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Small-scale land grabbing in Greater Gaborone, Botswana

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Abstract

Most of the studies on land grabbing tend to focus on the acquisition of large tracts of land by transnational companies interested in biofuel and/or food-crop production. The practice has been applauded for enhancing food security, creating cash employment for local communities, and providing renewable energy sources. It has also been criticised for benefitting a few local elites and disadvantaging the poor and marginalised communities. This article attempts to analyse the phenomenon of small-scale land grabbing in urban and peri-urban areas. A literature review method was adopted; searches included online databases, in particular Google Scholar, Web of Science and ResearchGate and the University of Botswana Catalogue (UBRISA). Relevant references cited in downloaded articles are reviewed, until additional searches did not lead to new findings. Using 'land grabbing' as a tool for analysis, the article makes an audit of two reports by presidential/judicial commissions of inquiry into problems of land allocations in and around Gaborone to uncover land-grab deals and processes in communal and state-owned land in Botswana. The audit revealed that land grabbing in Greater Gaborone is an imperceptible process carried out by politicians, chiefs, businessmen, the elite and other people who understand the market value of urban and peri-urban land. The process has compromised urban land governance, poor people's rights to the city, housing, community, recreational facilities, and increased socio-economic inequalities in the city. Finally, the article underscores the need to undertake further studies and audits to collect empirical data on the exact nature and extent of land grabbing in urban and peri-urban areas.

Keywords: Land grabbing, small-scale land grabbing, Gaborone, Botswana

KLEINSKAALSE GRONDGRYPE IN GROTER GABORONE, BOTSWANA

Meeste van die studies oor grondgrype fokus meestal op die verkryging van groot stukke grond deur transnasionale maatskappye wat belangstel in produksie van biobrandstof en/of voedselgewasse. Die praktyk is geprys vir die verbetering van voedselsekerheid, die skep van kontantwerk vir plaaslike gemeenskappe en die verskaffing van hernubare energiebronne. Dit is ook gekritiseer omdat dit 'n paar plaaslike elite bevoordeel en die armes en gemarginaliseerde gemeenskappe

benadeel. Hierdie artikel poog om die verskynsel van kleinskaalse grondgrype in stedelike en peri-stedelike gebiede te ontleed. 'n Literatuurbeoordelingsmetode is gebruik; soektogte het aanlyn databasisse ingesluit, veral Google Scholar, die Web of Science and ResearchGate en die University of Botswana Catalogue (UBRISA). Relevante verwysings wat in afgelaai artikels aangehaal word, is hersien totdat addisionele soektogte nie tot nuwe bevindings gelei het nie. Met behulp van 'grondgryp' as 'n instrument vir ontleding, maak die artikel 'n oudit van twee verslae deur presidensiële/geregtelike ondersoekkommissies oor probleme met grondtoekennings in en rondom Gaborone om grondgryphandels en -prosesse in kommunale en staatsgrond in Botswana te openbaar. Die oudit het aan die lig gebring dat grondgrype in Groter Gaborone 'n onmerkbaar proses is wat uitgevoer word deur politici, hoofmanne, sakelui, die elite en ander mense wat die markwaarde van stedelike en buitelandse stedelike grond verstaan. Die proses het stedelike grondbestuur, die regte van arm mense op die stad, behuising, gemeenskaps- en ontspanningsgeriewe in gevaar gestel en die sosio-ekonomiese ongelykhede in die stad verhoog. Laastens beklemtoon die artikel die noodsaaklikheid om verdere studies en oudits te onderneem om empiriese gegewens oor die presiese aard en omvang van grondgrype in stedelike en buitestedelike gebiede te versamel.

Sleutelwoorde: Botswana, Gaborone, grondgrype, kleinskaalse grondgrype

KAMOHO EA MOBU TIKOLOHONG EA GREATER GABORONE, NAHENG EA BOTSWANA

Mokhoa oa ho lekola lingoliloeng o ile oa sebelisoa boithutong bona; 'me lipatlisiso li ile tsa kenyetsetsa marang-rang, ka kotlolloho Google Scholar, Web of Science le ResearchGate, 'moho le Leselinyana la Univesithi ea Botswana (UBRISA). Litšupiso tse hlahleng lingoliloeng tse lekotsoeng li ile tsa hlalohoa hofihlela lipatlisiso li sa lebise liphethong tse ncha. Sesebelisoa sa tlhahlobo boithutong bona e bile

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ho nkeloa mobu. Litlaleho tse peli tsa likomishene tsa mopresidente/ le tsa boahloli ba lipotso mabapi le mathata a kabo ea mobu Gaborone le litoropong tse haufi li ile tsa hlahlojoa. Sena se entsoe ho utulla litumellano tsa khapo ea mobu le tsamaiso ea mobu oa sechaba le oa mmuso naheng ea Botswana. Tlaleho e senotse hore ho amohuoa mobu ho la Greater Gaborone ke taba e sa utloisiseheng habonolo e etsoang ke bo-ralipolotiki, marena, bo-rakhoebo, batho ba maemo a phahameng le batho ba bang ba utloisisang boleng ba mmaraka ba litša tsa litoropo le tse haufi le litoropo. Tloaelo ena e sentse tsamaiso ea lefats'e litoropong, e haliketse litokelo tsa baahi ba litoropo ba futsanehileng, e sekisitse matlo, puso ea sechaba, lits'ebeletso tsa boithabiso, 'me e ekelitse ho se lekane hoa sechaba le moruo litoropong. Ele ho phethela, sengoloa se totobatsa tlhoko ea ho etsa boithuto le liphuputso tse tse ling tlhaiso-leseling la mofuta le boholo ba kamoho ea mobu libakeng tsa litoropo le tse potapotileng.

