THE REPORT OF THE AUDITOR GENERAL

ON

LAND MANAGEMENT

KGATLENG LAND BOARD

PERFORMANCE AUDIT REPORT NO. 2 OF 2008
AUDITING FOR BOTSWANA GOVERNMENT

The Auditor General is the Head of the Office of the Auditor General, appointed under the Constitution. The Auditor General carries out his duties under the Finance and Audit Act 1997 (as amended). He thereof, undertakes Performance Audits on the public sector bodies and submits reports to the Board. The aim is to improve the public sector administration and accountability.

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The Chairman and Members  
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Dear Board Chairman and Members,

**Performance Audit Report on Land Management at Kgatleng Land Board**

The Office of the Auditor General has undertaken a Performance Audit on Land Management at Kgatleng Land Board in pursuant to Section 29 of Finance and Audit Act.

The objective of performance auditing is to strengthen the accountability process through the provision of an objective and independent feedback to the stakeholders on the performance of public sector entities. This audit, tries to assist management in streamlining their work by identifying operational gaps and suggesting the steps to be taken that could improve efficiency and effectiveness of delivery of services by the respective organisations.

I therefore, submit the Performance Audit Report No.2 2008 on the audit of Land Management at Kgatleng Land Board and you are required to table this report before the Board.

Yours faithfully

P. E. Namogang  
**AUDITOR GENERAL**
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**GLOSSARY AND ABBREVIATIONS**

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<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tr>
<td>DDC</td>
<td>District Development Committee</td>
</tr>
<tr>
<td>DLBS</td>
<td>Department of Land Board Services</td>
</tr>
<tr>
<td>DLUPU</td>
<td>District Land Use Planning Unit</td>
</tr>
<tr>
<td>DTRP</td>
<td>Department of Town and Regional Planning</td>
</tr>
<tr>
<td>GIS</td>
<td>Geographical Information Systems</td>
</tr>
<tr>
<td>GPS</td>
<td>Geographical Photographing System</td>
</tr>
<tr>
<td>KLB</td>
<td>Kgatleng Land board</td>
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<tr>
<td>OAG</td>
<td>Office of the Auditor General</td>
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<tr>
<td>TLA</td>
<td>Tribal Land Act</td>
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<tr>
<td>VDP</td>
<td>Village Development Plan</td>
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</table>
EXECUTIVE SUMMARY

Kgatleng Land Board (KLB) is an autonomous institution working within the Tribal Land Act (TLA) of 1968 which established the Land Boards. It is thus an extended arm or decentralized organ of the central government whose primary role is to allocate land for residential, commercial and industrial purposes.

KLB covers a vast area of 7600sq kms and as such, Sub-Land Boards at Artesia, Mochudi and Mathubudukwane were created and established within the district to enable KLB to fully carry out its tasks. KLB being the main Land Board is entrusted with administration and management of land in Kgatleng District. It handles all Common Law allocations while it’s Subordinate Land Boards deal with Customary allocations.

OAG conducted a performance audit on Land Management by Kgatleng Land Board with objectives to:

- Ascertain whether KLB had adequate structures and mechanisms in place to acquire land, allocate land and resolve land disputes.
- Determine whether the processes for acquisition, allocation and dispute resolution were being followed.
- Determine whether KLB had the capacity to efficiently acquire land, allocate and resolve disputes for years under review.
- Determine whether the Board had been able to acquire and allocate the planned number of fields, and resolve disputes.

The audit reviewed the data pertaining to financial years 2003/2004, 2004/2005 and 2005/2006. Three Sub-Land Boards, Artesia, Mochudi and Mathubudukwane were visited under this audit.

The review of the Board disclosed that, improper planning of activities and inefficient implementation of the processes were having an impact on the performance of the entity. Some of the major findings are briefly discussed below:
- KLB did not develop any strategic plan during the period under audit that could give direction to its staff in achieving the organizational goals. However, the Board came up with a strategic plan during 2007-08.

- KLB did not have operational plans for all the sections involved in managing land. OAG appreciates that the Board’s Technical Section had some plans for 2002/2003, 2005/2006, 2006/2007 years except 2003/2004.

- KLB delayed in allocating pre-demarcated plots within Mochudi Planning Area, which the Technical Section attributed to among others, delays in provision of Layout Plans by the Physical Planning Unit.

- There were delays in review of the Mochudi Planning Area Development Plan by KLB and Physical Planning Unit hence, affecting plot demarcations and leading to insignificant reduction of backlog.

- KLB in financial year 2003-04 acquired 64.9871 hectares of land, whereas, in 2004-05 and 2005-06 they acquired 139.760 and 103.03 hectares of land against Project Memos targets of 1165 and 152.176 hectares respectively.

- KLB could not repossess any land from allocatees who did not develop their plots during period under review and this was attributed to non existence of a Monitoring Committee. However, KLB has established Monitoring Committees and they have started functioning in 2007-08.

- KLB did not efficiently allocate plots after indefinitely halting receipt of applications.

- KLB experienced a high backlog dating as far back as 1992 especially in Mochudi Sub-Land Board; this was due to among others, shortage of land in Mochudi area. The other Sub Land Boards (Artesia and Mmathubudukwane) did not have any waiting lists.

- KLB did not have any time standards for resolving disputes let alone a dispute Log to know how many cases it attended to for years under review.

- KLB did not efficiently manage land due to skills constraints and equipment shortage.
MANAGEMENT RESPONSE

The management agreed with the findings and recommendations of the report. However, regarding the issue of having a strategic plan in place, the management responded that they had developed a Strategic Plan in 2007-08. As regard to Monitoring Committees, KLB management informed OAG that the Committees were now in place and became operational in July 2007. They further stated that efforts were made to secure funds well in time especially for training of Land Surveyors and Administrators.
RECOMMENDATIONS

- Kgatleng Land Board should take steps to implement the Strategic Plan. It will help management and staff to accomplish their targets and manage land efficiently.
- Management should prepare Annual Operational Plans that are aligned to the Strategic Plan.
- The KLB management should ensure that Coordination between the District Physical Planning Unit and the Technical Section of the Land Board is improved in order to achieve land management objectives.
- KLB should make detailed Land Acquisition Plans and reports to ensure they meet their targets of acquiring land.
- Kgatleng Land Board management should maintain and provide the information regarding follow ups to ascertain the progress on repossession of non developed plots. KLB’s Monitoring Committees should also ensure that follow ups and repossessions of non developed plots are actually made.
- Kgatleng Land Board should develop a realistic strategy to minimise the backlog and consequently open up for applications. The 9 years the Board had stayed without accepting applications for residential land is way too much and if the situation is prolonged it could result in drastic repercussions such as land conflicts and squatting.
- Kgatleng Land Board should also ensure that all applications are thoroughly screened and a comprehensive waiting list that actually reflects the number of people with an assurance of being allocated plots is developed. This could be helpful for planning purposes and measuring progress of the Board in allocations.
- KLB should develop time standards in resolving land disputes to enable them to measure their efficiency. In attending cases thorough research and collection of evidence and facts should be ensured and site visits should be done prior hearings to avoid unnecessary delays.
- Funds should be secured well in time so as to implement Training Plans to equip officers with the necessary up to date skills.
• Kgatleng Land Board management should continue to educate the public through such things as the media, brochures, and community mobilization campaigns just to mention a few.

