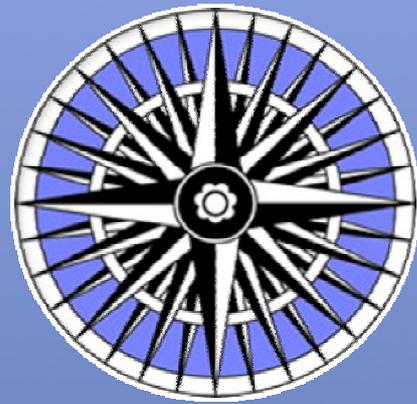


INTERNATIONAL RECORDS MANAGEMENT TRUST



BOTSWANA CASE STUDY

JUNE 2008

Fostering Trust and Transparency in Governance

*Investigating and Addressing the Requirements for Building Integrity
in Public Sector Information Systems in the ICT Environment*

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INTRODUCTION

- 1 At the time of the study, in May 2008, The Government of Botswana had undertaken to improve land management through the introduction of electronic land management information systems. The development of these systems flowed from the country's ICT policy, which provided a roadmap that guided the transformation of the country toward e-governance through the adoption of ICT strategies. The computerisation of information about land holdings represented an important step toward this realisation. The study explored the development of these systems and examined the issues involved in managing paper-based and electronic records as they applied to the tribal land records and information systems. It noted the need to strengthen the management of records in both formats as a basis for strengthening data integrity and protecting the vital evidence that the records contained.

Terms of Reference

- 2 Michael Hoyle and Dr Peter Sebina undertook the study in April and May 2008. Additional information and clarification of key points occurred between May and August 2008.
- 3 The methodology for the study visit involved working closely with the National Archivist and with officials at the Ministry of Lands and Housing. The team made a number of visits to the Botswana National Archives and Records Services (BNARS) as well as to different departments of the Ministry for discussions with key officials, including those responsible for the management and development of the TLIMS system.
- 4 The research involved conducting interviews and undertaking documentary research to collect qualitative information about land tenure management and the paper and electronic land information systems. This involved consultations with officials at the:
 - Ministry of Communications and Information Technology
 - Ministry of Lands and Housing
 - Department of Lands
 - Department of Land Boards Services and several land boards.
- 5 A high-level analysis of the flow of information in land records and information management was undertaken. This included learning as much as possible about the strengths and weakness of the records control systems involved.
- 6 The relationships between paper and electronic records were assessed, and sample records were examined to obtain an indication on the quality of land information and records.

- 7 As the study proceeded, it became apparent that while work had been undertaken on electronic land information systems, this still was limited in scope and implementation. There was, however, sufficient data to investigate key issues and to gain a good understanding of the recordkeeping aspect of the management of tribal land in Botswana.

Acknowledgements

- 8 The IRMT is grateful to the Government of Botswana for so generously permitting this study to be conducted and for allowing its officials to participate freely. It would like to thank the many government officials who offered support and assistance. In particular, the IRMT would like to acknowledge the Director of the National Archives and Records Service, Ms Kelebogile Kgabi, who gave her support to the study and assisted in arranging many of the meetings with senior officials. Dr Kgomotso Moahi, Head, Department of Library and Information Studies, University of Botswana, also took a close interest in the work and encouraged senior staff in the Department to participate. See Appendix A for a full list of the people consulted.
- 9 This case study represents a snapshot in time. The observations it contains were current as of March 2007. Since then, new developments and improvements have taken place on a regular basis, and therefore, the case study does not represent the situation at present. Nevertheless, the findings in the report should provide useful background in understanding the challenges of providing secure and reliable records as evidence in the electronic environment and in sharing the lessons learned. The IRMT made every effort to verify the information in the report. The officers interviewed did not always have the same views, and the aim was to present a balanced perspective. The IRMT takes full responsibility for any errors that may have been reported inadvertently.

EXECUTIVE SUMMARY

- 10 Botswana had a vision for the future that emphasised information technology and the building of a culture of transparency and accountability. (paras 24 to 28)
- 11 The Ministry of Land and Housing was established in October 1999, with responsibilities for land related functions as well as provision of housing throughout the country. In 2006 the Department of Land Board Services was established to deal with tribal land management issues. (paras 29 to 31)
- 12 Key to understanding Botswana's land related policies and legislation was the aspiration to provide for the land, shelter and production needs of all citizens. (paras 32 to 33)
- 13 In 1968 the Government of Botswana established land boards through the enactment of the Tribal Land Act. (paras 34 to 38)

- 14 At times, the effectiveness of the land boards has been questioned. One of the contributing factors appears to be the state in which land records are kept. (paras 39 to 45)
- 15 The process for applying for land is set out at para 46.
- 16 A number of attempts had been made to introduce electronic systems to support the management of land information. TLIMS was developed in 2002 to enable the boards to process applications and to manage tribal land more efficiently. (paras 47 to 58)
- 17 TLIMS development had faced a number of hurdles. Depending on the officials consulted, there was either guarded optimism about the future of TLIMS or outright scepticism that the system in its current form will ever succeed. (paras 59 to 61)
- 18 Over the years individual land boards or sub boards had tried to establish their own electronic systems. (paras 62 to 66)
- 19 The National Archives and Records Service of Botswana was viewed as a leader in the records profession in Africa. Records and archives training and education were available through the University of Botswana. (paras 67 to 72).
- 20 While the paper records systems and central registries that were observed were good, there appeared to be little knowledge or understanding as to how electronic records should be captured and managed to preserve their integrity and reliability over time. (paras 73 to 76)
- 21 Tribal land records were not being managed effectively, and boards had insufficient and incomplete records on parcels of land and ownership. (paras 77 to 81)
- 22 New policies, standards and procedures needed to be designed and adopted. (paras 82 to 85).
- 23 The issues affecting land records, and the key findings are summarised at para 86.