1. INTRODUCTION

Most of the land in sub-Saharan Africa is characterised by communal or customary¹ land-tenure systems, whereby some parcels of land are occupied and used exclusively by individuals or households mainly for housing and farming, while large tracts of land – the commons – are shared and used by members in a society for grazing livestock, fishing, hunting and collection of firewood, water, wild vegetables and other natural products (Hull, Babalola & Whittal, 2019). As noted by Kalabamu (2012: 306), the outstanding feature of any communal land-tenure system is the 'right of avail', which entitles every member an equal right to access land and utilise natural resources within the territory. The right of avail is, however, increasingly being threatened by rapid population growth and changing demographics, urbanisation and increasing waged livelihood sources, socio-economic and technological transformations, changes in land values, corruption and, of late, land grabbing (Merlet, Jamart & L'Orphelin, 2014). Merlet *et al.* (2014: 23) describe 'resource grabbing' or 'land grabbing' as "the

privatization of common resources, or ... the hoarding of private resources for economic, or financial purposes by public or private investors". To Zoomers (2010: 429), land grabbing is "large-scale, cross-border land deals or transactions that are carried out by transnational corporations or initiated by foreign governments". According to various studies (Deininger, Byerlee, Lindsay, Norton, Selod & Stickler, 2011; Hall, 2011; Cotula, 2012; 2020; Mihyo, 2014), large-scale land deals may be in the form of outright purchases, concessions or long-term leases ranging between 30 and 99 years. The extent of large land acquisitions differs widely depending on respective national policies and the amount of so-called vacant land available. Aggregate data collected by Deininger *et al.* (2011: 62-63) shows that the median size of land deals conducted between 2004 and 2009 was 8 985 ha in Cambodia; 700 ha in Ethiopia; 59 374 ha in Liberia; 2 225 ha in Mozambique; 1 500 ha in Nigeria, and 7 980 ha in Sudan. Areas cultivated per rural inhabitants ranged between 0.14 and 0.70 ha in sub-Saharan Africa and 0.2-8.8 ha in Latin America (Deininger *et al.*, 2011: xxxviii).

To Deininger *et al.* (2011), large-scale land grabbing is intended for production of food or biofuel crops and, in a number of cases, mining, water supply, and tourism. Studies by Cotula, Vermeulen, Leonard and Keeley (2009), Zoomers (2010), and Mihyo (2014) noted that large-scale land grabbing is driven by a paucity of agricultural land, food shortages and rising food prices in investor countries; the need to arrest greenhouse gas emissions; envisioned higher rates of return from agricultural investments, and the perceptions that Africa has abundant and underutilised land. Despite the novel cause and intentions, most of the land acquired is underutilised and even hardly used as intended (Deininger *et al.*, 2011: 224).

While the definition by Merlet *et al.* (2014) is too general, Zoomers' (2010) definition is specific to large-scale land grabbing and excludes other forms of land grabbing.

Baker-Smith and Attila (2016: 2) proffer a more comprehensive definition of 'land grabbing' as

the control (whether through ownership, lease, concession, contracts, quotas, or general power) of larger than locally-typical amounts of land by any person or entity (public or private, foreign or domestic) via any means ('legal' or 'illegal') for purposes of speculation, extraction, resource control or commodification at the expense² of peasant farmers, agroecology, land stewardship, food sovereignty and human rights.

Baker-Smith and Attila's (2016) definition allows to identify four major (and eight minor) land-grabbing typologies: ownership (foreign or domestic); size (large- or small-scale); market (state-led or market-led), and status (legal/formal or illegal/informal) land grabbing. The typologies are by no means neat, but they tend to intersect and create complex mosaics. In addition, contemporary land-grabbing practices, as further argued by Friis and Nielsen (2016), focus on seizing the power to control access and use of land and associated resources, unlike in the past when land grabbing led to complete and permanent land dispossession and enclosures. As noted by some scholars (Bluwstein, Lund, Askew, Stein, Noe, Odgaard, Maganga & Engstrom, 2018; Maganga, Askew, Odgaard & Stein, 2016), land grabbing is not limited to expropriation of communal land into private hands, but it includes the transfer of customary or communal landownership into the public domain, in order to facilitate mining, conservation, tourism and infrastructure projects such as dams and export processing zones. Besides large-scale land grabbing, Baker-Smith and Attila's definition is inclusive of 'small-scale land grabbing' described as land leases and concessions that are less than five hectares (Friis & Nielsen, 2016: 118). Small-scale land grabbing is also known as 'domestic land grabbing' (Siciliano, 2014), 'intimate land grabbing' (Xu, 2018), and

1 In this article, the terms 'customary land' and 'communal land' are used interchangeably to refer to what, in Botswana, is often called 'tribal land'.

2 Expense is not limited to the peasants or the urban poor, but inclusive of "peasants, agroecology, land stewardship, food sovereignty and human rights".

'land grabbing from below' (Van Bockstael, 2019). The different terminologies given to the processes underscore the complexity of small-scale land-grabbing processes and actors involved. Finally, Baker-Smith and Attila's definition notes that, besides the purported positive aims, land grabbing often negatively affects peasants' land rights, the environment and food security as well as land governance, control and management.

Studies on land grabbing by Cotula *et al.* (2009), Zoomers (2010), Deininger *et al.* (2011), and Mihyo (2014), among others, have tended to focus on the acquisition of large agricultural land by foreign companies and international organisations and ignored small-scale land grabbing by local elite and businessmen. This article attempts to fill that gap by focusing on small-scale land grabbing by domestic companies in urban environments. Focusing on Gaborone and its hinterland, the article endeavours to answer four key questions. What is the extent and nature of land grabbing in urban and peri-urban environments? What factors fuel land grabbing in urban and peri-urban areas? What lessons can be learnt from Botswana's experience? What is the way forward?

2. LITERATURE REVIEW

2.1 Conceptualising 'land grabbing'

Land grabbing – large or small – is by no means a new phenomenon. It has occupied scholarly spaces for over 100 years since it was first analysed by Karl Marx under 'primitive accumulation' and later by David Harvey who called it 'accumulation by dispossession' (Bernstein & Byres, 2001; Makki & Geisler, 2011; Xu, 2018). Land grabbing, dispossession and wealth accumulation constitute a process whereby patterns of class formation, social differentiation and social reproduction are intertwined to convert peasants into a landless class of serfs and sharecroppers under feudalism or wage labourers under capitalism

(Bluwstein *et al.*, 2018; Makki & Geisler, 2011; Xu, 2018). However, as Bluwstein *et al.* (2018) note, in the Global South, this process of separating peasants from their land appears to have created growing landless labour reserves without prospects for waged employment.

