



MINISTRY OF LAND MANAGEMENT, WATER AND SANITATION SERVICES

BOTSWANA LAND POLICY REVIEW

1.0 Background

- 1.1 The Botswana Land Policy was approved by Parliament in July 2015. The overall goal of the policy is to promote and protect land rights of all landholders and promote sustainable human settlement. This goal called for improvement in the land administration and management from a system, environmental and economic perspective while conserving and protecting the resource for future generations. The policy sought to:
- Guide land operations for sustainable human settlement, land utilization and socioeconomic development;
 - Promote access, equity, efficiency, land rights security and transparency in our land administration processes in a predictable, consistent, reliable and timeous manner; and importantly
 - Be responsive to emerging opportunities and dynamics of land use planning and development in the country, but still promoting compatible and best use of land and other land resources.
- 1.2 In implementation of the policy, concerns were raised around the implications of some policy pronouncements. Most of the apprehensions were centered on access to land. On the one hand, the concerned advocated for unlimited access to land while on the other hand, Government sought to manage access by prescribing the maximum number of plots that an individual could be allocated directly by Land Authorities. Consultations were subsequently carried out and Cabinet direction sought in an attempt to address the issues raised.
- 1.3 Upon assumption of office by His Excellency, one of his key priority areas was efficient land utilization to facilitate efficient utilization of land to gain optimal economic value. Rigid application of change of land use regulations and standards was identified as one of the restrictions in beneficial land utilization. There has been growing demand mainly from individuals and companies to change portions of their commercial agricultural

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farms, ploughing fields and residential plots to some other uses compatible or incidental to the primary use to enhance efficiency in land utilization. Change of land use is governed by various instruments that are used for consideration of planning permission and have over the years proven to curtail the much needed optimal economic value from already allocated land. His Excellency, therefore, prompted the relaxation of those instruments that hindered the ease of doing business in the country.

2.0 Policy Amendments

The identified issues and His Excellency's initiatives necessitated the review of some policy pronouncements, removal of some paragraphs and introduction of a new paragraph, as per Table 1.

Table 1: Amended Policy Paragraphs

	NO.	POLICY PRONOUNCEMENT	ISSUE	AMENDMENT
Paragraphs	58(i)	<i>'Every Motswana will be eligible for allocation of residential plot at an area of their choice within the country'.</i>	Restricts allocation of only one residential plot per person.	<i>'Each Motswana will be eligible for allocation of one residential plot at an area of their choice within the country, on both State land and Tribal land.'</i>
	58(ii)	<i>'One is deemed to be allocated a plot if they have a lawfully acquired plot registered in their name'.</i>	Restricts allocation of only one residential plot per person.	That paragraph 58(ii) be removed from the Policy.
	58(iii)	<i>'Once a person has a residential plot registered in their names, they will not be eligible for allocation of another residential plot'.</i>	Restricts allocation of only one residential plot per person.	That paragraph 58 (iii) be removed from the Policy.
Policy	69(iv)	<i>'A person will not be allowed to alienate their last residential plot acquired directly from the Land Authorities'.</i>	The paragraph is ultra vires Section 38 of the Tribal Land Act and is therefore unlawful.	That paragraph 68 (iv) be removed from the Policy.
	72(iii)	<i>'Since one spouse can apply for a plot, the surviving spouse must as of right inherit their land application'.</i>	An application for land does not create anything tangible that can be inherited or passed on	That paragraph 72 (iii,) be removed from the Policy.

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			at death as one can apply for a plot in one's personal capacity without reference to marital status.	
60(v)	<i>"Ploughing fields (Masimo) on fertile land will be protected through zoning. Once zoned, change of land use will not be allowed",</i>		Restricts efficient land utilization and inhibits ease of doing business.	<i>"National Agricultural Production Zones on fertile land will be protected through zoning. Once zoned, change of land use will not be allowed. However, 15% of the land area will be allowed for ancillary use. Any amount beyond that shall require the Minister's consent.</i>
77(ii)	<i>'Title holders will not be allowed to change agricultural land holdings in tribal land to non-agricultural developments'.</i>		Restricts efficient land utilization and inhibits ease of doing business.	That paragraph 77(ii) be removed from the Policy.
78(viii)	<i>"Ploughing fields (Masimo) on fertile land will be protected through zoning and gazettelement. Once gazetted as such, change of land use will not be allowed".</i>		Restricts efficient land utilization and inhibits ease of doing business.	<i>"National Agricultural Production Zones on fertile land will be protected through zoning and Gazettelement. Once gazetted as such, change of land use will not be allowed'. However, 15% of the land will be allowed for ancillary use. Any amount beyond that shall require the Minister's consent.</i>

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