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Land Governance in Botswana

Johnson Kampamba¹, Simon Kachepea², Loyd Sungirirai³, Carrington Nyendwa⁴, Phenyo Mpolokang⁵, Milidzani Majingo⁶

¹University of Botswana Kampambaj@mopipi.ub.bw

²University of Botswana Simon.Kachepea@mopipi.ub.bw

³BA ISAGO University, loyd.sungirirai@baisago.ac.bw

⁴BA ISAGO University, chonanga@gmail.com

⁵University of Botswana, phenyo.mpolokang@mopipi.ub.bw

⁶University of Botswana, Milidzani.Majingo@mopipi.ub.bw

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List of Abbreviations

| | |
|--------|---|
| GDP | Gross Domestic Product |
| GLG | Good Land Governance |
| LA | Land Administration |
| LAPCAS | Land Administration Procedures and Capacity Systems |
| LG | Land Governance |
| MIH | Ministry of infrastructure and Housing |
| MLMWSS | Ministry of Land Management Water and Sanitation |

Part A: Description of the Land Governance Framework

1 Country Information

Botswana is a semi-arid, sparsely populated country with a surface area of about 582,000 km² and is situated in Southern Africa. As a landlocked country, it shares borders with South Africa, Namibia, Zambia and Zimbabwe. Due to its semi-arid conditions, the majority of Botswana's population lives in the Eastern part of the country where the soils are fertile and periodical rainfall that is able sustain agricultural activities (Adams & Kalabamu, 2003). It was declared a protectorate in 1885 and the colonialists pursued policy of indirect rule that involved minimal interference in internal governance and customary law (Adams & Kalabamu, 2003).

1.1 Population and GDP

The population of Botswana grew rapidly from 1971 to 1981 at an annual growth rate of 4.6 percent (Statistics Botswana, 2017). The annual inter-censal growth rate decreased from 4.6 percent during the 1971 and 1981 inter-censal period to 1.9 percent during the 2001-2011 periods (Statistics Botswana, 2017). The proportion of urban population has increased quite rapidly from 42 per cent in 1990 to 64 per cent in 2011 (Statistics Botswana, 2011), resulting from a combination of population growth in urban areas, as well as area re-classification and migration.

Like any developing nation, the country is facing many development challenges such as the high unemployment rate - at 17 percent in 2011 (highest among women and youths estimated at between 30 percent for women and 35 percent for youth respectively), significant pockets of poverty (20 percent) of households in 2011, a mineral dominated economy with limited diversification, a small and relatively less skilled work force and small industrial base and large volumes of imports with associated inflation (Republic of Botswana, 2017).

Further, the country has a relatively young population with associated challenges both in the delivery of tertiary education and subsequent skills profile to enable attainment of national development goals and provision of the broader development agenda (Republic of Botswana, 2017).

Gross Domestic Product (GDP) per capita was estimated at USD 7,726 by 2014 (Statistics Botswana, 2014). Botswana's income distribution however, is highly skewed, as shown by a Gini Coefficient of 0.61, signifying highly unequal income distribution; and high levels of rural poverty. According to AFDB, OECD & UNDP (2015) the population living below poverty accounted for 30.6 percent in 2002/03 and declined to 19.3 percent in 2009/10 while the population living under extreme poverty declined from 23.4 percent to 6.5 percent.

Figure 1: Botswana Orientation



Source: world atlas.com

Table 1 below comprises the number of land parcels in urban and rural areas. Data for number of parcels in rural is not readily available.

Table 1: Number of land parcels in urban and rural areas

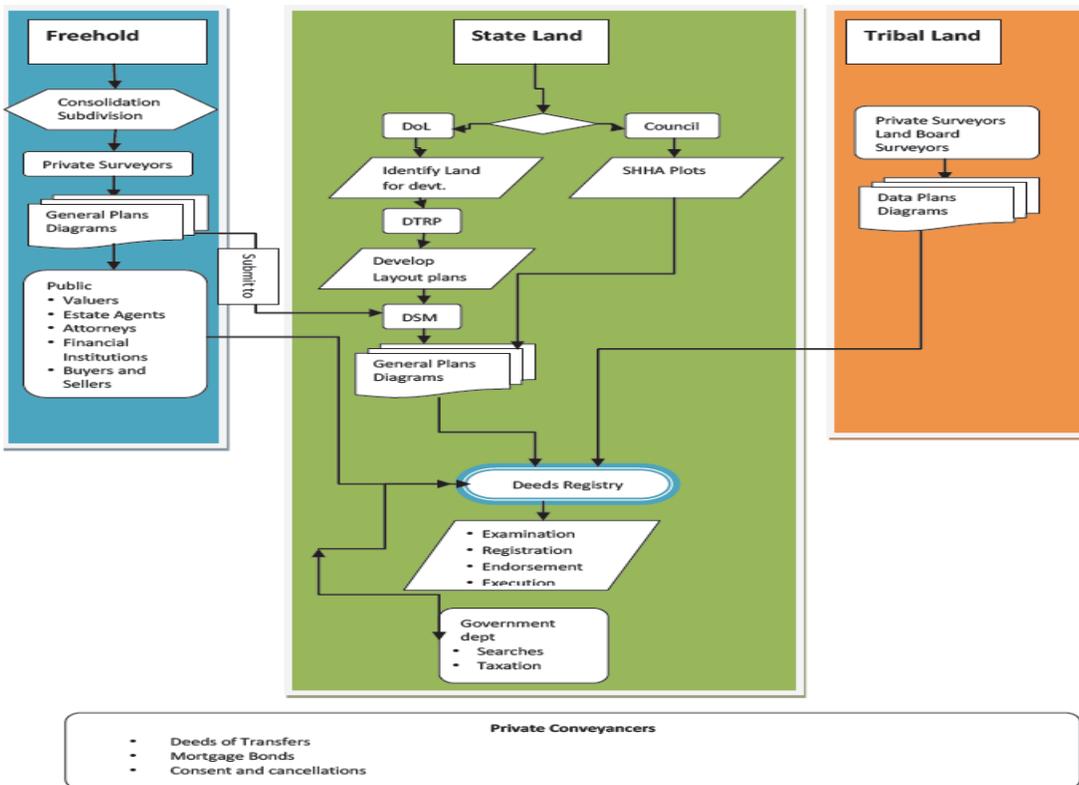
| Urban | Number | Rural | Number |
|---------------|----------------|------------|---------------|
| Gaborone | 75,000 | Central | Not available |
| Francistown | 29,000 | South East | Not available |
| Selebi-Phikwe | 9,000 | Kgatleng | Not available |
| Lobatse | 4,500 | Kweneng | Not available |
| Jwaneng | 3,500 | North East | Not available |
| Sowa | 2,000 | Chobe | Not available |
| Ghanzi | Not available | Bamalete | Not available |
| Kasane | Not available | Borolong | |
| | | Kgalagadi | |
| Total | 123,000 | | |

Source: Valuation Rolls (MLGRD, 2008)

2 Institutional Framework on Land Governance and Administration

Figure 1 below is an illustration of the three land tenure systems in Botswana (Tembo, Kampamba, & Nkwae, 2014). Tribal land is the largest with 73%, then follows state land at 24% and lastly freehold land at 3% land (Malatsi & FINNSTRÖM, 2011). The state land and freehold land tenures are administered by Department of Lands and Tribal land by the Department of Land Boards both under the Ministry of Land Management, Water and Sanitation Services.

