (Appendix A) as the pathway to resolution. The Roadmap is a Government-commissioned technical framework translating the Committee's findings into a structured, time-bound programme over four phases (2026–2029).
- xi. The Roadmap is founded on three guiding principles which the Committee adopts as its own:
 - (a) the process must be participatory, with Free, Prior and Informed Consent (FPIC) as a substantive requirement;
 - (b) rights vested in communities must be legally durable; and
 - (c) the framework must be conservation-aligned.

- xii. The Roadmap commits Government to a process of dialogue, not to a predetermined legal outcome. The Committee further finds that several questions raised in its Terms of Reference require considerably greater research and community consultation than the Committee alone could undertake; the Roadmap provides the structured scope within which those questions can be responsibly addressed.

Financial Implications

- xiii. Government currently incurs direct CKGR management expenditure through the DWNP estimated at P23 million per year (excluding salaries and capital costs), together with additional costs borne by Ghanzi District Council including approximately P1.44 million per year in food rations and water delivery.
- xiv. Across the three resettlement communities, the Committee observed high levels of welfare dependency, poverty and a lack of economic opportunity - conditions that RADP programmes have not resolved and in some cases have reinforced. These structural costs will grow unless the underlying conditions are addressed.
- xv. The facilitation cost of the Roadmap is estimated at between USD 730,000 and USD 1,180,000 over 36 to 48 months, to be met primarily through international partner contributions. The total estimated cost of delivering the foundational conservation architecture necessary to support a sustainable wildlife economy is up to USD 7.6 million over seven years - a modest investment relative to the conservation finance opportunities it is intended to unlock. Seven international organisations expressed support at the Geneva dialogue of May 2026.
- xvi. A co-managed CKGR is conservatively estimated to be capable of generating conservation and carbon revenues in the order of USD 4 million per year, rising over time. A community-led conservation economy anchored in stewardship employment, sustainable hunting, tourism concessions and carbon and biodiversity credits has the potential to create sustainable livelihoods for CKGR and resettlement populations alike, materially reducing welfare dependency across the full rights-holding population of approximately 4,250. Community-based conservation programmes of comparable scale in Southern Africa indicate 400-600 jobs, excluding concession revenues.
- xvii. The Committee further notes the opportunity presented by the up to USD 200 million Project Finance for Permanence under the Enduring Earth/CREE partnership.

Recommendations

- xviii. Committee recommends is a process of restitution - not merely a right of return. The rights-holding population extends beyond the approximately 488 residents currently within the Reserve to the substantially larger communities resettled at New Xade, Kaudwane and Xere, whose combined population is estimated at approximately 3,763. The communities concerned must be treated as rights-holders with legally enforceable claims to land, resources and participation in governance not as beneficiaries of discretionary Government support.

xix. The Committee recommends that Cabinet:

- (a) adopt the CKGR Report and endorse the CKGR Integrated Roadmap as the pathway to a durable, rights-based resolution;
- (b) recognise all CKGR communities - resident and resettled as collective rights-holders;
- (c) establish an Inter-Ministerial CKGR Task Group under the Office of the President to coordinate implementation;
- (d) direct the Attorney General's Chambers to advise on interim and long-term tenure options;
- (e) authorise immediate interim service delivery, including restoration of water and health services, and restoration of Special Game Licences;
- (f) direct that indigenous communities be included in all conservation planning relating to the CKGR, including the PFP/CREE framework;
- (g) affirm a single consultative framework and withhold support for parallel interventions that risk fragmenting community engagement;
- (h) expedite ratification of ILO Convention No. 169.

xx. Cognisant that international funders are ready to engage, and of the opportunity to achieve durable progress under the current administration, the Committee urges rapid implementation of the CKGR Roadmap.

1.0 INTRODUCTION

- 1.1 The Central Kalahari Game Reserve (CKGR) is the largest protected area in Botswana and one of the largest in Africa, covering some 52,800 km² of ancestral San territory at the heart of the Kalahari. Between 1994 and 2006, San communities were forcibly removed from the Reserve in what the Inter-Ministerial Committee finds to be among the most serious violations of human rights in Botswana's post-independence history. The consequences of those removals for the affected communities, for the integrity of the Reserve, and for Botswana's international standing continue to unfold.
- 1.2 This report is one of two companion reports produced by the Inter-Ministerial Committee on the Rights of San (the Committee). It addresses the CKGR as a distinct and urgent subject considering the prominence it was afforded in the Terms of Reference of the Committee. It should be read together with the Committee's final report on the broader national situation of San communities across Botswana. The two reports together constitute the Committee's full findings and recommendations to Cabinet. The present report focuses specifically on the legal, humanitarian, conservation and financial dimensions of the CKGR, and on the implementation framework the Committee recommends for resolving them.
- 1.3 The Committee was appointed by the President on 7 February, 2025. Its Terms of Reference, as they relate to the CKGR, require it to consider:
- The implications of the National Settlement Policy for CKGR residents and displaced communities, and the extent to which it has contributed positively or negatively to their livelihoods;
 - Settlement policy options for San, including those currently inside the CKGR and those displaced from it;
 - The implications of the discontinuation of Special Game Licences in 2001 and options for reinstatement;
 - The implications of limiting the right of return to the 189 applicants in the Roy Sesana case, when the Independence Constitution protected all San;
 - The implications and options for conferring land tenure inside the CKGR;
 - The implications of San claiming the CKGR, NG14 and NG16 as ancestral land;
 - The implications of permanent infrastructure development and social services provision in the CKGR, including schools, clinics, communications, transport, water, electricity, agriculture and basic shelter;
 - The implications of limiting natural resource harvesting and sustainable consumptive use, including Community-Based Natural Resource Management, in ancestral land;
 - The implications of access to social protection programmes and interventions in the CKGR;
 - The environmental impact of resettlement into the CKGR; and
 - The financing implications of programmes and interventions in the CKGR, including staffing and coordination.

- 1.4 This report presents the Committee's findings from community consultations within the CKGR and in the principal resettlement communities; summarises and responds to formal submissions received from legal, human rights and conservation experts; analyses Botswana's obligations under international law and in particular those arising from the ratification of ILO Convention No. 169; addresses the current situation in the CKGR including service delivery challenges and conservation management opportunities; makes the financial and conservation case for a structured implementation framework; and sets out the Committee's recommendations to Cabinet.
- 1.5 A distinction central to this report must be stated clearly at the outset. What the Committee recommends is a process of **restitution** - not merely a right of return. Restitution acknowledges that communities have rights to the CKGR as their ancestral territory regardless of whether they currently reside within it. The rights-holding population extends beyond the approximately 488 residents enumerated in the 2022 census in four settlements within the Reserve, to the substantially larger communities resettled at New Xade, Kaudwane and Xere, whose combined population is estimated at approximately 3763. The legal and economic framework that emerges from this process must recognise and benefit all rights-holders, whether or not they choose to physically return to the Reserve.
- 1.6 The Committee further finds that several of the questions its Terms of Reference require it to address cannot be responsibly resolved by the Committee alone. They require further research, expert legal analysis and above all - genuine dialogue with communities conducted under the principle of Free, Prior and Informed Consent (FPIC). The Committee's recommendations therefore point to a structured process of dialogue and resolution, rather than to a set of predetermined outcomes. The CKGR Integrated Roadmap, which the Committee commissioned from Anthropos as a technical implementation framework, provides the architecture for that process and is appended to this report.

2.0 HISTORICAL AND LEGAL CONTEXT

2.1 Establishment of the CKGR and the Pattern of Dispossession

- 2.1.1 The Central Kalahari Game Reserve was established by the High Commissioner's Notice of 1961, shortly before Botswana's independence. The weight of historical evidence indicates that the Reserve was created in part to protect the lands and way of life of San communities who had inhabited the Kalahari for millennia. The Constitution of 1966, in Section 14(3)(c), specifically preserved the right to restrict entry into defined areas to protect the well-being of Bushmen reflecting an understanding that the CKGR was a protected territorial space associated with San occupation. The repeal of that provision in 2005 removed a constitutional safeguard without replacing it with anything of equivalent force.
- 2.1.2 From 1986 onward, Government policy shifted toward relocating CKGR residents to settlements outside the Reserve. Removals took place in 1997 and 2002 without adequate consultation, compensation or legal process. In December 2006, the Botswana High Court in *Roy Sesana and Others v Attorney General* found that the applicants had been unlawfully dispossessed of their homes and that the refusal to allow them to return was unlawful. In January 2011, the Court of Appeal confirmed that residents' legal rights were not limited to those named as applicants in the litigation. The substantive rights established by those judgments have not been fully implemented by any previous administration.
- 2.1.3 The right of CKGR residents to subsistence hunting was further curtailed by the discontinuation of Special Game Licences in 2001. A detailed legal analysis received by the Committee establishes that the SGLs issued between 1983 and 2001 were themselves legally defective, as they were issued in a form that could not lawfully be used inside a State Game Reserve under Section 12(3) of the WCNPA. No person has therefore had a lawful right to hunt in the CKGR for over forty years. This is both a humanitarian failure and a legal anomaly that cannot be resolved within the current administrative framework of the Reserve.

