Management of Land Records: A Survey of Land Boards in Botswana

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Abstract

This study surveyed the records management practices in all Main Land Boards in Botswana and a sample of Subordinate Land Boards. The main objective of the study was to find out the current records management practices in the Land Boards, identify challenges faced and to develop a model framework that could be used to standardise the records management practices in all the Land Boards in Botswana. A triangulation of data collection instruments made up of focus group interviews, questionnaires and face to face interviews were used to collect data from the respondents who were purposively sampled for the study. Since the study was largely qualitative, data was analysed through thematic analysis, while quantitative data collected through questionnaires was analysed with the aid of Microsoft Excel to aggregate data so as to understand better quantitative responses. The main findings of the study have revealed that Land Boards in Botswana were operating without any formulated Records Managements Programme. Records management practices were not standardised such that the procedures differed across. The study has proposed a model framework which if adopted would standardize records management practices.

Keywords: Classification, Dikgosi, Kgotla, Land Records, Record, Records Life Cycle, Records Management

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1. INTRODUCTION

1.1. BACKGROUND TO THE STUDY

Prior to 1968, tribal land was allocated and administered by the Chiefs (Dikgosi) under Customary Law (Mathuba 2003). Land was allocated for the purposes of residential, grazing and arable farming. Farmers were also allowed to sink boreholes or develop open wells and had exclusive rights to such developments. Land Boards were established under Section 3 of the Tribal Land Act (Chapter 32:02) of 1968 with the sole purpose of improving tribal land administration. Although they were established in 1968, Land Boards started operating in 1970 under the Ministry of Local Government and Lands which was renamed Ministry of Lands and Housing (MLH) in 1999. By 2013, Botswana had 12 Main Land Boards and these are: Ngwato, Kgatleng, Tlokweng, Tati, Chobe, Tawana, Malete, Rolong, Ghanzi, Kgalagadi, Kweneng and Ngwaketse Land Boards. Important outcomes of this process have been land records. These records help Land Boards to manage land effectively on behalf of respective communities.

The Tribal Land Act of 1968 amended in 1994 states that the Land Boards are also responsible for the cancellation of the grant of any rights to use any land. Land Boards can also impose restrictions on the use of tribal land; implement any change of use of tribal land or any transfer of tribal land.

However, amendment order 2013 on Decentralization of Boreholes and Common Law Land applications has devolved certain powers of the Main Land Boards to the Sub Land Boards. Subordinate Land Boards are now empowered to receive and determine borehole and common law applications alongside applications made under customary law. The amendment also states that disputes arising from borehole and common law land allocations shall be presided by the Sub Land Board and that applicants not satisfied with their decisions have the right to appeal to the Main Land Board within a period of one month. It states that individual plot files shall be opened at the Sub Land Board for all land transactions and a copy of each lease will be deposited with the Main Land Board to facilitate monitoring of lease agreement. Certain land related transaction files will be transferred to the Sub Land Boards. Permits for mining will also be issued at

Sub Land Board level. The amendment also empowers Sub Land Boards to evict squatters and cancel land rights. They will also be responsible for receiving applications and adjudicate on them before allocating the land.

This study therefore surveys the records management practices of Land Boards in Botswana with view of establishing their strengths and weaknesses. The idea behind this was to help the Land Boards to standardize their approach to records management and better manage tribal land. The study has also developed a model framework to help address the problems and if adopted will help standardize records management practices in these institutions

1.2. PROBLEM STATEMENT

The management of land records by Land Boards in Botswana is slowly attracting the recognition of scholars. For instance, Hoyle and Sebina (2008) and Ramokate (2010) have undertaken research into various aspects of land records management. Although these studies produced valuable insight which could contribute to improved management of Land Board records, they were nonetheless restricted in their approach. Ramokate's study focused only on the case of Kweneng Land Board and did not get a broad idea of how other Land Boards are managing records and the challenges they face. Similarly, Hoyle and Sebina's study did not go into depth regarding the management of the records in the land management institutions they visited. This study therefore builds on these studies but unlike them, targets all the Main Land Boards and select Sub Land Boards to arrive at holistic understanding of their approach to records management.

Records Management problems in Land Boards in Botswana appear to be wide spread, different and to have come from far, yet they all manage records from the same transactions. It has been clear from different studies by a number of scholars starting with that of Machacha in 1981 that the problem of records management in Land Board has been prevailing since the establishment of Land Boards. In his study evaluating the efficiency of Land Boards, Machacha (1981) among other things noted that these

institutions maintained fragmented records which could not be referred to easily. He asserted that the situation was so bad that when one traces the history of one tribal plot, it may be necessary to go through more than 10 sets of records. Machacha then concluded that there were chances that plots owners could change ownership without the Land Boards knowing. Machacha also found out that due to poor record keeping, the Land Boards never knew whether their decisions where implemented or not.

The MLGL (1989) in a paper on: 'Documenting Land Inventory Processes in Botswana' also noticed that there were serious problems with record keeping in Land Boards. It notes that Land Boards did not have easily accessible information showing what piece of land has been allocated, to whom and for what purpose. They also did not know how much land was still available for allocation.

Mathuba (1989) in her report titled: 'Tribal land Act, Land Policies and related issues,' stated that there was poor records management in Land Boards because the records were always unreliable or inadequate. This, as a result, made it difficult for the Boards to make proper decisions because they had no evidence to rely on.

