Interview with the chairman

NLB Chairman assumed office in early 2011 with his team that was appointed by the Minister. He took over from Mr Kgatalala. In this article, Kgalalelo Nthobatsang, Land Adjudication Officer chats to the Chairman.
BRIEF OVERVIEW OF LANDBOARDS HISTORY
Traditionally, the tribal Chiefs were responsible for administering tribal land in Botswana. In 1968, Land Boards were created under the Tribal Land Act. The Land Boards started operating in 1970. At the time of their creation, Land Boards were administratively headed by the Council Secretaries thereby seen as Surbodinate to District Councils.

With the increasing work loads and responsibilities of the Land Boards, Surbodinate Land Boards were established in 1973, to decentralize the services of the Land Boards and place them closer to the people. However, in 1989 the Land Boards became independent and today there are twelve Land Boards and thirty-seven Surbodinate Land Boards.

They are mandated to ensure the wise use fair distribution of Land to all citizens and residents of Botswana in allocation of Land for residential, commercial, Industrial and Agricultural purposes.

NGWATO LAND BOARD
Ngwato Land Board is situated in the Central District of Botswana and one of the twelve Land Boards which were created in 1970. It consists of fifteen Surbodinate Land Boards which covers from Dibete to Rakops and the surrounding areas. Currently it is the one which covers the widest area than the rest of the Land Boards. When the Sub Land Boards were established in 1973, it started with eight Surbodinates and later they added up to fifteen due to the work load involved.

VISION
To be a leader in management and allocation of tribal land.

MISSION STATEMENT
We exist to provide excellent service in administration of tribal land for sustainable socio economic development of all Batswana through innovative human resources, effective policies, procedures and appropriate technology.

VALUES
In achieving its vision Ngwato Land Board will be guided by the following:
- Botho
- Timelines
- Transparency
- Teamwork
- Accountability
- Presentable
From the Editor
Ngwato Land Board is committed to ensuring that customers and stakeholders are well informed and educated about the service, Programmes and Policies of the Board.

This second edition of 2011 is just one of the ways of communicating with you as much as we try through the road shows, open day and kgotla meetings.

Let me take this opportunity to thank all who contributed to this edition and the whole Ngwato Land Board staff for continuing to serve our customers diligently.

Lefatshe Boswa jwa Sechaba - Le diriseng ka kelello.

Enjoy
The Organizational Strategic Plan is concurrently being reviewed to usher in the New Year in April 2012. Ngwato Land Board intends doubling its effort, by achieving more with less, to reduce waiting list on residential land. This will be achieved through shortening processes of land adjudication, having in-house planners and acquiring undeveloped land for redistribution. The year 2012 will also be marked with massive fight against squatting in collaboration with the District Administration, Tribal Administration and the District Council. The Board will further make a proposal to its District stakeholders that there be a moratorium on New Settlement establishment. New settlements are a serious handicap and inconvenience to the development of our nation state. They grow into grazing areas and demand services that are already inadequate in established localities.

The nation is requested to go through, particularly, Tribal Land Act and its Regulations, and to appreciate Ngwato Land Board Policies of 2010.

We wish all a rejuvenated Year 2012

M. Marata
BOARD SECRETARY
INTERVIEW WITH THE CHAIRMAN

NLB Chairman assumed office in early 2011 with his team that was appointed by the Minister. He took over from Mr Kgwatalala. In this article, Kgolalelo Nthobatsang, Land Adjudication Officer chats to the Chairman.

Q: We welcome to your office Mr Chairman. Who is Mr David Modisagape in a nutshell?

A: Thank you, I am David O.Modisagape the son of Modisagape Makshane. I was born in Serowe at Maalose ward. I am married to Khumiso from Molepolole and we have two beautiful children. I did my primary at Serowe Central Primary School, Tobane Primary School, Mmadinare No 1 school. I did my secondary education at Serowe Central Primary School, Tobane Primary School, Mmadinare No 1 school. I went on and did my tertiary education in Tanzania doing my diploma in Land Resource Management, Bsc Hons in Forestry Resource in Wales University in the United Kingdom.

I was employed by Ministry of Agriculture as a Land Use Officer at Ministry Headquarters Chobe, Ngami and Western area, I worked for the Ministry of Local Government as Land Board Secretary in Ghanzi and Kgatleng Land Board and as CEO of Kgatleng Council, Selebe Phikwe Town Council and City of Francistown Town Council. I retired from the service in 2008.

Q: You are the Chairman of the biggest Land Board in the country. Do you find this challenging?

A: Challenging indeed, Customers/ Batswana expect efficient service and other Land Boards look at us for bench making.