2.2 The Current Administration's Commitments

- 2.2.1 The Umbrella for Democratic Change Government, elected in November 2024, has stated its commitment to a human rights-centred approach and to meaningful redress for the San. The President's appointment of this Committee in February 2025, the burial of the late Mr Gaoberekwe at Metsiamanong in December 2024, and the inclusion of San communities in the development of the Botswana Economic Transformation Programme are concrete expressions of that commitment. The Committee's recommendations are designed to translate it into a structured, legally durable programme of action.
- 2.2.2 The Government has also committed to ratifying ILO Convention No. 169 on Indigenous and Tribal Peoples - the only binding international instrument specifically addressing the rights of indigenous peoples. The process of ratification has been formally initiated through a Savingram from the Ministry of Justice and Correctional Services to the Ministry of Labour and Home Affairs. The

Convention's requirements are addressed in detail in Section 6 of this report and are central to the framework the Committee recommends.

- 2.2.3 The recommendations of the Committee are also consistent with the UN Declaration on the Rights of Indigenous Peoples, the judgements of the African Court on Peoples and Human Rights, and the draft recommendations of the Special Rapporteur on the Rights of Indigenous Peoples from his September 2025 visit to Botswana. While these are not binding, they do outline best practice for recognizing the rights of Indigenous Peoples, including in the Botswana context.

3.0 CONSULTATIONS

3.1 Overview

- 3.1.1 The Committee conducted community consultations at the four settlements within the CKGR - Molapo, Metsiamanong, Mothomelo and Gugamma - and at the three principal communities with established ties to the Reserve: New Xade, Kaudwane and Xere. Consultations were structured as kgotla proceedings to enable open community participation. The Committee notes that the resident populations recorded for each settlement represent those present at the time of the visit; in each case communities indicated that numbers present were smaller than the full resident population, as others were away from the settlement outside the Reserve, visiting family in resettlement communities, or temporarily absent for other reasons at the time of the consultation. The Committee also received formal submissions from expert advisors, advocacy organisations and international institutions, which are addressed in Section 5.
- 3.1.2 The Committee observed a striking consistency across all seven communities in the issues raised and the aspirations expressed. Across every site, communities identified the loss of land rights as the root cause of their present condition not a contributing factor but the central and generative injustice from which their social, economic and cultural difficulties flow. Communities at New Xade, Kaudwane and Xere articulated rights to the CKGR as ancestral territory, as a source of livelihood, as a frame of cultural identity with equal force and clarity to those living inside the Reserve.
- 3.1.3 It was nevertheless made abundantly clear that while all CKGR communities seek to benefit from the CKGR, considerable numbers living in well-established settlements would be unlikely to make the move under current circumstances. It was also made abundantly clear that people in settlements within the CKGR would not universally welcome the return of those who had been living in the settlements in particular those who had voluntarily relocated predominantly to Xere and Kaudwane. Indeed some respondents in Kukamma and Molapo insisted that they would actively oppose unrestricted resettlement by people from New Xade, Xere or Kaudwane into land they have now occupied exclusively since the relocations. All communities in the CKGR expressed the clear desire to be represented by an organization that represented their specific interests as opposed to those of people currently living in New Xade, Xere and Kaudwane.
- 3.1.4 The committee also learnt that San Populations within the CKGR identify themselves variously as G//anakhoe, Tsila and G/wikhoë. Each settlement also indicated that they retained clear and well defined exclusive rights to large territories in the CKGR. Thus for example people from Metsiamanong had no rights to residence or natural resources in neighbouring territories associated with Molapo and Mothomelo. In each CKGR settlement and territory communities were adamant of the need to maintain their distinct territories and identities within any restoration framework.
- 3.1.5 These findings are foundational to the Committee's recommendations. The process proposed leading to restitution must serve the aspirations and needs of

all rights-holders across all seven communities but at the same time will need to accommodate the differing aspirations and attitudes of communities living in the CKGR and those resettled outside. This means that while resettled communities as the largest population group with strong ties to the CKGR must be central to any framework that emerges.

3.2 Consultations Within the CKGR

Molapo

- 3.2.1 Molapo, with a resident population of approximately 47, raised water as its most urgent concern. A borehole was drilled approximately three kilometres from the settlement several years ago; no pump has been installed despite repeated representations to Ghanzi District Council. Since July 2025, following the closure of Government-operated water points, the community has relied primarily on rainwater and tsamma melons. The Committee finds this situation requires immediate resolution through interim service delivery measures, addressed in its recommendations.

Molapo

- 3.2.2 Molapo residents expressed a clear and informed desire to engage in conservation tourism and resource management. The community's land use management plan, developed in 2015 with DWNP approval, identified viable tourism zones and demonstrated capacity for structured resource management. Residents explicitly linked their inability to engage in these activities to the absence of legal tenure - they are excluded from programmes including Temo Letlotlo and Thuo Letlotlo, both of which require land title. This connection between rights and economic opportunity was articulated consistently throughout the consultation. Residents at Molapo specifically identified programmes including IKAGENG, LIMID and Government housing schemes as ones from which they are excluded due to their inability to demonstrate land title, and asked that a service centre or access point be established within or close to the CKGR so that residents can access these and other Government programmes on the same basis as other Batswana. Communities at both Molapo and Metsiamanong expressed this directly: they want services brought to them, rather than being required to travel outside the Reserve to access entitlements that all citizens share.

Metsiamanong

- 3.2.3 Metsiamanong, with a population of approximately 53, articulated the rights-holder framing with particular clarity. A borehole promised in or around 2021 at a site two kilometres from the settlement has not been delivered. Communities stated that they are not seeking Government charity but recognition of rights that belong to them and that Government is obliged to respect. Young people at Metsiamanong specifically raised the absence of Youth Development Fund (YDF) programmes in the CKGR, noting that youth in other parts of Botswana have access to start-up and livelihood support that is entirely inaccessible to CKGR youth. Roads were also identified as a significant concern: the tracks connecting settlements within and around the Reserve are in a poor state - sandy, overgrown and in places impassable - making access between settlements difficult and compounding the isolation of communities from services

and from one another. Residents also emphasised that those relocated in 1997 and 2002 retain rights to Metsiamanong as their ancestral home regardless of where they now live - a position consistent with the Court of Appeal's 2011 ruling and with ILO 169.

Mothomelo (Kgope)

- 3.2.4 The community at Mothomelo, with a population of approximately 101, is served by a borehole six kilometres distant, which had broken down at the time of the Committee's visit. When operational it bowses water to Mothomelo, Molapo and Metsiamanong at monthly intervals. The community reported significant elephant incursion - creating damage to boreholes and infrastructure, consuming cultivated plants and generating safety risks - and noted that several families have abandoned cultivation as a result. Elephant management is addressed as a conservation and livelihood opportunity in Section 7.3. Mothomelo residents also emphasised the importance of being able to exercise traditional resource use rights in their customary territory, which extends well beyond the immediate settlement area.

Gugamma

- 3.2.5 Gugamma, with a population of 63, has been promised a borehole for several years without delivery. Its remoteness makes it particularly vulnerable to service failure. Residents raised access to chronic medication for conditions including HIV, tuberculosis and diabetes, and the risks for expectant mothers who must travel long distances for maternity care. Gugamma residents requested that whatever governance structure emerges from the restitution process, smaller settlements not be dominated by larger ones, and that each community's distinct territorial claims and traditional boundaries be respected within any collective framework.

3.3 Consultations with Resettled Communities

- 3.3.1 The Committee's consultations at New Xade, Kaudwane and Xere are of equal importance to those conducted within the CKGR. These three communities collectively constitute the largest population group with rights to the Reserve. Their situation represents the clearest evidence of what forced removal without adequate restitution produces over time: welfare dependency, cultural dislocation, economic marginalisation and a profound loss of self-determination that no amount of service delivery has been able to reverse.

New Xade

- 3.3.2 New Xade is the largest of the resettlement communities, with a population of approximately 1,614 the great majority of whom were relocated from the CKGR in 1997 or 2002 or are their descendants. The kgotla consultations at New Xade were among the most attended of the entire process. Speakers described in consistent terms the absence of adequate notice, compensation or consultation at the time of removal, and the conditions of life in a settlement described as "a place we were put, not a place we chose." The Committee heard from elders who have not returned to their birth-places in over twenty years, and from young people who have never seen the territory their families regard as home.