The problems that prevailed in the management of land in Botswana prompted the government of Botswana to investigate the mismanagement of land where-in the Ministry of Local Government and Lands in 1988 observed that there was serious problem of record keeping in Land Boards. These problems brought about issues of double allocations and non-accountability of land allocated to certain individual. Due to this problems some people benefited from land grabbing yet some remained without land to put up shelter. Records were said to be inadequate and not easily referred to. The same problem was also identified by the Presidential Commission of 1991 which investigated the land problems in Mogoditshane. The investigations revealed that Land Boards maintained poor records which could not be relied upon (GOB, 1991). The commission further asserted that operations of Land Boards have been under question due to various problems; unfair practices in land allocation, compensation and relocation, lack of transparency in allocation procedures and poor records management

practices. The Second presidential Commission in Local Government Structure of 2001 cited a number of complaints of poor record keeping in Land Boards. As a result of such practices, some citizens were denied the right to land. Poor record keeping and lack of data networks among Land Boards compounded the problem as it was not easy to verify whether or not applicants have plots (GOB 2001). In 2003, government through the second Presidential Commission on Local Government structure in Botswana observed that Land Boards were using poor records management systems (GOB 2003). In addition, Tembo and Simela (2004) in their study on; 'Improving Land Information in tribal lands of Botswana,' observed that insufficient and incomplete records on the land parcel use or ownership have been a big problem in the administration of tribal land under the Land Boards.

Onoma (2009) has argued that most Land Boards clients were visiting Land Boards mainly because they were seeking land documents claiming that their original certificates of customary land grant had been destroyed. According to him, Land Board members suspected many clients of committing an offence of self-allocation, in which clients would illegally squat on land, then, try to fool the Boards into legitimizing their activities by claiming land titles. The resolution of these problems were made difficult by the fact that Land Boards lacked records of past allocations which they could use to prove the validity of the claims and the Land Boards reluctantly agreed to issue new certificates.

Ramokate's study of 2010, has highlighted similar records management problems at Kweneng Land Board. For instance, he found out that the processing of mail management was poorly done which he attributed to the absence of records management skills and competences by staff mandated to manage records. He also observed that access to land records was found to be a problem because in some cases users maintained their own official records thus denying knowledge and access to the records which they kept. Ramokate also asserted that there were no preservation measures for records in the Land Boards. In one of his recommendations, Ramokate

expressed the need for the development of a records management programme in the Land Boards.

In a 2010 newspaper article it was reported that Kweneng Land Board which Ramokate had studied faced problems of double plot allocations all resulting from poor records management. That is, one plot was allocated to different people, (Piet, B:2010).

The above studies, including the observations made by the government of Botswana in 1989 and 2003, and those made by the researcher at Tlokweng Land Board and the discussions with Records Managers from different Land Boards during Records Management Forums in Francistown, a City in Botswana, in April and September 2010 indicated that records management problems were endemic in all Land Boards. This therefore shows that there is need for immediate remedial action and this study, having taken a cue from Ramokate's study, surveyed records management practices in all Main Land Boards and selected Subordinate Land Boards in Botswana with a view of identifying the records management problems they face.

1.3. OBJECTIVES OF THE STUDY

The main objective of this study was to survey the records management practices in Land Boards in Botswana and based on the findings develop a model framework that would be used to improve and standardize the management of land records in all Land Boards in Botswana.

The following were the specific objectives of the study

1. To determine the Legislative, Regulatory and Policy framework for managing Land Board records.
2. To find out the kinds of records created and managed by the Land Boards.
3. To determine how Land Board records are managed throughout their entire life cycle (this includes how records are classified).
4. To determine the extent of ICT application in the management of Land Board records.
5. To find out the skills base of the personnel managing Land Boards records

6. To establish the challenges associated with management of land records.
7. To develop a model framework towards improving records management in Land Boards.

1.4. RESEARCH QUESTIONS

The study seeks to answer the following questions:

1. What are the Legislative, Regulatory and Policy framework which Land Boards have adopted for the management of their records?
2. What are the types of records created and managed by the Land Boards?
3. How are Land Board records managed throughout their entire life cycle and how are these records classified?
4. To what extent are ICTs utilised in the management of Land Boards records?
5. What is the skills base of personnel charged with managing records in Land Boards?
6. What are the challenges faced by Land Boards in the management of records?
7. What should be done to improve and standardize the management of records in Land Boards?

1.5. SCOPE AND LIMITATIONS OF THE STUDY

According to Collis and Hussey (2003) the scope defines the ambit of the study. The project scope was to survey the management of records in all the 12 Main Land Boards in Botswana and sampled 6 Sub Land Boards. These Sub Land Boards were selected because they represented Land Boards with the biggest number of Sub Land Boards being Ngwato Land Board, Kgalagadi Land Board, Ngwaketse Land Board, Kgatleng Land Board, Tawana Land Board and Kweneng Land Board. These Sub Land Boards represented all the Sub Land Boards in the country because they are charged with the same mandate.

The study was limited to the records management staff, Information Technology personnel and Land Board Secretaries. This was because the chosen population are

the creators and users of records or they help in their management in one way or the other.