The fact that we still have some pieces of land to allocate is a big challenge. We face a big challenge when it comes to squatters, none payment of services by our customers is also a challenge, customers do not comply with their development covenants which force us to repossess their plots.

Q: What has been the biggest challenges so far?

A: Pending issues within and outside the Board, there is lack of W qualified personnel that lead to allocation of planned land hence double allocation of land and lack of available land for cottage industry.

Q: What measures are you putting in place to ensure success of your tenure in the office?

A: Preach team work, consultation, trust, transparency, where possible improve working conditions for staff/ Board members.

Q: Thank you Mr Chairman, what is your last word to our readers

A: Thank you. I encourage the readers to read our editions and give us feedback.
Land and Boards are empowered by the Tribal Land Act Cap 32:01 to formulate policies relating to the exercise of their functions under the Act. Ngwato Land Board Land Allocation Policy was promulgated on the 23rd May 2011. The 2011 Policy is a consolidation and amendment of various policies that were implemented by the Land Board.

The objectives of the Policy are to enable transparency in procedures related to Land matters in communal areas, to guide decision making and ensure uniformity, consistency, and fairness in Land Management and to benefit the public by providing readily available references material.

The following are some of the changes that have been brought by the new Policy;

**Land allocation and administration**

In terms of Clause 2.1.5 of the Policy, applicants are entitled to be allocated two residential plots in the same district provided that the plots are not in the same village. This means that one can be allocated two residential plots in the Central District as long as plots are not situate in the same village.

In consideration of application for commercial /industrial plots the fact that one has another plot in the area applied for is irrelevant. That plot however must be developed to the satisfaction of the Board.

**Transfer of plots**

The question of what constitute transfer development in respect to various Land uses has been the subject of much debate when considering transfer applications. This was due to the fact that previous policies did not clearly define what constitutes “development.”

The new policy has laid rest to the debate. Clause 2.1.7 provides as follows: the following shall be construed as minimum development

- **Motse**: it shall have a dwelling house
- **Tshimor**: shall be fenced and debushed
- **Business plot**: shall have a structure of approved building
- **Sedibra**: shall have a fully drilled water hole with borehole completion certificate and borehole number
- **Ranch/Farm**: shall have a parameter fence
- **Kraals**: The question that has often been asked is whether in terms of the new policy, kraals are allocated. Clause 2.3 provides that Kraals shall be regulated at the maximum sizes which are 100 m by 100 m for cattle and 70 m by 70m for goats/sheep and others.

The provision to the clause states that farmers shall be allowed to have relief kraals of equivalent sizes within 10 m of their allocated kraals. It is the use of the word “allocated” that cause ambiguity.

In interpretation of statutes and written instruments, the grammatical and ordinary sense of the words is to be adhered to, unless that would lead to some absurdity, or some repugnance or inconsistency with the rest of the instrument, in which case the grammatical and ordinary sense of the word may be modified so as to avoid the absurdity or inconsistency.

One must also look at the intention of the drafters of the policy. It is clear from the reading of the clause as a whole that the intention was to provide for regulation or monitoring of kraals not registration.

**Ploughing fields**: Ploughing fields are allocated a maximum of 16 ha. The policy requires that Homestead should be constructed within ploughing fields. One is entitled to be allocated one ploughing field in a district.
PROCEDURE FOR CANCELLATION OF LAND RIGHTS AND REPOSSESSION

Repossession refers to cancellation and reverting land rights granted to individuals back to the Land Board. The Land Boards are empowered by the Tribal Land Act to cancel and repossess Land Rights. In cancelling Customary Land rights, the Land Board is empowered by Section 15 of the Tribal Land Act. Common Law Repossessions are warranted and guided by the provision of Section 28 of the Act.

By Laba Mokete
Ngwato Land Board
Attorney I

Customary land rights repossession
Justification for cancellation of Customary Land Rights is provided under Section 15 of the Tribal Land Act. This section provides that Land Rights may be cancelled when:
- The holder of the right is no longer eligible to hold Land under the provision of the Act;
- Failure to observe restrictions imposed by the Act or any Law relating to Town and Country Planning or good husbandry;
- Where cancellation is necessary for ensuring the Fair and Just distribution of Land among citizens;
- Land is being used for a purpose not authorized by customary Law or that the holder thereof has contravened any customary Law relating to the use thereof;
- Without sufficient excuse, the Land has not been cultivated, used or developed to the satisfaction of the Board for such period as may be prescribed in respect of that land, or has not been cultivated, used or developed in accordance with the purpose for which the grant was made.
- Where the land is required for public purpose subject to Section 33 of the Act.

To enforce the above mentioned statutory Land Rights Cancellation, Ngwato Land Board has come up with guidelines which will assist it in going through the process of repossession fairly and in compliance with the rules on Justice.