Land-grabbing and dispossession processes have largely been accepted, promoted, supported and justified by neoliberal scholars, development institutions (for example, the World Bank) and government agencies on two interlinked conceptual propositions: tragedy of the commons and titling or registration. 'The Tragedy of the Commons' conceptual framework, popular in the 1970s and the 1980s, was pioneered by Garret Hardin (1968; 1998), who underlined the need for proper management and utilisation of communal land. Hardin argued that free access and uncontrolled utilisation of communally owned land was bound to result in depletion, pollution, abuse and misuse of land-based resources such as pastures which, in the long run, would bring ruin to all people dependent on those pieces of land. To avoid the inexorable tragedy, Hardin recommended privatisation of communal land in the belief that individual landowners would be obliged to care, nurture and conserve their pieces of land, in order to avoid personal ruin or impoverishment. However, as argued by Dell'Angello, D'Odorico, Rulli and Marchand (2017) as well as Peters (2020), local communities who depend on communal land resources are not helpless in the face of dwindling resources. They are, instead, able to organise themselves and adapt ethical rules and practices that are resilient and conducive to the promotion of environmental stewardship. The rules and practice are based on indigenous knowledge and lived experiences.

The concept of titling and registration of housing, agricultural and other land rights held by individuals in communal areas was spearheaded by Hernando de Soto (2000) through his publication, *The Mystery of Capital: Why capitalism triumphs in*

the West and fails everywhere else. De Soto argued that registration of land rights would generate numerous benefits to the rights holders, including enhanced tenure security; ability to use the titles to obtain bank loans and credits, and to facilitate easy and safe sale, lease and transfer of properties. In brief, de Soto (2000) argued that land title formalisation provides legal and financial certainty for landholders. This provides them with the security to carry out long-term investments on their land, thus increasing productivity in the long run.

In their totality, neoliberal concepts appear to have been informed by the belief that customary land-tenure systems and practices are unable to promote sustained economic development, alleviate poverty, or protect the natural environment. Contrary to these beliefs, studies by Molebatsi (2019) and Dell'Angello *et al.* (2017) revealed that land titling leads to concentration of landholdings to a small group of people consisting of the rich, elite and politically well placed. The process disenfranchises poorer land rights holders and exacerbates inequality, because it fails to take cognisance of the multilayered nature of communal land rights characterised by primary, secondary and, at times, tertiary and intergenerational rights. It is worth noting that the vast majority of land titling programmes acknowledge and only register primary rights (Berry, 2020: 35). The process closes off secondary rights holders from, for example, legally harvesting firewood, wild vegetables or livestock grazing on privatised commons. The processes have also tended to shut out women, largely because land rights are habitually registered in the names of fathers, husbands and sons (Berry, 2020: 35). On the other hand, studies by Biddulph and Hillbom (2020) as well as Peters (2020) have shown that privatisation of the commons and registration of land rights have often failed to promote land markets. They have, instead, fuelled informal land transactions, because state-sponsored land reforms, titling and registration projects often create public fear

and mistrust. Such reforms tend to increase the vulnerability of land rights holders to dispossession (Berry, 2020; Hull *et al.*, 2019).

2.2 Small-scale land-grabbing practices

A study by Xu (2018: 142) revealed that, during the Industrial Tree Plantation projects in Southern China, local villagers in Guangxi province “were able to gain access to land that previously belonged to collectives and benefit from it at the expenses of their neighbours and kin”. The study further revealed that land grabbers use multiple economic and extra-economic means to acquire and control land, including enclosing previously commonly used land, in order to exclude other community members; leasing collectively owned land at prices others cannot afford; lending money to poorer households in exchange for control over their land and produces, and control of up-/down-stream businesses (Xu, 2018: 146). Besides losing the use, earnings and control over their landholdings, affected villagers experience widespread unemployment, because land grabbers prefer migrant workers and mechanised production modes (Xu, 2018: 147-148).

In order to facilitate the availability of land for urbanisation, industrialisation, food security and agricultural modernisation, the government of China was forced to expropriate land and, consequently, dispossess and displace some communities (Siciliano, 2014). In these state-led processes, “small peasant farms organised in small collective plots are pushed towards big agricultural areas managed by large enterprises, or agricultural land is converted in sites for urban construction” (Siciliano, 2014: 346). According to Siciliano (2014), the processes have numerous flaws and negative effects on indigenous communities. The flaws include inadequate compensation; increased conflicts between residents in resettlements sites, and loss of employment and traditional sources of livelihood support systems.

Chinese investors were also reportedly involved in small-scale

land grabbing in Muang Long District, Northern Laos, near the China-Laos border. According to Friis and Nielsen (2016), the small-scale Chinese investors began renting land and planting bananas in Muang Long District in roughly 2008. They sold banana products to neighbouring China, which experienced a high demand for fresh fruit. Friis and Nielsen further note that the Chinese investors were attracted to Laos by two major factors – the availability of cheap and good quality land with irrigation water, and the favourable climatic conditions – to which may be added the proximity to China. To access and maintain control over rented land, the banana investors circumvented government authorities and largely relied on local businessmen and personal relations “reinforced by the extensive use of legitimising arguments, as well as force or threats thereof” (Friis & Nielsen, 2016: 126). Unfortunately, the Chinese investors have no obligation to restore leased land to its previous condition, thus leaving local farmers (the lessors) with difficult and costly restoration costs.

Kansanga, Andersen, Atuoye and Mason-Renton (2018) report small-scale land-dispossession processes taking place in Northern Ghana. They note that, following rapid population increases coupled with policies and agenda for agricultural modernisation and expansion, traditional land governance systems and practices have been weakened, resulting in some land rights holders being dispossessed by “other relatively wealthier and powerful family members who have more capacity to cultivate vast farmlands with the use of mechanised technologies” (Kansanga *et al.*, 2018: 221). As further observed by Kansanga *et al.* (2018: 221), intra-family land grabbing is “worsened by ... individualised farming as opposed to joint family farming under the extended family system”.