Figure 2: The three land tenure systems in Botswana



Source: (Tembo, Kampamba, & Nkwae, 2014)

3 Legal Framework on Land Tenure

3.1 Tenure regime.

Upon attainment of independence in 1966, the then prevailing land tenure systems were largely retained albeit for changing their nomenclature as well as introducing specific legislation

to back each tenure system. Native reserves were renamed tribal land and the Tribal Land Act (CAP 32:02) was enacted in 1968 and became operational in 1970 (Tribal Land Act, 1968).

Crown land was renamed State land and the State Land Act Cap 32:01 was enacted in 1966 to support the administration of the said tenure type. Freehold (which accounts for 3% Of the total land mass in the country) still remained under the management of the respective allottees. The only control which government has over such land is through the Land Control Act (Cap 32:11) which was enacted in 1975 to regulate the transfer of freehold agricultural land to non-citizens (Republic of Botswana, 2013)

Enactment of the Tribal Land Act removed the administration and allocation of tribal land from the authority of chiefs and vested such duties on autonomous bodies known as Land Boards. There are twelve (12) main Land Boards in the country which are assisted by thirty-nine (41) Subordinate Land Boards for the purpose of administering Tribal Land. Tribal land accounts for 71% of the total land mass of the country. (Ministry of Lands and Housing, 2013). Section 13 of the Tribal Land Act stipulates the functions of a Land Board as follows:

- The granting of rights to use any tribal land
- The cancellation of the grant of any rights to use tribal land; including cancellation of rights granted prior to establishment of land boards
- Imposition of restrictions on the use of tribal land
- Hearing of appeals by any aggrieved entities concerning decisions made by the subordinate land boards; confirming or setting aside such decisions

To ensure that the grievances of those whose cases are handled by the main land boards are properly ventilated, a Land Tribunal has been established; this is a land court whose rules of operation are a bit relaxed compared to those of normal courts of law. Those who are aggrieved can appear in person before the court.

It is apparent from the above functions that no entity can acquire any tribal land rights anywhere in the country without being granted such rights by a Land Board. Any citizen who requires land has to make an application for land to the land board and as long as the land being applied for is not under any occupation by anyone else, the land board does allocate such land to the applicant.

Land allocated by land board is allocated free of charge to citizens. The allottee would be issued with a customary grant certificate which guarantees that the land “ownership” shall be perpetual as long as the allottee remains in occupation of same. It is noted however that the ultimate ownership of the land vests with the land board which holds the land in trust for the community. This effectively means that if an allottee no longer needs the land for the purpose for which it was allocated to him or her, the land reverts to the land board for re-allocation to others in need of the land.

The State Land Act on the other hand vested the land on the President of the country. State land accounts for 26% of the land mass of the country. The President has in turn assigned the responsibility for administering and allocating state land to the Minister responsible for land matters within his government. The day-to-day administration of State Land is however under the control of the Department of Lands which is an organ under the Ministry of Land Management, Water and Sanitation Services. State land is allocated to those who apply and qualify to be allocated same on either a 99 year or 50 years Deed of Fixed Period State Grant (DFPSG).

Land which is allocated to residential purposes to citizens is allocated on a 99 year FPSG. Land which is allocated for commercial use or residential use which is allocated to companies or non-citizens is allocated on 50 year DFPSG. Every citizen who is above the age of 18 years is free to apply for land in Botswana.

A price which is normally equivalent to the apportioned cost for servicing the land is charged for each plot in the case of state land. Land held under DFPSG is saleable, provided it has been developed to the specified development covenant as stipulated upon allocation.

3.2 Land Registration

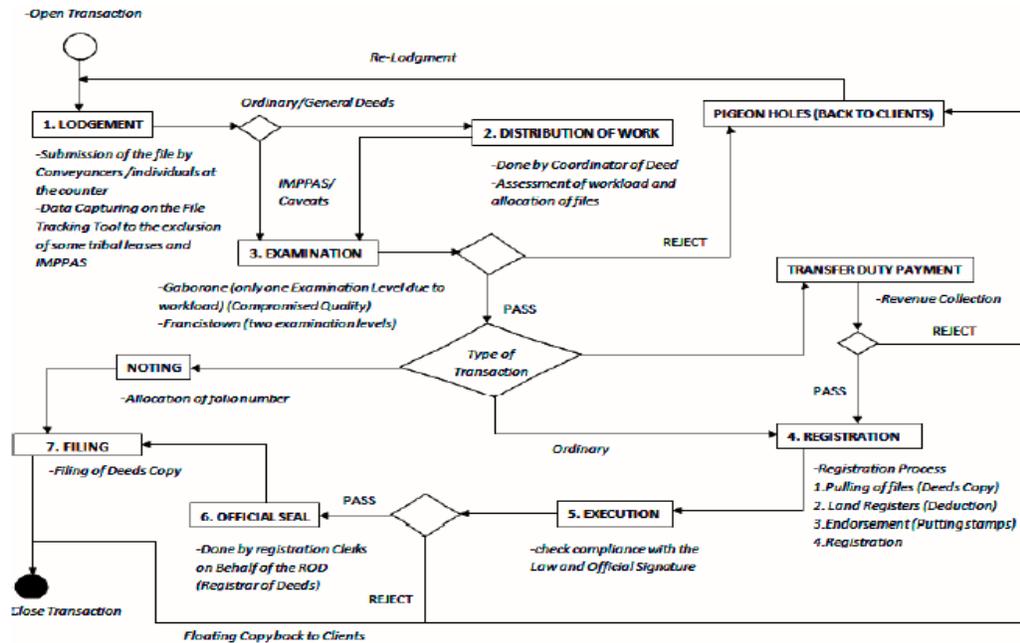
Botswana has adopted a Deeds Registry System (operated under the Deeds Registry Act) for the purpose of recognizing land rights which had been formerly allocated to specific entities. The Deeds registry system presently caters for Freehold land as well as State Land tenure held land. This is mainly due to the fact that land held under these tenure types are surveyed to cadastral standards. As indicated earlier on, upon being allocated state land, the allottee is issued with a fixed period state grant title which is registrable at the Deeds Registry. The title is transferable to a third party, as long it has satisfied the development covenant as stipulated upon allocation.

Tribal land which forms the bulk of land in the country is currently not formally registered at any central repository like the Deeds Registry. Copies of customary grant certificates issued by each respective land boards are kept by the said bodies. As most land in tribal areas is not surveyed to cadastral standard most of the land is not registrable at the Deeds Registry hence such pieces of land are not mortgageable. Land within tribal areas can only be used as collateral when it has been surveyed and the customary grant converted to a common law lease which can then be registered at the Deeds Registry. A common law lease runs for a period of 99 years if the land is for zoned residential use and is held by a citizen. On the other hand if the land is zoned commercial or residential but the common law lease being held by a non-citizen or a company the lease period is for 50 years.

The government of Botswana has since 2009 embarked on the Land Administration Processes, Capacity and Systems (LAPCAS) which is aimed at ensuring that all land in the country is registrable (Malatsi & FINNSTRÖM, 2011; Tembo, Kampamba, & Nkwae, 2014). The project is

aimed principally at surveying tribal plots to cadastral standard in order to ensure that such plots could be registrable at the Deeds Registry. Figure 2 below is an illustration of the registration process at Deeds (Tembo, Kampamba, & Nkwae, 2014).