• Kgatleng Land Board management should ensure that thorough investigations are conducted before disputes can be included as items of Board meetings. Management should also ensure that reports of such investigations are compiled and always attached to dispute correspondences reaching the Board.
1. INTRODUCTION

1.1. Background

In the past, the Tribal Chiefs were responsible for the administration of tribal land in Botswana. However, in 1968, Land Boards were created under the Tribal Land Act (cap 32:02). This Act established the Land Boards as trustees of tribal land, placed the tribal land under the administration of the Land Boards, and defined the rights and duties of the Land Boards.

The newly created Land Boards began their work in 1970. Land allocated lawfully by the Chiefs remained valid. But after 1970, applications for tribal land had to be made to the Land Boards not to the traditional authorities. The Council Secretaries served as Secretaries for both Councils and Land Boards until 1989 when the Land Board Secretaries were appointed and Council Secretaries ceased to act as Land Board Secretaries.

In 1999, the then Ministry of Local Government, Lands and Housing was split into the Ministry of Local Government and the Ministry of Lands and Housing. The management of tribal land was then transferred to the Ministry of Lands and Housing, whereas, the Land Boards staff remained under the Ministry of Local Government. In April 1, 2006, the Department of Land Board Services (DLBS) was established following a Presidential Directive and the Land Boards staff was then transferred to this Department. The DLBS is responsible for ensuring the efficient management of human and financial resources in Land Boards as well as promoting efficient management of tribal land.

With the increasing workloads and responsibilities of the Land Boards, Subordinate Land Boards were established in 1973 to decentralize the services of the Land Boards and place them closer to the people. The Subordinate Land Boards are controlled by the Tribal Land (Subordinate Land Boards) Regulations of 1973. Land Boards have nevertheless been evolving over time and composition of members and complement of staff has changed to reflect the increased role they play in Botswana communities. For instance, Chiefs or their representatives were members of Land Boards. The District Council also used to have representatives on these Boards. Since 1989, Land Boards have not had representatives of these two institutions. The central government felt that the Land Boards should be independent institutions and the removal of the representatives of these two institutions ensured de-politicalisation of land allocations. Today there are twelve Land Boards and thirty-seven Subordinate Land Boards. It is these institutions, which are involved in the allocation of land for residential, commercial, industrial and agricultural purposes. The functions of Land Boards are set out in the Tribal Land Act and they include allocation, acquisition of land and resolution of land disputes. The Land Boards are service organizations and their success may be judged from their ability to satisfy the demands of their clients. This involves not only continually assessing and improving current services, but planning for future demands and meeting and responding to changing circumstances such as new land use policies and legislation.
1.2. DESCRIPTION OF THE AUDIT AREA

1.2.1. Administrative Structure

Kgatleng Land Board is mandated to manage land in the entire Kgatleng District. Land management in as far as Land Boards are concerned comprises of land acquisition, land allocation and resolution of land disputes. Kgatleng District is located on the South-eastern part of Botswana. It shares boundaries with Kweneng on the West; Gaborone City to the South, Central District to the North and Eastern border is defined by Madikwe and Limpopo River, which is an international boundary between Botswana and South Africa. Relative to the physical size of other districts, Kgatleng District has a very small land area. The district has 7 600 km$^2$ of land compared with Central District with 141 076 km$^2$, Ghanzi with 117 910km$^2$ and Kgalagadi with 105 200 km$^2$.

Kgatleng Land Board has 6 task-oriented sections, which are:
- Administration/ Secretariat. This section has 4 subsections, namely; Registry, Lease Office, Typing pool and Recording
- Personnel
- Treasury: which has 3 subsections, namely; Supplies, Accounts and Revenue
- Buildings
- Transport and Mechanical
- Technical (Land Surveys and Registration)

This Board falls under the Ministry of Lands and Housing under the newly created Department of Land Board Service Management.

1.2.2. The overall objective of the Kgatleng Land Board

Kgatleng Land Board aims as stated in the Tribal Land act to efficiently and effectively manage land. This is to be achieved through guidance of their Land Board Manuals.

1.2.3. Vision Statement

“A prudent and trusted body in management of tribal land to the complete satisfaction of all stakeholders”

1.2.4. Mission Statement

“We, Kgatleng Land Board, exist to timely acquire, allocate and monitor development of land in accordance with Tribal Land Act and Land use Plans as well as the promotion of environmental protection through skilled human capital, appropriate technology and transparent administration to the satisfaction and socio economic benefit of our stakeholders.”
Guiding Principles:

1. Participatory Engagement
2. Co-operation and Team Work
3. Service Excellence
4. Human Resource Focus

1.2.5. Values

5. Timeliness
6. Commitment
7. Transparency
8. Impartiality
9. Trust
10. Humility
11. Accountability

Organizational Structure (see appendix 1)

1.2.6. Stakeholders

In managing tribal Land, Kgatleng Land Board (KLB) does not work in isolation. There are a number of other institutions involved in land use planning and management, which the Land Board works closely with. They include among others:

1. The Public
2. Ministry of Local Government
3. Land Tribunal
4. Department of Lands
5. Department of Town and Regional Planning (DTRP)
6. Other departments within the Ministry of Local Government
7. Registry of Deeds
8. District Council
9. Plan Management Committee (PMC) and District Development Committee (DDC)
10. Town and Country Planning Board
11. District Land Use Planning Unit (DLUPU)
12. District Conservation Committee
13. District Agricultural Officer (Ministry Of Agriculture) and District Officer (Ministry Of Commerce and Industry)
14. Tribal Authority
15. Village Development Committee
16. Department of Local Government Service Management
1.2.7. Staffing

The Establishment Register for the financial year 2003/04 for Kgatleng Land Board shows an establishment of 66 staff members, consisting of Board Secretary’s office, Legal affairs, Administration, Technical and Accounting staff. This staff is deployed both in the main Land Board and Subordinate Land Boards. Filled posts are 60 and 6 are vacant.

1.3. FINANCES

The table below depicts Kgatleng Land Board finances as from 2003- 2006.

Table 1: The financial income and expenditure for KLB for a period of 3 years.

<table>
<thead>
<tr>
<th>YEARS</th>
<th>INCOME</th>
<th>EXPENDITURE</th>
<th>SURPLUS/DEFICIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003/2004</td>
<td>1073927.81</td>
<td>9758430.85</td>
<td>289860.81</td>
</tr>
<tr>
<td>2004/2005</td>
<td>2210641.75</td>
<td>9957230.13</td>
<td>1048160.67</td>
</tr>
<tr>
<td>2005/2006</td>
<td>1099644.26</td>
<td>9418180.39</td>
<td>1413600.27</td>
</tr>
</tbody>
</table>

Source: KLB Recurrent Budgets
2. AUDIT DESIGN

2.1. MOTIVATION

There has been a public outcry on poor service delivery by Local Authorities which include among others, Land Boards. It was due to this concern that the Auditor General decided that an audit be undertaken to examine the efficiency of KLB in managing land.