The state in Ghana is also involved in abating class-based urban land dispossession. According to Gillespie (2016), strategies deployed to expropriate urban land from the poor include the privatisation of communal

land, in order to facilitate private sector-led real-estate development; cleansing of street hawkers from the urban public spaces, and eviction and displacement of squatters from inner city areas. Gillespie (2016: 68) notes that the displacement of the urban poor from central spaces to city peripheries dispossesses the poor of “their land, livelihood and shelter”. The state acts as an intermediary agent to private sector developments by “expropriating ‘communal’ lands, transforming them into private property and distributing them to capitalist developers at below market rates” (Gillespie, 2016: 71). Despite being evicted or displaced from their homes and workplaces in the inner city, the poor have not been directly employed by the dispossessors (Gillespie, 2016: 74). Studies by Biitir and Nara (2016) as well as by Ahmed, Kuusana and Gasparatos (2018) indicate that chiefs and other traditional leaders are also involved in facilitating large (rural) and small urban land grabbing.

According to Cowaloosur (2014), governments in Nigeria, Ethiopia, Egypt, Zambia and Mauritius have assisted Chinese companies to acquire land for establishing seven Special Economic Zones in Africa (ZESA) – one of them being the Lekki Free Trade Zone (LFTZ) in Lagos, Nigeria. Initiated in 2004, the LFTZ sits on a 16 500-ha piece of land acquired by the Lagos State Government and leased to a Chinese company to facilitate the establishment of a multipurpose project aimed at boosting industrialisation within the Lagos State (Lawanson & Agunbiade, 2017). Besides industrial activities, the project includes housing estates, commercial outlets, as well as leisure and entertainment facilities. Prior to the acquisition, the piece of land was home to several indigenous communities engaged in subsistence farming and fishing. According to Lawanson and Agunbiade (2017), the communities were only compensated for the value of crops that were on the farmland and not for either the loss of land rights/livelihoods or the market value of their landholdings. Lawanson and Agunbiade further note that some of the compensation money

was misappropriated by government officials. Similar processes, whereby the state acquired communal land or privatised public land to facilitate the establishment of special economic zones, have been noted in several countries, including Taiwan (Jou, Hansen & Wu, 2012) and Mauritius (Cowaloosur, 2014).

Botswana has also experienced widespread small-scale land grabbing.³ According to Colclough and McCarthy (1980) as well as Good (1999), small-scale land grabbing appears to have emerged during the colonial period when the elite (rich people, chiefs and headmen) started claiming exclusive grazing rights over communal land surrounding their private dams, boreholes and wells. Similarly, rich crop farmers fenced off their fields, thereby enjoying all-year round exclusivity and denying other community members their traditional rights of either picking natural fruits or vegetables or grazing on fields after harvesting of planted crops (Mathuba, 1982). However, as noted by Culls and Watson (2005), Magole (2009), Sapignoli and Hitchcock (2013) as well as Molebatsi (2019), the practice has since been fuelled by two related agricultural land reforms: the Tribal Grazing Land Policy (TGLP) launched in 1975, and the National Policy on Agricultural Development (NPAD), introduced in 1991. These two policies sought to increase cattle productivity and reduce (and, ultimately, stop) overgrazing and degradation of the communal grazing areas “through granting of exclusive rights to individuals or groups who would then have an incentive to manage their grazing ‘land areas’ in appropriate ways” (Sapignoli & Hitchcock, 2013: 136). The policy was partly funded by the World Bank, the European Development Bank, the US Agency for International Development, and the African Development Bank (Sapignoli & Hitchcock, 2013: 139). By 2006, a total of 964 pieces of land (accounting for roughly 8% of

the country’s land mass) had been carved out of communal grazing land to create private ranches (Sapignoli & Hitchcock, 2013: 139). In an administrative district studied by Magole (2009), communal land declined by 59% from 111 650 km² in 1964 to 45 970 km² in 2008. Most of the communal land was privatised, without negotiating “with local farmers, nor were their knowledge and interests taken into account” (Magole, 2009: 623).

To Malope and Batisani (2008: 383), the establishment of ranches has generally been viewed as a form of ‘land grab’, because “only a few wealthy cattle owners were able to raise finance for borehole drilling, and their boreholes gave them *de facto* ownership of surrounding grazing areas”. According to studies by Segosebe (1991), Culls and Watson (2005), Malope and Batisani (2008) and others, land grabbing (in the form of ranches) has led to *de facto* dispossession of grazing land for some citizens – notably, the poor or people with a few cattle, hunter-gatherer communities, women and the youth – and “widened the gap between the rich and the poor” (Malope & Batisani, 2008: 387).

The foregoing review of small-scale land-grabbing practices in Asia and Africa shows that both small- and large-scale land grabs dispossess powerless and vulnerable community members of their land and other natural resources. The aggregate or cumulative value of small-scale land grabs could rival that of large-scale grabs. Given their dynamic and contagious nature, Xu (2018) advocates for strong measures that would nab small-scale land grabs in the bud, before they become a cultural norm. Almost all the studies on small-scale land grabbing reviewed above focused on agricultural land in rural areas. This study explores small-scale land grabbing in urban and peri-urban areas of the city of Gaborone and surrounding settlements.