Figure 3: Deeds registration process



Source: (Tembo, Kampamba, & Nkwae, 2014)

3.3 Enforcement of land rights.

Towns in Botswana are established on state land hence all plots that are carved from the land are registrable at the Deeds Registry. An owner of a piece of land does hold title to the land in question. In rural areas most pieces of land are not formally registered but users of such pieces of land who have been formally allocated same by the land board would hold a customary grant certificate which authorizes them to remain on the land perpetually as long as they are utilizing for the purpose for which it was allocated. Land is allocated to the respective users based on a sketch plan which has approximate dimensions of the plot allocated.

Land falling within the tribal area which has been reserved for communal use is roughly demarcated using permanent features such as rivers or fences; for example the land which falls to north of the river is communal land. There were no exclusive usage rights in communal areas; land resources here are considered to be common property for the benefit of all group members.

3.4 Expropriation.

Section 8 of the Constitution of Botswana does guarantee the property rights of any owner of property within the country. To this effect it indicates that ‘no property of any description shall be compulsorily taken possession of unless it is required for public purposes and that where such property is taken for public purposes prompt and adequate compensation shall be paid’.

To ensure that the above pledge is implemented, specific legislations have been enacted to for compulsory acquisition of land under each tenure type. In those cases where tribal land is required for public use the Minister responsible for land matters is empowered under S.32 of the Tribal Land Act to serve notice on the occupant of same to vacate the land. Any person who is required to vacate land under the provisions of section 32(1) may be granted the right to use other piece of land, if available, and shall be entitled to adequate compensation from the State. The following are the items for which a person whose land has been expropriated is compensated;-

- The value of any standing crops taken over by the State;
- The value of any improvements effected to such land, including the value of any Preparation or clearing of land for agricultural or other purposes;
- The costs of resettlement; and;
- The loss of right of use of such land (this come into effect if alternative land has been availed).

The basis for determining the compensation due in respect of the improvements is market value or substantiated costs incurred.

In the case of state land or freehold land which is required for public use the President is empowered under Section 3 of the Acquisition of Property Act (CAP 32:10) to acquire such land. The Minister responsible for land matter is delegated by the President under Section 5 of the said Act to serve notice of intention to acquire on the owner of the property which is required for public use. If the owner of the land is willing to have the land acquired by the state then the market value of same is independently determined and the owner is duly compensated. Only if the owner is not agreeable to the acquisition it does become necessary to serve an additional notice after a period of two months subsequent to the notice of intention to acquire the land which entitles the state to take possession of the land which is required for public use.

Subsequent to the state taking over the land/property, a Board shall be constituted to assess adequate compensation to be paid to the expropriated person. In determining such compensation the Board shall have regard to the following issues:

- The market value of the property at the date of service of the notice of acquisition
- The reasonable expenses if any, incidental to any change of residence or place of business which become necessary as consequence to the acquisition

- The damage if any, caused by the reason of the acquisition injuriously affecting any other property of such a person.
- The damage in any resulting from severing the land from any other land belonging to the expropriated person.

3.5 Equity and non-discrimination.

Access to land in Botswana is fairly equitable. As has been noted all adult citizens (male or female) are entitled to apply for tribal land at any place of their choice. The land is allocated free of charge to any successful applicant hence there is no barrier to accessing tribal land.

In the case of state land whilst every citizen is entitled to apply for the land, the limiting factor is that there is a price attached to each plot. Those without the financial means (normally the youth and to some extent women) to find themselves at a disadvantage.

Freehold land is accessed through the market. Only those with financial muscle can acquire freehold land. The price for such land is relatively high as it reflects the short supply of same. The land represents only 3% of the country's land mass.

3.6 Land markets.

The different tenure types have varying land markets. Freehold land is virtually market driven as there are no restrictions on selling such land. The highest land values in the country are achieved under the said tenure type. The only restriction under this tenure type is when freehold agricultural land is being sold. In accordance with Land Control Act the seller has to advertise the land for three consecutive months and at the end of the period has to seek permission from the Minister responsible for land matters if the highest bidder or only respondents to the advertisement are non-citizens. The Minister can only grant his permission to sell to a non-citizen if there is no citizen whose price matches the price being offered by a non-citizen.

State land is freely saleable as long as it has been fully developed in accordance with the stipulated development covenant which was specified upon its allocation. The land can be utilized as collateral to secure loans if necessary.

Whilst tribal land could be leased by the holder of the customary grant it cannot however be freely sold in the market. Tribal land is not for sale unless the customary grant has been converted into a common law lease and the land surveyed and registered at the Deeds Registry. In those cases where the holder of a customary grant wishes to sell his improvements, such a sale has to be sanctioned by the land board. The sale has to be to another citizen as the land board would need to transfer the land directly to the buyer of the improvements. It is clear from the foregoing that the market for tribal land is rather restricted.

4 Land Dispute Resolution

4.1 Assignment of responsibility.

According to (Burton, 1990) dispute resolution is when parties to disputes are brought together in a face to face analytical dialogue, facilitated by a third party. Inevitably they soon discover that they have the same ultimate goals. Once it is discovered that goals are held in common, the stage is set for a search for means that satisfy all parties to dispute.

For tribal land, Land Boards serve as an initial forum to hear disputes and complaints. The Tribal Land (Establishment of Land Tribunals) Order of 1995 provides for the establishment of tribunals to hear appeals of decisions made by the Land Board. The tribunal is a three-member team chaired by the president. The tribunal proceedings are open to the public, and parties may appear with or without separate representation. Parties can appeal the decision of the Land Tribunal to the High Court.

The Land Tribunal

The Land Tribunal was established after a determination was made by the Government of Botswana that land issues were on the rise because of a high demand for land, which was gradually becoming scarce. The land tribunal is a court of law whose mandate is adjudication on appeals against and enforcement of land boards' decision on the use of tribal land. Furthermore, the land tribunal was established by an act of parliament (Tribal Land Act Cap 32:02). Under the Tribal land Act, the Land Tribunal can hear appeals from matters arising from the use of tribal land and its administration by officials.

The High Court

This is the court that lies between the Magistrate Court and the Court of Appeal. It was created as a superior court of record with, unlimited original jurisdiction to hear and determine any criminal and civil cases under any law. This means therefore, that the doors of the High Court are open for cases of all types, from family matters to land disputes and/or conflicts.

The Court of Appeals

The Court of Appeal is the apex Court, the highest and final court in the land. The Court is the final arbiter of all legal matters in Botswana. Currently, there are eight expatriate Judges of the Court of Appeal, drawn from different parts of the Commonwealth. This has enriched the court and brought diversity and dynamism in the court.

4.2 Conflict management

4.2.1 Alternative Dispute Resolution Centre of Botswana

The Alternative Dispute Resolution Centre of Botswana provides alternative dispute resolution services such as mediation for legal, commercial, civil, political, domestic issues and land

related matters. ADR is a mediation process that allows parties to a dispute find a quick solution with the assistance of a neutral third party, without going through the costly and lengthy court process. The Alternative Dispute Resolution Centre of Botswana strives to ensure justice is dispensed timeously and fairly. Cases of all kinds, be it land related, commercial or civil have been taking time to be resolved in the courts and ADRCB will go a long way in helping to dispose of cases or anything getting them ripe for the court process. ADRCB aims to provide an integrated approach to resolving conflicts, by consolidating the different alternative dispute resolution services.

4.3 Customary Arbitration/ Traditional Dispute Resolution

It is worthwhile to note that even before the advent of colonialism and establishment of the modern state in Africa, pre-colonial societies, Botswana included had indigenous or their own ways and means of settling their disputes. These mechanisms included mediation and arbitration though not described then as such. These means were preferred because of their capacity to promote cohesion even after disruptive disputes.

