

A Case for the Participation in the REDD+ to Address the Natural Resources Use and Governance in Botswana



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Abbreviations

CAMPFIRE	Communal Areas Management Programme for Indigenous Resources
CBFM	Community-Based Forest management
CBNRM	Community-Based Natural Resources Management
CKGR	Central Kalahari Game Reserve
JFM	Joint Forest Management
NDC	Nationally Determined Contributions
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples

1 Introduction

The traditionally hunter-gatherer indigenous community of the San in Botswana who are at times referred to as the Bushmen or Basarwa have suffered land dispossession and limitation to access natural resource-rights since in pre-colonial

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times.¹ The land and natural resource issues of the San eventually ended as one of the highly publicised litigations in the history of Botswana. In the *Sesana and Others v Attorney General* case,² the San occupants of the Central Kalahari Game Reserve (CKGR) challenged the decision of the Government of Botswana to relocate them to the newly established villages adjacent to the CKGR. It has generally been the thinking within the corridors of government that in order to develop, the San must modernise and adopt living arrangement similar to predominant tribes in Tswana type of villages.³ Prior to the CKGR saga, the San communities had been relocated from their ancestral lands which were subsequently declared game reserves to newly created villages of Mababe and Phuduhudu.⁴ The process of relocating the San to villages is referred in the literature as ‘villagisation’.⁵

Through the process of ‘villagisation’, the San communities were discouraged from practising hunting and gathering in exchange of handouts in the form of social welfare baskets.⁶ Throughout this process, Botswana adopted a paternalistic approach and allowed little to no representation of the San in the decision. The policy approach of excluding Basarwa from decision-making regarding their present and future, including the development of social services in their communities has had a devastating effect in becoming totally dependent on the government.⁷ The overall finding of the *Sesana* case clothed the San with the status of indigeneity as the majority of justices of the High Court ruled that this community are ‘Indigenous Peoples’ as defined in international law.⁸ The conferment of the status of indigeneity the San community brings about an interesting dimension to land and resource use rights. This is because at international law, indigenous communities are often clothed with a special type of protection and rights especially with respect to the use or management of natural resources. This might explain the general reluctance of the government of Botswana since independence to accept the indigeneity of San and the insistence that all Batswana are indigenous to Botswana.⁹ The contentions on the San’s indigeneity have equally been heightened on their development. This is because at international law there are rules that states ought to conform to in their endeavour to develop Indigenous Peoples.¹⁰ Some of the rules constitute emerging customary international law and as such are binding on Botswana.¹¹

¹For the Recognition of the Indigeneity of Basarwa in Botswana and Panacea against their Marginalisation and Realisation of Land Rights, see Mogomotsi and Mogomotsi (2020), p. 555.

²*Sesana and Others v Attorney General* 2006 (2) BLR 633; (2006) AHRLR 663 (BwHC).

³See Knoetze and Hambira (2018), p. 1 on the role of perceptions and name giving by other population groups in enduring poverty.

⁴For details, see Magole (2009), p. 597.

⁵See Magole (2009).

⁶See Nthomang (2004), p. 415.

⁷Read further the same page of Nthomang (2004).

⁸See Mogomotsi and Mogomotsi (2020).

⁹*Ibid.*, p. 572.

¹⁰See the United Nations Declaration on the Rights of Indigenous Peoples (2007).

¹¹For details, see Phillips (2015), p. 120.

Due to their historical legacy, the San are dependent on land and natural resources. The extraction of natural resources today is different from the colonial era as there is acknowledgement that natural resources are becoming depleted and thus sustainable use is of paramount importance.¹² The natural resources depletion has been attributed to various causes including climate change and exclusion of local communities in the sustainable resource governance.¹³ The impact of climate change and natural resources depletion is more pronounced on Indigenous Peoples. The impact of climate change and its effect on access to natural resources for Indigenous Peoples has been adequately highlighted by the International Labour Organization which effectively identifies six characteristics that are shared by Indigenous Peoples in the context of climate policies and impacts, which, in combination, are not present in any other group, thereby posing unique risks.¹⁴ It posits that:

First, indigenous peoples are among the poorest of the poor, the stratum most vulnerable to climate change. Second, they depend on renewable natural resources most at risk to climate variability and extremes for their economic activities and livelihoods. Third, they live in geographical regions and ecosystems that are most exposed to the impacts of climate change, while also sharing a complex cultural relationship with such ecosystems. Fourth, high levels of exposure and vulnerability to climate change force indigenous peoples to migrate, which in most cases is not a solution and can instead exacerbate social and economic vulnerabilities. Fifth, gender inequality, a key factor in the deprivation suffered by indigenous women, is magnified by climate change. Sixth, and lastly, many indigenous communities continue to face exclusion from decision-making processes, often lacking recognition and institutional support. This limits their access to remedies, increases their vulnerability to climate change, undermines their ability to mitigate and adapt to climate change, and consequently poses a threat to the advances made in securing their rights.¹⁵

The San in Botswana generally inhabits environments endowed with natural and forestry resources. Generally, the San choose land 'based on the types and numbers of resources it contains, which (at least theoretically) should meet the needs of a group of San in a normal year'.¹⁶ Due to their relationship with natural and forestry resources, Indigenous Peoples in the Central Kalahari have elaborate knowledge on specific groves of trees or patches of valuable plants (e.g. *morama*, *Tylosema esculentum* and melons) and one of their livelihood activities is gathering wild plant products such as Devil's Claw and *Harpagophytum procumbens* to be used domestically or sold commercially.¹⁷ This dependency on forests prompts the need for ensuring and promoting sustainability of forest resources by both communities and the country.

This chapter makes a case for the participation of Botswana in the REDD+ initiative. REDD+ as an international policy aimed at incentivising forest

¹²See Lange et al. (2006), p. 1412.

¹³For details, see Allen et al. (2009), p. 259.

¹⁴International Labour Organisation (2017).

¹⁵Ibid., p. 7.

¹⁶See Hitchcock (2020), pp. 2–4.

¹⁷Ibid., pp. 2–7.

conservation, management and the improvement of forest governance posits itself as an ideal starting point for addressing negative impacts of both human and climate change on natural resources in Botswana.¹⁸ It argues that the REDD+ initiative in substance is not novel or alien to Botswana. The Community-Based Natural Resources Management (CBNRM) policy conceptualised and implemented by the Government of Botswana is comparable to the REDD+ initiative. In that regard, the participation of Botswana in REDD+ fits in perfectly with the existing environmental conservation policies. REDD+ initiative is a dramatic manifestation of the sustainable solutions required by the San in management of natural resources. Sustainable management of natural resources is imperative for the San as their livelihoods are dependent on natural resources. Moreover, REDD+ encompasses sustainable use and conservation which are cardinal principles in the use of natural resources amongst the San in Botswana. Similarly, Indigenous Peoples' ownership over natural resources is a much-contested terrain in Botswana as is elsewhere. The challenges inhibiting Indigenous Peoples from enjoying ownership over their natural resources are compounded by the nation states' permanent sovereignty over natural resources. Nation states such as Botswana often deploy policies intended to enforce their sovereignty over natural resources to the detriment of Indigenous Peoples. Legislation targeted at improving Indigenous Peoples' use and enjoyment of natural resources is one of the many intended end goals of REDD+. The chapter begins with this introduction, followed by a discussion on the meaning and content of permanent sovereignty over natural resources and its implications for the San. It then contextualises the implementation of REDD+ in Botswana and provides a conclusion.

2 Permanent Sovereignty Over Natural Resources

The sovereign rights of nation-states over natural resources within their territories is recognised by the United Nations General Assembly Resolution 1803 on the Permanent Sovereignty over Natural Resources.¹⁹ These sovereign rights entail the rights of extraction of natural resources by the state in pursuit of social and economic development.²⁰ Therefore, states have an unlimited right to access and develop their natural resources into equitable gains for the national polity or specific communities.²¹ The doctrine of sovereignty over natural resources developed into a principle

¹⁸Satyral et al. (2019), p. 1.

¹⁹Read on the permanent sovereignty over natural resources and the sanctity of contracts, from the angle of *Lucrum Cessans* by Ng'ambi (2015), p. 153.

²⁰Ng'ambi (2015), p. 153.