3.3.3A significant proportion of New Xade residents expressed a desire to return to the CKGR. However, a substantial number articulated an equally important aspiration: to have their rights to the CKGR formally recognised and economically activated without necessarily requiring physical relocation. These residents described a framework the Committee finds legally sound and consistent with ILO 169 obligations - their rights to the CKGR should be vested in them as members of rights-holding community institutions, those institutions should receive a share of economic returns generated by the Reserve, and they should have a guaranteed right to visit, use and ultimately return to traditional areas without that right being contingent on administrative permission. This distinction between restitution and return is central to the Committee's recommendations.

Kaudwane

3.3.4 Kaudwane, with a population of approximately 1,354, sits adjacent to a national park and its residents face predator incursions on livestock, have not been allocated masimo for cultivation, and lack access to Government programmes requiring land title. The Committee heard powerful testimony about family separation: communities that were internally cohesive in the CKGR were dispersed to different resettlement sites, sometimes without being informed of where relatives had been sent. The reunification of families including the ability to freely visit and to return to traditional areas was cited as a fundamental aspiration. Residents also spoke of cultural erosion: the loss of language, traditional knowledge and intergenerational identity that are inseparable from connection to ancestral land.

Xere

3.3.5 Xere, with a population of approximately 795, lies closest to the eastern boundary of the CKGR. Residents articulated with particular clarity the relationship between tenure insecurity and economic marginalisation. A generation of young people is neither anchored in the CKGR which they cannot freely access nor integrated into the economic life of the settlements to which their families were moved. There was significant awareness of international developments in indigenous rights and significant frustration that nearly twenty years after the Sesana judgment, rights remain unresolved. Several speakers expressed the view that political will is present in the current administration but that they have been told this before, and that they will judge Government's commitment by what it does rather than what it says.

3.3.6 Across all three resettlement communities, the Committee observed conditions consistent with those documented in the national final report: poverty, overcrowding, inadequate access to services and a pervasive loss of cultural identity and self-determination. The Committee notes that RADP programmes have delivered some services but have not resolved the underlying conditions and in some cases have reinforced dependency rather than building the self-sufficiency that was their stated objective. The Committee's finding is that the situation of the resettled communities is not a service delivery problem amenable to administrative adjustment. It is a rights problem requiring legal resolution within a framework that gives all rights-holders - resident and resettled, a stake in the future of the CKGR. Across both in-CKGR and resettlement communities, the Committee also heard a consistent and pointed concern about representation.

Residents described a pattern in which individuals and organisations arrive claiming to speak on their behalf, benefit from that association financially or reputationally and then depart without delivering meaningful outcomes. Communities expressed a strong desire for Government to regulate access to CKGR communities for this purpose, and to ensure that any organisation or individual claiming to represent them does so with a genuine mandate from the communities themselves. This concern directly reinforces the Committee's recommendation that community representative bodies be formally established and legally recognised as the authoritative counterparts in any future dialogue process.

4.0 KEY ISSUES RAISED BY COMMUNITIES

Across every settlement within the CKGR and every resettlement community visited, a set of concerns recurred with sufficient consistency and urgency that the Committee sets them out here as a distinct summary, ahead of the detailed submissions and recommendations that follow. They are: land, tenure and restitution; water security; education; health access; the delivery of pensions and welfare support; and communications. The first is a rights question that runs through the whole of this report; the remainder are, in the communities' own framing, both immediate service failures and expressions of the same underlying loss of rights and self-determination. Each is elaborated below and returned to in the Committee's recommendations.

4.1 Land, Tenure and Restitution

- 4.1.1 The demand voiced most consistently, and with the greatest urgency, across all seven communities was for long-term legal security of tenure over land within the CKGR. Communities were emphatic that this must take the form of durable, legally enforceable rights not administrative permission that can be withdrawn, nor a right of return alone, but recognised tenure capable of underpinning investment, land-use planning, access to Government programmes such as Temo Letlotlo and Thuo Letlotlo, and intergenerational continuity. Residents at Molapo linked their exclusion from such programmes directly to the absence of title.
- 4.1.2 Communities were equally clear that any tenure arrangement must respect traditional territories as they are understood and delineated by the communities themselves, rather than as administrative convenience might suggest. Residents distinguished consistently between the settlement footprint and the wider customary territory over which resource use, cultural practice and identity extend, and asked that any framework recognise both. As recorded in the consultations, communities identify variously as G//anakhoe, Tsila and G//wikhoe and maintain distinct, well-defined territorial rights - people from Metsiamanong, for example, asserting no rights of residence or resource use in the neighbouring territories of Molapo or Mothomelo. Smaller settlements in particular, including Gugamma, sought assurance that their distinct territorial claims and boundaries would not be subsumed within those of larger neighbouring communities under a single collective structure.
- 4.1.3 The Committee treats this not as a service-delivery request but as a rights question, consistent with the distinction between restitution and return set out in paragraph 1.5 and with Botswana's obligations under ILO Convention No. 169. It is addressed in the legal analysis and recommendations that follow.

4.2 Water Security

- 4.2.1 Water security was raised as an urgent and unresolved concern in every settlement visited, and the Committee regards it as the most acute of the immediate service failures. Communities described a long history of promised boreholes not being delivered, the borehole drilled some three kilometres from

Molapo for which no pump has ever been installed, the borehole promised to Metsiamanong in around 2021 and never delivered, and the borehole promised to Gugamma over several years and of installed infrastructure falling into disrepair without timely response, as at Mothomelo, whose borehole six kilometres distant had broken down at the time of the visit. Since the closure of Government-operated water points in July 2025, all four in-CKGR settlements have depended primarily on rainwater and tsamma melons.

4.2.2 Representations made repeatedly to Ghanzi District Council over several years were reported by more than one community to have produced no durable resolution, and residents expressed frustration at the absence of consistent support or accountability from the Council for water delivery and maintenance. The commitments made under Presidential Directive CAB 22(a)/2015 remain substantially unfulfilled.

4.2.3 Where boreholes have been drilled, communities and technical partners report that groundwater in parts of the Reserve is frequently saline or otherwise of poor quality, complicating the identification of viable water points and, in some cases, rendering water unfit for regular consumption without treatment. This narrows the options available for permanent water infrastructure and means that drilling alone, without a wider assessment of water quality and treatment needs, is unlikely to resolve the underlying problem.

4.2.4 Communities also reported damage to boreholes, pumps and associated infrastructure caused by elephants, compounding an already fragile supply situation and, at Mothomelo, contributing to the abandonment of cultivation by several families. The Committee regards water security as requiring both immediate interim measures and a properly resourced technical assessment covering borehole viability, water quality and treatment, and the protection of infrastructure from wildlife damage.

4.3 Education

4.3.1 Communities spoke with particular pain about the hostel system, under which children of school age must leave their families and settlements for extended periods to attend school elsewhere. Parents and elders described this separation in terms of lasting trauma and the disruption of family life, cultural transmission and language, rather than as a routine or acceptable feature of schooling.

4.3.2 The consistent and firmly held demand was for schooling to be provided close to where children live, so that families are not separated in order for children to receive an education. Communities were clear that this is a matter of principle as much as of practicality, and that it should inform the design of any education provision within the CKGR, including the satellite school pilot addressed in the Committee's recommendations.

4.4 Health Access

4.4.1 Communities reported the effective absence of any health support within the CKGR itself. The clinic services previously available at Gope have ceased, and

residents must now undertake long and often difficult journeys to settlements outside the Reserve to access even routine care.

- 4.4.2 This was raised with particular concern in relation to chronic conditions requiring regular medication including HIV, tuberculosis and diabetes, as reported at Gugamma and to expectant mothers, for whom the distance and difficulty of travel to maternity care carries serious risk. Communities did not regard occasional mobile-clinic visits as a substitute for a reliable, ongoing health presence, and asked that any interim or permanent health provision be designed around the reality of distance and travel difficulty that residents currently face.

4.5 Pensions and Welfare Delivery

- 4.5.1 Communities described significant and, in their view, unnecessary difficulty in accessing pensions and other welfare entitlements, arising primarily from the requirement that recipients travel to designated collection points outside the CKGR often at considerable distance and expense in order to receive support to which they are already entitled.
- 4.5.2 One resident put the underlying inequity directly to the Committee, asking: “Why don’t they make it that people from Gaborone have to come to Molapo to get their pensions?”
- 4.5.3 The Committee regards this as a fair challenge to the current design of delivery, which places the full burden of distance on the residents least able to bear it. It recommends that pension and welfare delivery mechanisms be reviewed so that support is brought to residents within or close to their settlements, rather than requiring residents to travel to it.