4.3.1 The Botswana Kgotla System: A Mechanism for Traditional Conflict Resolution In modern Botswana

Before Botswana gained independence in 1966, a form of governance (bogosi) existed in the Tswana society (Molen, 2004). The Kgotla became the main core institution among the local tribes. In each tribal community there were and are still various Kgotla hierarchically organized with the Kgosi being the leader. The Kgotla as a traditional system was and still is an institution serving as a forum for policy formulations, decision making, including political and economic developmental activities and judiciary on litigations. Traditionally, a counsel of advisers mostly from royal relatives assisted the chiefs as leaders of the Kgotla.

The Kgotla institution continues to play a vital role in modern Botswana in regard to addressing conflicts arising from within and between communities. The Kgotla institution pioneers serious and candid consultation for the community or society at large as well as enriches a solid pattern of interaction at the village or town Kgotla. Basic human values of sociability, respect, and inclusiveness are portrayed in a way which makes proceedings take social significance far exceeding that of the adjudication of petty individual cases.

Informal justice system is the dispute resolution mechanism falling outside the scope of the formal justice systems. It refers to the localized approach by communities to attain justice. This differs from formal justice systems which involve; civil and criminal justice and also includes formal state based justice institutions and procedures, like police, prosecution, courts and custodial measures. Traditional justice is a component of the informal justice systems which is usually culture and community specific. Every society that forms informal justice system does so in relation to their individual pattern of social ordering of cultural norm (Lampe & Kaplan, 1999).

4.3.2 Advantages

The various advantages of the traditional dispute resolution mechanisms include but not limited to: The increase in the access of marginalized groups to a framework within which solutions to their conflicts emerge as a result of a participatory consensual approach between disputants; Less abuse of discretion due to the more predictable application of rules to resolve a conflict; Lower users' direct cost of solving disputes; The provision of more transparent procedures and management of disputes than offered by the courts; The provision of enhanced options available to the public and businesses to resolve disputes away from the undue influence exercised by the "powerful" on judges' final rulings; and finally the provision of better practices and mechanisms oriented to serve the interests of citizens through a "fairer resolution of the case" than offered by civil courts (Carpenter & Kennedy, 1988)

4.3.3 Disadvantages

Although there are many interpretations surrounding the customary law definition, in accordance with the Botswana system; customary law is defined as: "traditional norms, values, habits and other principles which have been associated with the various ethnic groups" (Molokomme, 1994). Customary law is therefore, used where the Kgotla system exists.

In tribal groups where Kgotla do not exist, the customary law cannot be constituted nor could such communities use it within their localities. The customary law is non-existent in those communities without the Kgotla. The Kgotla is the only traditional recognized court where the rule of customary law is used. Although there were other communities in Botswana such as Basarwa (the San), which did not have Kgotla, the customary law was not in existence.

Tswana customary laws cannot be traced to any simple declaration or proclamation; it was by and large based on the Tswana custom - in other words custom could be said to be the basis of the law. At times there is no authority to implement decisions made. Sometimes their solutions are not sustainable; Corruption may play part hence biased decisions; Arbitrators usually lack qualification/professionalism in tackling the dispute due to poor training; Even if there are documents or evidence, they do not consider them.

5 Valuation and Taxation.

5.1 The principles and processes for different kinds of valuation and taxation.

Tax is traditionally associated with the local government. Property taxation is pervasive as virtually all local governments the world over rely to some extent on property taxation (Arnott, 2006). Property tax is levied on land and/or improvements which are, to a large extent, visible and immovable, easily identifiable, broad based, ever appreciating in value, relatively easy to determine and administer. These attributes have endeared property tax to various governments the world over for both fiscal and/or non-fiscal purposes.

There are various techniques that are used regarding assessment of value of a property as well as how to approach valuation. Determination of value for property is mainly based on market value or area.

According to Monkam (2011), a value-based system can be based on either capital value or rental/annual value. The capital value can be based on land only, improvements only or land and improvements (together or separately). The value-based system is generally based on the market value of the property or a specified percentage of the market value.

The market value system makes sure that there is uniform, fair, transparent and understandable. By basing the values on the market value of the properties, improvements and locational characteristics such as parks, transport systems and proximity to amenities is taken into account. This is not the case with an area-based system where the size is the only factor being considered. Furthermore, this kind of system can be considered to discourage people to invest in their properties, since one has to pay more in tax if the value of the property is increasing. A capital value-based system can apply the following methods when determining a market value: the comparable sales method, the cost method or the income capitalization method.

Land value taxation can also be argued to decrease the level of inequality, but there are always issues of fairness with every change in taxation policies. Because members of society have made decisions based on policies that were used in the moment of decision making, the outcome with a different policy might differ and the ethics of it must be taken into consideration (Bourassa, 2009).

Bourassa (2009) further stated that, although the economic principles behind land value taxation seem clear, there is no consensus of its working in a modern society. Most taxes are levied on flows of income and of expenditure. Land and property have also been taxed for centuries and they still contribute an important part on tax systems around the world. The most important benefit of taxing land and property is that it has only a small effect on human behaviour.

The supply of land and property is quite unresponsive to its price and thus there is no significant distortion. Also the owner of land and property is easily identified so the tax is easily pointed to the right person. Land and property are usually seen as a unit and the tax is in most countries levied both to the value of the property and to the land in which the property stands

on. Those can be separated to be able to concentrate on taxing solely the value of the land. There has been a consensus among economists about the efficiency of land value tax. The supply of land is fixed and is not affected by the introduction of a tax. Because people would not be willing to pay more, the tax would reflect as lower prices all together. The owners of the land during the time a land value tax is introduced would suffer a windfall loss in the value of the land, but the incentive to buy, use or develop land would stay unchanged. Land is also fixed in mobility unlike for example capital and labour which makes the avoidance of land value tax difficult. Planning regulations do cause some elasticity in the supply of land. In Botswana it is specified by governments to which use the land is to be purchased. The price of land to be used in agriculture is usually significantly less expensive than business or residential use (Arnot, 2006).

According to (Borhart, 1994), land value capture is a method used to finance infrastructure projects. Land value capture finance has been used broadly around the world to finance transport projects and its importance is seen as the economic, social and environmental value that transport accessibility and land development planning together create. Areas with good transport opportunities tend to be valued higher those areas with poor opportunities. The impacts of large infrastructure projects such as building metro lines or new stations on land values near them have been reported comprehensively.

In Botswana, local authorities are empowered through the Township's Act (CAP 40:02) to raise revenue through charging property owner's ad volrem taxes in-particular property rates. These are taxes that are levied in relation to the value of property which is located within the Local Authorities' area of jurisdiction. The most common form of Ad Volrem tax in Botswana is property rates. Botswana has two cities namely Francistown and Gaborone and Six (6) townships; Sowa, Kasane, Jwaneng, Lobatse, Selebi-Phikwe and Ghanzi. Only four (4) townships have however, implemented property tax rates. According to Bond & Brown (2011), there are three main approaches to property taxation which are tax occupiers on; rental of property, tax capital value and value of the land only.

The first approach is rating and in English law it is tax on occupation and not on ownership. In Botswana, the Townships Act 40:02 suggests that a rate is a tax paid by property owners to the council for properties that fall within the boundaries of the council area and they are paid by property or plot owners in the town area whether developed or undeveloped. Rates are levied on ownership of property based on the capital value of land as well as improvements thereon.