2.2. AUDIT OBJECTIVES

The audit was conducted with the following objectives:

- To ascertain whether KLB has adequate structures and mechanisms in place to acquire land, allocate and resolve disputes.
- To determine whether the processes for acquisition, allocation and dispute resolution were being followed
- To determine whether KLB had the capacity to efficiently acquire land, allocate and resolve disputes for years under review
- To determine whether the Board had been able to acquire and allocate the planned number of fields, and resolve disputes for year's 2003/2004, 2004/2005 to 2005/2006.

2.3. SCOPE AND LIMITATIONS

The study focused on the processes, structure and operations in place in Kgatleng Land Board, pertaining to land management.

Focus was also on the capacity of Kgatleng Land Board to efficiently manage tribal land. The audit was carried out in KLB and its 3 Sub Land Boards covering financial years from 2003/2004, 2004/2005 and 2005/2006.

2.4. METHODS OF DATA COLLECTION

The following methods were used in data collection:

2.4.1. Interviews

Interviews were conducted with management of Kgatleng Land Board, Mochudi, Artesia and Mmathubudukwane- Sub Land Boards. The following were interviewed:

- Board Secretary
- Deputy Land Board Secretary
- Sub-Land Board Clerk (Mochudi and Mmathubudukwane)
- Personnel Officer
- Principal Land Surveyor
- Registry Officer
- Technical Officer (Auto)
- Technical Officer (Buildings)
2.4.2. Document Review

The list of documents reviewed includes the following:

- Tribal Land Act
- Land Board Manuals
- Kgalagadi Land Board Strategic Plan (2003-2008)
- Kgalagadi Land Board Annual Performance Plan
- Land Allocation Reports
- Minutes of Land Board Meetings
- Establishment Register
3. PROCESSES

According to the Government White Paper on the Tribal Land Grazing Policy of 1975, Kgatleng District was declared wholly Communal, with no other tenure, neither Free Hold nor State Land. Therefore, Kgatleng Land Board only manages tribal land in accordance with the following procedures;

3.1. LAND ACQUISITION PROCEDURE

(a) Repossession and Compensation

The Land Board has the right to acquire or repossess land with compensation from the holders, when it is needed, for example for conversion from fields to residential or commercial plots or the extension of public services, such as roads, water pipes, and schools.

The Land Board is tasked with making the plot holder to agree to vacate or it must obtain a court order requiring that person to vacate the land. In either case compensation must be paid.

In determining the amount of compensation to be given, an Assessment Committee, which is the Subcommittee of the Land Board, carries out an assessment of the value of all developments on the plot.

Steps in the acquisition process are as follows:

Step 1 Consultation

The Land Board holds discussions with local leaders and affected plot holders to explain the need to repossess their land. The Land Board has to ensure that plot holders and local leaders understand and appreciate this need to repossess land.

Step 2 Property Valuations

After reaching an agreement with the plot holders, the Assessment Committee visits each plot to value the physical developments on the plot. The government department requiring the land and affected plot holders should be involved in the process. The Committee then makes a recommendation to Land Board. If the plot is agricultural land, the Ministry of Agriculture assists in determining the compensation.

Step 3 Checking

A professional valuer from the Ministry of Lands and Housing then checks this assessment. The plot holders may also appoint a private valuer if they wish.
Step 4 Payments

The government department, for which the land is being repossessed, will pay the compensation directly to the Land Board, which then passes it to the plot holder.

(b) Cancellation of Rights

The Land Board can also acquire land through cancellation of a grant for land, which has not been developed within the required period without compensation to the holder. The grounds for such an action are set out in Section 15 of the Tribal Land Act. However, no Land Board wants to cancel rights as this action takes time and is costly. The Land Board therefore as a way of avoiding this encourages plot holders to develop plots, gives people notice of intention to cancel well in advance and the Board also allows people extensions to the period to develop their plots.

3.2. LAND ALLOCATION PROCEDURE

Land can be allocated either under Customary or Common Law. Only citizens of Botswana are granted Customary land rights. Non-citizens and companies get Common Law allocation. All Common Law plots are Leasehold Grants normally held for 99 years for citizen residential purposes and 50 years for non-citizen residential, company and commercial activities. All holders of a Common Law plot must pay an annual lease fee. Allocations of customary residential plots are made under Part III of the Tribal Land Act. These allocations could be done as infills within the village or allocations on pre-planned areas.

3.2.1. Infills

The Applicant identifies an empty space in the village, consults with neighbors and fills out an application form and gets it signed by the headman. Then the application is submitted to the Land Board.

The application is later advertised on the public notice board for at least 21 days for anyone to state their objection.

The application is then presented to the Board during the Board meetings and the applicants or their representatives should be present in this meeting. It is in this meeting where the Board decides to allocate or not to allocate land. If there is an objection the allocation is postponed so that Land Board can investigate the matter.

The allocation procedure ends with the allocatee given a certificate of allocation and the plot registered in the allocation register.

3.2.2. Land Allocation Procedures (Pre-demarcated plots)

The Land Board also allocates land in formally planned areas. The Department of Town and Regional Planning (DTRP) and the District Council Physical Planner for the Land Board produce the Village Development Plan (VDP). On the basis of the VDP the Land
Board and the District Council Physical Planner designate blocks of land to be pre-planned for allocation purposes. After surveying and demarcation, the plots are then advertised. Commercial and industrial plots are advertised and applicants are required to submit their project proposals. Plots are allocated on the basis of the best proposal as judged by the Land Board. Residential plots are allocated by the Land Board on the basis of a waiting list compiled on a first come first served basis from applications to the Land Board.

3.2.3. Land Allocation Procedures (Agricultural land)

The Land Board pre-plans land for agricultural production, working closely with the Ministry of Agriculture. Here land can be allocated for such things as kraals, ploughing fields and horticultural production. The land allocation processes for ploughing fields, kraals and cattle plots are the same as for customary residential plots. Horticultural plots are considered commercial ventures and are therefore, allocated under the same process as common law commercial plots.

3.3. LAND DISPUTE RESOLUTION PROCEDURE

Land disputes arise from among others self-extensions, double allocations, refusal to allocate as well as self-allocations. Procedurally, if anyone is not satisfied with the decision of the Subordinate Land Board, he or she complains in writing to the Sub Land Board, the complaint is then investigated by the Land Board staff who decides if the complaint can be handled at a Sub-Land Board Meeting or requires an onsite hearing. At the meeting each party makes their statements under oath. The Sub Land Board then adjourns and holds its own meeting after which a decision is announced.

The person who loses a dispute can appeal the decision of the Sub Land Board within four months to the Main Land Board and arrangements be made for a hearing during the Land Board meetings.

The aggrieved party if not satisfied with the decision of the Main Land Board can within four months appeal to the Land Tribunal. If still unhappy, the aggrieved person can take the case to the High court. Only as a point of law may the person take the case to the High Court, otherwise the decision of the Tribunal is final.
4. FINDINGS

The following findings have been developed as a result of an audit on land management by Kgatleng Land Board (KLB). The contents of the report were issued and discussed with the management who agreed with the same particularly the recommendations. However, the specific comments of the management have been incorporated under the relevant findings. The report highlights issues pertaining to planning, allocation, dispute resolution and other organizational matters that warrant management’s attention to bring improvement in these areas.