The study was, however, limited by a number of factors. First, the researcher depended on the respondents from various Land Boards to enter into a discussion (focus group) and to fill in questionnaires and return them. Not all respondents were able to respond positively to the study. For instance, some respondents delayed in handing back questionnaires while some did not return them at all. Travelling from one Land Board to the other was also an impediment as most times Land Board Secretaries would not be found even though appointments with them would have been made. Despite these limitations, the study has come up with major findings and recommendations worth implementing in the country and which also contribute to the body of knowledge on records management.

1.6. SIGNIFICANCE OF THE STUDY

This study is significant in a number of ways. First, the study is important to the Ministry of Lands and Housing in that it could help it standardise records management across all Land Boards. Second, this study adds a new dimension to studies on the management of land records in that it has surveyed all Main Land Boards therefore, is a resource which records management professionals and others interested in the management of records could use to inform their daily processes as well as their research. This applies to students, lecturers and others interested in researching in management of land records

LITERATURE REVIEW

2.1.   INTRODUCTION

Saunders, Lewis and Thornhill (2003:75) believed that a review of literature assists the researcher to "develop a thorough understanding of and insight into the previous research that relates to research question (s) and objectives". The review puts the research in context by taking a critical view of previous work, identifying key points, presenting them logically and highlighting gaps which require a fresh insight (Saunders, Lewis and Thornhill 2003:75)

2.2.   THEORETICAL FRAMEWORK

Records management studies have been subjected mostly to two models being Records Life Cycle and the Records Continuum. According to Sekaran (2003), a theoretical framework is a conceptual model on how one makes logical sense of the relationships between several factors that have been identified as important to a problem being studied. Unlike the previous studies, this study is not just guided by the life cycle and the continuum models. In this modern age where records management has been seen as important towards compliance, there is need to place these two models within ISO 15489, the international records management standard to create a working theoretical framework that is testable.

2.2.1. THE RECORDS LIFECYCLE

Bantin (2002) defines a record life cycle as a model predominantly applied by North American archivists. The life cycle model has been used in several records management studies, but the use has fallen short of being a theoretical framework in that the outcomes of the studies were not tested to show how the models actually applied to the records management situations the studies researched on. This study is different in that it has situated the various phases of the life cycle on ISO 15489 to

create a theoretical framework which allows for testing of the findings of the study against the various aspects of this standard.

The lifecycle concept equates the record to a biological organism. Records undergo three main phases; the active stage (current), semi-active stage (semi-active), and inactive stage (non-current stage) where the responsibility for their upkeep begins with the office of creation represented by the Records Management Unit, to the records centre and lastly destruction or permanent preservation as archives, (Parker, 1999; Shepherd and Yeo, 2003).

In the semi-active stage, records are maintained in a low cost storage, the records centre where they are consulted infrequently by the office of creation. At the non-active stage records can undergo any of the three things; destruction, alienation and transfer to archival institutions, (Shepherd and Yeo, 2003). Legal destruction of records after their useful stage is usually sanctioned by a carefully planned retention and disposal schedule. Section 9.2 of ISO 15489 outlines good practice with respect to development of retention schedules. All organizations should comply with very detailed specifications for the types and content of records to be created and kept.

As indicated, this study is different from the previous studies that have relied only on the life cycle and the records continuum without situating them on ISO 15489 to create a workable theoretical framework. ISO 15489 requires all records management practices to be guided by clear records management systems, policies, procedures and so on. In this study, the two models are grafted to ISO 15489 to illustrate that compliance is proved through adherence to records management standards which emphasis on accountability of every information created by the Land Boards.

According to Crocket and Foster (2004), the comprehensive nature of the standard with regard to current and non-current records and the clear categorization of its requirements make it an obvious choice on which to base audits of records management programmes.

2.2.1.1. RECORDS CREATION

In the creation stage, ISO 15489 requires organizations to identify the regulatory environment that affects their activities and requirements to document their activities. Land Board should provide adequate evidence of their compliance with the regulatory in the records of their activities. At this stage, a records management policy should be documented for the creation and management of authentic, reliable, usable records, capable for supporting business functions of the Land Boards, which is management and allocation of tribal land. Any system created should ensure that each business process creates records which are complete, trustworthy, and supporting the business process itself, the system should ensure that records are classified at two levels. The first level deals with the classification of records and groups them into logical groupings that reflect if the business process to which the records are created to. These will ensure that records are managed as a proper entity and requirement for creating, using and transmitting can be established. It will also ensure that all the legal regulatory requirements that are affected into the creation of records are factored into the creation of records.

2.2.1.2 MAINTENANCE AND USE

Land Boards should create, maintain and use records and their integrity should be supported for as long as they are required. Here Land Boards will be maintaining records that can be trusted by their users with their well-being not compromised. They need to determine the requirements for retrieving records, using and transmitting records between business processes and other users and how long they need to keep those records. It is also important to assess the risk that would be entailed by failure to have authoritative records of activity. Semi- current records need to be maintained in a different manner and Land Boards have to ensure that they develop proper strategies or tools such as a retention schedule in order to determine the life span of their records. It is therefore important for Land Boards to develop a records centre programme that will

be based on the understanding that they are transferred to a Records Centre for custodianship, but the legal responsibility should remain with the Land Board. Records are not archived prematurely, neither are they destroyed prematurely and should not be ignored. They should also consider conducive storage conditions for storing records in the records centre. The length of storage should be clearly spelt out as well as the type record of paper. It should also be clear as to how often should the records be sent to the Records Centre, i.e. perpetual and periodic (ISO 15489-2001).