Customary land rights cancellation procedure
- Sub Land Boards to inspect and identify plots which are not in compliance with the provision of the Act and/or those that are subject to repossession in terms of the Tribal Land Act.
- Defaulters will be called for a hearing by the Sub Land Boards for a hearing to show cause why their plots should not be repossessed or land rights be cancelled.
- Depending on reasons advanced by defaulters, the Sub Land Board will be allowed to give a maximum of six months to give defaulters a chance to comply.
- On the expiry of the six months compliance extension, Subordinate Land Boards are expected to monitor the compliance status of the plots again.
- Plots which will still be in default will be subject to recommendation to the Main Land Board for repossession.

The Land Board Public Relations Office will be expected to publish in Public News Papers and at the open Public Notice Board at least a week before the date of hearing a Notice inviting defaulters to the Main Land Board for a hearing to show cause why their Land Rights should not be cancelled.

NB: Publication is NOT intended to expose the defaulters; it is meant to be constructive notices of the meeting to cater for individuals who may have changed their contact addresses without knowledge of the Land Board.

- The Main Land Board shall be allowed to give a maximum of three months final compliance period to defaulters depending on individual’s reasons.
- On the expiry of the final three months investigations will be done by the Sub Land Board on behalf of the Main Land Board to check compliance status for defaulters.
- Defaulters at this stage will lose their rights as the Land Board will take a resolution cancelling their rights forthwith.
- Repossessed land will then be re advertised and allocated to applicants on waiting list within the shortest reasonable time.

Common law land rights repossessions
Section 28 of the Tribal Land Act provides that where there has been any breach of the development covenant or any change of user not authorized under Section 27 in respect of any Land granted under the provision of this part, the Secretary of the Land Board may, on behalf of the Land Board bring an action in the Magistrates’ Court for the recovery of such land. In addition to section 28 above, common law grants are provided for by a lease agreement between the Land Board and land right holders. Every lease agreement provides for the terms under which such rights will be acquired. The agreement also provides for actions to be taken in case there is a breach with cancellation of rights and repossession being the major outcome.

Common law grant repossession procedure
- The same procedures for cancellation of customary Land Rights will be followed save for that Main Land Board will not itself cancel and repossess the plot.
- The Land Board will only make a resolution to the effect that a Court Order cancelling rights be sought from the Magistrates’ Courts.
- Legal Services Department will, then, initiate court process before the Magistrate Court in the Administrative District in which the plot is situated. I Common Law Land grants will only be repossessed after the Magistrate Court has granted an Order to that effect.
- Common law grants repossessed will be re advertised and allocated to serious developers within the shortest reasonable time.
Land is of interest to all section of our societies. This includes the rich, poor, rural and urban populations, young and old. The varied nature of different social groups of our societies translates into different and often opposing demands on land.

By Chandapiwa Baputaki
Principal Information and Public Relations Officer

In Botswana Land Boards were established in 1969 and became operational in 1972 their duty being to allocate and manage tribal land equitably.

The Land Boards are guided by the Tribal Land Act, Land Use Plans and prevailing policies. Sub Land Boards allocate residential plots, ploughing fields and make recommendations to the main Land Board for applications for business plots and boreholes/water points.

According to the Land Adjudication Officer, Mr. Diane Maphakela, when an applicant feels aggrieved by the decision made by the Sub Land Board pertaining to his/her application he/she is entitled to challenge such a resolution to the Main Land Board within a period of four months from the date of receipt of the disputed resolution.

Mr. Maphakela explained that the appellant, appeals to the Main Land Board through a written letter stating his/her reasons of appeal normally termed grounds of appeal. When the appeal letter is received, the action officer has to register the appeal in the appeals register within a period of ten days from the date of referral from the Records Management Unit.

The action officer then acknowledges to the appellant receipt of his/her letter. In terms of NLB service standards, acknowledgement of an appeal must be done within ten days from the date of referral from the Records Management Unit.

Following the acknowledgement, Mr Maphakela stated that the officer then investigates the matter. Investigations are done by requesting the concerned Sub Land Board comments pertinent to the matter, the minutes of the Sub Land Board when hearing the matter and a sketch plan, copy of their resolution letter and when necessary a site visit by the officer and a technical officer and a sketch plan be prepared.

He explained further that after all the investigations have been concluded, the officer then invites the appellant to a subsequent Board meeting. The appellant has to be invited two weeks before the date of the case hearing. All interested parties are invited to case hearing meeting. According to Mr. Maphakela, after inviting the parties to the Board meeting, the action officer then prepares briefing notes to be presented before the Board during the case hearing using the information gathered from the investigations that were carried out.