3. STUDY AREA

In this article, Greater Gaborone is used to refer to the City of Gaborone and surrounding villages, namely

Tlokweng (due East of Gaborone) and Mogoditshane (due West of Gaborone) (see Figure 1). Greater Gaborone has a total land mass of 102 000 ha of which 65 500 ha (64%) is tribal land,⁴ 21 000 ha (21%) is state land, and 15 500 ha (15%) is freehold land (DTRP, 1996: 10). As indicated in Figure 1, the City of Gaborone sits on both state land and freehold land; Tlokweng sits on both communal and freehold land, while Mogoditshane is wholly located on communal land. Both Tlokweng and Mogoditshane predate the city of Gaborone which was conceived, designed and built as the capital of independent Botswana in the early 1960s. It has since grown fairly rapidly and established itself as the country’s administrative, educational, commercial, industrial, and financial centre. The city’s population has increased rapidly from 3 855 inhabitants during the 1964 census to 231 592 residents during the 2011 census (Statistics Botswana, 2016). The number of people living in both Mogoditshane and Tlokweng also increased rapidly from 11 661 to 109 642 between the 1964 and 2011 censuses. The Greater Gaborone accounts for 17% of the national population and a significantly higher share of the national economic output (Government of Botswana, 2019: 63). The city’s nature has invariably placed enormous pressure on the demand and delivery of land for housing, commerce, industries, and other activities. The high demand for land was first experienced in Gaborone in the 1960s and 1970s, but it quickly spread to peri-urban villages, resulting in an almost insatiable demand for land characterised by self-allocations, illegal land transactions, and land grabbing (Government of Botswana, 1992; Kalabamu, 2012). Greater Gaborone was consequently selected for this study, as it is the country’s leading land tenure hotspot.⁵

3 This excludes grand land expropriations sanctioned or carried out by the colonial administration (1885-1966) to create game reserves and national parks (for example, Chobe National Parks and Central Kalahari Game Reserve) and freehold farms in areas such as Lobatse, Gaborone, Tuli and Gantsi Blocks.

4 Botswana has three land-tenure systems: tribal land, whereby land is communally owned by the citizens of Botswana; state land, which is owned by the State, and freehold land, which is privately owned.

5 According to Merlet *et al.* (2014: 2), an area where land-related conflicts or limitations are worrisome, and, by their nature, may lead to crisis.

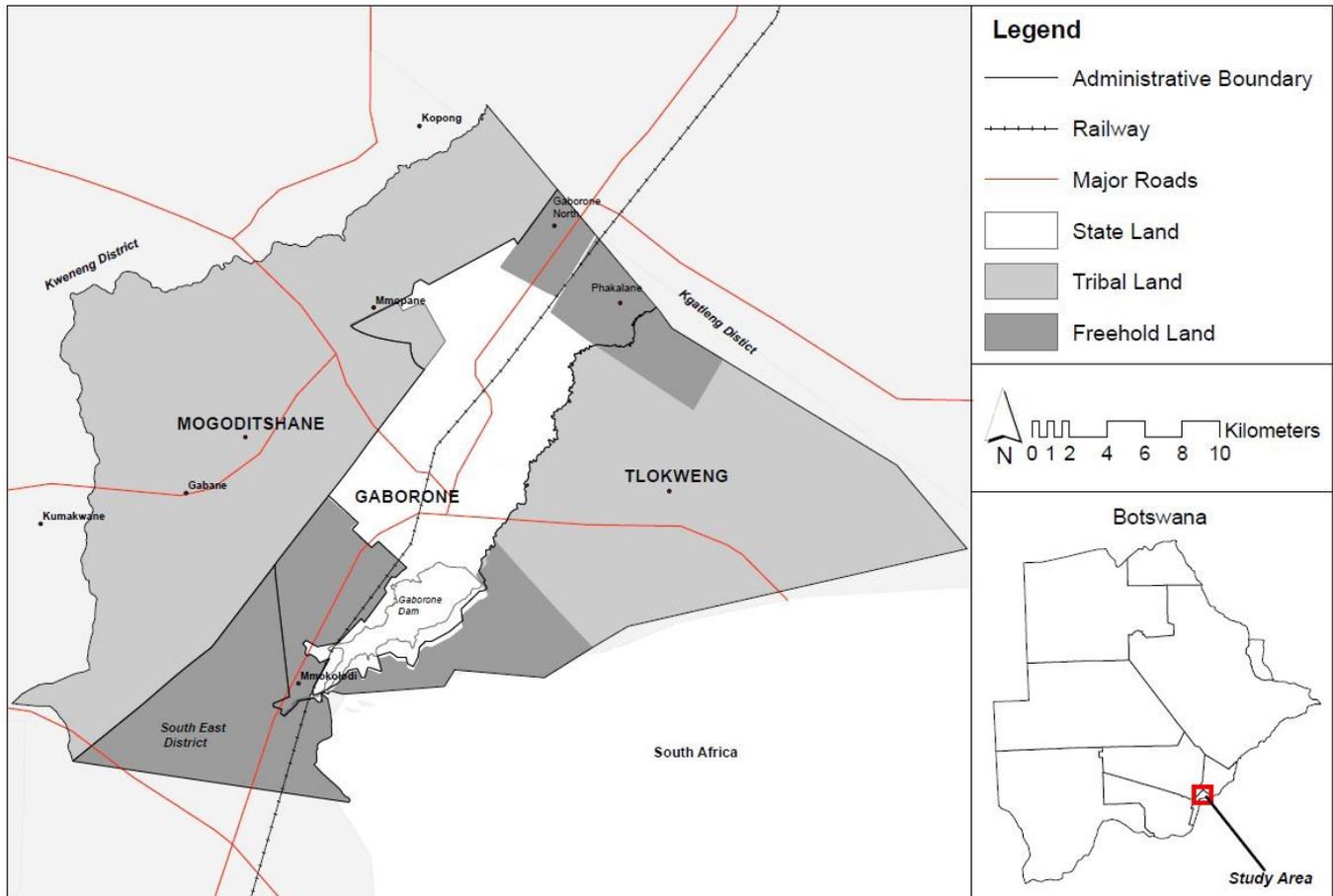


Figure 1: Study area and land tenure systems in Greater Gaborone

Source: Adapted from Greater Gaborone Structure – 1994-2014 (DTRP, 1996: 40)

4. METHODS

This article is an outcome of desktop research and discussions between the two authors concerning the extent and nature of land grabbing in Botswana and the remainder of Southern Africa. A literature review method was adopted; searches included online databases, particularly Google Scholar, Web of Science and ResearchGate, and the University of Botswana Catalogue (UBRISA). The search phrases used in the literature search included ‘land grabbing’, ‘land dispossession’, ‘land accumulation’, ‘land deals’, and ‘land acquisition’. Articles downloaded from databases and networks were saved, printed and reviewed to determine the various definitions and meaning of land grabbing, origins, types, nature and extent of land in sub-Saharan Africa and Botswana. In addition, relevant references cited in downloaded articles were searched

and, when found, downloaded, saved and read. The process was repeated several times until a saturation point was attained – that is, when additional searches did not lead to new findings. Next, using ‘land grabbing’ as a tool for analysis, an audit of two reports by presidential/judicial commissions of inquiry into problems of land allocations in and around Gaborone was done to uncover land-grab deals and processes in communal and state-owned land in Botswana.