²¹On the role of International Law in Intrastate Natural Resource Allocation: Sovereignty, Human Rights, and Peoples-Based Development, see Miranda (2012), p. 785.

of international law and has gained international recognition as a mechanism for developing countries to utilise and manage domestic natural resources.²² It complements the general doctrine of state sovereignty and reiterates the supremacy that the state has over the people, resources, and all other authorities within the territory it controls.²³ Some of the sub-rights of states that devolve or flow from this doctrine are the rights of states to determine and control resource use; and conservation and management of natural resources.²⁴

Each state retains internal jurisdiction over conflicts between governments and their people(s) about the exploitation and distribution of resource wealth.²⁵ Further, it is accepted at international law that the permanent sovereignty over natural resources among other duties, imposes the duty to use resources sustainably.²⁶ Therefore, it is the duty of the state to ensure sustainable use of natural resources, which entails the involvement of local communities and Indigenous Peoples in the sustainable governance of natural resources. The state's claim to sovereignty over natural resources is usually challenged by local communities, especially Indigenous Peoples claiming special rights of ownership to the same natural resource rights.²⁷ This is because for most Indigenous Peoples, natural resources have fundamental spiritual, social, cultural, economic and political significance that is integrally linked to both their identity and continued survival.²⁸ The notion of permanent sovereignty over natural resources was initially conceptualised to clothe legitimacy of use and access to newly developing states after the fall of colonialism. Permanent sovereignty over natural resources can be a legal basis for claims of Indigenous Peoples in defining ownership and usage rights over the natural resources within a state.²⁹ The sovereignty over natural resources has over the years been instrumental in negotiations relating to both forest and climate change negotiations, and also served an important role in contextualising the development of REDD+.³⁰ The REDD+ is a clear acknowledgment of the sovereignty nation states enjoy over their natural resources as it bestows some responsibility on them to minimise human pressure on the forest on voluntary basis.

In an endeavour to actualise REDD+, states are to develop a national strategy, a national forest reference emission level, a robust and transparent national forest monitoring system and a system for providing information on how the safeguards are being addressed in implementation. This provides an opportunity for Indigenous

²²See Chekera and Nmehielle (2013), p. 69.

²³Makinda (1966), p. 149 on the Sovereignty and International Security Challenges for the United Nations.

²⁴Enyew (2017), p. 222.

²⁵See Augenstein (2016), p. 669.

²⁶See Armstrong (2015), p. 129.

²⁷Pereira and Gough (2013), p. 451.

²⁸Northcott (2012), pp. 73–99.

²⁹Northcott (2012).

³⁰Long (2013), p. 384.

Peoples to participate in REDD+ national strategies as much as it presents a platform for exchange of information between Indigenous Peoples and others. Indigenous Peoples may also infuse their indigenous knowledge in coming up with sustainable strategies. States are therefore tasked with the responsibilities of ensuring that the REDD+ aspirations are not only implemented, but sustainably so and with the participation of different stakeholders.

Within the domestic circumstances of Botswana following the relatively recent judicial declaration of the San as an Indigenous People, the doctrine of sovereignty over natural resources can arguably be extended to them in their long journey to self-determination as a people. The right to self-determination refers to the freedom of indigenous communities to make their own decisions relating to their developmental, cultural, economic, and political lives.³¹ This communal right is contained in various international and regional human rights law instruments. In that regard, Article 8(2) of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) urges states to provide effective mechanisms for prevention of, and redress for, any action which has the aim or effect of dispossessing certain groups of their lands, territories, or resources. Indigenous communities have an inherent and inalienable right to their traditional lands and natural resources therein as a core element of their right to self-determination.³² This right is derived from traditional occupation and use and from pre-contact customary laws. Further, under Article 12 of the African Convention on the Conservation of Nature and Natural Resources, state parties have a duty to enable the active participation of local communities in the planning and management of natural resources to create incentives for the conservation and sustainable use of such resources.³³ This provision is similar with Article 3 of UNDRIP in that they both protect the Indigenous Peoples in the quest for self-determination and to freely determine their political status and freely pursue their economic, social and cultural development.

The right to self-determination entails the autonomy of indigenous communities to make their own decisions relating to their cultural, economic, and political lives.³⁴ The liberal application of various international hard and soft law instruments can be useful in addressing the quest of San in Botswana to contribute to the sustainable management and utilisation of natural resources. Various governments have implemented co-management mechanisms of natural resources and ceded to a certain degree the governance of resource use to local communities. Some of that is done under the auspices of the REDD+ initiative while some governments such as that of Botswana are implementing similar measures notwithstanding not being members of the REDD+. The existence of mechanisms comparable to REDD+ may be used to easily persuade the Government of Botswana to consider

³¹ On the Indigenous Land Rights and Self-Determination in Botswana, see Flaherty (2016), p. 1.