It will be during the appeal session meeting that the action officer would be expected to present the case before the board for the board to make a decision on the case.

The process of attending to an appeal will be complete after the case hearing and a Board resolution will be communicated to the appellant within a period of two to three weeks from the last date of the appeals session.

Appeals resolution time is six months, Mr. Maphakela said. He stated that the appellant is invited once through a registered mail or hand delivery, failing which their matter will be struck off the appeals roll.

The respondents are invited twice through registered mail or by hand delivery failing which a default resolution is made against them. “Appellant or the respondent when aggrieved by the resolution of the main land board are at liberty to appeal the decision of the land board to the Land tribunal within a period of four months from the date of the resolution of the board,” Mr. Maphakela said.
Allocation of tourism sites in central district

By Otsile Ditiro
- Deputy Board Secretary

Allocation of land is made under 3 distinct uses, viz., pastoral, residence (village build up) and arable. Tourism sites have in the past been confined within village boundaries in the form of lodges, guest houses and hotels but have of late been proposed and allocated in other zones (arable and pastoral areas) as camp sites and conservations areas etc.

This was mainly brought about by existence of scenic attractions found throughout the district. The situation was made worse by non-availability of guidelines for allocation of these sites. The end result therefore was unplanned and conflicting land uses.

People want to be allocated wherever there are scenic attractions irrespective of land use zones. Some applicants have proposed and have been allocated tourism sites in grazing areas and arable land. This creates problems in that it takes away fertile land in case of arable areas and reduces grazing areas for pastoral farmers. Basically such tourism sites kill other uses in that affect their capacity to produce.

Unplanned allocation of tourism sites have also created problems for the Land Board in that majority of the allocated sites, more especially those outside village boundaries remain undeveloped. It has become apparent that tourism sites which are situated outside village boundaries remain undeveloped because of the costs of service provision mainly in the form of water and electricity. Their distant location from villages means that they can only be connected to the national grid at a very high cost.

Besides lack of services, majority of the sites remain undeveloped due to lack of market to sustain the business. It has since emerged that a lot of plots are congested in same areas and that even if they were to be developed, majority of them will be forced to close down as they have been over provided.

Tourism sites like other business plots attract charges in form of lease rentals and are to be developed within 1 year of allocation. A lot of the allocated sites have not been developed and are not paying lease rentals. This creates problems for the Land Board in that it has to spend money in legal process repossessing the plots as well as in debt collection. In light of the above challenges Ngwato Land Board resolved to stop allocation of tourism sites outside village boundaries in the District to allow for proper planning. Botswana Tourism Organisation has since started a study to identify and map suitable tourism sites within the District. The sites identified will be advertised for interested Batswana to apply.

The objectives of the study are:

To identify sites which can be developed in order to exploit the tourism potential in the District in pursuit of economic diversification and promotion of employment opportunities. To serve as a guiding framework for Ngwato Land Board and Botswana Tourism Organisation in the planning and allocation of land for tourism purposes.

For it to realise the above objectives, the study will:

- Categorize sites according to type of tourism activities or product, taking into consideration optimum use of land in terms of size, suitability and maximum return on investment.
- Highlight and recommend mitigation measures for potential conflict between existing and proposed land uses. Classify identified sites according to their potential market segment (i.e. lower, middle and up market).

The move by Botswana Tourism Organisation Board and Ngwato Land Board to plan for tourism sites is expected to bring sustainable economic growth and hence help the government effort to diversify the economy away from diamonds. It is expected that the exercise will provide for various tourism activities to cater for different tourists at affordable rates. The end result will be optimal utilization of land.
None Compliance With The Land Development Convenant And Its Implications To Optimal Land Management

Ngwato Land Board allocates more than ten (10) thousand plots every year to as many people for various purposes. Most of these plots would ordinarily be for residential purposes, while a significant number would be for arable use and a lesser number would be for commercial purposes.

By Adrian Ntombo Kholi
Sub Land Board Secretary
Paje

Ngwato Land Board allocates more than ten (10) thousand plots every year to as many people for various purposes. Most of these plots would ordinarily be for residential purposes, while a significant number would be for arable use and a lesser number would be for commercial purposes.

These allocations would have been preceded by fulfilling all the relevant requirements during the submission of applications including attending the allocation itself.

Like in any other similar scenario the plot owners are thereafter expected to develop their plot(s) so that it can be used for the purposes applied for within reasonable time. For instance, people are thereafter obliged (legally) to develop Customary law grants, that is, residential and ploughing fields plots within a period of five (5) years; while Common Law land rights such as Business/Schools/Churches plots should be developed within one (1) year; and a three (3) years period for Ranches. Failure to develop within these stipulated periods renders the plot owner liable to lose the plot through the legal process of repossession.