4.1. PLANNING ISSUES

4.1.1. Strategic Planning

Strategic planning is a systematic process that helps an organisation to focus on the future, do a better job and achieve better outcomes for clients/customers. It is an attempt to work out how an organisation will deal with a changing environment. It also focuses on the importance of setting a clear vision and a strategic direction for the organisation as well as driving the supporting Operational Plans so as to implement the Strategic Plan. It is through strategic planning that policy directions become a reality and also effectiveness and efficiency are enhanced in an organisation.

However, it emerged from the audit that Kgatleng Land Board operated without a Strategic Plan during the period under review. Management could only provide a copy of the Strategic Plan of the Land Board for Financial Years 2007-08 and 2008-09. OAG appreciates that KLB now has a Strategic Plan in place. In addition, management also informed OAG that in future, annual plans, performance and development plans shall be prepared and implemented on yearly basis to drive the implementation of this plan.

The absence of the Strategic Plan during the years under review had led to KLB performing its activities in a haphazard manner. The absence of measurable targets and outputs made it difficult for OAG to assess the efficiency in the management of land by Kgatleng Land Board.

It was therefore imperative for KLB to have developed a Strategic Plan during the period under review, so as to give its staff a direction in achieving and managing their core objectives. In addition, a Strategic Plan could have been helpful to KLB in measuring its achievements and identifying areas requiring improvement so as to achieve enhanced efficiency and effectiveness in managing land.

Recommendation

Kgatleng Land Board should take steps to implement the Strategic Plan. It will help management and staff of the Board to accomplish their targets and manage land efficiently.
Management Response

The KLB management stated that, they had developed the Strategic Plan covering the period 2007/2008 -2008/2009(2 years).

4.1.2. Operational Plans

Operational Plans in any organisation are used by the staff to guide their work. Such Plans can also be used as a basis for measuring achievements and successes within an organization. The achievement of activities and subsequently objectives and goals of KLB were dependent, among other things; comprehensive and coherent Operational Plans which could provide clear and measurable targets for staff to follow in ensuring effectiveness of the Land Board.

The audit revealed that KLB did not develop Operational Plans for all sections involved in managing land .However, only the Technical Section of the Board was able to develop Annual Plans for the years 2002/03, 2005/06 and 2006/07.

Furthermore, during document review in the Subordinate Land Boards it was found that in 2002 and 2005, Mochudi Subordinate Land Board provided annual working plan to the Board Secretary. These plans were not detailed enough, for example, they would state that allocation trips would be made but not specify places and number of allocations per place. The Plans also lacked some timeliness and no account of the extent to which they were implemented.

If Kgatleng Land Board had Operational Plans, such Plans could have enabled it to measure its achievements and identify areas requiring improvement so as to ensure efficiency and effectiveness in managing land.

Recommendation

Management should prepare Annual Operational Plans that are aligned to the Strategic Plan.

Management Response

Management stated that, Annual Plans, Performance and Development Plans will be prepared and implemented to drive the implementation of the Strategic Plan.

4.1.3. Layout Plans

The Physical Planning Unit of the Kgatleng District Council has to prepare Layout Plans that guide land demarcations and allocations by Kgatleng Land Board. In addition, the Unit develops the Village Development Plans in consultation with various stakeholders including Kgatleng Land Board. Without Layout Plans, the Land Board cannot demarcate and consequently allocate plots.
It emerged during the audit that there were delays in allocating pre-demarcated plots within the Mochudi Planning Area, which the Technical Section of KLB attributed to among other things, delays in providing Layout Plans by the Physical Planning Unit. For instance, according to the Technical Section of KLB, Layout Plans ideally take 6 months to be prepared by the Physical Planning Unit (after KLB has submitted base maps). But it had at the time of audit been 4 years since the Technical Section had provided the base maps of Rasesa for the Physical Planning Unit to develop a Layout Plan.

Moreover, it had been a year since the Base Maps of Makgophana had been sent to the Physical Planning Unit for preparation of Layout plans, but they were not ready as yet during the time of audit. Such delays in provision of Layout Plans to the Technical Section of the Land Board contributed to delays in demarcating and allocation of pre-demarcated plots, which consequently led to backlogs in allocating land.

### 4.1.4. Mochudi Planning Area Development Plan (Plan Review)

Mochudi Planning Area Development Plan (1995-2015) was supposed to be reviewed every 6 years throughout its life. This Development Plan Review was to be funded by the Ministry of Lands and Housing. The first review of the Plan was to be undertaken in 2001. Interviews with the Technical Section (KLB) and the Physical Planning Unit, however, disclosed that no such review was undertaken due to lack of funds. This failure to review the Plan resulted in the Plan failing to meet the current challenges like the escalating demand for residential land within the Planning Area. In addition, demarcations of plots had to be put on hold since the Plan had been overtaken by events.

If the Physical Planning Unit had efficiently developed Layout Plans, and sourced funds for Development Plan Review well in advance, delays in plot demarcations and allocations as well as Plan Review could have been avoided and consequently backlogs of allocations significantly reduced by Kgatleng Land Board.

Nevertheless, OAG appreciates that, at the time of audit, Kgatleng District Council had provided funds for Development Plan Review and the review had therefore commenced.

**Recommendation**

The KLB management should ensure that Coordination between the District Physical Planning Unit and the Technical Section of the Land Board is improved in order to achieve land management objectives.
4.2. LAND ACQUISITION

The Tribal Land Act empowers the Land Boards to acquire land from people. These acquisitions can either be through cancellation of land rights grants for failure to develop within the stipulated time (repossession without compensation) or if the land is required for public purposes such as village expansion and developments such as schools, pipelines, roads etc (acquisition with compensation).

4.2.1. Acquisition with Compensation

The Tribal Land Act empowers Land Boards to acquire land with compensation from the public for such purposes as village expansion. Kgatleng District, which has a relatively small land area (7600km², second smallest district in Botswana), is faced with a problem of shortage of land particularly residential land within and around main villages (Mochudi in particular). All the villages are surrounded by agricultural land especially ploughing fields, thus limiting the expansion of these villages. Therefore, the Land Board through village development plans has to identify and acquire land (especially fields in the peripheries of the village), which will be affected by village expansion. The success of these acquisitions depends on among others, adequate planning, coordination and funding.

During the period under review, Kgatleng Land Board was faced with a serious problem of escalating demand of residential land (within Mochudi Planning Area), which resulted in a backlog of allocations, dating as far back as 1998. However, it emerged during the audit that KLB did not adequately acquire land from the holders during the period under review. Throughout the period under review, KLB developed acquisition-planning documents (except in 2003/2004) in the form of Planning Memoranda. Review of these documents and Compensation files revealed that such plans were not adequately implemented. For instance, as the table below depicts KLB did not meet its acquisition targets, despite land allocation backlogs.
Table 2 provides an overview of the acquisitions carried out by KLB for the financial years 2003/04, 2004/05 and 2005/06 (as computed from the Project Memoranda and the Compensation files).