³² See Northcott (2012), pp. 73–99.

³³ See Article 12 of the African Union *African Convention on the Conservation of Nature and Natural Resources* (2017).

³⁴ Flaherty (2016).

participating in the REDD+ initiative. This is because the existing frameworks and lessons therefrom can serve as a springboard for the conceptualisation and implementation of REDD+ in Botswana and help improve the existing mechanisms and aid in the achievement of intended outcomes.

The next section discusses the prevailing community resources management framework applicable in Botswana. The section further demonstrates the similarities between the existing mechanisms and the REDD+ initiative.

3 Contextualising REDD+ in CBNRM

As the international legal framework for REDD+ continues to evolve, there has been good progress yet parallel attempts to operationalise national priorities for REDD+ at a domestic level.³⁵ Institutional setting and policy arena affect the direction of REDD+ policies and their implementation.³⁶ On that note, the achievement of REDD+ outcomes require certain key elements of a sound legal forestry framework. Equally, effective enforcement mechanisms are critical for the achievement of the REDD+ outcomes.³⁷ In that regard, necessary legislative and institutional framework at a national level domesticating key REDD+ elements should be in place to achieve positive outcomes. As enshrined in the United Nations Framework Convention on Climate Change (Paris Agreement), REDD+ implementation focuses on jurisdictional scales (national with subnational in the interim) as part of countries' Nationally Determined Contributions (NDCs) for climate change mitigation.³⁸

The interlinkages between REDD+ and the Paris Agreement make it possible for non-REDD+ member states such as Botswana to implement some of the key expected outcomes of the REDD+ programme. For example, both the Paris Agreement and REDD+ emphasise forest conservation as a climate intervention measure. In the preamble, the Paris Agreement articulates the importance of ensuring the integrity of all ecosystems, including oceans, and the protection of biodiversity. Moreover, Article 12 of the Paris Agreement compels parties to cooperate in taking appropriate measures to enhance climate change education, training, public awareness, public participation, and public access to information in order to enhance action. Education, access to information and participation are the cornerstones of REDD+. Thus, Botswana can indirectly implement most of the REDD+ objectives through the domestication of the Paris Agreement which Botswana is a member of. One of the expected co-benefits of REDD+ is clearer tenure and more secure land access, particularly for vulnerable groups.³⁹ This is particularly important for

³⁵ Ituarte-Lima and McDermott (2017), p. 505.

³⁶ Andoh and Lee (2018).

³⁷ Korhonen-Kurki (2019), p. 315.

³⁸ Wunder et al. (2020).

³⁹ Milne et al. (2019), p. 84.

Indigenous Peoples given their colonial history of dispossession of land which legacy lives on and formed the basis of the lawsuit in the *Sesana* case. In policy and planning circles, community-centred safeguards have focused on questions of tenure security, stakeholder participation, and the need for free, prior, and informed consent.⁴⁰ In that context, the Government of Botswana adopted the CBNRM policy in the 1990s as a governance framework of ensuring community participation in the tourism sector.

Over the years, CBNRM has emerged as a useful mechanism for facilitating and encouraging community participation in the management of natural resources in Botswana.⁴¹ The CBNRM is mostly hinged on the concept of sustainability pursued through three segments. These segments are economic, social, and environmental sustainability.⁴² This policy recognises the rights of local people to manage and benefit from natural resources and wildlife.⁴³ The CBNRM exists in other forms in various countries. For example, in Zimbabwe, CBNRM is known as Communal Areas Management Programme for Indigenous Resources (CAMPFIRE). CBNRM and other similar programmes in different parts of the world are integral elements of sustainable rural development, natural resource management and conservation.⁴⁴ CBNRM is generally an incentive-based conservation tool which attempts to create a link between the preservation of natural resources and rural development.⁴⁵ This programme is implemented in such a way that the management of natural resources is decentralised to local communities. It has been argued that CBNRM has the potential to achieve nature conservation and rural development.⁴⁶ CBNRM offers local communities the opportunity to participate in tourism development and natural resource conservation.⁴⁷ Effectively, CBNRM is an opportunity for local communities to take charge over their natural resources, creating a sense of responsibility towards sustainable use of natural resources and proceeds from the natural resources.

