Progress
Reformation of Land
Administration in Botswana

Presented at the FIG Working Week
Abuja, Nigeria
7 May, 2013
BC Malasi & Åke Finnström

Facts and Figures on Botswana

• Population 2 million
• Area 586,000 sq km
• Former British protectorate
• Rainfall; average 450mm per annum
Land Tenure before independence

Native Reserves

Crown lands
Freehold land

Land Tenure in Botswana

• Freehold land 5%
• State land (Crown) 25%
• Tribal land (Native) 70%
## Summary of tenures

<table>
<thead>
<tr>
<th>Tribal land</th>
<th>Freehold</th>
<th>State land</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ownership perpetual</td>
<td>Ownership perpetual</td>
<td>Defined lease period</td>
</tr>
<tr>
<td>Transferable (developments)</td>
<td>Transferable</td>
<td>transferable (remainder of lease, developments)</td>
</tr>
<tr>
<td>Inheritable</td>
<td>Inheritable</td>
<td>inherit*</td>
</tr>
<tr>
<td>Can hypothecate (if common law*)</td>
<td>Can hypothecate</td>
<td>Can hypothecate</td>
</tr>
<tr>
<td>No survey prior before disposal *</td>
<td>Survey before disposal</td>
<td>Survey before disposal</td>
</tr>
<tr>
<td>No planning prior to disposal *</td>
<td>Planning prior to disposal</td>
<td>Planning prior to disposal</td>
</tr>
<tr>
<td>Free grant</td>
<td>Market price</td>
<td>Cost recovery</td>
</tr>
<tr>
<td>Compensation based on improvements introduced</td>
<td>Compensation based on market</td>
<td>Compensation based on market</td>
</tr>
</tbody>
</table>

---

## Ministry of Lands and Housing departments (organisations)

- Dept of Surveys and Mapping
- Dept of Town and Regional Planning
- Dept of Lands
- Dept of Housing
- Dept of Technical Services
- LAND TRIBUNALS (2)
- Deeds Registry
- LAND BOARDS (12)

✓ Plus 41 subordinate Land Boards
PROBLEM TREE- LAND ADMINISTRATION IN BOTSWANA

Land administration processes and systems are not providing the services and information that society needs

FOCAL PROBLEM

NB: Yellow boxes-problems identified by seminar participants, May 2008, Gaborone.
Blue boxes- problems identified by MLH departments, May 2008
What is LAPCAS?

- Improvement of Land Administration Procedures, Capacity and Systems in Botswana
- It is a partnership project between Lantmäteriet (Sweden) and MLH (Botswana)
- It is about identifying opportunities for excellence in Land Administration
- Dealing with challenges of the times
- It is about facilitating the economy

LAPCAS has 7 components

1. National systems for unique referencing of parcels and addresses
2. Improvements of land administration processes
3. Deeds register computerization
4. Systematic adjudication on tribal land
5. IT operations and maintenance organization
6. Information exchange and dissemination
7. Capacity building
National system for unique referencing of land parcels and location addresses

Introduce plot numbers in all plots in the country, including villages, arable fields & agricultural holdings
- For use in land registration and parcel identification

**Progress**
- A system of unique plot numbering system proposed and being implemented

Developed a national location address system for both urban and rural areas (many role players)

**Progress**
- Pilot project ongoing in urban, peri-urban and rural areas

Improvements of Land administration processes

- A holistic approach to Land Administration
- A strategy developed including;
  - Business process reengineering
  - Organizational effectiveness
  - Legal changes required to simplify processes

**Progress**
- Strategy for the future LA in Botswana developed
- 7 processes standardized and work on overall land delivery process ongoing
- Proposal on an efficient structure of the Ministry of Lands and Housing proposed and under discussion
- Process of harmonizing of land laws ongoing, amendments proposed
- Use of all land, including customary, as collateral. This will be a boost for the economy
- Compulsory registration of all land
The Problem was...

That the various organisations and functions under MLH were not working as one entity

Instead of...

working together in a coordinated effort
to achieve commonly held MLH goals and objectives

A Helicopter Perspective on the LA
**Deeds register computerization**

*Introduce computerised deeds register*

**Progress**
- *Information on Deeds documents being captured*
- *Hardware and software for scanning in place*
- *On-the-job training ongoing*
- *Test scanning of title deeds ongoing in preparation for full scanning*

---

**Systematic adjudication/registration on tribal land (70% of all land)**

- Capture all plots (location, ownership & use) in the country
- Issue new certificates
- Sorting of Land Board records

**Progress**
- ✓ *Completed pilot in Matebele village*
- ✓ *Adjudication guidelines developed*
- ✓ *First phase of roll out (survey & collection of data) completed at 12 villages across Land Boards*
- ✓ *Roll out ongoing, targeting to complete all country by 2016*
- ✓ *Sorting of Land Board records ongoing*
Records to be sorted

To facilitate verification during adjudication there is need to sort and systematically arrange files now.
• To have easy access for retrieval

Aim of systematic adjudication/registration

Complete information on who owns what and where
Capturing of all plots

- Assigning standard plot numbers

IT operations and maintenance organization

- Developed new IT strategy for MLH
- Establish IT maintenance organization

Progress

✓ Proposal for IT organisation developed and under implementation
✓ New organisation manned but not yet operational
Information exchange and dissemination

• Establish NSDI and Land Hub

Progress
✓ NSDI working groups established
✓ Metadata catalogue established
✓ Metadata server in place
✓ Proposal for a Land Hub made and at early stages of implementation

Capacity building

Planning and implementing training and capacity building activities

Progress
✓ MoU between UB and UoG in Sweden
✓ Arranged short and long term courses with UB and others
✓ Certificate, diploma & degree courses in Land Management established at UB
✓ 682 persons trained since start of the project
✓ Study visits, workshops and conferences
Challenges

• Land reform is about sustainable economic development
• Development is about change and change has to be managed
• The need for change in mind set, to address prevailing problems
• Slow process to change legislation

Prerequisite for success

• Government commitment and support

Way forward

• To have registered all land by end 2016
• To have adequate trained staff by end 2016
• To have one functioning land registration system in place by end 2016 covering the 3 land tenure systems
• To have reduced the number of land disputes in Botswana to a minimum by end 2016
• Improved service delivery to the public
• Economic empowerment for people living in tribal areas
THANK YOU
Re a leboga