Table 2: Targets and actual amounts of land acquired by KLB.

<table>
<thead>
<tr>
<th>YEAR</th>
<th>TARGETED ACQUISITION (Hectares)</th>
<th>ACTUAL LAND ACQUIRED (Hectares)</th>
<th>UNAQUIRED LAND (Hectares)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003/2004</td>
<td>-------------------------------</td>
<td>64.9871</td>
<td>-------------------------</td>
</tr>
<tr>
<td>2004/2005</td>
<td>1165</td>
<td>139.760</td>
<td>1025</td>
</tr>
<tr>
<td>2005/2006</td>
<td>152.176</td>
<td>103.03</td>
<td>48.876</td>
</tr>
</tbody>
</table>

Data in the table shows that KLB had not met its land acquisition targets during the period under review. For instance, in 2004/05 KLB acquired 139.76 hectares out of the targeted 1165 hectares (which represents only 12% of the targeted land acquisitions for the year). In addition, in 2005/06, the Land Board managed to acquire 103.03 hectares from the targeted 152.17 hectares (which represents 67% of the targeted acquisitions). It is worth noting that, in 2003/04 KLB did not have any planned targets and acquired 64.98 hectares of land basing on the needs arising in that year. Management attributed absence of targets in 2003/04 to non-availability of a planning document like a Project Memorandum. As a result acquisitions in 2003/04 were not planned for.

Furthermore, management attributed this non achievement of the set targets of acquiring land to, among others, the lengthy acquisition process which was not time bound and reluctance of plot holders to give up land on time. This therefore, led to delays in implementation of some village development projects and inefficient reduction of backlog of land allocations. Time bound acquisition process could help KLB in achieving its land acquisition targets and enhance its overall efficiency in managing land.

**Recommendations**

KLB management should make detailed Acquisition Plans and reports to ensure that they meet their targets of acquiring land.

**Management Response**

*Examination of both the strategic and annual plans indicates that Land Board has already started complying with the recommendation. However, it is true that before the current strategic plan was developed, our Acquisition Plans were made in a haphazard manner.*
4.2.2. Repossessions for Non-Development of Plots

According to the Tribal Land Act, land should be demarcated (by the grantee) within 6 weeks of issue of a certificate of grant to the grantee. The Act further states that any grantee who fails to demarcate land within this period or fails to maintain any mark (that is pegs) shall forfeit his/her rights to such land.

The Tribal Land Act also requires the Land Board to cancel rights when without sufficient excuse, the land has not been cultivated, used or developed to the satisfaction of the Land Board for the period prescribed, in respect of that land, or has not been developed in accordance with the purpose for which the grant has been made. In addition, the Land Board Manuals stated that, the prescribed period of development for customary allocations was 5 years and 2 years for common law allocations.

However, it emerged during the audit that KLB did not repossess any land throughout the period under review even though there were many undeveloped plots (which were long overdue for repossession) in its area of jurisdiction. For instance, document review revealed that in February 2005, Malotwana Chief Representative provided a list of plot holders (19), whose grants dated as far back as 1997 and had still not developed their plots. Document review further revealed that still in February 2005, a list of undeveloped commercial plots, (which were of course due for repossession) at Phaphane was presented before the Board and it was resolved that they be given extensions of developed period. However, no records were available showing follow-ups made during period under review to ensure that such plots were developed within those extended periods.

Review of documents also revealed that between 2003 and 2004 Kgatleng Land Board gave extensions of periods of land development of an average of 10 years, but no records were available to provide evidence of monitoring or follow ups made to such extensions.

During interviews, management attributed this failure to repossess land to among others, lack of capacity especially manpower on the side of the Land Board. Therefore, Management found it difficult to include monitoring in the annual schedule of the Land Board. This failure to repossess land could also be attributed to the absence of an arrangement or a strategy to ensure that Kgatleng Land Board repossesses undeveloped land and consequently re-allocates it to people able enough to develop it.

As a result of this failure to make follow-ups and consequently repossess undeveloped land, land remained idle in the hands of people without the ability to make use of it despite the huge demands of land KLB was faced with at the time of audit. Moreover, non-repossession of undeveloped land contributed to instances of land disputes, especially double allocation of infill plots, which negatively affected the efficiency of the Board as it spent time resolving land disputes.

Furthermore, this failure to repossess land may lead to the Government incurring costs for compensating people for acquiring their land (e.g. for village expansion and other public developments) especially ploughing fields which were long overdue for
repossession. Assessment reports showed that some of the acquired fields were neither fenced nor de-bushed even though they had long been allocated.

However, OAG appreciates that at the time of audit; Monitoring Committees had been appointed and had since July 2007 started undertaking some follow ups of the allocations made by the Land Board.

**Recommendations**

- Kgalagadi Land Board management should maintain the information regarding follow ups to ascertain the progress on repossession of non-developed plots.

- KLB’s Monitoring Committees should ensure that follow ups and repossessions of non-developed plots are regularly made.

**Management response**

*The recommendation is already being implemented because the Land Board has already established 3 Monitoring Committees to visit plots to check if owners thereof develop them, within the stipulated timeframes. These Committees are based at Mathubudukwane, Mochudi and Artesia Subordinate Land Boards. In addition the annual meetings are reflected in Kgatleng Land Board schedule of meetings.*
4.3. LAND ALLOCATION

The Tribal Land Act (Chapter 32:02) of 1968 vests tribal land in the Land Boards. Tribal Land can be allocated for different purposes such as residential, civic and community, commercial, industrial as well as agricultural purposes. The land use can be granted either under Common Law or Customary. The audit concentrated mainly on customary land use. The following are issues pertaining to land allocation by Kgatleng Land Board.

4.3.1. Back-log at Mochudi Subordinate- Land Board

Tribal Land Act required Kgatleng Land Board to, among other things; equitably and efficiently allocate land to the deserving people in its area of jurisdiction. Such land allocations are made based on the applications having reached the Board, as well as, the suitability and availability of land for such proposed use. Decisions to allocate land lie with the Board, through its full Board meetings that are convened every 2 months, that is; 6 meetings in a year.

Kgatleng Land Board allocates customary land (e.g. residential plots, ploughing fields) through its Subordinate Land Boards. Main Land Board exclusively handles Common Law Grants, but of course with recommendations from Subordinate Land Boards under which the land is to be allocated.

In the late 1990’s, the Mochudi Subordinate Land Board of the Kgatleng Land Board experienced sharp rise in the demand for land particularly predemarcated residential land in its area of jurisdiction (Mochudi Planning Area). This led to the Board resolving to indefinitely stop receiving applications for predemarcated residential plots in 1998, since there was a serious build up of backlog of such applications pending allocation. This indefinite halt of receiving applications was part of the Board’s strategy to quickly minimise the rising backlog. At that time (In February1998), the backlog of application forms for predemarcated plots in Mochudi Subordinate Land Board was 8,191.