CBNRM is a policy response to the realisation that administration and control through repression by governments was not saving wildlife.⁴⁸ In the assessment of exclusionary resource management programme, the idea of shared wealth from the sustainable use of resources with rural people came about in the form of CBNRM.⁴⁹ Initially, this policy framework promised to bring the benefits of wildlife back to the local communities to compensate for the costs they incurred by living adjacent to

⁴⁰Felke et al. (2017).

⁴¹Chirenje et al. (2013), p. 10.

⁴²Kgathi and Ngwenya (2005), p. 61.

⁴³Chevallier and Harvey (2016).

⁴⁴Mogomotsi et al. (2020) on the discussion of the 'Factors Influencing Community Participation in Wildlife Conservation'.

⁴⁵Mbaiwa and Stronza (2010), p. 635.

⁴⁶Mbaiwa (2015), pp. 59–80.

⁴⁷Ibid.

⁴⁸Mbaiwa (2015).

⁴⁹DeGeorges and Reilly (2009), p. 734.

wildlife areas.⁵⁰ Notwithstanding that the CBNRM in Botswana in its current form is commonly known to be in respect to the management or benefiting from wildlife, this chapter posits that it is equally applicable to management of forest resources in Botswana.

Consistent to the foregoing, community-based forest management (CBFM) which is essentially another variant of CBNRM, was implemented as a REDD pilot project by the Tanzania Forest Conservation Group.⁵¹ In the Tanzania pilot project, payments were made to villages that have the rights to forest carbon. In exchange, the villages were expected to demonstrably reduce deforestation at the village level.⁵² Similarly, another Southern African country which implemented REDD+ initiative is Zambia which did so through the Joint Forest Management (JFM). The JFM is a form of CBNRM which represented a shift towards conservation within an inhabited landscape to deliver conservation and development simultaneously.⁵³ These safeguards include requirements for full and effective participation of relevant stakeholders, including communities, and for measures to incentivise protection and conservation while enhancing social and environmental benefits.⁵⁴ Relative to Botswana, other Southern African countries are advanced in the involvement of communities in the management of forest resources. This, therefore, provides an opportunity for Botswana to benchmark and devise best practices. Since independence, Botswana has established or gazetted only forest reserves which are solely state managed without citizen participation.⁵⁵ This is besides the fact that there is a close relationship that local communities in various parts of Botswana have with forests and forest products for domestic use such as household energy, building materials, agricultural inputs, food and health products among others.⁵⁶ This is also despite the fact that the San, like other Indigenous Peoples, have a special relationship with their land and the natural resources therefrom and would be better placed to manage the use of the forest sustainably.

The exclusion of local communities and Indigenous Peoples in the development of forest governance institutional framework and daily management in areas where there is intensive use of both timber and non-timber forest products open the possibility of overuse and overharvesting. This poses a grave risk of natural resources depletion which would in turn disproportionately affect the San. It is therefore imperative for the Government of Botswana to provide an incentive to local communities and Indigenous Peoples to practice participatory forest

⁵⁰Cassidy (2021).

⁵¹Robinson et al. (2013), p. 141.

⁵²Robinson et al. (2013).

⁵³Leventon (2014), p. 10.

⁵⁴UNFCCC (2011). Decision 1/CP.16 the Cancun Agreements: Outcome of the Work of the Ad Hoc Working Group on Long-term Co-operative Action under the Convention. In: UNFCCC (Ed.), UNFCCC/CP/2010/7/Add.1.

⁵⁵Garekae et al. (2020b), p. 692.

⁵⁶Garekae et al. (2020a), p. 22.

management through the adoption and domestication of the REDD+ initiative. There is an undoubted governance gap in Botswana in the form of non-involvement of communities and Indigenous Peoples in the management of forest resources which is important for the sustainable use and conservation.⁵⁷ The extent to which the San are excluded in the management of forest resources is more pronounced and has historical underpinnings. Since time immemorial, Tswana groups dominated decision making platforms and made it a habit to make decisions for Indigenous Peoples.⁵⁸ This has translated into the natural resources management initiatives in that by design, the San are excluded from policy making platforms and decision-making fora. This effectively means that the San are in no position to make representation on their preferred natural resources management strategies or influence policies. REDD+ presents an opportunity to rectify the San's exclusion as alluded to above.

