



REPUBLIC OF BOTSWANA

**KEYNOTE ADDRESS**

**BY**

**HIS EXCELLENCY, THE FORMER PRESIDENT**

**OF THE REPUBLIC OF BOTSWANA**

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**AT THE**

**ANNUAL WORLD BANK CONFERENCE ON LAND AND**

**POVERTY**

**“MOVING TOWARDS TRANSPARENT LAND  
GOVERNANCE: EVIDENCE BASED SOLUTIONS”**

**AT**

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Director of Ceremonies  
Distinguished Delegates, ladies and gentlemen

Good afternoon.

1. It is a great honour and privilege for me to be invited to this Conference on Land and Poverty to give a talk on Transparent Land Governance. The theme of the Conference, “Moving Towards Transparent Land Governance: Evidence Based Solutions” is appropriate given the many conflicts and wars the world over arising from land disputes. I commend the Bank for its annual programme of global Land Conferences on a wide range of Land issues, as land is at the centre of reconstruction and development. Land is indeed at the centre of human existence. It is proper and fitting, therefore, that a global player like the Bank should give due cognizance and priority to the analysis of land issues their management and impact on development.

2. Land is a finite factor of production. It is a source of livelihood for the majority of the third world poor. It also signifies cultural identity and the historical background of families, communities and the nation. Land is a source and cornerstone of the socio-economic sustenance of these entities. It is not surprising that the land issue has been a source of conflict and wars, with devastating impact on the social, environmental, political and economic stability of regions and countries. Conversely, the historical, cultural, social, political, economic and the physical environment have influenced and contributed immensely to shaping the content and implementation of land management frameworks, practices and policies.

3. Land Governance issues revolve around the following challenges:

- a) Access to Land and Security of Tenure;
- b) Competing uses of land, e.g. residential, farming, industrial, commercial, recreational, public uses, parks, game and forest reserves and mining.
- c) Optimal utilization;
- d) Adjudication of disputes;
- e) Land administration as well as reconciliation of customary and other rights, and rights of indigenous peoples.
- f) Ideally one should reserve and preserve the most fertile land for agriculture and food production.

The objectives of land management should be to resolve issues arising from the above stated broad categories of challenges. Weaknesses in Land Management include (a)

inaccessible and inefficient administration structures; (b) unreliable land information; (c) opaque, non documented or inadequately documented processes and procedures and inadequately recognized property rights and respect of the rule of law (d) exclusion of sections of communities such as ethnic, regional, the poor, youth, and women in the making of rules and regulations on access, acquisition, disposal, inheritance, security of tenure, mineral rights, etc. African culture typically excluded women from ownership of land while expecting them to work on it on behalf of the family.

4. We know that there are many issues around each of these topical areas and that the way each one of them is handled has a direct bearing on access to land and efforts towards poverty alleviation in our countries. In the past five years, in Africa and in other regions, a number of initiatives have been started at country, sub-regional and regional levels to address these land issues more systematically and in an effort to develop transparent land governance systems. I wish to single out among these initiatives, the joint project on land reform and environment of the African Union, United Nations Economic Commission for Africa and the African Development Bank, because it has produced a number of positive guidelines on land policy, land laws, land registry, dealing with different tenures, opening up land to women, youth and ensuring that land goes to those who will put it to good use. Without in any way disparaging or seeming to diminish the immense benefit we have derived from collaborating with international organizations such as; The World Bank, The IMF, and developing partners, we Africans would be far advanced in our development if we had implemented half of the decisions we have been taking during the last 50 years in the form of resolutions initially at the Organization of African Unity (OAU) and now at the African Union.

5. I am certain that similar initiatives have been started in other continents and regions. From where I stand, I see some encouraging breakthroughs in some critical areas in the way land issues are being addressed today, when compared to when many of our countries emerged from colonial rule, in the 1950s and 1960s. The guidelines to which I have just referred, in conjunction with global debates and resolutions of conferences like this one, are generating desirable best practices which any country can only ignore at its own peril.