4.6 Communications

- 4.6.1 Communities and field staff alike drew attention to the near-total absence of communications infrastructure within the CKGR. The in-Reserve settlements have no reliable telephone or mobile-network coverage, leaving residents unable to summon assistance in an emergency, to arrange medical referral or transport, or to report failures of water infrastructure and incidents of elephant incursion as they occur.
- 4.6.2 The Committee heard that this isolation compounds every other concern set out above: a borehole breakdown or a medical emergency that might elsewhere be resolved by a single telephone call can, in the CKGR, go unreported for days. Residents linked the lack of connectivity directly to their physical safety and to the practical difficulty of holding service providers to account.
- 4.6.3 Communications is expressly identified in the Committee’s Terms of Reference among the forms of infrastructure to be considered for the CKGR. The Committee recommends that basic communications provision whether through mobile-network extension, radio or satellite-based connectivity be treated as part of the interim services package and incorporated into the longer-term services planning that forms part of the Heads of Agreement process.

4.7 Roads, Access and Other Services

- 4.7.1 Communities across all in-CKGR settlements raised the condition of the road network connecting settlements within and around the Reserve. Tracks described as sandy, heavily overgrown and in places impassable during parts of the year significantly constrain movement between settlements, impede access to services outside the Reserve, and complicate the delivery of water, health and other support to communities. Roads were identified not as a minor inconvenience but as a structural barrier to daily life and to the effective functioning of any service delivery framework.
- 4.7.2 Communities at Molapo and Metsiamanong in particular proposed that Government establish a service centre or access point within or close to the CKGR, a facility through which residents could access Government programmes, collect pension and welfare payments, register documents and engage with Government institutions without being required to travel long distances outside the Reserve. Residents specifically cited programmes including IKAGENG (financial literacy and economic empowerment), LIMID (livestock development), Government housing programmes and the Youth Development Fund as ones they cannot access because of the combination of distance, tenure status and administrative requirements that effectively exclude CKGR residents from programmes available to other Batswana. The Committee regards this as a legitimate and practical demand: communities should be able to access Government services on the same basis as other citizens.
- 4.7.3 Youth across the in-CKGR communities specifically identified the absence of Youth Development Fund (YDF) programmes as a significant gap. Young people in the CKGR have no access to the start-up funding, skills development and economic participation opportunities that youth in other parts of Botswana can access through the YDF. The Committee notes that the exclusion of CKGR youth from these programmes is both an economic injustice and a driver of the outward migration that is gradually reducing the resident populations of in-CKGR settlements.

4.8 Representation and Community Control

- 4.8.1 Across both in-CKGR and resettlement communities, the Committee heard a consistent and pointed concern about representation. Communities described a recurring pattern in which individuals and organisations arrive in the CKGR claiming to represent community interests and then depart without delivering meaningful outcomes for the people they claimed to represent. This experience has generated deep scepticism among communities about external actors.
- 4.8.2 Communities also expressed a strong desire to “speak for themselves”. The Committee treats this as both a governance concern and a rights concern: the right of communities to determine who speaks for them is integral to FPIC and to the right of self-determination affirmed in UNDRIP and ILO 169. It directly reinforces the Committee's recommendation that formally established, legally recognised community representative bodies be put in place as the authoritative

counterparts in any future dialogue process, with a clear and community-derived mandate.

5.0 SUBMISSIONS RECEIVED BY THE COMMITTEE

5.1 Overview

5.1.1 The Committee received formal submissions from the following parties, each of which is briefly summarised in the sections below:

- Advocate Gordon Bennett - legal proposals on tenure and governance of the CKGR;
- The Centre for Human Rights, University of Pretoria - advisory legal opinion on the rights of the San;
- The UN Special Rapporteur on the Rights of Indigenous Peoples - report of the September, 2025 official mission to Botswana;
- The Kalahari Wildlife Landscape Connectivity Analysis team - ecological baseline evidence on the conservation status and landscape significance of the CKGR;
- Survival International - human rights of San in CKGR; and
- Liz Alden Wily - best practice from Africa that could be applied to land tenure and governance in CKGR.

5.1.2 The full texts of all submissions are appended to this report. In receiving and considering these submissions, the Committee has drawn on them to inform its own analysis and recommendations. They do not determine the Committee's conclusions; the Committee's conclusions are its own.

5.2 Advocate Gordon Bennett - Legal Proposals on Tenure and Governance

5.2.1 Advocate Gordon Bennett, a human rights lawyer who successfully represented CKGR communities in the Sesana case, submitted detailed proposals in February, 2025 following direct consultation with the in-Reserve communities and with former residents at New Xade and Kaudwane. The proposals work within Botswana's existing legislative framework, requiring no constitutional amendment or new primary legislation.

5.2.2 Bennett identifies a fundamental anomaly: no person has had a lawful right to hunt in the CKGR for over forty years, because the Special Game Licences issued between 1983 and 2001 could not lawfully be used inside a State Game Reserve under the Section 12(3) prohibition. This defect cannot be corrected while the Reserve remains in its current administrative form. In the short term, Bennett proposes a statutory Presidential Declaration enabling SGLs to be issued lawfully to residents, together with amendments to the Hunting Regulations and Game Reserve Regulations to protect residents from arbitrary refusal and from provisions never intended to apply to settled communities..

5.2.3 In the longer term, Bennet proposed excluding a defined southern Traditional Territory (TT) from the CKGR under Section 12(2), vesting title in a community-owned Company Limited by Guarantee through a Fixed Period State

Grant, and having the TT declared a Private Game Reserve under Section 13(1) on agreed terms with the DWNP, governed by new regulations under Section 14.

5.2.4 The principal advantages the Committee notes are that the approach requires no constitutional or primary-legislation change; resolves the SGL anomaly, since SGLs can lawfully be issued in a Private Game Reserve; gives communities durable title that administrative decisions cannot extinguish; allows the State Reserve and Private Game Reserve to be managed as a single ecological unit; creates the legal certainty conservation finance requires; and is consistent with the Endorois decision of the African Commission. The Committee does not treat the Bennett proposals as a predetermined outcome - the precise legal model must emerge from a participatory process under FPIC but recommends the framework be recognised as a viable, community-supported pathway informing the Heads of Agreement process described in Section 10. Alternative options, including interim Community Use Zones and special CKGR regulations, are addressed in Section 6.

5.3 Centre for Human Rights, University of Pretoria - Advisory Opinion

5.3.1 The Centre for Human Rights at the University of Pretoria, through Dr Dorcas Basimanyane and Faith Oluka, submitted an advisory legal opinion on Botswana's domestic and international obligations. It identifies five priority areas: legal recognition of indigeneity, Botswana's position that all citizens are equally indigenous being inconsistent with the Endorois and Ogiek decisions; land and natural resource rights and self-determination, the CKGR relocations constituting ongoing violations of property, development and cultural rights under the African Charter; cultural heritage, language and indigenous knowledge; access to basic services and infrastructure; and participation and representation in decision-making.

5.3.2 The opinion recommends legislative and policy reform to recognise collective land rights, socio-economic interventions including culturally appropriate housing and livelihood support, and consultative mechanisms ensuring FPIC for all decisions affecting San communities. The Committee notes the convergence of these recommendations with the framework proposed in this report.

5.4 UN Special Rapporteur - Report of the Botswana Mission

5.4.1 The UN Special Rapporteur on the Rights of Indigenous Peoples, Professor Albert K. Barume, conducted an official mission to Botswana from 1 to 12 September 2025; his draft report (A/HRC/63/XX/Add.1) was received as a formal submission and is treated by the Committee as authoritative international guidance. He recognised the Government's political commitment including the establishment of this Committee and the return of a San elder's remains to the CKGR and commended the commitment to ratify ILO Convention No. 169 as an example that can inspire other States in the region.

5.4.2 His recommendations most relevant to the CKGR are that Government articulate a clear, resourced strategic vision for translating political will into sustainable improvements; fully implement the High Court ruling; reconsider settlement

schemes so that Indigenous Peoples can return to customary lands or receive lands of equivalent size, value and legal status; ensure adequate living conditions for those who have returned; make the Inter-Ministerial Committee as inclusive as possible; and institutionalise mechanisms ensuring reform is undertaken in full collaboration with Indigenous Peoples.

- 5.4.3 The report is scheduled for consideration by the Human Rights Council at its sixty-third Session in September to October 2026. The Committee notes that the framework recommended here would constitute a substantive and credible response to those findings and would significantly strengthen Botswana's position in that forum.

5.5 Ecological Submission - Conservation Status and Landscape Significance of the CKGR

- 5.5.1 The ecological evidence is drawn principally from the Kalahari Wildlife Landscape Connectivity Analysis (KWLCA), completed in 2022 under the UNDP-GEF Kgalagadi and Ghanzi Drylands Ecosystem Project, together with recent peer-reviewed research on elephant range expansion and bushmeat poaching. The full case appears in Part 2 of the CKGR Integrated Roadmap (**Appendix A**); the key findings are summarised here because they bear directly on the conservation opportunity and the financial arguments before Cabinet.