It however emerged at the time of audit that Kgatleng Land Board was not efficiently allocating land to the people in order to eradicate the backlog. For instance, annual plan of the Technical Section showed that the Land Board had planned to allocate 6350 plots in its entire area of jurisdiction in the 2005/06 financial year. KLB could not avail the Annual Plan for year 2004/2005. In addition the Land Board planned to allocate approximately 1590 plots per quarter.

Table 3 in the next page provides an outline of the allocation statistics of Kgatleng Land Board in the 2005.
<table>
<thead>
<tr>
<th>LAND TYPES</th>
<th>NUMBER OF APPLICATIONS RECEIVED</th>
<th>NUMBER OF APPLICATIONS PROCESSED</th>
<th>NUMBER OF APPLICATIONS APPROVED</th>
<th>ACTUAL ALLOCATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>RESIDENTIAL</td>
<td>26239</td>
<td>1847</td>
<td>1217</td>
<td>967</td>
</tr>
<tr>
<td>ARABLE</td>
<td>310</td>
<td>194</td>
<td>96</td>
<td>93</td>
</tr>
<tr>
<td>INDUSTRIAL</td>
<td>41</td>
<td>32</td>
<td>14</td>
<td>14</td>
</tr>
<tr>
<td>COMMERCIAL</td>
<td>397</td>
<td>339</td>
<td>195</td>
<td>175</td>
</tr>
<tr>
<td>CIVIC AND COMMUNITY</td>
<td>6</td>
<td>6</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>WATER POINTS (LIVESTOCK)</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>WATER POINTS FIELDS)</td>
<td>21</td>
<td>21</td>
<td>19</td>
<td>19</td>
</tr>
<tr>
<td>TOTALS</td>
<td>3415</td>
<td>2440</td>
<td>1545</td>
<td>1272</td>
</tr>
</tbody>
</table>

Data in Table 3 exhibits a total allocation of 1272 plots at the end of the third quarter of the year, which represents a paltry 20% of the projected allocations (37% of the total applications heard by the board) despite the huge amount of backlog the Board was experiencing in that year. The table further exhibits that, contrary to its intention of meeting its target of 6350; the number of applications reaching the Board for consideration (i.e. 3415 Applications Received, and 2440 actually Heard) was rather too small which was not even at least ¾ of the projected allocations for the year.

During interviews, the Technical Section attributed this non-achievement of the set targets to unavailability of land, (some targeted land acquisitions were not successful due to various reasons), lack of capacity as the Section was under-staffed and under-equipped as well as applicants failing to turn up for allocations and Board meetings, to name a few. This inadequacy in allocating land resulted in the Kgatleng Land Board failing to efficiently reduce the backlog of applications, particularly for predemarcated residential plots.

Moreover, at the time of audit the backlog of application forms stood at 2944 at Mochudi Subordinate Land Board, which meant only 65% of the backlog had already been done away with, 9 years since the Land Board stopped receiving applications anymore, a rather too slow rate of reduction (7% annual reduction rate). This number was not reflective of the actual waiting list.

Some of the applications within the list were to be rejected by the Board because some applicants already had the same grants in the area, some applicants had submitted more than 1 application, just to mention a few. The Land Board had not prepared a
comprehensive waiting list, which it could use as a guide in planning and executing allocations as well as assessing its progress in as far as reducing backlog was concerned. The 9 years the Board stayed without accepting applications for residential land is way long and if the situation is prolonged it could result in drastic repercussions such as land conflicts and squatting.

**Recommendation**

- Kgatleng Land Board management should develop a realistic strategy to reduce the backlog and consequently open up for applications to be made.

- Management should also ensure that all applications are thoroughly screened and a waiting list that actually reflects the number of people with an assurance of being allocated plots is developed. This could be helpful for planning purposes and measuring progress of the Board in land allocations.

**4.3.2. Allocation time**

Allocation time is the time taken from receipt of application including screening and interviewing of applicants, through to the time when the successful applicant is allocated the plot.

Under normal circumstances, applications for customary land rights are accepted by the Sub Land Boards on a daily basis except for predemarcated plots, which are applied for following an advertisement. According to the Tribal Land Act, after receipt of the applications, the Land Board notifies the applicants of the date and place of the next meeting of the Board (not being less than 21 days after the receipt) at which representations concerning the application will be heard. Since the Board meets every two months, it should therefore normally take roughly 2 months for a decision to be made about an application (whether to allocate or reject the application).

Table 4 provides an overview of the average time the 3-Sub Land Boards of Kgatleng Land Board took to allocate residential land in particular, during the period under audit.

**Table 4: Allocation time**

<table>
<thead>
<tr>
<th>YEARS</th>
<th>AVERAGE TIME TAKEN TO ALLOCATE RESIDENTIAL PLOTS (months)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mochudi Sub</td>
</tr>
<tr>
<td>2003/04</td>
<td>24</td>
</tr>
<tr>
<td>2004/05</td>
<td>96</td>
</tr>
<tr>
<td>2005/06</td>
<td>120</td>
</tr>
</tbody>
</table>

Data in table 5 above exhibits an average time of 2 months taken by Mathubudukwane and Artesia Sub Land Boards to allocate residential plots. This therefore, means that
the 2 Sub Land Boards were not experiencing any backlogs in allocating residential land during the period under audit. According to interviews with Sub Land Board clerks, this was attributed to the fact that demand of land in the areas of jurisdiction of these Land Boards was still low.

Conversely, the table depicts that Mochudi Sub Land Board took a much longer time to allocate land during the period under audit. In 2005/06, for instance, the Sub Land Board allocated plots after an average of 10 years since receipt of applications. Most of these allocations were from the backlog the Sub Land Board was experiencing during the period under review, with some applications dating as far back as 1992. Such delays in allocating land were according to interviews with management attributed to among other things:

- shortage of land,
- failure to repossess land from those who could not develop it,
- delays and shortages of resources such as manpower, transport and equipment essential in allocating land
- lack of capacity of the Land Board to cover the entire area of jurisdiction during board sessions. For instance, in 2003, Mochudi Sub Land Board did not allocate residential land, but instead allocated arable land and attended to transfers of land rights. It only allocated infills in the beginning of 2004 that were received in 2001 and some in 2002, hence a shorter time taken (24 months) to allocate residential land, as shown in table 5.

No Predemarcated plots were allocated in 2003/2004 financial year.

It is therefore, evident that delays in allocating land by Mochudi Sub Land Board contributed significantly to accumulation of applications pending allocation (backlog) at Mochudi Sub Land Board. OAG however, appreciates that, at the time of audit management revealed that plans were at an advanced stage to set up another Sub Land Board in Oodi, which is expected to relieve Mochudi Sub Land Board, its workload.
4.4. RESOLUTION OF DISPUTES

Land disputes arise from among other things, double allocation of the same plot, and one plot encroaching into another as well as self-allocations/extensions. Land Boards have the power to hear and decide disputes in a fair and just manner. According to the Land Board Manual, the process of dispute resolution usually starts at Subordinate Land Board level. Any person aggrieved by the decision of the Subordinate Land Board may lodge an appeal with the Main Land Board within four months.