6. Director of Ceremonies, transparent land governance requires that certain important pre-conditions and principles are in place and accepted by all parties. Such pre-conditions include the existence of a democratic political system and respect for the rule of law. It requires that equity and participation and respect for private property are accepted as tenets of development. Transparent land governance must further be based on fundamental acceptance of processes of equitable development and social justice. At operational level, transparent land governance requires linked allocation

and registry systems producing “real time” data to monitor and control potential over concentration of land in a few hands. It is these principles that I would like to address briefly as they are key ingredients of a transparent governance system.

7. **Democratic systems** - The one positive development that has happened to the world in the past two decades has been the almost universal acceptance of democracy and rule of law as the basis of governance at country, sub-regional and international levels. Just this global acceptance of democracy forms the basis of translating the same principles into transparent land governance in our different countries and regions. Transparent land governance starts with ensuring that land as the critical factor of production is equitably distributed and effectively managed in a participatory way. Lack of transparency not only reduces accountability by governmental authorities and richer citizens and powerful institutions but also facilitates cheating because of lack of procedural clarity and occurrence of unfairness even where none was intended.

8. This audience, that is, you the audience this evening are some of the best experts on land, its use, its administration, its conservation, its utilization optimally, its distribution, its abuse and destruction, what should happen and not happen to it. You are therefore the last group to be lectured to by a lay person. If I seem to be doing so, it is only out of anxiety to persuade you to be even more proactive in your advocacy of what should be done. Let me share with you, two anecdotes, one of which some of you, the Africans are familiar. That is that, following the food crisis of 2008, a number of rich oil producing countries and others, including China and the Republic of South Africa acquired large tracts of land in a number of African countries for food production. This in itself should be a welcome development of private foreign capital injection into the agricultural sector of Africa for food production. Anxiety arose from in some cases, total absence of information in some of the countries involved on the terms and conditions on which the tracts of land had been transferred. Members of Parliament didn't know how much land was involved, where in the country the said land was situate etc. Therefore, there was concern as to whether some citizens had been adversely affected, their rights and access prejudiced. To the extent, that this may have happened, what mitigatory action had been taken. As a result, some of the people saw this incident as an example of recolonialization, which it isn't. The individual cases will differ in the extent to which they are inappropriate. The issue here is lack of transparency and therefore the legitimate tendency for some of us to assume the worst.

9. Let me here hasten to add, that in the case of the Republic of South Africa, it was not the government that acquired the land, it was individual citizens, themselves professional experienced white farmers, who obtained right to farms. In their case they are actually producing food in the countries in which they are operating. In

Botswana, they are actually leasing land from individual citizens who in turn have leased the land from government. My information is that, there are similar white groups of farmers from either South Africa or Zimbabwe, in Mozambique, Congo-Brazzaville, and Nigeria. They are doing what from my point of view should not only be allowed but also encouraged subject to appropriate safeguards including teaching local farmers.

10. The Second anecdote relates to my own country. Allow me, to humbly use our limited but widely acknowledged case of relatively successful democracy and development in Botswana. In doing this, I must hasten to accept that Botswana is a small and relatively homogenous society, endowed with some strategic natural resources such as diamonds, copper/nickel and wildlife and the Okavango Swamps. Our case is both peculiar and limited in its applicability to some of the big, complex and more diverse societies in Africa, Asia and other parts of the world. Nevertheless, just as we have learned and continue to learn from such societies, it is my humble belief that they too can learn a few things from our own experiences.

11. Director of ceremonies, Botswana attained independence from the British Protectorate Administration in 1966. At that point the country was counted among the 25 poorest countries in the world. The economy was very small and highly dependent on the agricultural sector, which at the time of independence, happened to be going through one of the country's cyclical severe droughts. The drought of the mid-1960s had decimated most of the country's livestock which formed the economic mainstay for government and individual families. Botswana's governance system which had gained strength and succeeded to become more and more autocratic under the Protectorate rule was the traditional chieftaincy rule. Ours, unlike the cases of Lesotho and Swaziland lacked a centralized monarchy. The chiefs were administrators of every community resource – land, water, wildlife, etc. They were also judges, cultural and social leaders. Although culturally, they were meant to run a tolerant and participatory albeit male dominant traditional democratic system, the chiefs had over time become too dictatorial, conservative, and resistant to progressive changes on land administration.