FINDINGS

ICT Policy, Development and e-Governance

- 24 Botswana's Vision 2016 states that, 'Botswana will be abreast of other nations in information technology and will have become a regional powerhouse in the field. Most people will be computer literate as most schools and workplaces will be equipped with computers. This will enable Botswana to become an informed nation in which a culture of transparency and accountability will flourish.'¹

¹ Republic of Botswana *Vision 2016* Long Term Vision for Botswana
http://www.vision2016.co.bw/html/about_educated.shtml

- 25 The Ministry of Communications, Science and Technology had issued a National Information and Communications Technology policy known as *Maitlamo* (Commitment). The policy built on Vision 2016 and aimed to provide all citizens with easy access to information. It included a section on government online that outlined the aim of establishing an e-government portal where all ‘appropriate government information will be made available.’² The policy placed a strong emphasis on developing ICT skills and literacy. Health information was a key area of the policy, as was economic diversification, technical infrastructure, and the legal framework.³
- 26 The policy was partly a response to the 2005 United Nations Human Development report for Botswana, which was prepared when many government business processes were still manual. Weak infrastructure and connections to the government data network were issues. While skill development was seen as a priority, the level of IT skills in the public service was considered inadequate. Inefficient manual systems were criticised, the lack of a central document management system was deemed undesirable and the management of off-line data on microfiche was considered outdated.⁴
- 27 As has been the case in many nations, Botswana had entrusted implementation of its ICT policy to the Department of Information Technology in the Ministry of Communications, Science and Technology. This same department also was responsible for coordinating large computerisation projects in the public sector.
- 28 At the time of the study, computers were common in government offices, and most middle ranking and senior public servants had access to computers for normal business tasks. Lower level staff often had access to shared machines. While it was unclear how good the connections were across networks, the level of understanding of ICT matters appeared high. Computerisation had been steadily extended, for instance with a personnel management information system being implemented to provide up to date and accurate human resources information.

Ministry of Land and Housing

- 29 The Ministry of Land and Housing was established in October 1999 with responsibilities for land related functions as well as provision of housing throughout the country.⁵ The Ministry was responsible for physical planning and optimal use of land space, administration of urban and rural land, and provision of services including surveying mapping and remote sensing.

² Republic of Botswana *Draft National Information and Communications Technology Policy* 2005

³ Government of Botswana. *Draft National Information and Communications Technology Policy* 2005. Ministry of Communications, Science and Technology. January 2005

⁴ United Nations Human Development Report 2005

http://www.sarpn.org.za/documents/d0001252/Botswana_HDR_2005.pdf p51

⁵ Taboka Nkhwa, Deputy Director Public Service Management, *Creating a World Class Public Service for Botswana*, Presented at the Workshop for Enhancing The Performance of The African Public Service Commissions and Other Appointing Commissions and Authorities, Kampala, Uganda April 7 – 11 2008

30 The Ministry consisted of seven departments including:

- Ministry Management
- Department of Lands
- Department of Housing
- Department of Surveys and Mapping
- Department of Town and Regional Planning
- Land Tribunals
- Department of Land Board Services

31 Initially, land was managed by the Department of Lands through the State Land Act. However in 2006, the Department of Land Board Services was established to deal with tribal land management issues.

Land Management and Boards

32 'A consistent thread running through Botswana's land related policies and legislation is the aspiration to provide the land, shelter and production needs of all citizens. A related principle is that the land itself should not be bought and sold, only the unextinguished improvements thereon. The principles are rooted in customary law, but in an urbanising Botswana with a rapidly developing urban land market it is increasingly difficult to sustain them.'⁶

33 Botswana covers 582,000 square kilometres. Approximately 63% of land is available for citizens, with the remaining 37% dedicated to game reserves, national parks and wildlife management areas. Land tenure is divided into:

- freehold land (6%)
- state land (23%)
- tribal land (71%).⁷

⁶ Martin Adams, Faustin Kalabamu, Richard White. *Land Policy tenure and practice in Botswana – Governance lessons for southern Africa*. Austrian Journal of Development Studies XIX, 1, 2003

⁷ Ramokate, Kago Sidney. *The Management of Land Records in Land Boards: A Case Study of Kweneng Land board, Botswana*. Department of Library and Information Studies. University of Botswana (Dissertation) 2008

34 In 1968, the Government of Botswana established the land boards through the enactment of the Tribal Land Act. The Act gave land boards powers of land administration and took over the powers of the chiefs Section 12 (1) of the Act states:

All the powers previously vested in a Chief and a subordinate land authority under customary law in relation to land including –

- (a) the granting of rights to use any land*
- (b) the cancellation of the grant of any rights to use any land*
- (c) the imposition of restrictions on the use of tribal land*
- (d) authorising any change of user of tribal land or*
- (e) authorising any transfer of tribal land*

Shall vest in and be performed by a land board...⁸

35 Section 17 states that ‘A land board shall, after due consultation with the district council, determine and define land use zones within the tribal area...’.⁹ The land boards were charged with:

- allocating land under both customary law and common law
- cancelling grant of any rights to use land
- imposing restrictions on the use of land
- authorising any change of use of tribal land
- arbitrating land disputes
- authorising any transfer of tribal land.¹⁰