- 5.5.2 The KWLCA identifies the CKGR and the Kgalagadi Transfrontier Park as the only two major wildlife population cores in the last intact free-ranging Kalahari ecosystem, with the connecting corridor Wildlife Management Areas under accelerating pressure from cattlepost expansion. Under business-as-usual it predicts catastrophic fragmentation- a 49% loss in connectivity for gemsbok, nearly 70% for eland and 47% for lion - so the CKGR sustains the viability of every Wildlife Management Area between it and the Kgalagadi Transfrontier Park. Critically, it identifies cattle-kraal density as the single strongest predictor of wildlife displacement, each cluster creating an exclusion zone of up to 32 kilometres; San land use - mobile, non-borehole-dependent and low-density - is the structural antithesis of this system, so restoring San custodianship under a community-based framework aligns with the conservation imperative rather than competing with it.

- 5.5.3 The Reserve faces three management challenges that are also fundable Intervention areas under a co-management framework: systematic bushmeat poaching supplying commercial markets in northern towns; elephant range expansion documented in peer-reviewed research (Sianga et al., 2024), with breeding herds establishing where none have been for over a century; and livestock incursion through degraded boundary fencing. The Ministry of Environment and Tourism and the DWNP face a task exceeding their current resources, and the recommended framework is designed in part to address that gap through international conservation finance and community stewardship.

5.6 Liz Alden Wily - Comparative Best Practice on Community Land Tenure

- 5.6.1 Dr Liz Alden Wily, a community land tenure specialist with over forty-five years' experience across more than twenty countries and a former Basarwa and Remote Areas Development Officer in the Ministry of Lands (1974–1978), submitted practical suggestions in June 2026 drawing on international and African best practice. Her submission is concerned less with the legal mechanism for recognising San rights than with how a durable community-tenure framework should be defined, titled and governed.
- 5.6.2 On defining community property, she advises vesting rights at the level of governance actually practised for hunter-gatherers, the discrete band or clan territory rather than convenient larger clusters and cautions that a territory must not be larger than the resident community can effectively oversee. She recommends a deliberate, unhurried process of mapping each territory by “walking the boundaries” with neighbouring groups, recording names, sites, history and use, with no boundary finalised in under six months. She notes that in the CKGR a key neighbour in this process will be Government itself.
- 5.6.3 On the status of the Reserve, she advises that the CKGR need not lose its status as a protected area, but that this will require change in both its ownership and its mode of governance. She points to a rising international and continental trend citing examples across Oceania, the Americas, Europe and a growing number of African states of governments transferring ownership, or secure long-term tenure, of protected areas to resident communities, who often have stronger and longer-term incentives to protect them than state agencies, with the State refocusing on technical advice, monitoring and regulation. Such transfers are typically conditional on conservation performance, and she recommends that community harvesting and traditional wildlife use be worked out species by species with the wildlife department and independently monitored.
- 5.6.4 On the form of title, she recommends community land title that vests ownership directly in the community under its own chosen name as a legal person - the simpler, less bureaucratic African model rather than through a trust or company the community must form and maintain. She suggests the property be held collectively in undivided shares, in perpetuity, and be inalienable, unmortgageable, unseizable and imprescriptible, supported by a regularly updated Community Members Register, with families holding inheritable rights to their houses and plots and the community able to enter regulated, time-limited contracts and leases subject to FPIC and independent oversight. She flags subterranean minerals and compulsory acquisition as the most difficult issues, suggesting that community ownership of the ground can still secure a lasting benefit-sharing stake in any extraction.
- 5.6.5 On governance, she recommends that each title-holding community establish a land governance regime covering use, zoning, reporting and liaison with the designated wildlife officer, and warns against weak quorum and voting thresholds that allow a small minority to bind the whole community. The Committee notes that her emphasis on community-level title, conditional conservation

custodianship and careful boundary definition is consistent with both the Bennett framework and the ILO 169 analysis in Section 6.

6.0 INTERNATIONAL AND DOMESTIC LEGAL FRAMEWORK

6.1 ILO Convention No. 169

6.1.1 ILO Convention No. 169 is the only binding international instrument specifically addressing the rights of indigenous and tribal peoples. Once ratified and the process of ratification has been initiated, it will require Botswana to take concrete legislative, administrative and policy measures, and will create obligations enforceable through the ILO supervisory system and, as informed by the principle established in *Attorney-General v Unity Dow* [1992] BLR 119 (CA), through Botswana's domestic courts.

6.1.2 The Convention's provisions most directly relevant to the CKGR are as follows:

- **Article 6 - Consultation:** Government must consult the peoples concerned through appropriate procedures and their representative institutions whenever legislative or administrative measures may affect them directly. For the CKGR, this means Government needs a properly mandated community counterpart before final decisions on the Reserve's legal structure are taken.
- **Article 7 - Participation:** Communities have the right to decide their own priorities for development affecting their lives and lands, and to participate in plans and programmes affecting them. Communities must help shape the framework not merely respond to one designed without them.
- **Article 13 - Lands and territories:** Government must respect the special relationship indigenous peoples have with the lands and territories they occupy or use. The concept of "lands" encompasses the broader idea of "territories" supporting treatment of the whole CKGR as the relevant territorial frame.
- **Article 14 - Rights to traditionally occupied lands:** Rights of ownership and possession over traditionally occupied lands must be recognised, together with measures to safeguard rights to use lands not exclusively occupied but traditionally accessed for subsistence and traditional activities.
- **Article 15 - Natural resources:** Communities' rights to natural resources on their lands must be specially safeguarded, including participation in use, management and conservation of those resources.
- **Article 16 - Relocation:** Peoples shall not be removed from the lands they occupy. Where removal has occurred, rights of return and compensation obligations apply.
- **Article 33 - Government responsibility:** Government must ensure that agencies responsible for these matters have adequate means to administer programmes affecting indigenous peoples.

6.1.3 Only one of the three proposed three legal pathways for the CKGR restitution considered by the committee meets the durability test that ILO 169 requires.

6.1.4 **The first pathway - Community Use Zones** has practical interim value. It allows return, residence and resource use to be regularised relatively quickly, and the Molapo Land Use Management Plan demonstrates how such a model can work. However, Community Use Zones regulate use; they do not create secure land rights. They remain vulnerable to revision by administrative decision and cannot, by themselves, provide the durable rights framework that full ILO 169 alignment requires. The Committee recommends their use as an interim measure only.

6.1.5 **The second pathway - special CKGR regulations** could regularise return and residence while longer-term tenure options are developed. Regulations alone, however, would only confer administrative rights that could easily be withdrawn and so would not be compliant with ILO 169. They should be understood as a transitional tool, not a final settlement.

6.1.6 **The third pathway - a community-held Traditional Territory declared as a Private Game Reserve** is the only pathway assessed as capable of full ILO 169 alignment as a final settlement. By vesting title or a strong legal interest in a mandated community entity, Government moves beyond permits and programme benefits towards a durable rights framework. This is consistent with the Bennett proposals and with the direction of the African Commission's jurisprudence. The Committee recommends that, subject to additional expert legal opinion and advice, that for now, this pathway be the objective of the Heads of Agreement process, while recognising that the precise legal model must be determined through community dialogue under FPIC.

6.1.7 A principle of fundamental importance established in the Committee's legal analysis is the distinction between a rights-holder and a beneficiary. A beneficiary receives support at Government's discretion, which can be changed, reduced or withdrawn. A rights-holder has a legally recognised position that Government must respect, administer and protect. For the CKGR, this means that return, residence, traditional resource use, participation in management and benefit-sharing must be framed as enforceable rights not as permissions granted from time to time or as services delivered by programme. The Committee adopts this distinction as a guiding principle and its recommendations are structured accordingly.

6.2 The African Charter and the Endorois Decision

6.2.1 Botswana ratified the African Charter on Human and Peoples' Rights in 1986. The African Commission's 2009 decision in *Centre for Minority Rights Development v Kenya* (the Endorois case) establishes that: traditional possession of land by indigenous people has equivalent effect to a state-granted full property title; traditional possession entitles indigenous people to demand official recognition and registration of that title; and members of indigenous peoples who have unwillingly left their traditional lands maintain property rights to them even without formal title, unless the lands have been lawfully transferred to third parties in good faith. The Committee finds that the parallels between the

Endorois situation and that of CKGR communities are direct and compel the same legal conclusions. There is no evidence of relevant lawful transfers in the CKGR area.

6.3 UNDRIP and the Territorial Frame

- 6.3.1 Botswana voted in favour of UNDRIP in 2007. Article 26 provides that indigenous peoples have the right to own, use, develop and control the lands, territories and resources they possess by reason of traditional ownership or occupation, and that states shall give legal recognition and protection to those lands. The Committee finds, consistently with the ILO 169 analysis and with the significance of the former Section 14(3)(c) of the Constitution, that the appropriate territorial frame for the restitution process is the whole CKGR. This does not mean that every part of the Reserve is subject to the same right or remedy - different categories of rights will be recognised across different zones. But the whole Reserve is the ancestral frame within which all those rights are situated, and no part of it should be placed beyond consideration by administrative assumption.