12. Our new democratically elected government took as its first major reform agenda, the challenge of creating democratic institutions at national and local government levels. After extensive consultations with the communities and careful analysis of the local government situation, three major laws relating to land governance were enacted by Parliament between 1965 and 1970. That is, within the life of the very first Parliament. These were the Local Government Act (1965); Chieftaincy Act (1966) and Tribal Land Act of 1968. The three laws resulted in the creation of three institutions with clearly defined, separated but complementary powers and functions on land administration and oversight of the development process

at local level. These were the elected district and town councils with their administrations; reformed tribal administration headed by the chief and the land board responsible for allocation and administration of tribal land.

13. The basic principles underlying the creation of these democratic reforms were participation, increased access to land and giving voice to the local communities to influence decisions affecting development of their area and nationally. The councils were and are run by elected representatives, the chiefs were made more responsive to community service needs on customary matters such as marriage and traditional ceremonial activities while the land boards were empowered to manage all tribal land not only to tribesmen but to every citizen of Botswana regardless of their tribal origins. Overtime, we have built on these laws, amending them to strengthen them several times.

14. In other words, the lesson learnt from Botswana's experience is that you need a democratic national government to establish democratic local government institutions which will manage and administer land and development in a transparent, equitable manner governed by the rule of law and respect for private and communal property rights. These principles established immediately after independence, continue as the tenets of land administration and development in Botswana today. Indeed from time to time we do have local land crisis which we resolve by consultation and applying the rule of law and land rights under these original land governance reforms.

15. At national level, after consultation and continuous involvement of communities' the national government recognized three types of land tenure systems being tribal land, state land and freehold land. The state land was further divided into national parks or game reserves and the rest used as leasehold to individuals and businesses involved in urban and other development projects.

16. Entrenched in Botswana's land policies and laws are protection of rights to land, access to land by all who need it regardless of their gender, age, tribal affiliation or citizenship. Furthermore, through continuous reforms and formulation of sectoral policies, reforms of policies on women and development, youth empowerment, agricultural support programmes, marital power and gender equality, restrictions of access to land by women, youth or indigenous peoples, have been effected and access to land by these groups increased.

17. This brings me to the other important aspects of land governance which have been far more difficult to address across the world. This is the requirement of real time data and consolidated and co-ordinated databases on mapping, titles, etc. Good land governance even in multiple tenure and dual administrative systems require that land is mapped out clearly, each piece registered and different uses also recorded and

shared across all the key actors. This is where the African Union land project referred to earlier has become so useful with the guidelines that it has generated.

18. Equally fundamental to transparent land governance is the monitoring system and the types and levels of actors involved. For many years, governments at national or federal levels thought they could manage land better without extensive involvement of local communities. We now know from evidence from all over the world, that a combination of state, local government and community leadership strategy is best for land and natural resources governance. In many of our countries in Africa, local communities are involved and generating substantial income from managing natural resources or receiving income as compensation for land set aside for development projects. The guidelines on how to assist governments and land administrators as well as communities, do exist and capture best practices and lessons from across the globe.

19. I would say a measure of transparency, relatively easy access and certainly security of tenure have been achieved in Botswana. Weaknesses remain in terms of irregular enforcement and inefficiency of the land boards which is a major problem. Abuses by individuals also do occur.

20. Director of Ceremonies, let me conclude by saying that, commitment to continuous improvement to land governance is evidently a widely recognized need. The examples referred to earlier, bear testimony to this. However, commitment in itself will not bring results unless these commitments are implemented in the form of projects, policies and statutes. Therefore, it is imperative that the land administration institutions put in place measures to improve their own capacity, and involve the communities in the development, review and implementation of reforms. It is my hope that deliberations at this Conference will provide us with lessons on implementation of the reform initiatives, and help all of us to make land governance transparent to improve people's lives and grow national and individual incomes. This will also bring economic, political and environmental stability and peace to the whole world.

21. I thank you for your attention.