36 The land boards held tribal land in trust and allocate it impartially according to either customary or common law. In theory at least, the boards provide a system where all existing rights in any particular parcel of land are recorded, disputes arising are settled and results of the process are registered.¹¹

37 Section 19 notes that the Minister may ‘establish a subordinate Land Board for any of the functions of the Land Board in respect of that area.’¹²

38 In 1993 The Tribal Land Act was amended to ‘further streamline the duties and responsibilities of the Land Boards’.¹³

⁸ Government of Botswana Tribal Land Act Chapter 32:02

⁹ Republic of Botswana Tribal Land Act Chapter 32:02

¹⁰ Tribal Land Act Cap: 32:02 Section 13

¹¹ Ministry of Local Government and Lands, 1978

¹² Republic of Botswana Tribal Land Act Chapter 32:02

Records Management and the Effectiveness of the Land Boards

- 39 The process of fully establishing the boards took time. Commentators have noted that: 'It took many years and substantial efforts to train and guide the members, before they were familiar with their duties. One problem was that many of the people most knowledgeable on local land matters were illiterate; conversely, many of the better educated people knew little about the land, being better acquainted with urban issues.'¹⁴
- 40 The operation and effectiveness of the Land Boards has been questioned at times. In the report of the *Second Presidential Commission on the Structure on the Local Government of Botswana 2001*, it was suggested that amongst the many problems, there was a lack of transparency and consistency in the operations, including unfair practices with respect to compensation for land acquired from owners for reallocation and corrupt and non transparent procedures in the election of Land Board members.¹⁵
- 41 Significantly, the commission noted issues surrounding land speculation: 'Batswana, who cannot afford to pay for land and who are subjected to land board practices that are not sensitive to home ownership for citizens, may be denied the right to land. This problem is compounded by poor recordkeeping and the lack of data networks among land boards since they are not able to check any records to decide whether applicants have plots elsewhere or not.'¹⁶
- 42 The Commission went on to state: 'Submissions were received from members of the public about the deplorable state of recordkeeping in the Land Boards. It was submitted that land inventories and the keeping of minutes by the Land Board were not up to the required standard. It was also submitted that in order to manage land in contemporary society, adequate information was required on the location, size and use of land to be managed. That maps and associated information (ownership, use, servitudes to which the land is subject etc) was increasingly used in computer format thus facilitating more informed decision making by the Land Boards. The Commission concluded that Land Boards should be encouraged to develop and train personnel in record keeping and computerisation of records'.¹⁷
- 43 The Commission recommended that 'all Land Boards should, as a matter of urgency, establish a comprehensive data base on land ownership and establish country networking to curb the problem of land speculation'.¹⁸

¹³ BM Mathuda. *Botswana Land Policy*. Ministry of Lands and Housing, Gaborone, Botswana, Paper Presented at an International Workshop on Land Policies in Southern Africa, Berlin Germany, May 26 to 27, 2003

¹⁴ Martin Adams, Faustin Kalabamu, Richard White. *Land Policy tenure and practice in Botswana – Governance lessons for Southern Africa*. Austrian Journal of Development Studies XIX, 1, 2003

¹⁵ Republic of Botswana *Report of the Second Presidential Commission on the Structure on the Local Government of Botswana*, 2001