The San as Indigenous Peoples of Botswana have a crucial role to play in forest conservation and the conceptualisation and implementation of REDD+ initiative in Botswana must factor that. Botswana is equally presented with an opportunity to foster the San's participation in policy making and decision making in the ongoing CBNRM policy review. The existing CBNRM policy is currently under review with the intention of passing it as a binding legislative enactment. In addition to presenting an opportunity for the San's inclusion in natural resource management, this is an opportune for Botswana to encompass forest management in the revised framework.

Botswana has both the policy, legislative and implementation opportunities to participate in the REDD+ initiative. Thus, Botswana has an opportunity to incorporate the REDD+ initiative with minimal work. As a way forward, it is advisable for the CBNRM Bill, which is still at drafting stage, to be designed in a manner that is not narrowly focused on the use and management of wildlife resources but to be openly applicable to various forms of natural resources. Forest management plays a key role in climate change management. Therefore, it is imperative that the proposed law domesticates the REDD+ to empower the local communities and the Indigenous Peoples in particular. Furthermore, as a signatory of the Paris Agreement on Climate Change, there is no reason for Botswana not to be actively participating in REDD+. Given its intended purpose, REDD+ initiative is a necessity in Botswana to find ways to minimise the impact of climate change, facilitate access to natural use and management thereof by the San. As a semi-arid country, it is important for the Government of Botswana to involve local communities in climate change adaptation strategies. There is a direct correlation between deforestation, desertification and climate change.⁵⁹ The Government of Botswana needs to prioritise the adoption of any measure that seeks to reduce or prevent the overuse of natural resources and use that encourage replenishing of forests to reverse desertification. REDD+ is such an

⁵⁷See Garekae et al. (2020a).

⁵⁸Molosi-France and Dipholo (2017), p. 181.

⁵⁹Khaine and Woo (2015), p. 11.

important multilateral framework that its objectives converge with that of any country in the ecological state of Botswana. Botswana equally has an added advantage of an existing initiative that can be expanded to incorporate REDD+ initiatives. Botswana also has neighbours to draw lessons from and formulating a far much better initiative that will yield the desired outcome.

The San have historically exhibited enviable indigenous knowledge on sustainable use of natural resource and co-existence with wildlife. This coupled with the San's general believe about the land and its sacrosanct nature make them a critical player in the conceptualisation and implementation of REDD+ initiative in Botswana. Some notable thoughts on the relationship the San have with their land are derived from Roy Sesana wherein he posited:

I was trained as a healer. You have to read the plants and the sand. You have to dig the roots and become fit. You put some of the root back for tomorrow, so one day your grandchildren can find it and eat. You learn what the land tells you.⁶⁰

There is no doubt that the San's effective involvement in the co-management of forest resources (and all other natural resources) in their traditional lands is likely to result in harness forest conservation. The proposed participation of Botswana in REDD+ and the eventual roll out of community-based forest management requested meaningful consultation of relevant communities, in the context of this article the San communities. It has been succinctly observed that the effective participation requires the full involvement of people when priorities and objectives are set and designed, it is only then that projects can be locally relevant as well as locally owned.⁶¹ The same principles are applicable in environmental policy formulation as envisaged in Principle 10 of the Rio Declaration which promotes the enhanced public involvement in environmental matters.⁶² Both participation of Botswana in REDD+ and the involvement of the San in formulation, conceptualisation and implementation of REDD+ in Botswana are imperatives if any progress is to be made to minimise climate change and improve access to and use of natural resources for Indigenous Peoples. REDD+ initiative is one of the many initiatives that may fit neatly with, are envisaged by and are manifestations of UNDRIP. This is because the REDD+ initiative provides an opportunity to breathe life into the UNDRIP.

4 Conclusion

Botswana has adopted and implemented community-based management of natural resources for over three decades now. The weakness of the existing framework is its skewness towards co-management of wildlife while forest resources remain state

⁶⁰Roy Sesana Right Livelihood Award Address, Stockholm (2005).

⁶¹Twyman (2000), p. 323.