2.2.1.3 RECORDS DISPOSAL Appraisal of records is a major aspect of archival responsibilities. Appraisal involves the systematic approach of evaluating which records to keep and which ones to dispose off in an organization (Daniels, 1988; Shepherd and Yeo, 2003). Land Boards must have in place clearly defined arrangements for appraisal of records, and for documenting such work backed by clearly defined policies and procedures for disposing of records. Important records should not be destroyed or archived before time. In the case of Land Board records, every record that is deemed core (institutional memory), should not be destroyed or archived, for example, Land Board Minutes, land titles and any correspondence relating to any land transaction should not be destroyed.

2.2.2. THE RECORDS CONTINUUM MODEL

The model focuses on the nature of records, the recordkeeping processes, the behaviours and relationships of records in certain environments, in the digital world. In terms of elements of definition, the continuum model emphasis is on content, context and structure of records. The continuum model evolved from the more demanding need to exercise control and management over electronic records. In 2005, Upward came up with the following principles:

> a. A concept of 'records' which is inclusive of records of continuing value (archives), which stresses their uses for transactional, evidentiary and

memory purposes, and which unifies approaches to archiving/recordkeeping whether records are kept for a split second or a millennium.

   b. A focus on records as logical rather than physical entities, regardless of whether they are in paper or electronic form.

   c. Institutionalisation of the recordkeeping profession's role requires- a particular emphasis on the need to integrate recordkeeping into business and societal processes and purposes.

According to Kennedy and Schauder (1998), the emergence of the continuum model in the 1990s has made Records Managers and Archivists to be recognized as the record keeping professionals. A records continuum perspective can be contrasted with the life cycle model which argues that there are clearly definable stages in recordkeeping. While the stages of a document may be quite evident in a paper environment, this may not be the case in an electronic environment where decisions to capture or destroy records are made early (Mckemmish 1997), (Upward 2005). In this study, some Land Boards have been said to be maintaining both manual and electronic records systems, it is therefore for this reason that this continuum model has been adopted in order to evaluate the management of records in electronic format.

Upward (2001) assets that, there are four coordinated and integrated dimensions in the continuum model. The first one is "to create" which involves officers who carry out decisions, communications and acts in the organisation. Then the "capturing" of records is the second dimension which entails the recordkeeping systems of the organisation which capture records in their daily business transactions to serve as evidence of activities of a particular unit and organisation as a whole. The third dimension is that of "Organising". This is interpreted as the way in which the organization or individual defines its recordkeeping regime which constitutes to the archive as memory of its business functions. The final dimension is the one ensuring societal memory and thus it is concerned with how the archives are brought into an encompassing framework to

provide a collective social historical and cultural memory of the corporate. The continuum model acknowledges that records function simultaneously as organisational and collective memory from the time of their creation, while on the other hand the lifecycle concept advocates that records are kept for organisational purposes during the early stages of their lives, and only meet the needs of a wider society later as archives (McKemmish, 1997).

2.2.2. A SURVEY OF LAND RECORDS MANAGEMENT WORLDWIDE- THE CASE OF PAKISTAN

In a study by Qazi (2006:11), the information systems in Pakistan's public sector were predominantly paper based and an elaborate filling system was in place, as a remnant of British colonial practice. There was however a problem with the management of land records in that they were mostly outdated records and lacked geographical data. According to Qazi (2006) land records did not provide either conclusive proof of ownership nor were they linked to spatial data to perfectly identify the plot. It was also evident that land records in Pakistan were not accessible to other users.

He further said that these files remained under the custody of the state functionaries who exercised a fairly arbitrary control over them, deciding the extent and nature of public access to them. "This gave rise to a lack of accountability as well as proliferation of rent seeking behavior among public functionaries." (Qazi, 2006;11). This suggests that the issue of poor records keeping in land institutions has taken lead globally, leading to mismanagement of land all over or having some individuals satisfying their interests through land grabbing.

Pakistan introduced Information Communication Technology (ICT) in Land Records Management for the purposes of information management and it was piloted in two provinces of Pakistan to facilitate citizen's access to it and by implication, increase the

perception of tenure security. The two projects were Land Records Management Information System (LRMIS) and Participatory Information System (PIS). The two projects claimed to facilitate public access to and make transparent to the land records. The PIS system was created consisting of a management information system with a geographic information system interface. The LRMIS was aimed at establishing an improved land records service delivery in order to reduce litigation and bring about long lasting tenure security. While PSI took land records computerization as one small component of a larger decentralization support project, the LRMISP was specifically aimed at improving the citizens' access to land records. Because these two systems were aimed at improving land information management, the two systems helped Pakistan improve its management of land records. Parkistan was singled out mainly because of its improved electronic Land Management systems in terms of records management as compared to that of Botswana.