¹⁶ Ibid

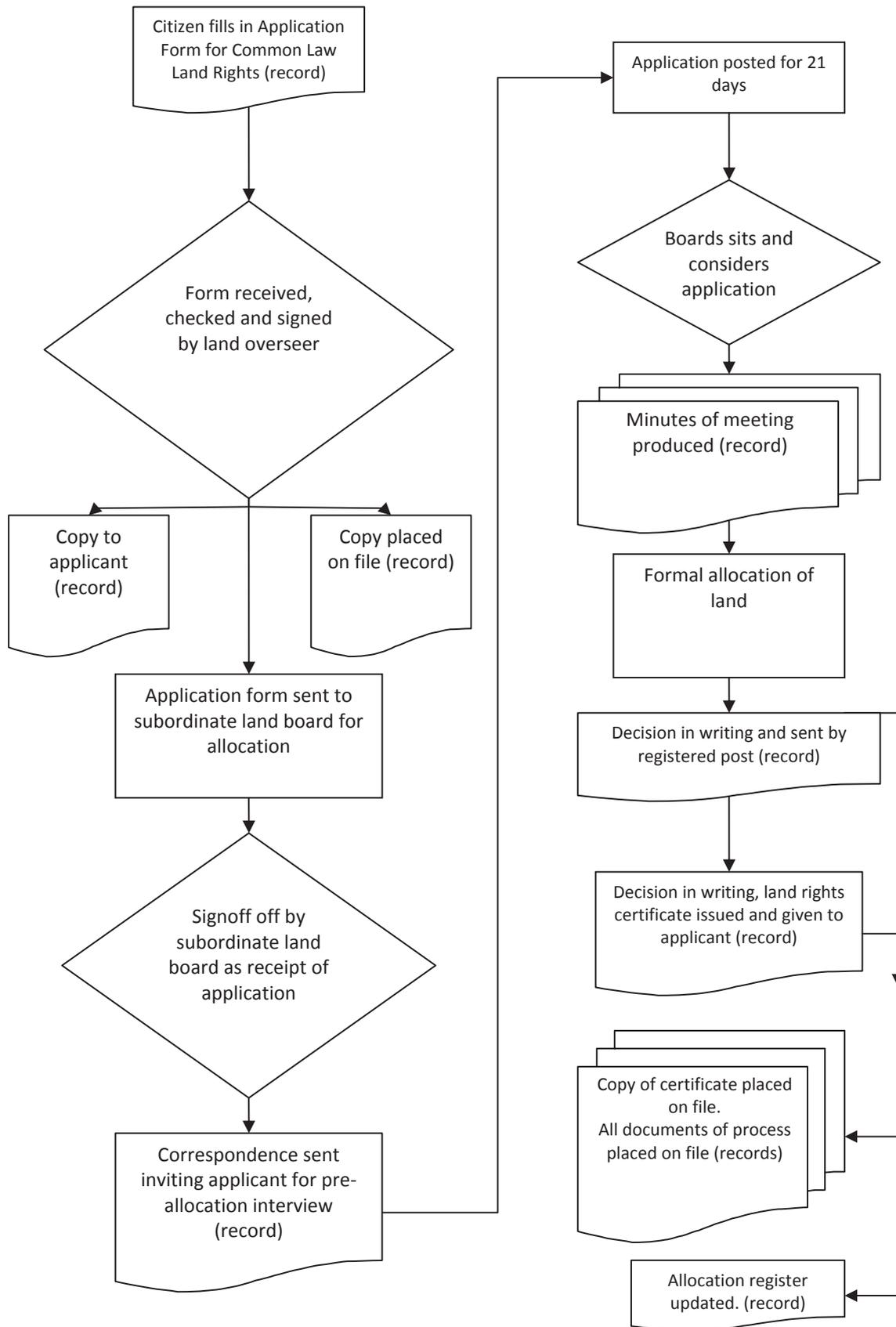
¹⁷ Ibid

¹⁸ Ibid

- 44 Another records management issue raised included criticism of land overseers who sometimes signed land board forms without verifying the information on the application form, or by visiting the applicable site.
- 45 While there had been criticism of poor recordkeeping within the Land Boards, commentators had noted that in comparison to some other parts of Africa, Botswana's situation was quite good. It was observed that: '...the imperfect records of Land Boards are relatively far better than the situation in Ghana in which most chiefs make no attempt at keeping records on allocations and transfer of land. Since most land users do not bother to register title in land there exist no written records of most customary land transactions in Ghana'.¹⁹
- 46 The procedure for applying for land is set out on page 9.

¹⁹ Dougan, Henry *Securing property rights in land: politics on the land frontier in post colonial Ghana and Botswana* quoting Kasanga 1996 Poku 2002 Lethi 2004
<http://socsci2.ucsd.edu/~aronatas/scrretreat/Dougan.Henry.doc>

Procedure for Applying for Land



Paper and Electronic Land Information Systems

- 47 A number of attempts had been made to introduce electronic systems for the management of land information in Botswana. The Land Inventory for Tribal Land Boards of Botswana (LYNSIS) was one of the earliest systems. However, this inventorying system was never fully implemented. It was unclear why it failed, but speculation suggested that staff did not understand the value of land inventories and that there was insufficient funding for training.²⁰ In the mid 1990's, the Botswana Land Integrated System (BLIS) was developed. BLIS was introduced to help the Department improve land allocation management, including waiting list information for state land plot allocation. The system was Oracle-based and centred on the functions of the Department of Lands. Information was input to BLIS from paper files.
- 48 Over the years it became clear that BLIS was not meeting its intended business objectives. BLIS software did not interface with other departments systems, which also were involved in land administration and consequently did not support online sharing of land information. BLIS did not allow for input of spatial data, and it was difficult to link plots already allocated to their owners. In addition, there were concerns about the quality of the paper-base information that had been entered into the system. It was decided that the system needed to be replaced.
- 49 The State Land Information Management System (SLIMS) was developed in 2002. With its introduction, it was decided to 'archive' BLIS (take it offline) and use it primarily as a reference point should the need arise. Some of the information from BLIS was transferred to SLIMS, and consultants were engaged by the Ministry of Lands to collect data that was missing. SLIMS was expected to help in the allocation of plots of land and to assist in the management of state land. It aimed to interface with systems in the Deeds Registry, Department of Surveys and Mapping, Botswana Housing Corporation and the Department of Town and Regional Planning.
- 50 This report focuses on the Tribal Land Information Management System (TLIMS). Work on TLIMS also commenced in 2002. The aim of the system was to enable the boards to process applications and be able to manage tribal land electronically. TLIMS was intended to automate land allocation at the Land Board level. Functionalities included land use planning, processing plot divisions, sub leasing/sub letting, control and compliance monitoring, acquisition and compensation, adjudication and land board review.²¹ Part of its aim was to facilitate data sharing between the various land boards and sub land boards as well as other government departments.²²

²⁰ Tembo, Emmanuel and Simela, Julian V. *Improving Land Management in Tribal Areas of Botswana*. Expert Group Meeting on Secure Land tenure: New Legal Frameworks and Tools. UN Gigiri in Nairobi, Kenya 10 -12 November 2004

²¹ Tembo, Emmanuel and Simela, Julian V. *Improving Land Management in Tribal Areas of Botswana*. Expert Group Meeting on Secure Land tenure: New Legal Frameworks and Tools. UN Gigiri in Nairobi, Kenya 10 -12 November 2004

²² ESRI International User Conference 2005. Special Achievement in GIS. Department of Lands, Ministry of Lands and Housing. Government of Botswana.