However, tens of thousands plot remain undeveloped well beyond the stipulated timeframe, including residential plots. The implication of this anomaly is superficial shortage of land while chunks of land remain idle for years and other people who desperately need land at that point and time cannot get it. This has also been likened to land speculation for business purposes. In addition, double and at times triple allocations ensue as institutional memory in that regard is lost due to staff turnover. Ultimately this portrays Ngwato Land Board as a poor land management institution failing on its Mandate of managing land as a resource for optimal use.

Logically, repossessing land allocated to an individual for own use is not desirable to Ngwato Land Board. This has informed the people friendly and lukewarm approach towards repossessing land since it is more of encouragement through sampling rather than outright repossession.

This has resulted in the process being unnecessarily long. Further, the process is quite tedious as compared to the allocation itself. For example, SLBs do not have powers to repossess plots that they previously allocated. Similarly, Ngwato Land Board does not have the ultimate authority to repossess Common Law land rights which they have full authority in as far as allocation is concerned. This legal challenges need to be addressed in order to enhance the effectiveness and efficiency of repossession processes.
DON’T BE CAUGHT OFF GUARD | PLEASE PAY YOUR LEASE ARREAS AT ANY
STANDARD CHARTERED BANK ANYWHERE IN BOTSWANA

Details of the Account are as follows:

BANK: STANDARD CHARTERED BANK
NAME: NGWATO LAND BOARD
ACCOUNT NUMBER: 01001 71037 301
BRANCH CODE: 661467 (SEROWE)

NB: Other payments must be made at any Ngwato Land Board revenue offices.

FOR MORE INFORMATION PLEASE CALL
NGWATO LAND BOARD PUBLIC RELATIONS UNIT @ 4630487

Serowe Printers Co-op@4631060
Getting ready to entertain - Ngwato Land Board Choir

Mr Matenge during workshop

NGWATO LAND BOARD

MLH Minister Lebonaamang Mokalake giving a keynote address during official opening of the Open Day

The Board Secretary leading the discussions during Strategic Plan

Participants during a Stakeholders' Workshop. The objective was to have a platform where NLB could dialogue with
BOARD IN PICTURES

MmaSethaba being interviewed by Thobo Thasana of RB2

The Public touring the stalls during the NLB Open day

NLB staff
Factors To Consider For A Successful Compensation Assessment

By: Kagiso E. Ditiro
Estate Officer
Ngwato Land Board

Compensation is a requisition by law when an acquiring authority which to acquire land rights from their possessors for use for the benefit of all the public. Section 8 of the constitution provides that no property of any description shall be compulsorily taken possession of and no interest in or right of any description shall be compulsorily acquired except where there is prompt payment of adequate compensation. The Government developed compensation Guidelines of 1992, which guides the Land Boards how the whole procedure is conducted for a successful adequate compensation. The guidelines have a provision to be reviewed every two years, but since it is not always possible the Government made a decision that in case they are not reviewed the rates should be inflated by 10% every year.

The procedure is as below;
The acquiring authority identifies the land for the project intended and notifies the Land Board of intension to use that land. The acquiring authority together with the Land Board makes all possible efforts to identify the land rights owners. The affected are then consulted, forums like Kgotla meetings can be used. Prior to, other stakeholders must also be involved, such as District Land Use Planning Unit, Dikgosi, and Political leaders like councilors and Members of Parliament. The affected will then be instituted with a notice to treat, this should clearly state the date of assessment and purpose of assessment without notice to treat is not legally binding.

CREATING PUBLIC

Ngwato Land Board in its endeavor to enforce public knowledge on land issues, it has put in place some communication initiatives to reach out to the people pertaining to land issues, land management policies and procedures.

Stakeholder’s workshops being one of the most effective communication initiatives have been very successful in a couple of Sub Land Boards. They almost targeted the stakeholders, who have a big impact to the community and can also influence the communities’ perceptions towards the Land Board, ie: Dikgosi, Councillors, VDC committees, Land Overseers.

Mahalapye Sub Land Board
Mahalapye Sub Land Board became the first Sub Land Board in the Central District to host a Stakeholder workshop this year (2011) on the 23rd September 2011. The theme was “LAND OVERSEERS AND THEIR ROLE IN THE ALLOCATION PROCESS.” The aim was to familiarize the Land overseers with the procedures and the land policy which was implemented this year, June 2011, as well as to remind them of the public expectation of them and lastly to reconcile on certain issues with the Land Board.