⁶²Mogomotsi et al. (2018), p. 171.

managed. The engagement of local communities and indigenous communities is required to provide a balanced participatory management of natural resources. Sustainable management of forests resources play an important role in the reversal of global warming and climate change. The participation of Botswana in the REDD+ programme will enhance its ability to implement a successful co-manage of forest resources by piggy bagging in existing international framework to complement its tried and tested CBNRM. The proposed participation on REDD+ is complementary to the domestic initiatives of community-focus sustainable management of natural resources that Botswana is known of. The REDD+ provides a unique opportunity for Botswana and other countries in the global south to benefit from international legal mechanisms and financing to combat climate change, deforestation, and desertification through the involvement of indigenous communities and local communities. The participation of Botswana in the REDD+ programme will provide a springboard for cooperation between the government and the San, an opportunity that is much needed given the estranged relationship between the state and this Indigenous Peoples. The restoration of this relationship is a necessity to found functional and beneficial relationship between the Botswana and the San.

References

- Allen D et al (2009) A global overview of drought and heat-induced treemortality reveals emerging climate change risks for forests. *For Ecol Manag* 259(4):660–684
- Andoh J, Lee Y (2018) National REDD+ strategy for climate change mitigation: a review and comparison of developing countries. *Sustainability* 10(12):4781
- Armstrong C (2015) Against ‘permanent sovereignty’ over natural resources. *Polit Philos Econ* 14(2):129–151
- Augenstein D (2016) Paradise lost: sovereign state interest, global resource exploitation and the politics of human rights. *Eur J Int Law* 27(3):669–691
- Cassidy L (2021) Power dynamics and new directions in the recent evolution of CBNRM in Botswana. *Conserv Sci Pract* 3:e205
- Chekera YT, Nmeielle VO (2013) The international law principle of permanent sovereignty over natural resources as an instrument for development: the case of Zimbabwean Diamonds, pp 69–101
- Chevallier R, Harvey R (2016) Is community-based natural resource management in Botswana viable? South African Institute of International Affairs, Johannesburg
- Chirenje L, Giliba RA, Musamba EB (2013) Local communities’ participation in decision-making processes through planning and budgeting in African countries. *Chin J Popul Resour Environ* 11(1):10–16
- DeGeorges PA, Reilly BK (2009) The realities of community based natural resource management and biodiversity conservation in sub-Saharan Africa. *Sustainability* 1(3):734–788
- Enyew EL (2017) Application of the right to permanent sovereignty over natural resources for indigenous peoples: assessment of current legal developments. *Arctic Rev Law Polit* 8:222–245
- Felke ME, Bong IW, DePuy WH, Jihadah LF (2017) Considering land tenure in REDD+ participatory measurement, reporting, and verification: a case study from Indonesia. *PLoS One* 12(4): e0167943
- Flaherty AF (2016) Indigenous land rights and self-determination in Botswana. *Indigenous Policy J* 27(1):1–13