6.4 The Sesana Judgment and Its Implementation

- 6.4.1 The High Court's 2006 ruling established that CKGR applicants had been unlawfully dispossessed and were entitled to return. The Court of Appeal's 2011 decision confirmed that rights were not limited to the 189 named applicants. The Committee notes that the Government's previous position that only those 189 applicants had a right to return was legally incorrect, and that the obligations flowing from those judgments, interpreted in light of ILO 169 and the Endorois decision, encompass all persons with a traditional connection to the CKGR, including those in the resettlement communities.

7.0 CURRENT SITUATION

7.1 Service Delivery

7.1.1 The service delivery situation in the CKGR settlements requires urgent interim action irrespective of the broader restitution process. Since July 2025, following the closure of Government-operated water points and the decommissioning of water delivery vehicles, all four in-CKGR settlements have been dependent on rainwater and tsamma melons as their primary water source. The boreholes committed for Molapo, Metsiamaanong and Gugamma under Presidential Directive CAB 22(a)/2015 have not been delivered. The borehole at Mothomelo has repeatedly broken down. Clinic services previously available at Gope have ceased. There is no education provision for CKGR children within the Reserve.

7.1.2 The Committee treats these as service delivery failures requiring immediate correction. They are addressed in the interim service delivery recommendations in Section 8.1. The Committee also notes that addressing them within a co-management framework where community institutions have a role in planning and oversight will produce better and more sustainable outcomes than top-down provision, and that this approach should inform the longer-term services planning that forms part of the Heads of Agreement process.

7.2 Legal Anomalies Requiring Resolution

7.2.1 Three legal anomalies require resolution that cannot be achieved by administrative action alone within the current framework of the Reserve:

- No lawful mechanism exists for CKGR residents to hunt for subsistence, as established in the Bennett submission and addressed in the recommendations below;
- CKGR residents cannot hold title to land or access Government programmes requiring title, because the WCNPA does not permit land allocation in a State Game Reserve; and
- The 2000 Game Reserve Regulations apply to the CKGR on the fiction that nobody lives there, producing provisions that are simultaneously oppressive to residents and operationally inconsistent with the reality on the ground.

7.3 Conservation Management Challenges and Opportunities

7.3.1 The CKGR presents the Ministry of Environment and Tourism and the DWNP with conservation management challenges that significantly exceed what is achievable with present resources and the current management model. The Reserve covers 52,800 km²; the last approved management plan dates from 2002; anti-poaching capacity is inadequate relative to the documented scale of commercial bushmeat operations; boundary fencing is degraded; and elephant management has no settled framework. These challenges are compounded by the absence of community partnership - one of the most effective and cost-efficient tools available to conservation managers worldwide.

- 7.3.2 The Committee regards these challenges as opportunities. Each of the management problems identified is also a fundable intervention area if placed within a coherent co-management framework. Community rangers can address the anti-poaching vacuum at a fraction of the cost of conventional enforcement, while simultaneously generating employment and conservation data. An elephant management strategy, developed with community participation and supported by research partnerships, can be structured to attract dedicated international funding. Restored boundary management can be linked to the corridor connectivity programme identified by the KWLCA. A new Management Plan, developed with communities and aligned with international standards, is a prerequisite for major conservation finance instruments.
- 7.3.3 The Committee emphasises to Cabinet that the co-management framework it recommends is designed precisely to give the Ministry of Environment and Tourism and the DWNP the tools, partnerships and financing that the current model cannot provide. This is a solution to the Ministry's management challenge, not an additional burden on it.
- 7.3.4 A conservation model grounded in legal restitution, opens a range of conservation related economic opportunities for CKGR communities. A community-led conservation economy anchored in stewardship employment, subsistence and safari hunting under sustainable quotas, tourism concessions, and savanna-fire carbon and biodiversity credits has the potential to generate revenues in the order of USD 4-20 million per year at maturity, against a rights-holding population of approximately 4,250 across CKGR and resettlement communities. The Committee also notes that Deception Valley is the CKGR's most established and internationally recognised tourism destination and is best positioned as an anchor site for a community tourism equity model in which San community institutions become the concession-granting authority. Across most of the CKGR's 52,800 km², subsistence and safari hunting under restored quotas, and stewardship employment through the ranger and monitoring programme, remain the more reliably scalable sources of community income, with tourism equity concentrated at a small number of high-value sites rather than distributed evenly across the landscape.
- 7.3.5 The Committee notes the ongoing development of the up to USD200 million Project Finance for Permanence (PFP) under the Enduring Earth partnership with Green Climate Fund and that preparatory financing was approved in November 2025. The Committee notes that the PFP represents the clearest route to securing foundational financing for conservation co-management in the Reserve but that as yet it currently includes no specific provisions for CKGR co-management. The Committee, therefore recommends that support for the design and development of a new co-management conservation architecture for the CKGR is included within the PFP framework as a matter of urgency.

8.0 RECOMMENDATIONS

The Committee's recommendations are structured in three tiers. The first addresses interim service delivery actions required immediately, irrespective of the broader restitution process. The second sets out the decisions and processes the Committee recommends Cabinet authorise, pointing to the structured dialogue and resolution process that must follow. The third addresses the specific question of Special Game Licences as an interim measure. The CKGR Integrated Roadmap, presented in Section 10, provides the technical architecture for implementing these recommendations over the medium to longer term.

8.1 Interim Service Delivery Actions

8.1.1 The Committee recommends that Cabinet direct the following service delivery actions to be completed within sixty days of the approval of this report, with responsible Ministries reporting to Cabinet on implementation within that period. These actions are warranted by the current situation in the CKGR irrespective of the outcome of the broader restitution dialogue.

Water

- The Ministry of Water and Human Settlement to immediately restore, rehabilitate or replace water infrastructure at Molapo, Metsiamanong, Mothomelo and Gugamma, prioritising the installation of the pump at the existing Molapo borehole and the commencement of drilling at Metsiamanong and Gugamma. Water delivery to all four settlements is to be maintained at no less than bi-weekly frequency until permanent infrastructure is operational.
- The Ministry to commission a comprehensive water infrastructure assessment for all CKGR settlements within thirty days, covering borehole capacity, reticulation needs and longer-term supply options including desalination, to inform the services component of the Heads of Agreement process.

Health

- The Ministry of Health to assign a permanent mobile clinic rotation to all four CKGR settlements at intervals of no more than four weeks, with provision for emergency referral support.
- The Ministry to prioritise the recruitment of San-language health workers for CKGR deployment and to develop culturally appropriate health outreach protocols in consultation with communities.

Education

- The Ministry of Basic Education and Child Welfare to proceed without delay with the satellite school pilot within the CKGR, engaging identified external technical partners, as an alternative to the hostel system for children of primary school age.

- The Ministry to ensure that the design of the satellite school model is developed with community input and is capable of incorporating mother-tongue instruction and culturally relevant content.

Roads, Access and Economic Programmes

- Relevant Ministries and the Ghanzi District Council, commission an immediate assessment of road access within and connecting CKGR settlements, and to programme maintenance and clearing works to ensure basic all-season access between Molapo, Metsiamanong, Mothomelo, Gope and Gugamma.
- The Ministry of Local Government and Traditional Affairs develop plans to offer mobile or satellite service delivery point accessible to CKGR residents through which pension collection, civil registration, and access to Government programmes including IKAGENG, LIMID and housing applications can be facilitated without residents being required to travel outside the Reserve.
- The Ministry of Youth and Gender Affairs to extend Youth Development Fund (YDF) programme eligibility and outreach to CKGR youth, and to work with the Inter-Ministerial Task Group to design a culturally appropriate YDF delivery model for the CKGR context within the first phase of the Roadmap.

8.2 Cabinet Decisions on Process and Principles

8.2.1 The Committee recommends that Cabinet resolve as follows, noting that these decisions commit Government to a process of dialogue and resolution rather than to a predetermined outcome, and that the answers to many of the questions the Committee has identified can only be reached responsibly through that process.

- That the Committee's report and findings be noted and adopted as the basis for Government's engagement with the CKGR restitution process.
- That the CKGR Integrated Roadmap at **Appendix A** be endorsed as the technical implementation framework for the restitution process, subject to the participatory and FPIC principles set out therein, and that Ministry of Justice and Correctional Services initially be designated as lead ministry for coordination of the process.
- That CKGR communities including both those currently resident within the Reserve and those in the resettlement communities of New Xade, Kaudwane and Xere be formally recognised as collective rights-holders in all policy, planning and administrative decisions relating to the CKGR from the date of this resolution.
- That the whole CKGR be established as the broad territorial frame for the restitution process, within which different categories of rights will be recognised and applied to different zones through the Heads of Agreement process, and that no administrative decision be taken that forecloses or prejudices the outcome of that process.
- That an Inter-Ministerial CKGR Task Group be established under the authority of the Office of the President, drawn from this Committee, with

Permanent Secretary-level representation from the Ministries of Justice and Correctional Services, Environment and Tourism, Water and Human Settlement, Local Government and Traditional Affairs, the Attorney General's Chambers and Ghanzi District Council, mandated to oversee implementation and to report to Cabinet at six-monthly intervals.