L. Mompati – Having Land Overseers in the land allocation process was borrowed from the epoch we had Tribal Chiefs as Land Administrators. To date them (Land Overseers) play a pivotal role in Land Administration especially in unplanned areas. For this reason there is need for Land Overseers and Sub Land Boards to rally and impact on the roles of each player as well as devising ways of improving relations that will have a positive impact on the final consumer.

Their role in the allocation process (for both Customary & Common Law Land grant) is to verify whether allotting a plot will conflict / not conflict with the prominent land use in an area, encroach / does not encroach with user’s rights in vicinity and whether the proposed plot is available or occupied. Considering the foregoing it is safe to safe, we definitely need Land overseers.

Nata Sub Land Board
The Stakeholder workshop was held on the 1st November 2011 with “THE PERFECT PARTNERSHIP TOWARDS EXCELLENCE IN LAND MANAGEMENT” being the theme of the day. Dikgosi and Councillors were the targeted group in this one. They aimed at appreciating good partnership with their targeted group as they observed their importance in land allocation procedures in complementing the whole process of land allocation. When giving a key note address Kgosi Rancholo of Nata Village appreciated the Sub Land Board for organizing and executing such gatherings, says it really is a very good initiative that proves change, development and transparency in land related issues. He called upon dignitaries to encourage people to ensure their allocated plots are developed to avoid repossession by
Reforms

Ngwato Land Board has been performing well for the last 2 years with limited resources. It is only these year of 2011 when they was a little bit of increase in number of vehicles and staff but looking at the large area Ngwato Land Board is covering they still a large shortage in terms of resources.

This still leaves us with huge challenge of meeting our customer expectations. However Ngwato Land Board is currently in the process of developing its Strategic Plan using Balance Scorecard 9 step model and we are at step 5. Balanced Scorecard as model will help Ngwato Land Board to integrate its strategic planning and performance management systems. That is, it will help Ngwato Land Board to communicate clearly its Vision, Mission and Strategy to its employees and other Stakeholder, it will also align day to day work to the Vision and Strategy and also it will provide a framework for prioritized programs and projects.

Balanced Scorecard uses strategic performance measures and targets to measure progress which is vital for Ngwato Land Board as it reviews it’s strategic Plan quarterly, using individual Performance Development Plans (PDPs) which are developed by Breaking down the Performance Agreement (PA) of the Chief Executive (Board Secretary).

The PA is deduced from Annual Performance Plan (APP) and APP is a plan that we use to break down the 6 years Strategic Plan in to annual plan.

AwArensESS

the Land Board.

Sefhare Sub Land Board
At Sefhare Sub Land Board, it was held under the theme, “LAND A FINITE RESOURCE”. The objective of the workshop was for the Land Board to sensitize its valuable stakeholder’s on the ever changing land management matters and at the same time solicit ideas on how effective the Land Board can discharge its services to the public.

The topics included in the program were all strategic in the sense that they addressed all unforeseen loop holes that might have been in existence. It also aimed at building the rapport between sister departments in view to harmonize some ACTs relating to the use of land in various category of people. The targeted group were; Dikgosi, Councillors, VDC’s chairpersons. The Sub land Board observed that the targeted group are Village leaders, hence have a lot of influence in decision makings and are good partakers in any developments carried out in their respective Villages.

Maunatlala Sub Land Board
The Sub Land Board invited different Stakeholder’s whose customers are Land Board’s too, ie; CEDA, LEA, AGRICULTURE or CROPS Offices. The objective of the workshop was to educate each one on operations of each in order to be in a better light when assisting customers who are shared across. The workshop also aimed at addressing issues which concerned youth such as time taken and procedures to follow when dealing with youth applicants. A youth representative was invited.

Lethakiane Sub Land
The last workshop for the year 2011 was held by Lethakiane Sub Land Board on the 1st December 2011 under the theme, “IMPROVING STAKEHOLDER CONSULTATION IN LAND MANAGEMENT & ADMINISTRATION.” The targeted group in this one was Land Overseers and Dikgosi to bring them closer to Land Board operations and to familiarize them with the newly implemented policy for further publication to the public.

Workshop Objectives:

- To sensitize participants on the Land Administration, Procedures, Capacity and Systems (LAPCAS) project and its objectives and finally
- To create awareness on the requirements for paying compensation during land acquisitions for village expansion.
A productive employee is one who knows his or her health status. This was the message that was being spread at the annual Ngwato Land Board Health and Safety Day that was held at Mahalapye Sub Land Board in September 2011.

According to the NLB Board Secretary Mr, Makgetsi Marata, the objectives of the day was to sensitise the staff about the silent killer diseases which are not given enough attention like hypertension, diabetes and other heart diseases. He encouraged staff to join sporting activities that are available for them as a way of keeping fit and healthy.