The first commission was appointed in July 1991 to inquire into land problems in Mogoditshane and other peri-urban villages (Government of Botswana, 1992). The commission was tasked, among other things, to examine the nature of land ownership in Mogoditshane, Gabane, Tlokweng and other peri-urban villages; establish the extent of illegal/unauthorised land transactions,

and establish the validity of land claims on undeveloped and inactive land in the said villages.

The second commission was set up in April 2004 to investigate the allocation of state land in Gaborone, especially the state land along Segoditshane valley and all open spaces in and around Gaborone (Government of Botswana, 2004).

5. FINDINGS

5.1 Peri-urban small-scale land grabbing

Small-scale land grabbing in Botswana’s peri-urban settlements appears to have first emerged in the late 1980s, as revealed by the Presidential Commission of Inquiry into land problems in Mogoditshane and other peri-urban areas (Government of Botswana, 1992). The Commission noted that, contrary to customary rules and practices

as well as the provisions of the Tribal Land Act (1968), a number of Mogoditshane and other peri-urban residents had unilaterally occupied and claimed ownership of vacant communal land. They occupied and claimed land that appeared inactive or that had been lying fallow for over 10 years. According to local norms and practices (as currently expressed in the Tribal Land Act of 1968), any right to occupy and use a piece of communal land can only be granted by the Land Board. However, peri-urban residents did not only claim vacant communal land; they also proceeded to subdivide the land into residential and business plots, which they then transferred or sold to anybody (including non-citizens) without seeking permission from the relevant local authorities and the Land Board (Government of Botswana, 1992). To legitimise their actions, the claimants conjured inheritance rights, arguing that the seemingly vacant or fallow land used to be ploughed by their late grandparents. Studies by Malibala (1999) as well as by Kalabamu and Morolong (2004) reveal that 15% to 25% of the residents in Mogoditshane claimed to have acquired vacant land through inheritance.

The Presidential Commission of Inquiry also identified roughly eight individuals who had fenced off large chunks of undeveloped land in one of the villages around Gaborone (Government of Botswana, 1992). The individuals involved in fencing off large chunks were high-ranking community leaders – notably members of the royal family and a member of parliament. They also justified their actions on inheritance, claiming that the land they fenced belonged to their grandparents and ancestors.

In addition to grabbing vacant fields and fencing of chunks of communal land by community leaders, the Commission revealed a few cases of speculative land grabbing in settlements around Gaborone. The first case involved the then Minister of Agriculture. According to the Commission's report, the Minister had acquired a 6-ha piece of land designated for a

commercial centre under the spatial development plan for Nkoyaphiri area, Mogoditshane. Prior to the change of use in the approved plan, the land was owned by a local resident. The Minister, armed with the knowledge that a commercial centre was planned over the said piece of land, approached the owner and acquired the land from him (Government of Botswana, 1992: 45).

The second case involved a private company owned by non-citizens. According to the Commission's report, the company applied and was legally allocated a 4-ha industrial plot for the purpose of moulding bricks for sale. The company later applied for change of use – from industrial to residential. The Land Board approved the application, but local and national physical planning authorities turned it down. However, on appeal, the Minister of Local Government, Lands and Housing approved the application, whereafter the company sold the plot to another non-citizen-owned company. The new owner proceeded to erect 36 high-cost houses on the plot. According to the Commission's report, the 36 houses were priced at P332 000 each, or a total of "P11.94 million [=US\$3.9 million] for developments on land it [had] not paid a thebe for" (Government of Botswana, 1992: 47).

The third case involved a private company with numerous estates and properties in Gaborone. The company applied for the acquisition, rehabilitation and erection of rental housing on a site formerly used as a burrow pit. However, after completion of the rehabilitation process, the company subdivided the land into 167 residential plots for sale. The Land Board strongly objected to the move, arguing that the sale of communal land contravened the Tribal Land Act (1968). The company complied and developed the land into blocks of flats, townhouses and detached bungalows for both rent and sale.⁶ The sale of tribal land gave preference to the rich and, ultimately, excluded the poor.

5.1.1 Peri-urban small-scale land-grabbing forces

Peri-urban land-grabbing processes may have been ignited and driven by several interlinked factors such as land and housing shortages in Gaborone; commoditisation of land, and poor or weak land policies and governance. According to a study by the Kweneng District Administrator (1982), people working in Gaborone preferred to settle in peri-urban settlements, because there was an inadequate supply of cheap houses in Gaborone; it was easier, cheaper and quicker to acquire land in peri-urban areas, and workers could easily commute to Gaborone. Invariably, the increasing demand for peri-urban land and housing triggered an informal land market and the grabbing of vacant land discussed earlier. As noted by Kalabamu (2012), the increasing demand for peri-urban land was further exacerbated by the 1993 amendments to the Tribal Land Act, enabling citizens to acquire multiple plots for various uses in many parts of the country.

In theory and at law, undeveloped communal/tribal land is not for sale. However, in practice, it is sold. As early as 1992, the Presidential Commission of Inquiry noted that individuals who grabbed vacant tribal land would later subdivide it into residential plots for sale (Government of Botswana, 1992). The prices were also known and revealed to the commissioners. According to Kalabamu (2012: 144), the sale of vacant tribal land in peri-urban areas has since become common practice.

The prices have also been increasing. In peri-urban areas around Gaborone, the prices have increased from roughly P8 000 per 1 000 m² of land in 1992 to roughly P350 000 in 2019.