In addition, Section 40.3(b) of the Tribal Land Act states that “any person aggrieved by a decision of a Land Board made under Section 38 of TLA may also appeal against such decision to the Land Tribunal for the area concerned. This should be done within 30 days notice.”

It is worth noting that, in resolving disputes, thorough investigations have to be made to ensure that the Board makes informed and just decisions. Procedurally, the investigating staff, which is usually the Technical Officers, should conduct such preliminary investigations and compile reports of their investigations before disputes/complaints could be presented before the Board.

Results of the review are discussed as follows:

4.4.1. Preparations for Cases/Disputes

- It emerged during the audit that there were generally no sufficient preparations (in the form of thorough investigations and evidence collection) conducted before complaints/disputes could reach the Board, be it at Sub Land Boards, Main Land Board or Land Tribunal. For instance, review of documents showed that it happened during the period under audit that on hearing the complaints/dispute, the Board recommended a site visit or investigation to verify the facts of the matter.

  In addition, simple cases, which could have been instantly resolved by the investigating staff, were included in the items of the Board Meetings because no prior investigations were carried out. Instead, such complaints just reached the Board as correspondences. For example, Minutes of KLB Meeting (26, 28 and 30 May 2003) showed that some people were complaining about water standpipes erected on their plots. That matter was in fact for the Department of Water Affairs. The Recording Offices, which received such complaints, needed to have referred the aggrieved people to the Department of Water Affairs right away without referring them to the Board.

- In addition, examination and analysis of documents also revealed that the Board lost cases at Land Tribunal level. Kgatleng Land Board attended a total of 64 cases for the years under audit.

At the time of audit, 27 cases were pending to be heard (representing 42% of the total cases heard) by the Tribunal, 20 were resolved in favour of the appellants and 20 in
favour of Land Board (representing a 31 % performance output). KLB mainly lost cases due to inefficiency to compile information and not following proper procedures in gathering data.

Failure to adequately conduct investigations into disputes led to inordinate delays in resolving cases. This also led to the Board having to deal with many disputes, taking up its limited time and increasing its workload.

**Recommendation**

Kgatleng Land Board management should ensure that thorough investigations are conducted before disputes can be included as items of Board meetings. Management should also ensure that reports of such investigations are compiled and always attached to dispute correspondences reaching the Board.

**4.4.2. Dispute Resolution Time**

This is the time taken to resolve a case against Sub-Land Boards from the time when it is lodged to the time when KLB makes a resolution.

The table below shows time taken for different cases to be heard against Sub-Land Boards for period under review.

**Table 5: Time taken to resolve cases**

<table>
<thead>
<tr>
<th>APPLICANTS</th>
<th>DATE OF OPENING CASE</th>
<th>DATE OF FINAL HEARING OF CASE</th>
<th>TIME TAKEN TO BE HEARD</th>
<th>RESOLUTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>24/03/04</td>
<td>29/01/05</td>
<td>10 MONTHS</td>
<td>Still pending</td>
</tr>
<tr>
<td>B</td>
<td>26/06/03</td>
<td>20/08/2004</td>
<td>14 MONTHS</td>
<td>Dismissed</td>
</tr>
<tr>
<td>C</td>
<td>10/01/03</td>
<td>3/02/2004</td>
<td>12 MONTHS</td>
<td>Rejected</td>
</tr>
<tr>
<td>D</td>
<td>26/05/03</td>
<td>16/09/04</td>
<td>17 MONTHS</td>
<td>Dismissed</td>
</tr>
<tr>
<td>E</td>
<td>15/07/03</td>
<td>18/09/04</td>
<td>15 MONTHS</td>
<td>Succeeded</td>
</tr>
<tr>
<td>F</td>
<td>21/08/04</td>
<td>28/01/05</td>
<td>5 MONTHS</td>
<td>Still pending</td>
</tr>
<tr>
<td>G</td>
<td>20/03/04</td>
<td>26/01/05</td>
<td>10 MONTHS</td>
<td>Dismissed</td>
</tr>
</tbody>
</table>

Analysis of the table shows that KLB, for years under review took up to an average of 12 months in attending cases. KLB did not have a specific fixed plan in attending cases. There were no set time frames and standard within which the disputes were to be resolved. The effect of this was that land developments will be halted for longer periods.

Document review and interview also revealed that KLB did not maintain any case log which will enable them to know of the number of cases they attended for the period under review and if they were efficiently attending the number of cases presented
before them. KLB could not account for the time they took on average to resolve disputes, therefore OAG could not comment on whether they were able to cope with the total numbers of the incoming disputes or not and whether they were sufficiently delivering service to the public.

**Recommendation**

KLB management should develop time standards in resolving disputes to enable them to measure their efficiency. In attending to cases thorough research and collection of evidence and facts should be carried out and site visits should be done prior their sittings to avoid unnecessary delays.
4.5. OTHER ISSUES

4.5.1. PUBLIC EDUCATION AND CONSULTATION

As a service provider, Kgatleng Land Board had the responsibility to ensure that the general public, which is its main stakeholder, fully understood and appreciated its business. This would have helped to enhance the working relations between the Land Board and the public. In addition, because of the controversial nature of tribal land, it is very important that Kgatleng Land Board in managing land adequately engage the public through sufficient consultations to minimize if not avoid instances of conflicts and their repercussions. The Land Boards according to their Manual usually consult the public on some if not all issues such as:

- Change of plot sizes
- Repossession of undeveloped plots for reallocation
- Development of Physical Plans for a village or area
- Freeze on certain types of allocations
- Development of land use zones

There are many other issues on which the Land Boards consult the public. These consultations are done mainly through holding Kgotla meetings.

It had however, emerged during the audit that, Kgatleng Land Board was not sufficiently educating the public about its business and was not sufficiently consulting the public. This is evidenced by the following;

- It was observed during the period under review that infill applications were rejected because people unknowingly applied for land within the planning area. KLB had not informed people enough on the declaration of Mochudi as a Planning area and what that meant.

- Furthermore, auditors circulated a questionnaire to people whose land had been acquired by KLB for different purposes. Out of an intended sample of 50 people, only 13 were interviewed because 37 of them could not be located, while others were deceased. Even though this is a rather small sample size, it emerged from interviews that 9 (representing approximately 70 % of interviewees) felt that they were not consulted enough before the Land Board could acquire their land. In addition, the questionnaire revealed that 9 of the interviewed people did not understand the criteria in which assessments of developments were conducted and the basis on which compensation amounts were reached.

- Document review also revealed that during the period under review, KLB did not develop a plan or schedule of meetings for consultation and public education purposes. It should however, be noted that KLB only convened Kgotla meetings to address pressing issues among others, policy developments and amendments, as well as Ministerial Directives.
Management attributed this inadequacy in consulting and educating the public to among others; lack of capacity especially manpower as the current structure of the Land Boards does not allow for full performance of the mandate. This structure as well as the terms of reference of Land Boards had never been reviewed, ever since 1968 when Land Boards were established.

Failure to adequately consult and educate the public led to among others, Kgatleng Land Board taking too long to acquire land from people. In addition, interviews with KLB management revealed that people ignorantly tried to refuse to give up their land, and some generally became uncooperative when the Land Board repossessed their land.