When giving the keynote speech, Permanent Secretary in the Ministry of Lands and Housing Tsaone Thebe who was the guest speaker said that it is important for employees to understand what Health and Safety entails. She said if an employee is not well, there is no way that they can be productive in the work that they have been employed to do. “We know that healthy mind and body equals to excellence in service,” she said.

In closing, Chairman of Mahalapye Sub Land Board said the health and safety message should be spread to road safety as a way of encouraging staff to drive safely with their seat belts buckled on.

eHealth services were available for those who wanted to do on site check-ups and test on HIV or sugar diabetes. Motivational talk was given by Mr Ontlametse Rampoo of Positive Health Dignity Prevention. The day ended with a tug of war between NLB men and the Botswana Defence Force and a football match in the afternoon.
Change of use

The applicant must appear before the Land Board meeting to explain why they want a change of use.

Land Use can be changed from residential to commercial or vice versa. A business person can also apply to the Land Board for a change of Use, that is changing the type of business on the plot.

To get a change of use, the applicant writes a letter to the Land Board detailing the intended change of use. It then becomes an agenda item for the Board.

The Land Board needs to consider location factors and often refers these applications to DLUPU for their advice. Compatibility with the surrounding neighborhood is a major consideration. Type of tenure is also considered. For example i.e. a change from fields to common law residential may be refused. The applicant must appear before the Land Board meeting to explain why they want a change of use. The Land Board then makes a decision during the meeting and informs applicant in writing of their decision.

Transfers

Section 27 and 38 of the Tribal Land Act allow for the transfer of a plot to a new user. The steps involved in transferring developments on a plot are:

Step 1: price negotiation
The current plot holder and the proposed buyer negotiate a price between themselves. It is important to note that the plot holder is only selling the development and the right to use the land, and not the plot.

Step 2: application
The current plot holder applies to the Land Board. The current plot holder and the buyer write letters to the Land Board explaining their wish to sell and wish to buy respectively. The two parties or their appointed representatives (who must bring their Omang and a letter from the applicant stating that they are representing them) can also appear the Land Board meeting to explain their wishes.

Step 3: Inspection
The Land Board checks to see if development of the plot has taken place to the satisfaction of the Land Board.

Step 4
After the inspection, Land Board

Technical officer presents the report to the Board. If the plot is not developed to the satisfaction of the Board, the Board may reject the transfer application.

It is important to note that only developed plots (developed) fully in line with the use granted are transferred except in cases of inheritance, swapping and sale in execution. Where the transfer is a result of sale in execution, a non citizen transferee must first seek the Land Board’s consent before participating in the execution.

NB: Note that transfer fee is P100.00 even if its inheritance.

Additional use

To get additional use, the applicant writes a letter and complete forms at the Land Board detailing the intended additional use.

For example, the applicant may have a General Dealer and would want to add Fresh Produce/Butchery. The applicant may have to appear before the Land Board meeting to explain why they want additional use.

The Land Board then makes a decision after submissions by the applicant during the Board meeting.

Extension of plot sizes

To get extension of plot size, the applicant writes a letter/complete forms at the Land Board explaining why they want to be given the extension. For example, the applicant might have a ploughing field measuring 6ha and would want 6 more hectares for better yields.

The Land Board needs to consider location factors. The applicant must appear before the Land Board. The applicant is given an opportunity to motivate his or her application.

Note that in planning areas the applicant will be asked to contact the Council Physical planners concerning the extension.

Board resolutions

Board Resolutions are communicated in writing to applicants, appellants and or parties affected by the decision of the Board within 2 weeks of the date of hearing.

17
LAND ALLOCATION
1. Residential waiting time is 3 months except the under listed:
   - Serowe – 6 years
   - Letlhakane – 8 years
   - Mahalapye – 8 years
   - Tonota – 7 years
   - Mmadinare – 7 years
   - Palapye – 10 years
   - Tutume – 3 years
   - Bobonong – 6 years
   - Lecheng – 4 years
   - Lerala – 3 years
   - Borolong – 7 years
   - Maitengwe – 3 years
   - Shoshong – 2 years
   - Dibete – 2 years
   - Gweta – 6 months
   - Topisi – 2 years
   - Ploughing field waiting time is 3 months.
   - Business plot after (close of advert) waiting time is 3 months.
   - Field and project boreholes waiting time is 1 month. -- Livestock water points waiting time is 4 months

2. TITLES TO LAND
   - Collection of Lease and certificate waiting time is 20 days.
   - Sub lease waiting time is 10 days.