There is however a general misconception that rates is linked to the services provided by the council as was seen in the case of Gaborone Phase 4 where residents vowed not to pay rates due to slow service delivery by the local council.

In Botswana, all classes of landed property are rateable (that is the ownership of such properties) with the exception of those listed under section 58 of the Town Council regulations of the Townships Act. Where there is no evidence of sales, the Valuer will be compelled to use other methods of valuation such as the cost or income approach. Regulation 56 of the town council regulations allows a valuation officer to seek from owner, occupier, or agent information that will enable the Valuer to make fair and reasonable assessment and the owner is therefore obliged to provide correct details of information.

6 Land Use Planning and Control

6.1 Land use planning framework and process.

Two reports are central to the evolution of Botswana's current physical planning system; the Ball Report of 1968 and the Heap Report of 1974. The primary task of the Ball Report was to develop a physical planning framework to compliment the national socio-economic planning. The focus was on planning legislation, procedure and machinery for consideration and implementing land use proposals, and the planning and development of tribal villages.

At that time, physical planning in Botswana was based on the Town and Country Planning Proclamation (T&CPP) of 1961, which was modelled on South Africa's Cape Province Townships and Town Planning Ordinance of 1935. The Ball Report identified some deficiencies, which rendered the T&CPP (1961) inadequate for guiding physical planning at the scale required by the post-independence developments in Botswana. In the process of coming up with a physical planning system, Ball used both the South African and British Planning Legislation as his models.

Responsibility for land management lies with the Ministry of Land Management, Water and Sanitation Services . Most of the ministry's responsibilities are performed through departments such as the Department of Town and Regional Planning, Department of Surveys and Mapping, Department of Lands and the deeds registry. Some responsibilities, however, have been devolved to local authorities (municipalities) to plan and undertake development control functions.

Other land use planning responsibilities have been delegated to decentralized central government agencies – the district administration headed by the district commissioner – to assist local authorities with the technical expertise for planning. The day-to-day management of the developing environment is the responsibility of local authorities while the Department of Town and Regional Planning is accountable for physical planning.

Planning in Botswana is generally centred on three statutes of law, which guide planning procedures and land use activities throughout the country. In 1962, four years prior to

Independence, the Building Control Code was introduced and it aimed to regulate all aspects of a construction project. The decade of the 70's witnessed Botswana; introduce two more Acts into law. In 1977, eleven years after Independence, the Town and Country Planning Act (TCPA) of Botswana was enacted into law. It was recently revised in 2013. This Act was enacted to make provision for the orderly and progressive development of land in both urban and rural areas and to preserve and improve the amenities thereof; for the grant of permission to develop land and for other powers of control over the use of land; and for purposes ancillary to or connected with the matters aforesaid. A year into the existence of the TCPA, the Development Control Code (DCC) was introduced to provide a set of regulations for consistent development in the declared planning areas and more flexibility in land use zoning.

The second document dealing with urban development in Botswana specifically in terms of detailed layout planning is the Urban Development Standards (UDS) of 1992. The standards deal with the arrangement and engineering infrastructure of an area and the site details such as roads, public facilities and utilities, open spaces and the sizes of different land uses within the settlement including open spaces. An important part of this document which relates directly to modernist planning is its adoption of the neighbourhood unit concept.

A third document necessary to aid the achievement of the desired future end state of the city is the Development Control Code. It is a set of planning regulations devised to control the planning and development of land use activities in planning areas. The code provides for the minimum compulsory requirements needed to accommodate infrastructure, firefighting and rescue, parking, loading and unloading, handling, storage, collection and disposal of refuse, open space, pollution control, access, mobility and comfort. An important part of this document that has links with modernist thinking relates to low density residential development.

Department of Surveys and Mapping handles the production of surveyed and approved maps, while the Department of Lands is responsible for land allocation and administration of state land (Mosha, 1996). A number of instruments guide urban planning, namely: the National Settlement Policy, 2004, National Policy on Land Tenure, 1985, Government Paper No. 1 of 1992 on Land Problems in Mogoditshane and Other Peri-Urban Villages, the 2015 Botswana Land Policy and several laws governing land use and planning. The laws include the Town and Country Planning Act, 1977; Immovable Property Act, 1967; Land Survey Act, 1959; Sectional Titles Act, 2003; and the Deeds Registry Act, 1960. These acts regulate land use planning in villages and urban settlements.

Other land use planning responsibilities have been delegated to decentralized central government agencies – the district administration headed by the district commissioner – to assist local authorities with the technical expertise for planning. The day-to-day management of the developing environment is the responsibility of local authorities while the Department of Town and Regional Planning is accountable for physical planning.

Physical plans for developing land are a critical part of land use planning. The Town and Country Planning Act (CAP 32:09) makes “... provision for the orderly and progressive development of land in both urban and rural areas and to preserve and improve the amenities thereof or grant permission to develop land and for other powers of control over the use of land...” (Republic of Botswana, 1980). Section 15 of the same act empowers the minister to declare areas of land in Botswana as planning areas, to which the provisions of the Act are applicable. According to the new Land Policy, the whole country will be declared a planning area, thus the provisions of the Town and Country Planning Act will be applicable to all land in Botswana.

6.2 Delivery of services

Land in Botswana is in three tenures being State Land, Tribal Land and Freehold Farms. State Land is allocated by the Department of Lands and this is only in 8 urban areas of Botswana (Gaborone, Francistown, Selibe-Phikwe, Jwaneng, Lobatse, Ghanzi and Kasane). Applications for state land residential plots are for free and only open to Batswana holding a valid Identification cards (*omang*) and above the age of 18. Commercial, Industrial and are allocated by way of Tender. The applicant of State Land must note that state land is not free.

The 12 Main Land Boards and their subordinate land boards (41) do allocation of tribal land in all the Villages in Botswana. The applicants are expected to fill Customary Land Rights form and submit to the land board in response to invitation to apply. In addition, 64 percent of the population in 2011 was urbanized. While census reports include urban villages in the urbanization change and growth of Botswana, the Township Act does not recognize villages as towns, no matter how big or urbanized they are (Moshia, 1996). Some villages in Botswana are bigger than legally recognized towns. For instance Molepolole village had a population of 66,466 in 2011 while the town of Selebi Phikwe had only 49,411 people.

As per the Botswana land policy document, one of the key objectives of the policy is equitable access to land and natural resources coupled with the protection of rights that flow from this access. It does not mention equality of access. All Batswana are entitled to a customary grant: one arable field per household, differing in size and according to district holdings of land, one residential plot per household and a fixed period state grant (FPSG) allocation (Ministry of Local Government, Land and Housing (MLGL&H), 2006: 11). It follows then that the land boards are mandated to allocate land on the basis of priority of application and determination of need. This invalidates any claim to tribal or primordial entitlement, a fact subsequently buttressed by the deletion of ‘tribesman’ from the TLA.

6.3 Development permits

The principal Act that governs urban planning is the Town and Country Planning Act, 2013 that replaced the Town and Country Planning Act, 1977. Physical planners in Botswana mostly deal with countryside parts, the so-called “Planning Areas”. It is because of the rules of the existing Town and Country Planning Act. This Act anticipates making development plans for “Declared Planning Areas” only. Land inside planning areas is normally transformed into state land, while

the land outside the planning boundaries can be communal (i.e. tribal) or in some cases a freehold. Issuance of planning permission is meant to ensure that all developments are done in accordance with central and local government policies, standards and procedures. After approval, the developments are inspected by the Building Control Committee members until completion and then issued with occupation permit.