- 51 Ultimately, it was hoped that it would have links to revenue applications and geographical information systems (GIS) applications. Some of the stakeholders consulted hoped that TLIMS will embed geographically referenced information data and make the system a true spatial information system.²³ Neither BLIS nor the manual systems had been able to curb 'land grabbing', and it was hoped that TLIMS would substantially assist in controlling this practice. Indeed one commentator said: 'When fully operational, TLIMS will enable Land Boards to fully account for every square inch of land under their jurisdiction.'²⁴
- 52 It was hoped that the system would be structured in a way that would allow access to land information for everyone, either working on or with an interest in land.²⁵
- 53 One of the issues to be addressed was the continuing difficulties with the manual paper records. In line with the report of the *Second Presidential Commission on the Structure on the Local Government of Botswana 2001*, one writer noted that 'the paper based system had its own problems, mostly to do with filing and reconciliation of records, which was a bottle neck to effective land delivery'.²⁶ He went on to say: 'The accelerated generation of spatial information due to high growth rate of urban areas and peri-urban areas [land immediately adjoining an urban area; between city and countryside] has led to the churning out of volumes of land records and associated documents. Registries at Land Board and sub Land Board levels are now highly dynamic and require efficient and better methods/means of land records delivery, storage, retrieval and archiving'.²⁷
- 54 The System's objectives included recording when applications for land are made and providing details of the application. TLIMS was expected to interface with paper records, including the location of applications, certificates and correspondence. In addition to providing information about when and where an application was made, the system would record who had made the application, what the application was for and the status of the application (accepted/rejected/deferred). It would also generate agendas for meetings, produce minutes, as well as print certificates of land allocation.
- 55 The system was developed by a locally based firm, Geoflux, that specialised in hydrogeology and civil, structural, electrical and mechanical engineering as well as environmental assessments and consultancies.²⁸ TLIMS used MS SQL 200 as the backend and Visual Basic as the front end; clients accessed the system using Internet

²³ Tembo, Emmanuel, Manisa, Mike and Maphale, Lopang, *Land Information Management in Customary Land in Botswana* International Conference on Spatial Information for Sustainable Development Nairobi, Kenya 2- 5 October 2005

²⁴ Chigiinge, Francis. *TLIMS as a Vehicle for Long Term Sustainable Development and Land Management in Botswana*. Shaping the Change. XXII FIG Congress. Munich, Germany, October 8 – 13, 2006

²⁵ Tembo, Emmanuel and Simela, Julian V. *Improving Land Management in Tribal Areas of Botswana*. Expert Group Meeting on Secure Land tenure: New Legal Frameworks and Tools. UN Gigiri in Nairobi, Kenya 10 -12 November 2004

²⁶ Chigiinge, Francis. *TLIMS as a Vehicle for Long Term Sustainable Development and Land Management in Botswana*. Shaping the Change. XXII FIG Congress. Munich, Germany, October 8 – 13, 2006

²⁷ Ibid

²⁸ Geoflux Consulting Engineers and Geoscientists. About Us. <http://www.geoflux.biz/html/about.html>

Explorer.²⁹ During the pilots, TLIMS was a distributed system. Ultimately the plan was to centralise the system with the server based at the Department of Land Board Services. Land boards would log on remotely through the web.

- 56 Each document on TLIMS has a reference number. For example, at the Mogoditshane Subordinate Land Board:

MOG/MET/RES/0815

The first part is the name of the subordinate land board (in this case Mogoditshane), the second part is the area of application (in this case Metsimotlhabe), the third part related to the type of land (in this case residential) while the fourth part was the application number. Searches on TLIMS could be made on each of the attributes on the reference number. For instance, the reference number could be used to check the status of the application. When the reference number was used, it would provide the full names of the applicant and the respective national identity number.

- 57 Unfortunately, the pilot system appeared to have been cumbersome to use. For instance, if more information was required, the window that opened during the initial search had to be closed and a new one opened for additional searches on the same applicant.
- 58 Surveys were undertaken to provide information on plots of land where spatial data was lacking. At Tlokweng, the Land Board surveyed the entire village in order to collect spatial data. The data was input into a surveyor program (INFOMATE), which provided a map of plots, name of plot owner and lease numbers. Once this input had been completed, various attributes were copied onto TLIMS from the paper files including, for example, name of applicant, national identity number, paper file reference, customary certificate land information, references to correspondence between applicant and land board, and GIS points of the plot of land.
- 59 TLIMS development clearly faced a number of hurdles. One writer noted in 2004 that the implementation of TLIMS 'has been described as a big bang'.³⁰ However, as at early 2008, only two pilots of the system had been undertaken. These occurred at Ngwato Land Board and the Mogoditshane Subordinate Land Board of the Kweneng Land Board. Due to the poor state of records management in the land boards and subordinate boards, there were significant difficulties surrounding input data. In response to this problem, the government contracted private survey companies to collect data to populate the system.³¹ As one stakeholder noted, a system was only as

²⁹ ESRI International User Conference 2005. Special Achievement in GIS. Department of Lands, Ministry of Lands and Housing. Government of Botswana.

³⁰ Tembo, Emmanuel and Simela, Julian V. *Improving Land Management in Tribal Areas of Botswana*. Expert Group Meeting on Secure Land tenure: New Legal Frameworks and Tools. UN Gigiri in Nairobi, Kenya 10 -12 November 2004³² Ibid.