2.2.3. PAPER AND ELECTRONIC LAND SYSTEMS

In a study by Hoyle and Sebina (2008), it was noted that government of Botswana had developed an ICT infrastructure which would improve the management of land records. They asserted that this could not be achieved due to incomplete records, both paper and electronic format. In their study, Hoyle and Sebina (2008) revealed that a number of attempts had been made to introduce electronic systems for the management of Land Information in Botswana. The land inventory of Tribal Land Boards of Botswana (LYNSIS) was introduced and was never fully implemented. There have been speculations that staff did not understand the value of land inventories and that there was insufficient funding and training. The duo also found out that another system was introduced in the mid 1990's. This system was named Botswana Land Integrated Systems (BLIS) which was introduced to help the Department improve land allocation management, including waiting list information for state land plot allocation. BLIS was Oracle based and centred on the functions of the Department of Lands.

Land records consists of spatial data and attribute data, therefore for any record that is being created in paper format, a replica of the same record should appear in an

electronic format. Unfortunately for the BLIS, according to Hoyle and Sebina (2008), did not cater for information sharing, allow input of spatial data and it was also difficult to link plots already allocated to their owners.

2.2.4. TRIBAL LAND INTERGRATED MANAGEMENT SYSTEM (TLIMS)

TLIMS system was developed by a consortium composed Geoflux, RPC data, and GIMMS/FFM at a cost of 5 million pula. The system development started in mid-2002 and was completed towards the end of 2004. It was initially developed on a client server platform as a distributed system.

TLIMS requires for the computerization of land use planning, change of land use, process applications, plot allocations, plot transfers, plot Sub-divisions, plot registrations, consolidations, Sub-leasing/Sub-letting, development compliance and control, Acquisition and compensation, adjudication of disputes and Land Board revenue.

According to Chigiinge (2006)), the process consists of data capture including validations, processing functions, reports generation, performing queries, external interfaces and GIS based spatial queries and analysis. TLIMS operational modules were created based on common law flow of the Land Board operations. The system was designed using Microsoft SQL 2000 as the back end and Visual Basic as the front end. According to Chigiinge, to guard against the possibility of system failure, there was a move towards server cluster architecture which offered a zero failure environment for applicants and services.

Tembo and Simela (2004) have described the implementation of TLIMS as a "big bang" as opposed to an incremental approach. The MLH wanted to cover the entire country within the shortest possible time. Even before the two pilots completed, evaluated and tested, the TLMS project was rolled out to the entire country.

One of the issues that TLIMS aimed to address was the continuing difficulties with the paper-based records. In line with the Report from the Second Presidential Commission on the Structure of Local Government of 2001, Chigiinge (2006) noted that "the paper based system had its own problems, mostly to do with filing and reconciliation of records, which was a bottleneck to effective land delivery

It was hoped that TLIMS would control the practice of land grabbing in Botswana as it would enable Land Boards to fully account for every land parcel under their jurisdiction (Chiginge 2006). The implementation of TLIMS was derailed by the poor state of records in the Land Boards (Tembo, Manisa & Lopang 2005).

In a survey conducted by Hoyle and Sebina (2008), it was revealed that at Tlokweng Land Board, the Land Board surveyed the entire village in order to collect spatial data. The data was input into a surveyor programme (INFOMATE), which provided a map of plots, plots owner and lease numbers. Once this input had been completed, various attributes were copied onto TLIMS from the paper files including name of applicant, national identity number, paper file reference, customary certificates land information, references to correspondences between applicant and Land Board, GIS points of the plot. TLIMS was aimed at automating land allocations at the Land Board level and to facilitate the application processes electronically. Despite all efforts made by the government to improve its land management, all systems seem to have failed due to the poor state of records in Land Board in Botswana.

METHODOLOGY

3.1. INTRODUCTION

Payne and Payne (2004) explained that the term 'methodology' denotes the conceptual and philosophical assumptions that are used to justify the use of particular research techniques. This chapter describes how the study was conducted. It gives an explanation of why the research design was selected to enable the reader to evaluate the appropriateness of the methods and their reliability and validity.

3.2. RESEARCH DESIGN

A research design stipulates the kind of approach a researcher adopted in conducting a research. Leedy and Ormrod (2010) states that a survey involves acquiring information about one or more groups of people. In a survey, people reveal what they believe to be true. A survey research normally involves the use of questionnaires, face to face interviews and telephone interview (Leedy and Ormrod, 2010). Ramokate in his study in 2010 adopted the use of a survey. The survey technique worked well for that study in that it produced quite impressive results that triggered other scholars to undertake studies on the same topic but using a different approach. Such studies include the current study which focuses on the Management of Land Board Records in all Land Boards of Botswana.

Because of the nature of the research study, there was need to collect multiple sources of data, therefore the study adopted triangulation research technique in which questionnaires, face to face and telephone interviews and desk studies were used to collect data. Focus group interviews were also used to collect data. In this study, focus group discussions compensated the use of observations to collect data because during focus group interviews, participants were allowed to explain the reasons behind their reactions and also provide valuable insight into whether a program or service has

achieved desired goals. They can explain how stories, ideas, attitudes and experiences function within a certain cultural setting. Similarly, the researcher took notes of the proceedings while observing how the participants expressed themselves in a particular topic of discussion. In fact, depending on the composition of the groups can sometimes actively facilitate the discussion of otherwise 'taboo' topics because the less inhibited 'break the ice' for shyer participants or one person's revelation of 'discrediting' information encourages others to disclose. The present researcher was therefore confident about the use of the above methods, as they seemed appropriate for the problem under investigation. In this regard, more information would be gathered from the discussions even though observations were not used to collect data. The main emphasis on qualitative research is on rapport, trust and participation as measures to avoid errors and establish validity in research, (Collis and Hussey, 2003). On the other hand quantitative research designs are highly structured and attempt to control various forms of error through laboratory and pre/post-test measures. The use of survey technique allowed all Land Boards to be targeted, and developed a records management framework for streamlining and standardising records management in Land Boards. The framework will help all Land Boards to perform their duties guided by a uniform Records Management Policy, a standard retention schedule as well as a standard file classification scheme all guided by ISO 15489.