The land development review and approval process is an important component of the risk and expense of a land use development project. In many areas of the country, development approvals have gone from taking a few months to two years or more (sometimes many more) years to obtain. This lengthy process is often also unpredictable, ties up builders' capital, and accumulates interest expenses and other carrying costs before even one shovelful of dirt is moved. Fees assessed on development also add directly to the cost of housing and often do not reflect the actual impact of the housing development on the community. Botswana's District Planning Handbook states that one of the aims of district development is to ensure that people are involved in rural development and that sustainable development is realisable through participatory planning. According to the Handbook, participation revolves around the idea that development is a process of defining and finding solutions to one's own problems (Republic of Botswana, 1997a: 44). Participatory planning credos are also evident in the country's rural development strategy.

Planning permission is a requirement for any development of land irrespective of ownership. To acquire planning permission, an application is lodged with the responsible planning authority operating in the area/settlement where the development of land is to take place.

6.4 Land use control

The Kgosi allocated plots in the past in line with customary law and the landowner had exclusive rights to the land. The people will have acquired their plots legally on the basis that the plots were allocated by the Kgosi, before the establishment of the Land Boards in 1970 and by the latter after this date. The net effect of these developments was that the residents of these areas operated a land market that attracted outsiders in need of accommodation, as well as land speculators, all of whom engaged in illegal transactions that resulted in the fragmentation of farmlands, virgin land, abandoned land and repossessed land. The establishing of district councils, who, in conjunction with the land boards, were charged with formulating policy for District Land Use Planning (Akira in Janney, 2010). These district councils and the land boards as agents of decentralisation by devolution are the most expressive of the local government system in Botswana.

The current land policy, which was adopted by the National Assembly in July 2015, prohibits the change of land use from arable to residential because the government has noted that trend, especially in the peri-urban areas (Republic of Botswana, 2015).

In a bid to ensure efficiency in land use control the departments in Ministry of Lands, the service delivery has been improved, boards no longer meet quarterly, but monthly, board committees had been established to deal with service delivery issue, decentralized common law leases, borehole applications and physical planning functions and offices across the country are open to the public over lunch hour. In July 2019 the government announced that it is permitting all big farms to be sub dividable.

6.5 Climate change and environmental management

Land use planning entails balancing socio-economic and environmental considerations for optimal utilisation of land. This will be achieved through preparation of integrated land use plans and settlement development plans. A review of all land related laws and policies is underway to formulate a comprehensive land policy, which will promote equitable land distribution and address land use conflicts, land pricing and land rights, as well as strengthen land management. Promoting inclusion of environmental and climate change aspects in spatial planning. The new Land policy of 2015 seeks a comprehensive approach as opposed to the piecemeal solutions proposed in the past. The policy also notes emerging challenges, among them globalization, economic diversification, rural-urban migration, environmental sustainability, and competing needs for social, economic and political harmony. The policy also discourages the practice of dual grazing rights in which someone is allocated a cattle ranch and, at the same time, owns a borehole in communal grazing areas. In addition, the policy discourages poor land management but this is not yet supported by any legal instrument. Finally, the Land Policy seeks to involve stakeholders in advising government on land issues and on change management.

The main instrument with a direct bearing on urbanization is the National Settlement Policy (NSP) of 2004. The National Spatial Plan (NSP) is a framework and strategy to influence the distribution of people and activities over Botswana's territory over a twenty-year period by guiding spatial development and investment decisions. The NSP is also a planning tool that aims to align the interventions of ministries, departments, agencies, private sector and civil society organisations. One of the concepts emerging from the National Spatial Plan Formulation process is an international green corridor. The green corridor will link protected areas and wildlife habitats in Botswana to create an integrated, contiguous green zone in which human settlements and wildlife habitats could be managed together.

7 Management of Public Land

7.1 Public land inventory

The world today faces many complex challenges including the adaptation and mitigation of climate change; rapid urbanisation; increased demand for natural resources; growing food, water and energy insecurity; increased natural disasters; and resolution of land conflict. Botswana is not exempted from these challenges. Government of Botswana (Zorkin, et al. 2017) recognizes that effective land management and land administration as a vital component for

the social well-being and long term economic development of the country. It is believed that a public land affects the quality of life for hundreds of millions of people throughout the world (Loomis, 2002). Despite a strong focus on improving land management policies and practices, there are a number of challenges that may hinder the government's commitment to and attainment of quality land administration in Botswana which may include policy implementation through different legislation, processes and procedures (i.e., Freehold, State Land and Tribal Land) leading to non-standardization and harmonization of land administration processes.

Many developed and developing countries have embarked on a thorough re-evaluation of the role of government in their societies (Zimmermann, 2008). There is a trend towards public-sector reform and delegation of decision-making over public land assets to local authorities. General principles for “good” asset management have been established that governments need to adopt in order to strengthen their public land management systems and enhance their efficiency and transparency.

The section of the paper will address current practices for public land management in Botswana. The first section of the paper provides overall definitions of land governance, public land administration and public land management. The paper then attempts to provide a snapshot of some of the interrelationship between the agencies responsible for land management and the land use classification.

Government of Botswana's commitment to good land administration is evidenced by the process of implementing an integrated electronic Land Information System (“LIS”). When implemented this LIS will address the country's needs in the short term, but will also have the capacity to grow as new land management policies and procedures are established in the future. World Bank (2017) further argues that the LIS will result in better harmonization, standardization and integration of reliable, cost effective and transparent land management processes in Botswana across the many government agencies involved with land management, and will improve the service delivery to the public. Governments manage land use through a variety of instruments. These include regulatory instruments such as legislation, regulations, permits, licenses, by-laws, and ordinances, and economic instruments such as subsidies, incentives, taxes, or grants. The following are descriptions of most used environmental policy tools.

Botswana regulations on land use are characterised by an overall framework law which mostly deals with the regulation of processes. Public land management has been categorized by many writers such as Loomis (2002) into the stated in the Table 1.

Table 2: The public land category under respective ministry

| Sno. | Category | Ministry Responsible |
|------|---|--|
| 1. | National parks and Wilderness (Safari) areas | Ministry of environment natural resources conservation and tourism |
| 2. | National Monuments, Heritage Sites and Museums | Ministry of environment natural resources conservation and tourism |
| 3. | National Recreation areas (parks) and open spaces | Ministry of Local Government and rural development |
| 4. | National Forest | Ministry of environment natural resources conservation and tourism |
| 5. | Grazing areas and Scenic Rivers | Ministry of Land Management, Water & Sanitation services |

7.2 Allocation of public land.

There are approximately 1.6 billion poor people living in forested lands worldwide, nearly 80 percent of which is considered public and state land (Franco, 2008). Considering protection of state and public land is an important issue for every national land administration because it is directly related with socio-economic development perspective and environmental sustainability of a country, Manandha et al. (2016). Botswana government has moved towards public-sector reform and delegation of decision-making over public land assets. It is an important aspect as management of state and public land directly supports poverty alleviation, food sovereignty, protection of animals, human rights and peace and security.

Public land refer to all land which is in control of the state i.e. government owned land and public lands. State and public land management is a critical factor for ensuring good governance in the land administration of a country. Thiel (2009), defined state land management as the management of all state and public land. However, there is normally ambiguity in influential roles and responsibilities, a lack of accountability or procedure in the systems of distribution, appropriation, disposal or use of state and public land, and a lack of information on state resources (Zimmermann, 2008).