³¹ See The Public Procurement and Asset Disposal Board Tender Awards 17 June 2004 Tender No TB 8/2/1/01-02 II Tender Title: Department of Lands requests permission to engage FFM Botswana & MNO Consultants for the Data Collection and Conversion for the Tribal Land Integrated Management System (TLIMS) and State Land Integrated Management System (SLIMS). Bid Award Decision: Approved

good as the data it contained. There was a need to systematically collect data about existing land holdings and this is undoubtedly a huge task.³²

- 60 In addition, user needs did not seem to have been adequately assessed. Most subordinate land boards were not networked; and the low bandwidth made it difficult to transfer data. Most staff in the boards were not computer literate and found the system difficult to use. In addition, there appeared to have been significant project management issues surrounding planning, implementation and even system documentation relating to the pilots. In discussions with officials at the Tlokweng Land Board, the feeling was that the TLIMS had been developed in haste.
- 61 Officials at the Ministry of Land and Housing expressed either guarded optimism or outright scepticism that TLIMS in its current form would ever succeed; many were aware of the difficulties with the pilots. It was clear that action was required and to this end a confidential report on the state of the system was commissioned. During the case study visit, a copy of the report was viewed but permission was not given to quote from it. On a quick examination of the document, the poor state of the paper records (including photographs), which should have provided input to the system, was clearly highlighted.
- 62 There were other attempts to automate land records. Individual land boards or sub boards have tried to establish better control over their records and land information. In 2006, the Ngwato Land Board developed a Records and Information Policy, prepared a draft classification scheme and automated the file index. The index recorded the paper file number, the land use described on the file and the land owner.
- 63 In 2002, the Mochudi Subordinate Board, under the Kgatleng Land Board, also developed a database on land applications and certificates. The database was created using the Lotus Smart Suite 97 and Approach 97 software. The software contained functionalities drawn from Organizer, Approach, Word-Pro, ScreenCam and Freelance 1-2-3, and allowed the creation of forms and the generation of reports using spreadsheets.
- 64 The database was primarily used to draft new land issuance certificates; capture available data on certificates, and update record information on collected certificates. It also made it possible to edit, update or delete records (certificates) in the database and to search for a specific or to find a record using a certain parameter, such as customer identification number and name.

³² Tembo, Emmanuel and Simela, Julian V. *Improving Land Management in Tribal Areas of Botswana*. Expert Group Meeting on Secure Land tenure: New Legal Frameworks and Tools. UN Gigiri in Nairobi, Kenya 10 -12 November 2004. Op cit?

- 65 An example of a record in the computerised records system in Mochudi Subordinate Land Board follows:

The screenshot shows a Microsoft Access window titled 'Microsoft Access - [CERTIFICATE ISSUES]'. The window displays a form with the following fields:

ID/Resident Perm	First Name	Middle Name	Last Name
Address			
Plot use			
Location	Plot size	Witness (Issuance)	Witness (Allocation)
Allocation Date	Officer issued	Date Issue	
Comments (Issued/Gender)			
Marital size			

At the bottom of the window, there is a status bar that reads 'Record: 1 of 1' and 'Form View'.

- 66 The land board had been using the system since 2003 but discontinued it in 2008 in anticipation of the imminent TLIMS roll out.

Botswana National Archives and Records Services (BNARS)

- 67 The National Archives and Records Service of Botswana was part of the Ministry of Youth, Sports and Culture and was housed in a modern building located within metres of Parliament in the heart of the government centre of Gaborone. BNARS had been established in 1967, with legislation enacted in 1978 (revised in 2007). The Archives Act set out the roles and responsibilities of the organisation, and guidance was provided by an Archives Advisory Committee. BNARS had a staff of over 400, including employees seconded to departments to staff their records management units.
- 68 BNARS was widely recognised as a leading professional organisation in Africa, with strong leadership, well trained staff and good modern facilities. Although most employees were located in Gaborone, BNARS also had a regional repository in Francistown.
- 69 The 1978 Act was amended in 2007 in order to strengthen work on current or active records, including electronic records. BNARS placed a strong emphasis on developing records management in the public service. It had undertaken a survey of the state of records management in government with the aim of playing a more active advisory role. This had resulted in the Archives work programme being broadened to include an emphasis on developing records management policies and regulations.

Records and Archives Training

- 70 Records managers in MDAs often had no formal training. Part of the aim of BNARS' new emphasis was to improve the status of records management and to fill every MDA with a trained records manager. Partnerships were being developed between BNARS and the MDAs, and large departments and headquarters were targeted for initial training. Five records officers had been trained on an eight week 'crash' course. While the Land Boards are not covered by the Archives Act, the Ministry of Land and Housing was one of the first MDAs to be targeted for training. While this activity was viewed as a 'drop in the ocean', and it was slow to take off, it was considered a positive beginning.
- 71 Records and archives training and education was available in Botswana, and the programme is considered one of the best in Africa. The University of Botswana offered a one year certificate, a two year diploma and a masters programme in records and archives management. In the first year, the certificate and diploma programmes are taught together. One of the aims was to train public servants, who had no formal qualifications. A pass in English was the only requirement to enter the certificate level training. In 2007/08 there were six students at the certificate level, sixteen undertaking the diploma training and ten in the masters programme. Masters students came from Botswana and from other countries in the region including Zimbabwe, Namibia, Tanzania and Kenya.
- 72 Training at the certificate and diploma level was being phased out at the University. In the future it would be important to find an appropriate venue for training non-graduates. At the same time, there was heavy demand for well-trained graduates at the masters level. In recent years BNARS has sent six staff to undertake the masters programme. Unfortunately, on completion of their studies, all immediately left BNARS for better paying positions elsewhere.