OAG nevertheless appreciates that, during interviews with the Department of Land Board Services Management it emerged that the Ministry of Lands is currently reviewing the structure of Land Boards so that it meets the current challenges.

**Recommendation**

Kgatleng Land Board management should continue to educate the public through media, brochures, and community mobilization campaigns just to mention a few.

**Management Response**

*The public education effort will be strengthened as recommended. Currently the Land Board and its 3 Subordinate Land Boards addressed Kgotla meetings to educate and inform the public about land related issues*
4.5.2. TRAINING

Training is essential to improve the quality of performance, increase productivity, familiarization of new techniques and technologies. In an attempt to stimulate interest, officers must be provided with both in–service and institutional training. This will assist in upgrading their skills, technically, academically and professionally.

At the time of audit it emerged that, in Main Land Board most of the work in the Registry Office was performed by the 2 messengers deployed in the office. Both of them had never received any formal training in records management though. In addition to this, none of the Registry and Recording Officers held at least a tertiary diploma in records management. Supervision in the registry offices was quite minimal with the entire staff holding quite junior positions (none of them in at least C4).

Though KLB came up with training plans for years under review, these had not been accordingly implemented. Management however, responded that the problem was due to financial constraints.

The table below shows the number of officers who were due for training and numbers of the achieved trainings for years under review.

**Table 6: Achieved trainings as from 2003-2006**

<table>
<thead>
<tr>
<th>Years</th>
<th>Number of officers eligible for training</th>
<th>Training done</th>
<th>Percentage achievement</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003/2004</td>
<td>21</td>
<td>3</td>
<td>14.2%</td>
</tr>
<tr>
<td>2004/2005</td>
<td>8</td>
<td>2</td>
<td>25%</td>
</tr>
<tr>
<td>2005/2006</td>
<td>11</td>
<td>5</td>
<td>45%</td>
</tr>
</tbody>
</table>

According to information provided, the last officer to be trained dated as far back as 1985 which meant Officers waited for more than 10 years in order to get refresher courses and even academic or professional studies.

New Technologies (GPS, GIS, e.t.c.) are available in the world market. Having these in place at KLB it would have been imperative for it to take its Technical Section for training for the associated software. New Technologies dictate that users be sufficiently trained in order to use them optimally. Interviews with KLB management revealed that it had been difficult to secure funds for such training.

Despite KLB’s main customers being the public, none of the staff had been formally trained on public relations or any customer service related skill. Moreover, in dealing with acquisitions and disputes none of the Assessment Committee members had conflict Management skills. Management attributed this inadequate training to lack of funds.
Skills such as public relations and conflict Management could have helped KLB in improving their relations with stakeholders especially the public and therefore enhance productivity of the Land Board.

**Recommendation**

Funds should be secured well in time so as to implement Training Plans hence equip officers with the necessary up to date skills.

**Management Response**

*Efforts are made by management in sourcing funds for both long term and short term training courses. Priority for short term training is given to land surveyors and administrators. For long term training, funds come from the Ministry (Ministry of Lands and Housing).*
4.5.3. LANDS RECORDS MANAGEMENT

Managing physical records involves among others, organizing and indexing records. Records must be stored in such a way that they are both sufficiently accessible and are safeguarded against environmental damage as well as misplacements.

The following are some of issues relating to records management:

4.5.3.1. Storage of Records

Kgatleng Land Board keeps permanent physical records such as Lease Agreements, all Correspondences pertaining to Land Rights Grants and Minutes of Full Board Meetings.

The audit revealed that Kgatleng Land Board records were not adequately safeguarded. For instance, most of these records could be found in the file cabinet along the office passage. There was no safeguard or keeping of these files as movement in and out of the offices was not controlled.

Therefore, information could easily get misplaced/lost hence making it difficult to make informed decisions. However, management of KLB attributed this improper storage of records to lack of office space.

4.5.3.2. Systematic Filing

At time of audit, document review and interview revealed that KLB did not have any information management system in place. Therefore, KLB did not have any system of managing its physical records. Files were kept haphazardly though they contained information that was vital.

The audit revealed that the Registry offices did not have an effective system of managing its physical records. Review of documents in the Registry and Recording Offices of Main Land Board and all the three Subordinate Land Boards revealed that information kept in files was not systematically arranged and in many instances missing. For instance, minutes of some full Board meetings, which were the only record of Board resolutions on various issues, had some pages missing with no account of their whereabouts.

Furthermore, KLB kept Correspondence file which contained any information being submitted to the Sub-Land Boards, be it disputes, self allocations or applicants inquiring about when their demands for plots were going to be met.

There was no systematic procedure when dealing with the correspondence files. All general land disputes and customary application records were haphazardly placed in each of the files.
4.5.3.3. Completeness of Information in Files

Minutes are an essential element in the achievement of organizational goals and objectives. They serve as a reminder to information that will be needed in future. In addition, minutes are the only record of what prevailed in meetings and the resolutions made. Therefore the correctness and completeness of minutes and other information is very important.

However, at the time of audit it emerged that the Technical Section held weekly meetings, which were not minuted. Those meetings attempted to review the sections achievements and what it intended to achieve. As the meetings were not minuted the auditors could not comment on whether indeed they achieved their intended goals.

Furthermore, land disputes minutes and general reports were consolidated in one file. All land disputes and consultations were filed in this file. Though disputes and consultations were to be minuted, some consultations were not as some were only recorded in action sheets while others were not recorded at all. According to Land Board Administration Procedures Manuals, meetings should be minuted before action sheets were prepared but this was not the case. In addition to inconsistency in recording of consultations made, document review showed that consultations made, assessment and evaluations up to report submission also did not contain the same list of names.

In addition to non-recording of minutes at Mochudi Subordinate Land Board, for instance, progress reports available in the reports files were only for all quarters of 2003 and the first quarter of 2004, for other years under audit reports were missing. In other instances, records were filed in the wrong files, contrary to the Land Board Manuals which clearly stated that correct filing should be maintained at all times.

Furthermore, in the SLBs Allocation Registers kept were not adequately updated. There had been no proper handling of the Allocation Register. In the Allocation Register some information found for period under review was mixed up and not recorded accordingly. Some information, which was found in the allocation formats, was also not available in the Allocation Registers. Therefore information in Allocation Registers and the allocation formats did not tally. Proper recording could have ensured efficient retrieval of information and thus enhance productivity of the Sub-Land Boards.

In addition to the above problems it further surfaced that in Main Land Board, inefficiency in lands records management, was contributed by the insufficient supervision, an inefficient system of managing land records as well as shortage of adequately trained staff. Therefore, KLB did not keep up to date, correct and easily accessible records which led to delays in retrieving data on request as well as missing pieces of information from files.

OAG however appreciates that the Department of Land Board Services Management had at the time of audit engaged a consultancy on an exercise to computerize all Land Boards including Kgatleng Land Board. This exercise is expected to enhance land
records management by Land Boards and to create an up to date land database for all Land Boards.

**Recommendation**

KLB management should ensure that there is efficient maintenance and safeguarding of records so as to enhance correctness, accessibility and security of vital information.