7.3 National Parks

Over 80% of Botswana is part of the immense former desert known as the Kalahari. Botswana National Parks and Game Reserves are run by the Government through the Department of

Wildlife and National Parks (DWNP). The Ministry has five divisions dealing with parks, research, conservation education, management and utilisation, and community services.

Cap 38-01 of the Wildlife Conservation and National Parks Act of 11th December 1992 (Ministry of environment wildlife and tourism Botswana), provides condition to ensure that conservation and management of the wildlife of Botswana, giving effect to cites and any other international convention for the protection of fauna and flora to which Botswana is, from time to time, a party, to provide for the establishment, control and management of wildlife and parks and game reserves, and for matters incidental thereto (Government of Botswana, 2016).

Historically National Conservation Policies were formulated in the 1980s (Botswana Government....?), spawning the philosophy of 'Low Volume, High Returns'. This stood on critical fundamentals: a desire to avoid mass tourism and to maintain an exclusive, quality product; and a recognition that, at the time, the country lacked the human and system resources to manage the rapidly growing visitor numbers and thus would not be able to protect the resource. 'Raise the price, reduce the numbers,' went the thinking. This philosophy still holds.

The purpose of national regulation is to restrict human activities so that the land can be used without inflicting adverse effects on the wild life and national parks and good environmental conditions can be maintained. In addition, there needs to be monitoring of the regulatory system, to ensure that it is working as intended. As an example, Botswana produced the following provision in the Act on aspects of their regulatory system (illustrated below).

..... reserve or set aside any areas of such parks as breeding places for indigenous animals, and nurseries for indigenous trees, shrubs, plants and flowers.....

.....let sites for the erection of shops, hotels, restaurants or other buildings for the accommodation or recreation of visitors, to let sites to yachting clubs, boating clubs, boat wrights and persons plying boats for hire, and to control the manner in which such undertakings are carried on.....

..... authorize the killing or capturing of any animal, or the destruction or removal of any species of vegetation in the interest of the conservation of the fauna and flora of such parks, and of their management and control.....

..... Any person who kills, hunts or captures any animal in a national park shall be guilty of an offence and without derogation from his liability under any other provision of this Act shall be liable to a fine of P10 000 and to imprisonment for 7 years.

In order to achieve the provisions in the Act, the government of Botswana has restrictions to entry into the wildlife and national parks unless with permission from the ministry

under the supervision of the wildlife guides which is provided in the wildlife conservation policy. Wildlife conservation policy promotes wildlife preservation through protected areas (Game Reserves, National Parks and Sanctuaries) and conservation and utilisation of wildlife resources through gazetting of Wildlife Management Areas. Wildlife management areas are particularly meant to protect migratory routes and to act as buffer zones between Protected Areas and communal agricultural areas. Wildlife policy regulates hunting through a system of hunting quota and licences in Controlled Hunting Areas (CHAs) in order to reduce illegal hunting and protect species from excessive hunting.

7.4 National Monuments, Heritage Sites and Museums

Societies have always found ways of keeping in custody memories, objects and valuables that explain their existence, that is, their history, social structure, economic status, cultural beliefs, along with traditional institutions and their functions, and developments thereof (Kubaji, 1999). Like many other countries in the world, Botswana has diverse policies that incorporate sustainable land use and management of monuments sites, heritage sites and museums.

The Monuments and Relics Act No. 12 of 2001. The purpose of this Act is to protect archaeological and architectural monuments and sites, and cultural environments in all their variety and detail, both as part of Botswana's cultural heritage and identity and as an element in the overall environment and resource management. The following some important proviso;

Land on which a national monument is situated shall not be used for purposes other than the protection and preservation of the national monuments, without the Minister's prior written approval

No development of land within one kilometre of any national monument shall take place without the Minister's prior written approval, which approval shall not be granted unless the Minister is satisfied that; such development will not be incompatible with the preservation of the national monument; or it is in the national interest for such development to be undertaken.

The relevant land board, council or other land authority, as the case may be, for the area in which the national monument is situated, shall advise the Commissioner of any developments that are likely to interfere with the monument's integrity, setting or atmosphere.

These provisos are there for preservation and protection from interference on any national monument, and protected heritage area.

7.5 National Recreation Areas (Parks) and Open Spaces

Generally, an open space is any open piece of land that is undeveloped (has no building or other built structures and is accessible to the public and is provided by the Local Authorities. It is a land use zone for the provision of open area and recreation facilities for the enjoyment of

the general public. However, according to the Botswana Local Government Development Control Code (DDC) (2013) defines an “open space” as a zone designated area essentially free of structures that serves the purpose of visual relief and buffering from building and structural mass. These areas may be privately or publicly owned, and may or may not be accessible to the general public. Open spaces include but is not limited to parks, playgrounds, playfields, plazas, botanical gardens, fountains, reflecting pools and other bodies of water, walkways and non-buildable easements (Republic of Botswana, 2013).

Botswana open spaces are regulated by Local Government Act of 2012 and Town & Country Planning Act. It is the duty of the Council to protect and administer common land and open spaces. The Act further indicate that the council may execute this function through any other establishment of bodies, trust, and any other organ that Council may consider appropriate for the discharge of its functions. The Town and Country Act provides that the planning authority power to ensure that provision of open spaces as amenities must be made during development planning process. Part IV section 1 and 3(a-c) allows for allocation of land as a public or private open space for communal parks, for game or bird sanctuaries or for the protection of marine life Section 11 Sub section 3. The Acts promotes implementation of Government Affirmative Action, to ensure allocation is made for uses compliant with open space regulatory zone in order to preserve the open space land use zone and derive the optimal benefit of open space management.

These Acts are intended to guide the planning, development and utilization of open spaces by building up strategic action and direction when developing the open spaces. The guidelines are tailored to meet the needs of residents and seek to address current trends and emerging issues pertaining to the management of open spaces. This is a process involving the council, various stakeholders and the community at large.

7.6 National Forest

The Forestry Act (chapter 38:03): This Act provides regulation and protection and promotes sustainable management of forest resources in Botswana with a view to promoting local and national economic development, and securing biological diversity, consideration for the landscape, outdoor recreation and the cultural values associated with the forest.

There are no details regarding the country’s forest resources, especially outside protected areas. Most of the wooded land is mostly in communal rangelands. Bush intrusion is widespread in communal rangelands, leading to a reduction in tree species and an increase in shrubs. Nevertheless, a project for enhancing national forest monitoring system for the promotion of sustainable natural resources management (development of forest inventories is the core) is being undertaken by Ministry of environment natural resources conservation and tourism. However, protected areas such as Chobe Forests have an inventory and management plan in place which was prepared in 1993 by the Norwegian Forestry Society for the Ministry of Agriculture.

Forest management is done by the state in protected areas and management of wood resources in other wooded areas is largely absent. The Land Boards, District Land Use Planning units and the Agricultural Conservation Board are all involved, but there is no holistic, coordinated management approach. Forest areas are not identified and gazetted in communal area land use planning.

Botswana forests are regulated by Forest Act No.8 of 2005 and Forest Policy of 2011. The Act provides for better regulation and protection of forests and forest produce but it only focuses on areas designated as forest reserves and state land. The purpose of this Act is to protect biological, environmental and scenery diversity and ecological processes through conservation and sustainable use. This is to be done in such a way that the forest provides a basis for human activity, culture, health and well-being, now and in the future. However, the Act is constrained to address sustainable management of forests outside protected areas and how communities could effectively participate in the decision-making process and sustainable management of forests.