ELECTRONIC SYSTEMS AND RECORDS MANAGEMENT ISSUES

- 73 The Government of Botswana has been progressively modernising government processes and service delivery through the introduction of ICT systems. While BNARS had an active records programme, there was a need to develop arrangements within the MDAs for the day-to-day management of the records generated or held by electronic systems and for the retention of electronic records deemed to be of long term value. Recordkeeping functionality and maintenance of electronic records over time appeared to play no part in the development of new systems. Nor was there evidence to suggest that officials responsible for planning and implementing ICT systems were aware of the international Standard for Records Management (ISO 15489)³³ or of other standards or guidelines relating to contemporary recordkeeping.

³³ ISO 15489-1: Information and Documentation – Records Management - Part 1: General; ISO/TR 15489-2 Information and Documentation – Records Management - Part 2: Guidelines.

- 74 While the paper-based records systems and central registries viewed in the Ministry of Land and Housing were good, there appeared to be little knowledge or understanding outside of BNARS and the Department of Library and Information Studies at the University as to how electronic records should be captured and managed to preserve their integrity and reliability over time. Preservation and migration issues were acknowledged by Ministry officials, but there was no indication that such processes were being incorporated into the design stage of electronic information systems.
- 75 Furthermore, there was a disconnect between the management of paper-based and electronic records management in relation to inter-connected business process; these issues were not generally taken into account when planning new information systems. Several officials admitted that they had not taken the state of paper records into consideration when developing the TLIMS pilots. When the pilots were reviewed, it was reported that the state of paper records was poor. There also was a need for a broader understanding of the issue as it affected electronic records environment.
- 76 Despite training offered by the University of Botswana and BNARS, paper files were considered the responsibility of low level clerks, while information generated by the electronic systems was under the purview of IT administrators and technicians. There appeared to be no interaction between the managers or custodians of the two forms of information, and virtually no input and advice was sought from records management professionals during the development of electronic systems.
- 77 In many cases, the boards, filed applications for land allocations under customary law in one file, irrespective of the land use application; responses to the applications were kept in a different file, and correspondence relating to the applications or to the allocations were in yet another file. After the board considered the applications, the successful applicants were allocated land, and certificates were issued. Copies were placed in another general file. Individual files were not created. If information was needed on a particular applicant, a search had to be made over a number of files. It was often very difficult to ascertain what land an individual had been allocated.
- 78 At the same time, individual files were being opened for plots of land that were transferred from customary to common law (where plot owners wanted to have a lease rather than a certificate of allocation). These files contained all the information relating to a particular plot, and they were identified by the plot owner (lessee). These files also covered land transfers (whether the land had been transferred from the original owner), and they provided the history of the plot of land. The Tlokweng Land Board had started a project to open plot-specific files for land allocated under customary law.
- 79 Clearly a lack of trained records personnel had resulted in severe difficulties. Unfortunately, records management units in the boards often were viewed as dumping grounds for non-performing or hard to place employees.

³³ Ramokate, K. S. The Management of Land Records in Botswana (quoting Nkabwe 2007 and Tembo & Semela 2004) p 8

- 80 In discussions with officials in the Tlokweng and Mogoditshane Subordinate Land Board, it was clear that TLIMS would not, in the foreseeable future, replace the paper records file. Technology infrastructure at the village level was limited, and officials indicated that for this reason paper files still would be needed. The Government was, however, rolling out information technologies to villages. Community information centres were being established; facsimile machines had been installed and, computers were being connected to the Internet. It seemed likely that with the continued growth of cell phone technology and the eventual arrival of third generation 'smart phones', citizens would expect to access data including land information remotely.
- 81 Officials at the land boards recognised the need for greater control over their current records. The boards had recently advertised for experienced records staff to assist in alleviating the problems. This would be beneficial, although clearly the heavy demand for records professionals meant that MDAs and BNARS continued to lose staff. The Government needed to manage this issue carefully to ensure that there was a pool of records professionals across the state sector.
- 82 New policies, standards and procedures needed to be designed, taught and adopted. Sensitisation and good communications were required if systems were to be designed, taught and adopted.
- 83 During the study, officials expressed interest in records management. Although most quickly grasped the issues, it was still unclear how electronic records produced by TLIMS, or indeed any other new government information system would be managed in the longer term. In some cases, it was possible that records will be printed and filed. However, officials suggested that records would be retained on the systems until 'archiving' was necessary. They believed that the 'solution' was to store information offline rather than applying retention rules or appraising electronic records for their short or long term value. However, storing vast amounts of information made it hard to access individual records and to identify records for long term or permanent retention. This undermined and could lead to the loss of rights of entitlements. It underscored the need to build in records management functionality when planning and designing new systems so that retention and disposal requirements were included from the outset.
- 84 In addition, there did not appear to be an awareness of the need to plan for the migration of electronic records or to have emulation systems available once data was no longer required on the live system. These were important issues which would become increasingly apparent when there were system upgrades or major changes in technology.
- 85 BNARS would need to play a prominent role in the transition from paper to electronic records management systems, from the design of the system and inclusion of standards in system design to the safe transfer of records with enduring value to long term storage. However, BNARS' resources were overstretched as it grappled with a myriad of records and archives related issues across government.

SUMMARY

- 86 Botswana had succeeded in raising its level of development to middle income level. As evidenced by its Vision 2016 statement and its e-government strategy, the Government was hoping that the development of ICT infrastructure and systems would further enhance its economic and social prospects. Clearly the greater use of computerisation would bring efficiencies to the public service and would effectively deliver digital services to citizens. However, this could not be achieved without greater attention to the management of both paper and electronic records and their significance for the business processes. The introduction of electronic information systems would not meet the needs of either the government or citizens if the input data is inaccurate or incomplete. There was a strong need to ensure that the records, regardless of format, were authentic, accurate and complete to ensure accountability and transparency of government and to protect citizens' rights and entitlements.