3. TRANSFERS
   - Transfers waiting time is 1 month.

4. CHANGE OF USE
   - Change of use waiting time is 1 month.

5. DISPUTES
   - Dispute resolution time is 3 months
   - An appellant is invited once through registered mail or by hand, failing by which their dispute resolution matter is closed.
   - Respondents are invited twice through registered mail or by hand failing which default resolution is made against them.
   - Appeals should be made within 30 days to main Land Board

6. SURVEY
   - Private plots waiting time is 1 month.
   - Framing of diagram waiting time is 10 days
   - Beacon identification waiting time is 10 days.

7. LAND BOARD MEETINGS
   - Sub Land Board meetings are held 6 times a year
   - Main Land Board meetings are held 12 times a year
   - Resolutions are communicated within 5 days after the last day of the meeting.
   - Production of minutes after the Board meeting waiting time is 14 days.
   - Certificates are issued at various villages within 30 days of the meeting (Sub Land Boards)
   - Common law applications are recommended to main Land Board within 2 months of the Sub Land Board meetings.
   - Leases are issued within 30 days after main Land Board meetings.

8. NATURAL JUSTICE
   - When an adverse decision is made against an applicant/right owner, they shall be given the right to be heard provided they honor invitations.
   - This right is enjoyed at both the Sub & main Land Board level.
   - Where a recommendation is made to the main Land Board for rejection, an applicant is informed of the date to appear before the main Land Board if they so wish.

9. CORRESPONDENCE
   - Receipt of correspondence is acknowledged within 24 hours.
   - Response to such correspondence is made within 5 days.

10. VILLAGE EXPANSION
    - Properties and rights affected by village expansion and/or infrastructural development are assessed and compensated adequately following consultations.

11. ALLOCATIONS OF LIVESTOCK BOREHOLES
    - Allocations are made 6km from existing livestock water points. Any application below 6km is not considered.
    - No allocations are made within 3km of a livestock borehole.

12. REPOSSESSION OF UNDEVELOPED LAND
    - Residential (customary law land rights) that remain undeveloped for a period of 5 years after allocations are repossessed.
    - Arable fields that remain undeveloped for a period of 3 years after allocation are repossessed.
    - Business/Schools/Churches, etc (common law land rights) not developed within 1 year of allocation are repossessed.
    - Ranches that remain undeveloped for a period of 2 years are repossessed.
    - Allocations without permanent corner pegs are forfeited to the Land Board after 6 weeks.

13. PAYMENT TO SERVICE PROVIDERS
    Payment to service providers/suppliers is made within 3 days of submission of invoice.

For queries, complaints and comments, write to the Board Secretary, Private Bag 12, Serowe
STAFF MOVEMENT

PROMOTIONS

JULY
1 Matthews Buzwani Human Resource Officer II main
2 Mothaika Silas Senior Land Surveyor Main
3 Francis Mwangi Principal Land Surveyor Main
4 Oabile Koogotsitse PTO(L) Shoshong

AUGUST
1 Nicolus Motlogelwa Sub Land Board Secretary Rakops
2 Boikago Maswabi Sub Land Board Secretary Palapye
3 Marshal K. Butale Sub Land Board Secretary Sehalfare
4 Bapati Ramoeta Land Registration Officer II Main

SEPTEMBER
1 K. Nthonamo Senior Accounts Officer Main
2 R. Kgomo Accountant II Main
3 L. Ramonogana Senior Land Registration Officer III Main

OCTOBER
1 Endani Pata Accounts Officer Main
2 Victoria Nkinogang Board Clerk II Main
3 Thebe Otshubile Principal Assistant Assistant (B) Main
4 Kagiso F. Otsoegoe Board Clerk II Main
5 Thobo Ishmael Driver Mahalapye

NOVEMBER
1 Dothodzo Israel Prn. Systems Analyst Department of Water Affairs Main
2 Gaolathe Olefhile Ass. Land Reg Officer Ngwaketse Land Board Main
3 Blessing Motlhabane Ass. Land Registration Officer Serowe

TRANSFER IN 2011/12

JULY
1 Khumo Kethwaafetse Principal Board Clerk II Malete Land Board
2 Olebogeng Molefhe CTO (Auto) Ghanzi Land Board Main
3 Thuto Leswadula Principal Internal Auditor Southern District Council Main
4 Matshabe Ntshabela CTO (Lands) Kweneng Land Board Palapye
5 Ludo Mmusi Human Resource Officer II Kgotleng Land Board Main

AUGUST
1 Sethunya Sankoloba Board Clerk II Rolong Land Board Mahalapye
2 Thato Sejo Senior Board Clerk Ghanzi Land Board Mahalapye

SEPTEMBER
1 Thabo T. Shipinare Sub Land Board Secretary Ghanzi Land Board Shoshong

OCTOBER
1 Joel Losike Deputy Sub Land Board Sec Department of Lands Nata
# CONTACT US

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