Botswana efforts in collaborating with other stakeholders in the plans development, strategies formation, techniques, policies formation and implementation and setting programmes regarding management and conservation of forests, the Department of Forestry and Range Resources is mandated to deal with forest issues. Botswana government through its forest conservation agencies promotes sustainable use and conservation of forests by offering grants to support eligible activities aimed at conserving, maintaining and restoring the forests of Botswana in accordance with the terms of the Tropical Forest Agreement, Forest Act, National Forest Policy and the Tropical Forest Conservation Order.

7.7 Grazing Areas and Scenic Rivers

The Tribal Grazing Land Policy improves guidelines on management of the rangelands and facilitates commercialization of cattle ranching. The policy divides tribal land into three land use categories, that is communal, leasehold and reserve land. The concern was that the three categories did not take into account protection of the wildlife resource. Wildlife management areas were then created as a land use mainly to provide wildlife corridors and buffer zones between commercial (ranches) and communal land areas.

Botswana's water sources consist primarily of surface water (in rivers, pans and dams of various sizes) and underground water in aquifers some of which are of a fossil nature with no recharge. All of Botswana's perennial rivers are shared with neighbouring countries (Central Statistics Office, 2009). Management of water resources are regulated by the national Integrated Water Resources Management (IWRM) plan, Water Act, Ch. 34:01 and Botswana national water policy. The plan promotes Water Sector Reform such as formulation of a national Water Resources Management Policy and capacity building for local authorities in water resources planning. The Objective of the National Water Policy is, therefore, to provide a national framework that will facilitate access to water of suitable quality and standards for the citizenry

and provide the foundations for sustainable development of water resources in support of economic growth, diversification and poverty eradication. Throughout the formulation and implementation of the National Water Policy three essential guiding and overarching principles are applied. These are: i) equity; ii) efficiency; and, iii) sustainability.

Access to water will be given in the following order of priority: (i) the basic requirements required for human consumption; (ii) the environment to ensure sustainable foundations for supporting the national interests; followed by (iii) arable and livestock use, commercial and industrial applications. All people in Botswana are responsible for the proper use and protection of the country's scarce and valuable water resources. Existing usage is monitored and analyzed to identify wasteful practices and their impact. Botswana national water policy has integrated the international legal framework and treaty obligations.

7.8 Allocation of public land, the process, purpose and rationale for allocating public land to private use

Sections of land policy provide general provisions allocation of public land in tribal and state land. The policy fails to provide provisions on transformation of public land to private land and as well as from private land to public use of land. However, the current practice is that public land allocation is done via rezoning. The government of Botswana through the Ministry of Land Management, Water and Sanitation Services and authorised bodies such as land sub land rezones the land, and then advertise for tender depending on the use. Residential use is allocated to the citizens as per the waiting list. The other use such as agriculture, commercial and industry done via tender. The public is allowed to tender and go through the tendering process until they award. The tender process was introduced to provide transparency.

8 Land Information

8.1 Public provision of land information.

Land information is important to all stakeholders in the land market and absolutely vital to the development of vibrant land markets. Making land information available in a timely and user friendly manner to the public is a *sine qua non* to the effective and efficient utilization of land resources. The role of public land institutions in this regard cannot therefore be overemphasized.

Therefore, public perceptions of these institutions as sources of valuable information on land and that the information is available, up-to-date and accessible at an affordable cost would play key roles in the dissemination of land information and improve on land management and administration. The role of land registries in this regard is particularly important and relevant data on land registration is provided below.

Land management and land administration are two interrelated concepts and rely heavily on land information to deliver on service provisions. Broadly defined, land management is the process by which land resources are put to good effect. It entails all the activities associated with the sustainable management of land and natural resources. Land administration is an integral part of land management regarded as the “process of determining, recording and disseminating information about the ownership, value and use of land when implementing land management policies” (UNECE, 1996).

The LAPCAS project started in 2009 as collaboration between the Ministry of Lands and Housing in Botswana and Lantmäteriet, the Swedish mapping, cadastral and land registration authority. This project started as a five- year project and it is still ongoing. To date, an estimated 880,000 of expected 900,000 plots have been surveyed, and details on ownership and land use also get confirmed in the process.

LAPCAS is an acronym based on the official name of the project, *Improvement of Land Administration Procedures, Capacity and Systems in Botswana*. The development objective is successful social and economic development of the nation, based on efficient, effective and transparent land administration. This indicates a holistic approach, which shows in the scope stretching over seven sub-projects (components):

1. Development of national standards for unique identifiers of land parcels and location addresses.
2. Improvement of land administration processes.
3. Computerization of the Deeds Register.
4. Systematic adjudication and registration of tribal (customary) land.
5. Improvement of IT operations and maintenance.
6. facilitated exchange and dissemination of information.
7. Building of capacity

Hence, the project is covering many crucial aspects of land governance, from management, administration, financial control and human resources to particular technical and legal issues. User needs, gender equality and transparency are main threads in all the work.

As for the land, adults are e.g. entitled to a free piece of rural land from the State upon request, but in reality this does not work in today’s society. In addition, many rural properties cannot be used as security for loans, which is an obstacle for development. A successful implementation of the LAPCAS project is a foundation for improving such matters, and, in the long run, the lives for the majority of the people living in rural areas.

LAPCAS’ components – Systematic adjudication and registration of tribal land – addresses this problem by improving the Land Boards’ record keeping and the basic information on who owns what and where and for what purpose. In short, the key factors are to involve the landowners and the local chiefs, as they are important stakeholders who rest on documents and knowledge missing at the Land Boards, and to keep the data capturing process simple regarding surveying etc.

The latest is that LAPCAS will be a permanent part of the Ministry of Lands and Housing to oversee the registration of all land and to continue to introduce further reforms.

10 Concluding remarks

Good land governance is vital for economic development and is often characterized by open, participatory societies, with transparent and accountable systems of governance. Good governance therefore, requires a political system that provides opportunities for all its citizens (Sebudubudu, Makepe, Montsi, & Bodilenyane, 2014). This may include: participation that ensures broad inputs in governance and development decision-making from all stakeholders; an effective system for the transfer of power and renewal of political leadership, competitive; free, fair and transparent elections; political, administrative and financial accountability; effective regulation, parliamentary oversight and auditing; transparency, predictability and availability of valid information about government decisions and performance, and public access to this information; ethical conduct of public affairs; effective public sector management with stable macroeconomic policy, effective resource mobilization and allocation systems; responsiveness to citizens (Kaunda, 2008).

Due to poor record-keeping, corruption and the demand for land, especially in the urban areas, there has been an increase of people on the waiting lists for land allocation in Botswana. For instance, in April 2015, the waiting list for Mogoditshane Sub Land Board stood at 143,000 and some of the applications applied as early as 1993 (Zorkin, Raphaka, & Nilsson, 2017). In March 2016, the Minister of Lands and Housing informed parliament that countrywide, they were '1,062,158 applicants on the waiting list as maintained and published by various Land Boards and the Department of Lands (Zorkin, Raphaka, & Nilsson, 2017). The delays in land allocation is attributable to limited private sector involvement due to lack of basic infrastructure, shortage of funds for the provision of services to available land, increase in development costs, encroachment of agricultural land, lengthy of the acquisition process through the process of expropriation as well as land speculation (Adams & Kalabamu, 2003).

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11. Identification of the key challenges to be addressed

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