DATA ANALYSIS AND PRESENTATION OF FINDINGS OF THE STUDY

4.1 INTRODUCTION

This chapter presents the findings of this study. The main objective of the study was to survey the records management practices in Land Boards in Botswana. In addition, through the findings develop a model framework that if adopted, would be used to standardise the records management practices in Land Boards. Data was collected through interviews, focus groups/discussions and questionnaires, desk studies and the instruments employed covered seven broad areas namely: the general information on records management, the legislative framework, the types of records maintained in Land Boards, records management procedures, the facilities and equipment for storage of Land Board records, the effectiveness of the role played records management in the execution of the functions of Boards, the challenges faced by the users of the records and how these challenges are being managed.

4.2 LEGISLATIVE AND POLICY FRAMEWORK

The legal framework regulates operations of any department towards the efficiency of the operations of every organization. This study also determined the legal and regulatory framework which guided the operations of Land Boards. The reason for this was to find out if these have been prepared in line with the operations of the Land Boards and whether they are compliant with the international standards. Section 11 of the Tribal Land Act gives Land Boards authority to formulate policies that can help them operate effectively. Land Boards are ought to formulate records management policies. With a records management policy, these institutions will be in a position to manage their records effectively and efficiently. The Botswana National Archives and Records Services Act of 1978 (amended in 2007) was seen as another law that provided for the design of a policy framework for managing Land Board records. The respondents

indicated that the other laws that have implications in the management of Land Board Records are The National Archives Act (Chapter 59:04), The Public Service Act of 2008 that prohibits the all Public Servants to disclose any information without being authorised, The National Security act (Chapter 23:01 of 1986), and the National Archives and Records Act that regulates the management of all public records in all government ministries. The Land Board Manual and Financial regulations as well as supplies regulations are some of the laws regulating the keeping of records in Land Boards.

4.2.1   THE RECORDS MANAGEMENT POLICY

 The study revealed that Land Boards still operated with no formal written records management policies, despite the recommendations by a number of scholars. A policy is an official document which provides strategic direction on all records management functions. It guides practitioners in protecting the integrity and preserving the context of records in an organization, probity in the access regime, collection development and other transactions, right of access, avoiding, conflict of interest, and private benefit; observing the 'rule of law' and policy-based decision making, integrity, honesty, accountability and transparency, confidentiality, the pursuit of service excellence and professional growth, personal conduct, duty of care and professional relationships (ISO15489-1). Without a proper records management policy, Land Boards may not be able to operate a fully-fledged records management programme for they do not have any guiding tool and code of ethics.

4.3   THE ROLE PLAYED BY RECORDS MANAGEMENT IN LAND BOARD EXECUTION OF LAND BOARD FUNCTIONS

During a focus group discussion, the respondents were asked to discuss the role played by records management in the execution of the functions of Land Boards. The discussion revealed that the role records management played was linked to supporting the core functions of Land Boards as guided by the Land Board Manual and the Tribal Land Act. The findings of the study revealed that records were important in Land Boards

because they were used in dispute resolutions or during litigations. Previous studies cited that Land Board records were always not available, not reliable or difficult to refer to. From the discussions, while records management was taken to be playing a key ole in the functions of the Land Boards, poor records management practices/systems that prevailed in these institutions hindered the proper operations because information was not available for use when needed.

Land Board minutes are considered core Land Boards records; the study revealed that these records were incomplete. It is worth noting that these records are used for decision making purposes and are the most important records admissible in the courts of law. Since Land Boards are also charged with issues of disputes resolution, it should be noted that they depend entirely on these records. Some disputes end up at the Land Tribunal because Land Boards could not trace records about certain issues. Records were kept in arch lever files and allocation registers could not be accessed. Land Boards were losing most of their cases because they were failing to produce sufficient evidence upon litigation.

Records Managers were also asked to deliberate on the effectiveness of the role of records management in the execution of the functions of the Land Boards. During the discussion, respondents complained about the effectiveness of the system. They highlighted that the role of records management was hampered by non-adherence to records management procedures. Records managers were overwhelmed by trying to update Land Board records which were not complete, not traceable and not available, especially during litigations. It was also revealed that management neglected issues of man power development, storage facilities and space, as well as system development, which resulted custodians of records not performing their duties diligently. There was also inefficiency in allocating land, that is, despite the Land Boards having some policies on land allocation, the same people were benefiting as they were being allocated land so many times, while others were suffering land shortage. This was mainly because Land Boards did not have sufficient records for their past allocations.

4.4   KINDS OF RECORDS MAINTAINED IN LAND BOARDS

In the focus group, the majority of Records Managers revealed that they are charged with the management of customary land records, common law records (leases) administrative records, allocation registers and Land Board minutes. It emerged from the discussions that personnel records were being managed by Human Resources Officers, while survey records were managed by Surveyors. When asked as to why these officers managed those records the Records Managers explained that maps are normally oversized and they require special storage space best known by the users. Maps are stored in special cabinets and hanged in a specialised way that is known by the Surveyors because they have been trained on how these special survey records should be kept.