- That community representative bodies for all rights-holding communities - resident and resettled be supported in their establishment as legally incorporated entities with the mandate and capacity to engage as counterparts in the Heads of Agreement process.
- That the Attorney General's Chambers be directed to provide detailed legal advice on: the short-term use of CKGR regulations and Community Use Zones to regularise return and resource use as interim measures; and the long-term legal options for creating durable, non-discretionary community rights, including the community-held Traditional Territory and Private Game Reserve model, and any other options that may emerge from comparative legal analysis. This advice is to be provided within ninety days.
- That the Ministry of Justice and Correctional Services, in cooperation with the Ministry of Finance and the Ministry of Environment and Tourism, be directed to engage formally with international conservation finance partners including those represented at the Geneva dialogue of May 2026, at which donor support for a community co-management and restitution framework was expressed with a view to securing commitments support the process.
- That the Ministry of Justice and Correctional Services and the Ministry of Labour and Home Affairs expedite the ratification of ILO Convention No. 169, as the international legal framework within which the restitution process will operate and against which its outcomes will be assessed.
- That CKGR communities be included as full participants in all conservation planning relating to the CKGR, and that conservation related elements of the CKGR Integrated Roadmap are included in the Climate Resilient Enduring Earth (CREE) Project Finance for Permanence (PFP) framework due for implementation in 2027, in alignment with Government policy, ILO Convention No. 169 and major donor commitments to FPIC and indigenous-led conservation.

8.3 Special Game Licences - Interim Restoration

8.3.1 The discontinuation of Special Game Licences in 2001 compounding the pre-existing legal defect identified in the Bennett submission has left CKGR residents without a lawful basis for subsistence hunting for over twenty years. The Committee regards the restoration of a right to hunt for subsistence as both a legal obligation and an immediate practical need for communities whose food security depends in part on traditional hunting.

8.3.2 The longer-term framework for community hunting rights within the CKGR is one of the questions that the Heads of Agreement process must resolve. It involves complex questions of wildlife management, quota-setting, conservation governance and benefit-sharing that the Committee cannot responsibly determine without further research and dialogue with communities. The Committee has noted with interest the model provided by the Nyae Nyae Conservancy in Namibia, where San communities manage hunting rights

collectively within a conservancy framework, with community-set quotas, transparent benefit-sharing and demonstrably positive conservation outcomes. This model and others will inform the Heads of Agreement process.

8.3.3 As an interim measure, pending the resolution of those longer-term questions, the Committee recommends:

- That the President be requested to issue a statutory Declaration under the WCNPA enabling Special Game Licences to be lawfully issued to CKGR residents for subsistence hunting purposes, resolving the legal defect identified in the Bennett submission and restoring a right that has been absent for over two decades;
- That the Hunting Regulations be amended to protect residents against arbitrary refusal of an SGL and to establish a transparent process for assessment and appeal; and
- That the DWNP, in consultation with communities, establish an interim monitoring framework for subsistence hunting in the CKGR pending the development of a long-term co-management framework for wildlife use, drawing on comparative models including the Nyae Nyae Conservancy and other community-managed wildlife areas in the region.

8.3.4 The Committee notes that the interim restoration of SGLs is consistent with Botswana's international obligations, with the Sesana judgment, and with the direction of the broader restitution process. It is not a final answer to the question of how wildlife use should be governed in the CKGR that answer must emerge from dialogue. It is a necessary step to address an injustice that has persisted for too long while that dialogue takes place.

9.0 THE FINANCIAL CASE

9.1 The Cost of the Status Quo

9.1.1 Cabinet is asked to consider the financial implications of the recommended framework against the correct comparator. The relevant question is not what restitution costs compared to nothing, it is what it costs compared to the ongoing and escalating costs of the status quo.

9.1.2 Government currently incurs direct expenditure on CKGR management through the DWNP, estimated at P23 Million per year (excluding salaries). This does not include capital expenditure on water infrastructure, road maintenance or anti-poaching operations. Food rations have a direct cost of P1.44M per year to the Gantsi District Council. These costs are structural and will grow as the population grows, unless the underlying conditions generating welfare dependency are resolved.

9.1.3 The Committee notes that the CKGR's conservation management challenges also carry a long-term cost that does not appear in current budget lines: the degradation of an irreplaceable ecological asset whose value in tourism, in biodiversity, in carbon, in international reputation is large and growing. The KWLCA's finding that the ecosystem is approaching a connectivity tipping point means that inaction now will result in substantially higher restoration costs, or irreversible ecological loss, in the future.

9.2 The Conservation Finance Opportunities

9.2.1 The CKGR is exceptionally well positioned to attract significant international conservation finance but only if the legal, institutional and ecological conditions are in place. Major conservation finance mechanisms require clear community governance, legitimate community institutions, legal certainty over tenure, ecological baselines, transparent benefit-sharing frameworks and a credible management plan. These are precisely the conditions that the recommended process is designed to create.

9.2.2 The Committee further notes that should specific provision be made within the CREE PFP framework to support the development of a novel conservation co-management architecture for the CKGR, then the CKGR will be well placed to meet the conditions to access further conservation financing through:

- Philanthropic conservation grants from foundations with active programmes in indigenous rights and community-based conservation;
- Bilateral and multilateral development funding linked to ILO 169 ratification and implementation, conservation, human-wildlife conflict and community-based tourism;
- Credit trading through savanna fire management carbon credits and avoided degradation;
- Biodiversity credits under frameworks such as the Verra SD VISTa Nature Framework, generating ongoing revenue from measurable conservation uplift;

- Conservation trust fund instruments including Legacy Landscape Fund and Project Finance for Permanence structures;
- Tourism concession revenues from a co-managed CKGR with community governance and benefit-sharing; and
- Community ranger programme funding linked to measurable anti-poaching and monitoring outcomes.

9.2.3 The Geneva dialogue of May 2026, convened by Anthropos and attended by the Minister of Justice and Correctional Services, brought together seven international organisations; Oak Philanthropies, the Irma Staehlin Foundation, the Tenure Facility, Wild5, Jamma International, the International Working Group for Indigenous Affairs and Survival International which expressed strong support for the programme and made initial pledges for 2026 focused on strengthening San community organisations. Partners confirmed interest in becoming long-term supporters and in facilitating access to larger bilateral and multilateral funding from 2028 onward, once the legal and governance architecture is in place. Their support is explicitly premised on community co-management and restitution not on Government-administered programmes in which communities are beneficiaries.

9.2.4 The total facilitation and legal support budget for the four-phase roadmap is estimated at between USD 730,000 and USD 1,180,000 over 36 to 48 months, to be met primarily through international partner contributions. The total estimated cost for delivering the foundational conservation architecture necessary support a sustainable wildlife economy is estimated to be up to USD 7.6 million over a seven year period. This is a modest investment relative to the conservation finance opportunities it is intended to unlock and the anticipated jobs and other measurable benefits arising from a strong conservation economy. Community-based conservation programmes of comparable scale in southern Africa have generated tourism and conservation employment that would indicate 400-600 jobs in CKGR, excluding concession revenues.

9.2.5 A carbon and biodiversity credit programme across an area the size of the CKGR, underpinned by robust baselines and community governance, could generate significant revenues per annum, estimated conservatively at USD4M/year to begin with, and rising to over USD20M/year. The Committee recommends that a conservation finance feasibility assessment be commissioned as a priority activity in Phase 1 of the Roadmap.

9.3 Community Economic Sustainability

9.3.1 The long-term financial case for the recommended framework is the relationship between rights and economic sustainability. Communities that hold enforceable rights over land and resources, that participate in the governance of conservation areas, and that receive a share of revenues from wildlife, tourism and carbon develop economically without continued dependence on state welfare. This is the trajectory demonstrated by successful community-based conservation in Namibia's communal conservancies, Zimbabwe's CAMPFIRE programme, and community wildlife conservancies in Kenya. It is also what ILO 169 Article 7

requires: communities have the right to decide their own priorities for economic development.

9.3.2 The rights-holding population relevant to this calculation is not only the estimated 488 residents currently living in the Reserve. It is the full population with historical rights to the CKGR estimated to be at least 4251 across resident and resettled communities. A conservation economy that generates employment, revenue and equity returns at the scale of the CKGR has the potential to materially reduce welfare dependency across this entire population over time. This is the economic transformation that restitution makes possible, and that welfare delivery alone cannot achieve.

