

## BOTSWANA

### Special Decisions or Action Taken Re: Reporting, Including Urgent Action Procedure

CERD A/57/18 (2002)

#### Chapter VII. SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 9, PARAGRAPH 1, OF THE CONVENTION

...

#### C. Action taken by the Committee to ensure submission of reports by States parties

497. At its sixtieth and sixty-first sessions, the Committee reviewed the question of delays and non-submission of reports by States parties in accordance with their obligations under article 9 of the Convention.

498. At its forty-second session, the Committee, having emphasized that the delays in reporting by States parties hampered it in monitoring implementation of the Convention, decided that it would continue to proceed with the review of the implementation of the provisions of the Convention by the States parties whose reports were excessively overdue by five years or more. In accordance with a decision taken at its thirty-ninth session, the Committee agreed that this review would be based upon the last reports submitted by the State party concerned and their consideration by the Committee. At its forty-ninth session, the Committee further decided that States parties whose initial reports were excessively overdue by five years or more would also be scheduled for a review of implementation of the provisions of the Convention. The Committee agreed that in the absence of an initial report, the Committee would consider all information submitted by the State party to other organs of the United Nations or, in the absence of such material, reports and information prepared by organs of the United Nations. In practice the Committee also considers relevant information from other sources including from non-governmental organizations, whether it is an initial or periodic report that is seriously overdue. The question of the extent to which conclusions communicated to the State party under the review procedure could be based upon that material remains a matter of ongoing discussion (CERD/C/SR.1463).

499. Following its fifty-ninth session, the Committee decided to schedule at its sixtieth session a review of the implementation of the provisions of the Convention in the following States parties whose periodic reports were seriously overdue: ... Botswana ... In the cases of Botswana, Albania and Tunisia, the reviews were postponed at the request of the States parties which indicated their intention to submit the requested reports shortly. Reports were subsequently submitted by Botswana and Tunisia.

...

501. The Committee again requested the Secretary-General to continue sending reminders automatically to those States parties whose reports were overdue.

**CERD, CERD/C/SR.1671 (2004)**

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION  
Sixty-fifth session

SUMMARY RECORD OF THE 1671<sup>st</sup> MEETING

Held at the Palais des Nations, Geneva,  
on Friday, 20 August 2004, at 10 a.m.

...

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING  
MEASURES AND URGENT ACTION PROCEDURES (agenda item 3) (continued)

...

Draft letter dated 20 August 2004 addressed to the Permanent Representative of Botswana

29. The CHAIRMAN invited members to consider and adopt the letter addressed to the Permanent Representative of Botswana.

30. Mr. ABOUL-NASR said he did not agree with the content of the letter. The deadline specified for transmission of information by the State party was unreasonably short. It was not within the Committee's mandate to offer to assist a State party in the drafting of a new constitution.

31. Ms. DAH proposed amending the time limit set for a response from the State party to one month, as in the case of the Committee's letter to the Government to New Zealand.

32. Mr. VALENCIA RODRÍGUEZ endorsed Ms. Dah's proposal. He proposed amending the final paragraph of the letter to say that Committee members could provide assistance to the State party in reporting on implementation of the Convention.

33. Mr. KJAERUM said he also supported Ms. Dah's proposal for a deadline of one month for the receipt of information from the State party. He pointed out that the State party had requested assistance from the Committee in drafting a new constitution. That notwithstanding, he agreed with the proposal made by Mr. Valencia Rodríguez.

34. Mr. TANG Chengyuan agreed with Mr. Aboul-Nasr that assisting States parties in the drafting of constitutions was not within the Committee's mandate. He endorsed the proposal by Mr. Valencia Rodríguez that the Committee could offer to assist the State party in the drafting of its periodic report.

35. The draft letter dated 20 August 2004 addressed to the Permanent Representative of Botswana, as amended, was adopted...

**CERD, A/65/18 (2010)**

...

## **Chapter II**

### **PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING AND URGENT ACTION PROCEDURES**

...

15. During the reporting period, the Committee also considered a number of situations under its early warning and urgent action procedure, including in particular the following.

...

24. At its seventy-sixth session, the Committee further considered the situation of San/Basarwa indigenous peoples reportedly forced out of their traditional lands in the Central Kalahari Game Reserve in **Botswana**. The Committee expressed its concern in a letter to the State party about the alleged lack of implementation of a decision by the High Court of Botswana which ruled that their eviction was unlawful and unconstitutional. The Committee requested the State party to submit comprehensive information on the situation of the San/Basarwa indigenous peoples and on the implementation of the decision of the High Court.

...