Respondents from the Sub Land Boards did however state that they were in the process of dismembering the lever-ach files with a view of creating individual specific plot files. It emerged from the discussions that in undertaking this process one Land Board had opened plot files according to plot numbers and these were filed customary application form, copy of national identity card (Omang), resolution letter, Land Board minutes and the customary land grant certificate/lease. However, the respondents revealed that it was very difficult to find these files with complete information because of unavailability of records that make up a complete file.

Section 7 of the Tribal Land Act requires each Land Board to document all proceedings of the meeting in the form of minutes. It emerged from the discussion forum that Land Boards were documenting these proceedings (minutes) and confirmed as true records during Board meetings. Land Board minutes are read on the first day of the meeting to correct and confirm them before they can be passed as a true record by the Land Board members who were presiding in the previous meetings. These records were said to be kept it paper format in most Land Boards without backups. The discussions revealed that the minutes that were available in soft copies were not authentic as they did not

reflect the corrected version of the minutes and that the minutes were easily tampered with by other users as there were no security features in the minutes that prohibited any unauthorised users. During discussions, it emerged that clients usually visited Land Boards claiming land that did not belong to them because they knew that Land Boards maintained incomplete records. These claims by the public made it difficult for the Boards to make informed decisions because they did not have complete records to refer to.

4.5 RESPONSIBILITIES OF LAND BOARD RECORDS IN THE EXECUTION OF LAND BOARD FUNCTIONS

Effective management of records using the lifecycle approach assigns specific responsibilities throughout the active, semi-active and inactive stages of development. Records management in every organisation includes setting policies and standards, assigning responsibilities and authorities, establishing and promulgating procedures and guidelines, designing, implementing and administering specialised systems for managing records, therefore a systematic approach to the management of records is essential for Land Boards to protect and preserve records as evidence of actions. The findings of the study revealed that Land Boards were operating with no formal records management policy, which is an essential tool at the creation stage of records. During the focus group discussions, it was revealed that even though the RMU is responsible for receiving and registering all records coming and leaving the Land Boards, the efforts of abiding by these procedures were not binding as it was not guided by any formal policy. All managers in Land Boards were said to be having records management responsibilities, but they did not know the records management responsibilities to their organization. In this regard, Land Boards were failing to create authentic, usable, reliable records. There was no integrity in Land Boards records because they were said to be incomplete and could not be used as evidence in the courts of laws.

4.6 MANAGEMENT OF SEMI CURRENT RECORDS

Since the establishment of Land Boards in 1969, records were created for their business transactions. Records were created, used and maintained in the conduct of daily business of the organization at the active stage. In the semi-active stage records are maintained in a low cost storage facility like the records centre where they are consulted infrequently by the office of creation. At the non-active stage records undergo three pathways; destruction, alienation and transfer to archival institutions, (Shepherd and Yeo, 2003). The findings of the study revealed that Land Boards did not have their own records centres where they could keep their inactive records, as a result, most of these records were kept in potter cabins within the Land Boards premises while some were kept within the RMU's. The study also revealed that there were no retention schedules guiding how long these records should be kept.

4.7 CLASSIFICATION OF FILES

During a discussion forum with Main Land Boards records managers, all Land Boards indicated that they developed and implemented a standard functional classification scheme. It was asserted that land records were classified by land use and the year of allocation. All common law records had a common class number (6/3), while all customary records were classified as (6/4), Appeals (6/2). Common law records included; common law residential, commercial, civic and community, industrial and agriculture common law. All customary records included residential (customary), ploughing fields, Dwelling huts, water rights and kraals. It is worth noting that the functional classification scheme developed by the Land Boards has helped them group records relating to the same function and that the classification scheme allowed them to open a file for each land parcel. The implementation of the classification depended on whether the Land Board had managed to open individual plot files by removing documents from the lever ach files and opening plot individual files. When fully implemented, the functional classification scheme will resolve issues of misfiling. Ramokate (2010)'s findings about the classification of records in Kweneng Land Board indicated that it operated multi-file classification scheme for records. The findings of the

study also indicated that the new functional classification scheme was very efficient and effective which allowed for colour coding**.**

4.8 RECORDS MANAGEMENT BUDGET

The Land Board Secretaries and Records Managers were asked what percentage of Land Boards Budget was reserved for records management. The budget influences the improvements that are ought to be made in the RMUs. The findings of the study revealed that only 5% of the budget is reserved for records management. These funds are used for training, records management equipment, salaries as well as stationary. The budget also depends on the ceiling allocated to the Land Boards and priority is given to the core business. The ceiling allocated to Land Boards depends on the size of the Land Board where the biggest Land Board would be allocated more money and small Land Boards less money.

