

### **3 Urban land management issues**

#### **3.1 Introduction**

Although traditional villages in Botswana, notably chiefs' capitals, were called towns by early European explorers, towns and cities as we know them today are a colonial and post-colonial phenomenon. Francistown and Lobatse were the only towns established during the colonial days while Gaborone was established on the eve of independence as a new administrative capital. Five more towns (Selibe-Phikwe, Jwaneng, Orapa and Sowa) have been established since independence. All the five post-colonial towns are mining centres.<sup>7</sup>

##### ***3.1.1 Rapid urbanisation***

At the time of independence only 4% of Botswana's population lived in urban areas. However, the proportion has since increased rapidly to almost 10% in 1971, 18% in 1981 and 46% in 1991. The rapid urbanisation has been due to population migration from rural to urban areas in search of cash employment and a better quality of life as well as in-situ urbanisation of rural settlements. Due to the emergence of urban type employment and work opportunities in rural areas, some villages have turned into urban centres. Villages close to cities have become 'dormitory towns' for people working in Gaborone, Francistown or Selibe-Phikwe. According to census results, two villages - Tlokweng and Palapye - had become urbanised by 1981. The number of urbanised villages had increased to 17 by 1991. The 2001 census shows that the villages of Gumare, Kopong, Lerala, Letlhakeng, Maitengwe, Otse and Tsabong may have attained urban status.

The Government of Botswana has responded to the rapid urbanisation process and the earlier bias of investment to towns (notably Gaborone) by decentralising government operations and introducing the National Settlement Policy (NSP). In order to achieve spatially balanced development across the whole country, four towns and eight villages were designated as 'Primary centres'. According to the policy, the centres sought to provide a base for industrial and commercial development through the delivery of serviced land, housing and social infrastructure to accommodate investors and workers.

Despite government's concerted efforts, rural populations have continued to migrate to towns or villages close to major towns. According to the 1981 census, half of the country's population lived within a radius of 200 km from Gaborone. This radius had been reduced to 100 km by 1991. Results from the 2001 census indicate that urban villages close to Gaborone (Mogoditshane, Metsimothlabe, Tlokweng, Gabane and Mmopane) were among the fastest growing settlements in the country while the national population growth rate was declining.

Although urbanisation generally improves the quality of life through better paid employment, housing and infrastructure services, the pace at which it has happened in

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<sup>7</sup> The reference to towns refers to urbanised areas in demographic terms. Francistown and Lobatse were the only towns established in the colonial days, which were demographically urbanised. Ghanzi and Kasane were proclaimed as townships in 1961 but were tiny administrative and trading settlements at the time of Independence.

Botswana has caused several problems, e.g. expansion of cities, towns and village settlements onto scarce arable land; degradation of land in the outskirts of towns and large villages through the indiscriminate disposal of waste and quarrying activities; and land use conflicts. Two of the major problems have been unauthorised change of land uses and housing development on unserviced land. Owners of ploughing fields and some freehold hold farms have tended to subdivide and sell land without seeking permission from the land boards and local authorities responsible. Land boards, with central government support, have exerted their authority through demolition of unauthorised developments. Some of the 'illegal' developers have challenged the authority and actions of land boards and the government in court. It seems customary land rights holders are unhappy with compensation offered by the government when fields are repossessed for urban developments.

### ***3.1.2 The way forward***

Future policies need to take cognisance of people's desire to benefit equally from increases in land values as a result of the urbanisation process. They may have been allocated the land for free, but their rights and commitments to those pieces of land are real. At the same time, demolition causes many social, economic and political costs to those involved - including field owners, land boards, local authorities and the central government. It is in the light of these considerations that some form of collaborative and partnership arrangements are hereby proposed. Under the proposed partnership, the government will save money that it would otherwise have paid out in the form of compensation; revenues of land boards will increase through the receipts of development gains fees; owners of ploughing fields will be empowered; and land will be properly serviced before allocation or transfer.

## **3.2 Regularisation of peri-urban settlements**

### ***3.2.1 Background***

Towns and cities grow through lateral and vertical expansion and through socio-economic and cultural transformation.

Vertical expansion is often preceded by land use changes in city centres followed by increased building densities and intensification of activities. Lateral expansion results from land use activities that were previously located in city centres and those that fail to bid for central locations relocating on city fringes.

Socio-economic and cultural transformation accompanies lateral physical expansion as the inhabitants of the rural hinterland switch from farming and other primary production activities to manufacturing, commerce, service provision and become urbanised.

Urbanisation in Botswana has followed this trend. The growth of peri-urban settlement is not peculiar to this country. The challenge is how to cope as more peri-urban areas and traditional villages become urbanised. Already about 17 villages have attained urban status. The latest census shows that another 7 villages have also met the criteria for re-classification.

### ***3.2.2 Related land policy issues***

The lateral growth of existing towns and cities has resulted in uncontrolled peri-urban settlements and in-situ urbanisation of villages:

- One major problem is how to regularise peri-urban settlements and large villages that have tended to urbanise rapidly with neither proper guidance nor planning. At present the settlements are characterised by land use conflicts, lack of basic infrastructure services, unauthorised land subdivisions and transfers.
- Some agricultural freehold land around Gaborone is also being sub-divided for non-agricultural uses (notably housing) without approved plans or infrastructure services.
- At the same time, the declaration of planning areas on tribal land under the Town and Country Planning Act has caused tension between land boards and district councils.