- Garekae H, Lepetu J, Thakadu OT (2020a) Forest resource utilisation and rural livelihoods. *S Afr Geogr J* 102(1):22–40
- Garekae H, Lepetu J, Thakadu OT, Sebina V, Tselaesele N (2020b) Community perspective on state forest management regime and its implication on forest sustainability: a case study of Chobe Forest Reserve, Botswana. *J Sustain For* 39(7):692–709
- Hitchcock RK (2020) The San of Southern Africa – among the Bushmen, nature is appreciated, respected, honored and revered. *Rural Communities Livelihoods*, pp 2–4
- International Labour Organisation (2017) Indigenous peoples and climate change: From victims to change agents through decent work. Available at [wcms_551189.pdf \(ilo.org\)](https://www.ilo.org/wcms_551189.pdf)
- Ituarte-Lima C, McDermott CL (2017) Are more prescriptive laws better? Transforming REDD+ safeguards into national legislation. *J Environ Law* 29(3):505–536
- Kgathi DL, Ngwenya BN (2005) Community based natural resource management and social sustainability in Ngamiland, Botswana. *Botswana Notes Rec* 37:61–79
- Khaine I, Woo SY (2015) An overview of interrelationship between climate change and forests. *For Sci Technol*:11–18
- Knoetze JJ, Hambira R (2018) Basarwa in Botswana: the role of perceptions and name giving by other population groups in enduring poverty. *Studia Historiae Ecclesiasticae* 44(1). <https://doi.org/10.25159/2412-4265/3154>
- Korhonen-Kurki K (2019) What drives policy change for REDD+? A qualitative comparative analysis of the interplay between institutional and policy arena factors. *Clim Policy* 19(3): 315–328
- Lange M, Mahoney J, vom Hau M (2006) Colonialism and development: a comparative analysis of Spanish and British Colonies. *Am J Sociol*:1412–1462
- Leventon FK (2014) Delivering community benefits through REDD+: lessons from Joint Forest Management in Zambia. *For Policy Econ* 44:10–17
- Long A (2013) REDD+, adaptation, and sustainable forest management: toward effective polycentric global forest governance. *Trop Conserv Sci* 6(3):384–408
- Magole LI (2009) Common pool resource management among San Communities in Ngamiland, Botswana. *Dev South Afr* 26(4):597–610
- Makinda SM (1966) Sovereignty and international security: challenges for the United Nations. *Glob Gov*:149–168
- Mbaiwa JE (2015) Community-based natural resources management in Botswana. In: van der Duim R, Lamers M, van Wijk J (eds) *Institutional arrangements for conservation, development and tourism in Eastern and Southern Africa: a dynamic perspective*. Springer, pp 59–80
- Mbaiwa JE, Stronza AL (2010) The effects of tourism development on rural livelihoods in the Okavango Delta, Botswana, pp 635–656
- Milne S, Mahanty S, To P, Dressler W, Kanowski P, Thavat M (2019) Learning from ‘actually existing’ REDD+: a synthesis of ethnographic findings. *Conserv Soc* 17(1):84–95
- Miranda LA (2012) The role of international law in intrastate natural resource allocation: sovereignty, human rights, and peoples-based development, pp 785–840
- Mogomotsi GJ, Mogomotsi PK (2020) Recognition of the indigeneity of Basarwa in Botswana: Panacea against their marginalisation and realisation of land rights? *Afr J Int Comp Law* 28(4): 555–576
- Mogomotsi GE, Mogomotsi PK, Gondo R, Madigele TJ (2018) Community participation in cultural heritage and environmental policy formulation in Botswana. *Chin J Popul Resour Environ* 16(2):171–180
- Mogomotsi PK, Stone LS, Mogomotsi GE, Dube N (2020) Factors influencing community participation in wildlife conservation. *Hum Dimens Wildl* 25(4):372–386
- Molosi-France K, Dipholo KB (2017) Assessing the role of local institutions in participatory development: the case of Khwee and Sehunong settlements in Botswana, p 181
- Ng’ambi SP (2015) Permanent sovereignty over natural resources and the sanctity of contracts, from the angle of *locum cessans*. *Loyola Univ Chic Univ Law Rev* 12(2)

- Northcott HA (2012) Realisation of the right of indigenous peoples to natural resources under international law through the emerging right to autonomy. *Int J Hum Rights* 16(1):73–99
- Nthomang K (2004) Relentless colonialism: the case of the Remote Area Development Programme (RADP) and the Basarwa in Botswana. *J Mod Afr Stud* 42(3):415–435
- Pereira R, Gough O (2013) Permanent sovereignty over natural resources in the 21st century: natural resource governance and the right to self-determination of indigenous peoples under international law. *Melbourne J Int Law* 14:451–495
- Phillips JS (2015) The rights of indigenous peoples under international law. *Glob Bioethics* 26(2): 120–127
- Robinson EJ, Albers HJ, Meshack C, Lokina RB (2013) Implementing REDD through community-based forest management: lessons from Tanzania. *Nat Resour Forum* 37(3):141–152
- Satyal P, Corbera E, Dawson N, Dhungana H, Maskey G (2019) Representation and participation in formulating Nepal's REDD+ approach. *Clim Policy* 117:102203. <https://doi.org/10.1016/j.forpol.2020.102203>
- Twyman C (2000) Participatory conservation? Community-based natural resource management in Botswana. *Geogr J* 166(4):323–335
- UNFCCC (2011) The Cancun Agreements: outcome of the work of the Ad Hoc Working Group on long-term co-operative action under the convention. United Nations Framework Convention on Climate Change
- Wunder S, Duchelle AE, de Sassi C, Sills EO, Simonet G, Sunderlin D (2020) REDD+ in theory and practice: how lessons from local projects can inform jurisdictional approaches. *Front For Glob Change* 3(11):1–17

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