Despite the introduction of the Tribal Land Act and the replacement of traditional land administration structures (chiefs and headmen) with modern institutions (Land Boards), communal land in Botswana is still characterised by weak and ambiguous legislation as well as overlapping, uncoordinated and, at times, contradictory governance

⁶ According to the Tribal Land Act (1968), it is illegal to sell vacant land. Secondly, only land boards are mandated to allocate tribal land.

systems, as observed by the Presidential Commission of Inquiry (Government of Botswana, 1992). For example, besides lacking clear provisions on determining land inheritance, the Tribal Land Act is silent on procedures and criteria for evaluating applications for the acquisition of customary land rights as well as the cancellation of rights. It simply assumes that access, use and transfer of tribal land will be governed by customary rules, which are unwritten, dynamic and subject to individuals' perspectives, aspirations and interpretations (Peters, 2020; Cotula, 2020). Land boards lack reliable georeferenced data on who-owns-what-and-where. As a result, they rely heavily on traditional leaders in land rights adjudication and allocation matters (Kalabamu & Morolong, 2004; Khama & Seleka, 2016).

5.2 Urban small-scale land grabbing

Land-grabbing practices within Gaborone municipal boundaries appear to have been facilitated by several policies seeking to either attract foreign investors and/or utilise local private-sector resources. Two of the policies are particularly critical to this article and deserve a brief discussion.

5.2.1 Direct Land Allocation Policy

The Direct Land Allocation Policy was introduced as part of the Industrial Development Policy, which sought to attract foreign human and financial capital, in order to promote economic diversification away from the country's dependence on mineral resources. It was envisaged that one of the incentives for attracting investors would be putting in place a fast procedure for allocation of land (Government of Botswana, 2004: 18). Ordinarily, land for industrial and commercial developments is acquired through a tender system, whereby the Department of Lands invites bidders, indicating the reserve prices and other terms deemed necessary. To avoid this process, a joint Ministerial Committee was established to facilitate the fast

allocation of land for industrial development. To qualify for direct allocation, the prospective investor is required to submit an investment plan or project portfolio indicating, among other things, his/her land requirement, the amount of capital inflow, skills being brought in, and the number of jobs to be created.

5.2.2 Public-private sector partnership

Public-private sector partnership, as a project management and implementation tool, was introduced in 1994 through a presidential directive (CAB 9/1994), in order to facilitate private sector participation in land-servicing and -delivery processes. The directive sought to reduce government expenditure on servicing of state land; attract large-scale industrial and commercial developments through a fast system of state-land acquisition, and promote economic diversification and job creation. The directive targeted both local and foreign investors who would be invited to tender for specific land parcels as advertised from time to time.

Under this partnership, the government sought to subdivide large state land into blocks of up to 10 hectares and then allocate the blocks to private developers. While the government undertook to provide peripheral services such as, for example, primary roads, water and sewer lines, as well as basic community facilities such as schools, police and health centres, it expected private sector and community partners to further subdivide the land into residential, commercial and industrial plots; provide secondary services including access roads, drainage system, water and sewer connections, and then sell the serviced plots to individual developers. Private sector and community partners were required to designate most of the serviced land for potential low- and middle-income homeowners (Government of Botswana, 2000: v, 7).

Examples of land grabbing emanating from or facilitated by the above policies are drawn from the findings of the *Judicial Commission of Inquiry into*

State Land Allocations in Gaborone instituted by the country's President in April 2004. The main task of the Commission was to investigate the allocation of state land in Gaborone following allegations that state land was being corruptly acquired.

5.2.3 Acquisition of Lot XY⁷

According to the Commission's report, Lot XY, measuring 4.65 hectares, was designated for civic and community use under the Gaborone Development Plan (Government of Botswana, 2004: 32). The plot was allocated to a private company in 1998 at a cost of P837 594.00 (equivalent to P18.00) per m². Although the land was designated and allocated for civic and recreational activities, the new owners quickly applied for change of use (from recreation to commercial) after acquisition. The application was rejected by the Gaborone City Council and the Town and Country Planning Board but upheld by the Minister of Local Government, Lands and Housing (Government of Botswana, 2004: 33). A commercial complex with several outlets and supermarkets was built on the plot. The company would have paid at least P2.5 million at the rate of P54.00 per m², had it acquired it as commercial land instead of civic and community use.

5.2.4 Acquisition of 30.4 hectares in Broadhurst

In 1999, a foreign-owned company based in Zimbabwe applied for land to develop 250 affordable houses in Gaborone. The company "indicated that it had made a similar investment 'in Zimbabwe' where it had developed close to 2000 housing units in the previous two years" (Government of Botswana, 2004: 83). On the evidence of its enviable performance, the company was allocated a piece of land measuring roughly 30.4 hectares at a price of P8.75 per m². The company quickly sold the land before even surveying or servicing it. The latest owner has serviced the land but is yet to develop the envisaged affordable houses – 20 years after

⁷ Official property descriptions have been hidden for ethical reasons.

initial allocation. Ideally, the company should have been charged the then prevailing market rate of P54.00 per m² instead of P8.75 per m².

5.2.5 Allocations to Company X

Company X has probably been the highest beneficiary of the direct allocation and public-private sector partnership policies. This is the same company that was allocated a disused burrow pit site in a peri-urban communal or tribal territory. The Judicial Commission's report revealed that the company was also allocated several parcels of land designated for residential, industrial, civic, and community uses. The report provides detailed descriptions of these parcels but only a summary touching on 3 will be given in this article.

In 1997, Company X applied for industrial land (Plot XW) for a manufacturing plant and joinery workshop. It intended to produce aluminium windows, doors, shelves and other fittings. The application came before the joint committee for direct allocation which approved it and recommended allocation. However, the company has since erected an office block, which it currently rents out to some government departments. In February 2000, the same company applied for a 2.8 hectares commercial land (Plot XV), with the intention of developing a shopping centre. Although the said piece of land was fully serviced, the company acquired the plot at a "price of P36.00 per m² on the basis that the land was partially serviced. The price of a fully serviced commercial plot was double that at P72.00 per m²" (Government of Botswana, 2004: 118).