The above problems underline the need to establish a land development policy that will:

- arrest unplanned peri-urban developments and land use changes;
- facilitate the provision of water, roads, electricity and other services with minimal disturbances to residents;
- not disadvantage existing land rights holders but facilitate an open, just and transparent land market;
- enable owners of agricultural fields in peri-urban areas legally to sub-divide, service and dispose of their land rights;
- Be pro-active, plan well ahead and deliver just in time to meet demand.

### ***3.2.3 Policy principles and choices***

Three guiding policy principles are suggested: (i) land use planning should precede development; (ii) all citizens should benefit and be empowered equally from land developments and (iii) regularisation of land rights should be just, equitable, transparent and efficient in order to avoid non-compliance practices, unnecessary demolition of 'illegal' developments, and protracted legal challenges between field owners, land boards and the government. These require:

- Developing a working partnership between landholders (including customary land rights holders), district councils and land boards in order to realise full potential of partly developed land without compromising national, local, institutional and rights holders' interests.
- Granting customary land rights holders the choice to apply to respective land board and council - individually or as a group -for a planning permit for a change of use and subdivision of their holdings.

- Applicants pay prescribed fees to their responsible land board and satisfy all provisions of the TC&P Act and other relevant regulations including approval from the council.
- All plots be serviced according to operative urban development standards before disposal.
- Land boards consult with rights holders, if any, in the early stages of the planning and land regularisation process.

### **3.3 Land use planning framework for Gaborone and other urban centres**

#### ***3.3.1 Background***

From a modest government camp and trading post during the colonial era, Gaborone has grown, contrary to its envisaged size by its early planners, into a large city. By nature of its location, Gaborone is sandwiched between tribal land areas (due east and west) and freehold land (on the north and south). Any lateral expansion of the city has tended to either encroach on villages on tribal land or spread over agricultural land. For the purpose of land use planning, the city's boundaries have regularly been extended to incorporate freehold hold areas and settlements on tribal land.

Gaborone and outlying villages continue to be the destination for internal migration. While in 1981 about 50% of the national population lived within a radius of 200 km from Gaborone, in 1991 50% lived within a radius of 100 km from Gaborone. It is thus justified to consider Greater Gaborone as a conurbation extending beyond the city boundaries to include numerous small and large villages within a radius of 50-100 km from Gaborone. Many people commute daily for work, shopping etc. from these villages to Gaborone and vice versa.

Greater Gaborone may be seen as being composed of a number of settlements falling under five administrative districts - Kgatleng, Kweneng, Southern, South-East and Gaborone). It also covers three land tenure systems.

#### ***3.3.2 Related land policy issues***

A number of problems arise out of the location and land tenure systems in and around Gaborone:

- At present, Greater Gaborone Planning Area covers 3 administrative districts - Gaborone City Council plus Kweneng and South East district councils; and several land categories of land owners - Gaborone City Council; the Government (Lands Department and several other departments, parastatals and ministries); Maletle, Batlokwa and Bakwena land boards; and private freehold land owners of which the Catholic Mission, Phakalane Estates, Setidisho Holdings and Happy Acres

(Proprietary) are notable.<sup>8</sup> These juridical land owners have varying and sometimes conflicting interests, plans and programmes as to how and when to develop their land.

- Providing land for public utilities (e.g. solid waste disposal sites and sewerage treatment plants) has been particularly problematic.
- State land under COR, government ministries and departments, and the city council is not responding to land use dynamics - including pressure for land use changes, conversions, change of ownership and increasing building density.

### ***3.3.3 Policy principles and choices***

The major concern here is to provide for an institutional framework that will facilitate the planning and design, construction and maintenance of urban infrastructure.

- The ideal situation would be a single administrative and planning authority with an efficient, robust, and just land market – i.e. creating a Greater Gaborone Metropolitan Council. This is, however, likely to be resisted by interests that would fear loss of identity and political influence.
- Another possibility is to establish a consultative Planning Council with all the named authorities as equal partners. This is however likely to provide less than total commitment by those unhappy with some decisions. The consultative council will, therefore, have to operate by consensus. This is what is loosely on the ground already.
- The more practical approach would be to establish a legally constituted Metropolitan Council charged only with matters of common interest e.g. public rail and bus transport, road and other infrastructure networks, sanitation and waste disposal sites. The metropolitan council would have a budget and capacity to implement projects within its portfolio. Existing local planning authorities would continue working within their jurisdiction.
- The issues arising from the growth of Gaborone are likely to arise in other urban areas, as they continue to grow and expand. To some extent, this is already happening with Francistown, where Shashe/Tonota and other villages are becoming part of the urban area. The integrated planning policy adopted for Gaborone should be applicable in broad terms to other urbanising settlements.

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<sup>8</sup> There are of course other notable holdings of freehold land, these include: Brink Holdings, Mokolodi, Gaborone North, Notwane, Ruretse, Galetshoge and Lion Park (Kannemeyer).