PEOPLE CONSULTED

Ministry of Lands and Housing

Mr George Mutale, IT Manager
Mr Oduetse Tshukudu, Records Manager

Department of Lands

Mrs Karakubis, Principal Lands Officer
Ms K. Mothibi, Senior Lands Officer (Lands Use)
Mrs Molly Nonkonyane, Records Assistant

Department of Land Board Services

Mr Ketlhoilwe Ketlhoilwe, Senior Systems Analyst
Mr Mfazi, Systems Analyst
Ms T. D. Kentse, Assistant Systems Analyst
Mrs Josephine Kandjii, Principal Records Officer
Mr Kebaabetswe Rammilong, Records Officer

Department of Town and Regional Planning

Mr Lord Vasco, Principal Planner, Research

Land Boards

Mrs Monageng, Acting Deputy Land Board Secretary, Kweneng Land Board
Mr Kereemang, Board Clerk, Mogoditshane Sub Land Board , Kweneng Land Board
Mrs Rosihah, Mokhange, former Records Officer, Ngwato Land Board
Mrs Julia Monkutlwatsi, former Records Officer, Ngwato Land Board
Ms Ellen Ramorula, student at University of Botswana, practical attachment at Ngwato Land Board

University of Botswana

Dr Kgomotso Moahi, Head, Department of Library and Information Studies

Professor Nathan Mnjama, Senior Lecturer, Department of Library and Information Studies

Dr Segomotso Keakopa, Lecturer, Department of Library and Information Studies

Botswana National Archives and Records Services (BNARS)

Ms Kelebogile Kgabi, Director

Mr Kago Ramokate, Deputy Director

Ms Linda Magula, Principal Archivist

Ms Lorato Motsaathebe, Assistant Records Manager

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BACKGROUND ON LAND MANAGEMENT IN BOTSWANA

Freehold land was privately owned agricultural land; owner had perpetual and exclusive rights. Ownership of such land was granted prior to independence in 1966; thereafter it was no longer permitted. Sale of freehold land was possible and was regulated by the Ministry of Lands and Housing.³⁴

State land mainly comprises towns and townships as well as wildlife and forest areas. Such land can be purchased and the title registered. The land can be sold and the transaction is regulated by the Department of Lands through the State Land Act 1966.³⁵

Under customary law still prevailed and was governed by the Tribal Land (Amendment) Act (1994). The people of Botswana could own three types of land, including:

- a residential plot in a village
- a field for tilling in an area outside the village
- land for raising of livestock.

Land belonged to citizens of all ethnic groups, and each member of the group was expected to have equal access to the land. Administrative control over land was vested in the *Kgosi* (Chief) as trustee for the people. The *Kgosi* allocated and managed the land on behalf of the communities. Administration of land in villages was vested in sub-chiefs who made allocations to individuals. The holder enjoyed exclusive occupation only when the land was under cultivation.³⁶

Non residential or arable land was available for the free grazing of cattle, and every member of the community was entitled to make use of the land for this purpose. There was no fencing, and livestock roamed and intermingled freely. Despite the absence of individual land holdings, each cattle owner was entitled to a site to use as a cattle post. This could be either a nearby stream or a well sunk for the purpose. Once a well was sunk, the holder acquired permanent and exclusive rights to it. Objections could be lodged if anyone tried to sink another well too close to the first well.³⁷

³⁴ Ramokate, Kago Sidney. *The Management of Land Records in Land Boards: A Case Study of Kweneng Land board, Botswana* p7

³⁵ Ramokate, Kago Sidney. *The Management of Land Records in Land Boards: A Case Study of Kweneng Land board, Botswana* p7

³⁶ Government of Botswana Paper No 1 of 1992 Land Problems in Mogoditshane and other peri urban villages March 1992

³⁷ Government of Botswana Paper No 1 of 1992 Land Problems in Mogoditshane and other peri urban villages March 1992

APPLICATION FORM FOR COMMON LAW LAND RIGHTS



REPUBLIC OF BOTSWANA

APPLICATION FOR COMMON LAW LAND RIGHTS

(Under Section 24 of the Tribal Land Act)

- 1.. Full names of applicant.....
2. Postal Address..... Tel: No.....
3. Date of Birth..... 4. Age..... 5. Man/Woman*
6. Are you a citizen of Botswana? Yes/No* I.D. No.....
Passport No.....Residence Permit No.....
7. Marital Status: Married/Single/Divorced/Separated/Widowed.*
8. If married, name of spouse.....
9. Name of place where plot applied for is.....
10. Present use of the plot applied for.....
11. Size of plot applied for.....
12. Is the plot applied for debused? Yes/No*
13. Description of lease sought, length of lease and purpose.
.....
.....
14. A sketch plan showing the plot you are applying for and its location relative to roads, other buildings, etc., must be attached to the application form.
15. List any other land rights you possess in Botswana and state where they are.....
.....
16. Are all the sites mentioned above developed? Yes/No*
If no, give reasons.....
.....
.....

*Delete words which do not apply

International Records Management Trust

4th Floor
7 Hatton Garden
London EC1N 8AD UK

Phone +44 (0) 20 7831 4101
Fax +44 (0) 20 7831 6303
email info@irmt.org
www.irmt.org

Registered Charity Number 1068975
VAT Registration Number 564 4173 37
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