The findings of the study also revealed that the LAPCAS (Land Administration Procedures and Capacity) has been assisting all Land Boards with funds to revamp records. These funds were used to buy storage equipment for Land Boards as well as recruiting temporary assistants to update records. The LAPCAS project is an actor – drive cooperation between the Ministry of Lands and Housing and Lantmateriet. The overall objective of this institution is a successful social and economic development of the nation of Botswana, based on efficient, effective and transparent land administration. It was revealed that despite efforts made by the project to support efficient management of Land Boards financially; records management was not getting enough support from Land Boards management. From what the researcher gathered from the study, the current situation in land Boards requires management to give records a priority in order to be efficient. The findings of the study shows that Land Board management does not give records the support (financial) it deserves, the reasons behind poor records management practices was mainly because of the budget constraints.

4.9 THE USE OF ICT's IN LAND BOARD RECORDS

During a discussion with the records managers it was revealed that some Land Boards have automated their records. It was observed that an electronic system was purchased and records were scanned and uploaded in the system while incomplete and kept in the server. These systems have since collapsed and were no longer in use; therefore these Land Boards have gone back to the manual system. With the challenges faced by the management of Land Board records above, the study has revealed that the system that was used to automate Land Boards records was not EDRMS, but just a software. The issue of electronic records was also addressed by some Information Technology officers who concurred that they were working closely with Records Managers to come up with a proper system that could be used to automate Land Board records. It was revealed that besides the electronic indexes and the computerised allocation registers, some Land Boards records were in the form of Land Board minutes and the database that was used mainly by the surveyors, (INFOMATE) in one Land Board. The system was intended to be capable of handling and manipulating spatial data, attribute data and transactional data however land records without a spatial component may present a challenge (Chigiinge, 2006).The findings of the study also indicated that TLIMS has since failed and that Land Boards were still to come up with another electronic system of managing Land Board records.

4.10 SKILLS AND COMPENTENCIES OF STAFF

According to Ramokate (2010), records management skills and the level of development of Records Personnel have a bearing on the capacity of officers to operate effectively. Land Board Secretaries were asked to explain their views on the skills and competences possessed by the Records Management staff in their Land Boards. The Board Secretaries revealed that the skills of records managers were adequate, despite the fact that some of them did not have any records management background. The Board Secretaries raised a concern on the shortage of qualified personnel at Sub Land Board Level which they revealed was making it difficult to achieve good result in records management with only one officer. The ISO 15489-1:2001 demands that the staff responsible for the records and archives management possess professional training in

the field. The ISO 15489 Standard provision avers that a records management training programme be adopted and kept on-going to empower and enforce records management and specific practices in the conduct of daily responsibilities of all management, employees, contractors, volunteers, and individuals involved wholly or in part in the creation, capture, maintenance of records in organizations. The Land Board Secretaries felt that even though the Records Managers were skilled in their field, it was also important to send them for refresher courses that will sharpen their skills and competences.

4.11 CHALLENGES AND PROSPECTS

Land Boards secretaries were requested to elaborate on the challenges their Land Boards faced in attaining effective Records Management. The findings of the study revealed that the CEOs shared the same sentiments with Records Managers.

- Issues of storage facilities and office space were a great concern.
- It also emerged from the research that the Land Board Secretaries were also concerned about the shortage of qualified personnel, especially at Sub Land Boards level where RMU's were manned by 1 Assistant Records Manager and a Messenger only. Challenges in staffing is an indication of poor manpower planning, CEOs of Land Boards should understand the risk of having one records personnel at the Sub Land Boards. With no adequate staffing in RMU's, the problems discussed in the problem statement will continue to prevail.

They also asserted that they realized the importance of records management after the recruitment of Records Managers, where most of the stones were turned, therefore the need to prioritize when budgeting for Records Management

4.12   THE RECORDS MANAGEMENT FRAMEWORK

One of the outcomes of the research was to develop a model framework that, if adopted could help Land Boards develop proper records management systems which are compliant with ISO 15489. The framework will ensure that Land Boards are proactive in their approach to the management of land records by ensuring that records management programmes are designed and each of its components are working. The

frame works consists of the vital components that have to be considered in all records management aspects, that is, the development of a records management programme, formulation of a records management program, development of file movement controls, development and implementation of records retention and disposal schedules, vital records management, disaster planning and recovery and development and implementation of records procedures manuals. The study also designed a Records Management Policy, a Retention schedule and a Disaster preparedness plan for the Land Boards

AREAS FOR FURTHER RESEARCH

Further research needs to be undertaken to make an investigation of Land Tribunal Records. It is worth noting that the poor record keeping practices in Land Boards has led to a lot of litigations by the public at the Land Tribunals, some claiming land that has never been allocated to them and winning cases due to the state of Land Board records. The research should focus mainly on the influx of cases registered at the Tribunals and how Land Boards were able to defend themselves in those aspects. One would also want to investigate the Land Information systems that have been employed for the purposes of improving records keeping practices in Botswana. Such systems should encompass TLIMS, INFORMATE, and the effectiveness of EDRMS which has been implemented in other Land Boards

CONCLUSION

In conclusion, this study has made findings on the management of Land Board records in Botswana and has drawn some recommendations on how Land Boards should manage their records. Having come up with the above recommendations, Land Boards as an entity they manage records throughout the life cycle. The consistent use of appropriate standards is an absolute imperative to ensure best practice record keeping environment of constantly changing management, rapidly changing technology and increasing demands for legislative compliance. Furthermore, if Land Boards can base their records management on broad framework of best practice can certainly raise the

quality of records keeping practices. It is for this reason that a frame work has been designed for all Land Boards to manage their records in a systematic manner.

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