10. THE CKGR INTEGRATED ROADMAP

10.1 Status and Purpose

10.1.1 The CKGR Integrated Roadmap (Appendix A):

- i) was developed on the basis of community consultations undertaken by the Inter-Ministerial Committee at the four inhabited settlements within the CKGR and at the resettlement communities of New Xade, Kaudwane and Xere, in addition to formal submissions from legal, human-rights and conservation experts and institutions;
- ii) The Preliminary Findings of the United Nations Special Rapporteur on the Rights of Indigenous Peoples following his working visit to Botswana from 1st September to 12th September, 2025;
- iii) Botswana Economic Transformation Programme (BETP)
- iv) National Development Plan 12, Chapters 4 and 6; and
- v) was drafted with the technical assistance of Anthropos under the Memorandum of Understanding between Anthropos and the Government of Botswana.

The Roadmap is a Government-commissioned framework, not an external proposal. The Roadmap was developed to give the Committee's principles practical effect to translate the findings from consultations and submissions into a structured, time-bound and finance-ready programme of action.

10.1.2 The Roadmap is not a blueprint that answers all outstanding questions about the CKGR. It is explicitly designed as a process for arriving at those answers through research, legal analysis and, above all, genuine dialogue with communities conducted under FPIC. The questions it is designed to help resolve include:

- The precise legal model for tenure whether Community Use Zones, a Traditional Territory held by a community entity, a Private Game Reserve, or some combination of these models;
- The eligibility framework for return and participation - who is a connected person, how connection is established, and how rights are registered;
- How rights and economic returns are shared between in-CKGR residents and the larger resettled population;
- The zoning of the Reserve into different use categories - residence, traditional territory, hunting and gathering areas, cultural sites, conservation-sensitive zones and tourism areas;
- The governance structure for community institutions and the relationship between the distinct territorial claims of different communities within the CKGR; and
- The long-term framework for wildlife use and hunting rights within a co-management model.

10.1.3 The Roadmap commits Government to a process. It does not commit Government to a particular legal outcome. It does establish that the outcome must be durable, rights-based and consistent with ILO 169 and it provides the

institutional machinery through which Government and communities can work together to determine what that outcome looks like in practice.

10.2 Structure of the Roadmap

10.2.1 The Roadmap comprises two integrated parts. Part 1 sets out the legal and administrative framework: community representation, Government coordination, Heads of Agreement, management planning, legal instruments and implementation arrangements. Part 2 provides the ecological case: the CKGR's role in the Kalahari landscape, the conservation challenges it faces, and the conservation opportunities that effective co-management could unlock, including the finance vehicles that would make the programme financially self-sustaining over time.

10.2.2 The purpose of combining them is to make clear that restitution and conservation are not separate tracks. A durable rights settlement requires a viable management and financing model. Equally, the CKGR's conservation challenges require the stronger local stewardship, clearer institutional responsibilities and long-term funding that only a rights-based co-management framework can secure.

10.3 Guiding Principles

10.3.1 The Roadmap is built on three principles that the Committee adopts as its own:

- **Participatory:** Any legal, administrative and conservation framework for the CKGR will be developed in partnership with all rights-holding communities, including those in resettlement. FPIC is not a procedural step, it is a substantive requirement that shapes what the framework can and cannot do.
- **Legally durable:** Rights vested in CKGR communities will be legally binding and enduring, embodied in instruments that cannot be reversed by ordinary administrative decision, permit revision or change of departmental policy. Conservation controls will operate within a recognised rights framework, not in place of one.
- **Conservation-aligned:** The rights framework will be designed to meet the CKGR's conservation goals through community-based natural resource management. Effective San custodianship and conservation of the Kalahari ecosystem are the same objective.

10.4 The Four Phases

10.4.1 **Phase 1 - Community Mandate and Scoping (0 to 6 months):** Establishment of legally incorporated community representative bodies with a clear mandate representing all rights-holders; establishment of the Inter-Ministerial CKGR Task Group; commissioning of baseline settlement and environmental profiles; and implementation of the interim service delivery plan as a pilot for longer-term models.

10.4.2 Phase 2 - Heads of Agreement (6 to 18 months): Negotiation of a Heads of Agreement between the Task Group and recognised community bodies covering the legal basis for rights, the territorial scope of the framework, resource use rights, the CBNRM and conservation governance model, the eligibility framework for return and participation, the principles for a long-term services delivery plan, and the outline of a conservation financing framework. The Heads of Agreement does not prescribe the legal model, it is the product of genuine negotiation under FPIC.

10.4.3 Phase 3 - Management Planning and Capacity Building (18 to 36 months): Translation of the Heads of Agreement into formal legal instruments; development of a new comprehensive CKGR Management Plan integrating ecological baselines, the rights framework and international conservation finance requirements; building of community organisation capacity to governance standards enabling partnerships, rights-holding and accountability; and activation of conservation finance applications.

10.4.4 Phase 4 - Implementation and Partnerships (from 24 months): Full operationalisation of the co-management framework; activation of conservation finance instruments; establishment of tourism and livelihood partnerships; and permanent services delivery framework operational. The CKGR functioning as a community asset base generating sustainable returns for all rights-holding communities.

11.0 CONCLUSION

- 11.1 The Committee's findings from its consultations within the CKGR and in the resettlement communities, from the expert and institutional submissions it has received, and from its analysis of Botswana's legal obligations lead to the following conclusions, which the Committee asks Cabinet to take as the foundation for its decisions.
- 11.2 The Committee recommends CKGR is restitution and redress not merely a right of return. The communities with rights to the Reserve include not only those living within it but the larger resettled populations in New Xade, Kaudwane and Xere. Any framework for restitution and redress must take into account both the aspirations and desires of resident and the majority resettled communities .
- 11.3 The communities concerned must be treated as rights-holders, not as beneficiaries. Rights-holders have legally enforceable claims to land, resources and participation in governance. Beneficiaries receive what Government chooses to give them. The distinction matters not only as a matter of principle, though it is a matter of principle but as a matter of practical design: a framework built on rights is durable, financeable and self-sustaining; a framework built on beneficiary delivery is not.
- 11.4 The restitution of rights in the CKGR and the effective conservation management of the Reserve are not competing objectives. They are, as the ecological evidence establishes, the same objective. The framework the Committee recommends does not choose between rights and conservation. It is designed to deliver both, and to do so in a way that reduces the long-term burden on the public budget by attracting the international conservation finance that the CKGR, once its legal and institutional conditions are right, is well placed to command.
- 11.5 The Committee acknowledges that many of the hard questions raised by its Terms of Reference - the precise legal model for tenure, the governance of wildlife use, the distribution of rights between resident and resettled communities cannot be resolved by the Committee's analysis alone. They require further research, legal advice and genuine dialogue with communities under FPIC. The Committee's recommendations are designed to initiate and structure that dialogue, not to predetermine its outcome.
- 11.6 To give these principles practical effect, the Committee Chair requested that Anthropos, acting under its Memorandum of Understanding with the Government, develop a technical implementation framework. The resulting CKGR Integrated Roadmap appended to this report provides a structured, time-bound, participatory and finance-ready programme through which Government and communities, with the support of Botswana-based institutions and organisations, can work together to resolve the outstanding questions and build the durable settlement that the situation requires. The Committee commends both this report and the Roadmap to Cabinet and stands ready to provide such further advice and support as Cabinet may require.

11.7 Cognisant that funders are ready to step in, and of the opportunity to achieve durable progress under the current administration, the Committee urges rapid implementation of the CKGR Roadmap.

On behalf of the Inter-Ministerial Committee on the Rights of San

Ramaotwana Nelson Ramaotwana
Minister of Justice and Correctional Services
June 2026

APPENDICES

- A. CKGR Integrated Roadmap - Restitution, Conservation and Community Economic Sustainability Framework (commissioned by the Committee Chair, developed by Anthropos Foundation under MOU with the Government of Botswana, 2026).
- B. Report of the UN Special Rapporteur on the Rights of Indigenous Peoples - Visit to Botswana, September 2025 (A/HRC/63/XX/Add.1).
- C. CKGR Legal Proposals - Advocate Gordon Bennett (February 2025).
- D. Advisory Opinion to the Inter-Ministerial Committee - Centre for Human Rights, University of Pretoria (Dr Dorcas Basimanyane and Faith Oluka).
- E. Submission by Liz Alden Wiley, Land Tenure Expert and first RADP Officer, to Inter-Ministerial Committee.
- F. Submission by Survival International to the Inter-Ministerial Committee.
- G. Summary Report on Land Matters Relating to the Inter-Ministerial Committee on the Rights of San - Ministry of Lands and Agriculture (September 2025).
- H. Terms of Reference of the Inter-Ministerial Committee on the Rights of San.
- I. Preliminary Findings of the Special Rapporteur - Action Items per Ministry.
- J. Savingram on Ratification of ILO Convention No. 169 - Ministry of Justice and Correctional Services to Ministry of Labour and Home Affairs.