In July 2000, Company X applied for a 30-ha piece of land at an area called Maru-a-Pula. The area contained several burrow pits and a disused refuse dump site. The company undertook to rehabilitate and service the area at its own cost. The company "pointed out that it needed the land to construct additional houses for sale to low income earners which it considered to be in the interest of the nation" (Government of Botswana, 2004: 123). The company was allocated

the 30-ha piece of land at a price of P1 million (roughly P3.30 per m²), because it had argued that the cost of rehabilitating the burrow pits up to ground level would add up to P4 million. Only high-cost flats and medium-cost houses have been erected on the site.

5.2.6 Allocation to Company Y

Company Y applied and acquired a 70-ha piece of partly serviced land in Gaborone through direct allocation. In their application for direct allocation, Company Y indicated that the land would be developed into a multi-million dollar tourist hub with top-of-the-range hotels and other tourism facilities. It was claimed that the tourist developments would contribute to the country's diversification strategy. The land was later subdivided into medium- and high-income housing plots and sold to private developers at open market prices.

5.2.7 Loss of recreational, civic and community spaces

Given the apparent shortage of land in Gaborone, most of the land grabbing has of late focused on land reserved for recreation, civic and community uses, and environmentally sensitive areas such as Segoditshane and Notwane River valleys. The Judicial Commission of Inquiry into state-land allocations identified several open spaces and civic plots acquired by the business community and converted to commercial uses (Government of Botswana, 2004). A primary school site in Block 3 has been converted into a private housing estate. Parts of the road reserves along Kudumatse Drive, Independence Avenue and Motsetse Drive have been acquired for private petrol filling stations almost everywhere in the city. In addition, industrial plots have been indiscriminately converted to housing, business and office uses.

5.3 Effects of small-scale land grabbing in urban and peri-urban areas

Like large- and small-scale land grabs in rural areas, small-scale grabbing of land in urban and peri-urban areas

has had several negative effects. First, it has enabled a few people and companies to accumulate land and properties cheaply or at no cost – a process that has raised widespread social and political discontents, as reported by NRC (2002), Isaacs and Manatsha (2016), as well as Manatsha (2020). In response to disproportionate landownership, the government recently approved a policy limiting the quantity of residential and agricultural land that individuals may hold in rural and urban areas (Government of Botswana, 2019). Secondly, it has resulted into an almost unsurmountable demand for urban and peri-urban land, as evidenced by long waiting lists, litigations, appeals for land quotas, and chaotic scrambles (Kalabamu & Morolong, 2004; Kalabamu, 2012; Isaacs & Manatsha, 2016; Manatsha, 2020). Thirdly, when land designated or reserved for public uses (for example, schools, recreation and community facilities) is privatised and converted to commercial or housing estate, residents are deprived of easy access to social and community facilities within their neighbourhoods. Fourthly, allocation of large tracts of residential land to private sector developers has resulted, contrary to conditions attached to the acquisition, in the exclusion of housing for the poor. Although small-scale land-grabbing processes in Greater Gaborone have not led to direct land dispossessions, they increased inequities in land holdings, caused social and political concerns, and indirectly disadvantaged residents and local communities with regard to lack of land for social amenities within their neighbourhoods. Finally, poor people's rights to the city have been compromised.

5.4 Lessons learnt

Similar to other countries, traditional leaders and the state facilitate land grabbing in all rural, urban and peri-urban areas for the benefit of the elite and private sector. Although some poor peri-urban residents may have grabbed vacant fields in the 1980s and early 1990s, big time land grabbers have been individuals with political and leadership responsibilities – chiefs,

ministers, senior government officials, and big time business owners. Land grabbing by the poor in Gaborone's peri-urban settlements was but a symbol of desperation and protest against inadequate compensation for lost land rights. Secondly, unlike large-scale rural land grabbing, which is explicit and glamorous, small-scale urban land grabbing is imperceptible and almost secretive, at least in the case of Greater Gaborone. Most peri-urban and urban land-grabbing processes in Greater Gaborone started off as legitimate and well-intentioned actions, only to have planned uses, terms and conditions changed in due course. Manipulations of land laws and policies have enabled the elite and the private sector to formally/legally access large tracts of brown land and land designated for community uses at cheap prices. They later use their influence to convert them to highly profitable residential and commercial estates. Thirdly, and related to the foregoing, commercial and residential estates, developed through land grabs, hardly meet the needs of the poor and vulnerable communities. The most disadvantaged community members are the youth, women and the poor who cannot afford flats and premises developed by the private sector.

6. CONCLUSION AND WAY FORWARD

The article identified several small-scale land-grabbing practices and processes in and around the city of Gaborone. It noted that, while rural land grabbing in Botswana is driven by livestock grazing needs, urban and peri-urban land-grabbing practices are fuelled by commercial and business considerations. Rural land grabbing is linked to cattle barons, while urban land grabbing is associated with business owners, the private sector, and politicians. While rural and agricultural land deals entail the acquisition of large tracts of land, urban and peri-urban land grabbing involves small but highly priced pieces of land. The vast majority of urban and peri-urban land grabbers in and around Gaborone are citizens and citizen-owned companies. A few grabbers come from neighbouring countries.

At the individual level, investment opportunities or prospects of making windfall monetary gains is the overarching motivation for urban and peri-urban land grabbing. Individuals and companies that grab land in Greater Gaborone envision high returns on real-estate developments. The availability of seemingly free, cheap, vacant land in peri-urban areas is the second motivation. At the state level, government appears to unintentionally facilitate land grabbing in its endeavour to attract private capital, diversify the economy, increase incomes, and generate employment opportunities.

There is a need to undertake detailed studies and audits to collect empirical data on the exact nature and extent of small-scale land grabbing in urban and peri-urban areas. The studies should also explore emerging forms of intimate dispossession, whereby businessmen appear to be buying several ploughing fields and converting them to commercial uses. The state should review the state land and tribal land acts and regulations, in order to clarify and strengthen the rules, criteria and procedures for accessing, utilising and transferring both customary and state land. The review should seek to promote transparency, accountability, inclusivity, efficiency, and environmental protection.

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