

Planning Legislation in Botswana and the Quest for Inclusive Human Settlements

Chadzimula Molebatsi* and Faustin Kalabamu**

ABSTRACT

This paper explores the extent to which Botswana's planning legislation supports the country's quest for inclusive human settlements. Inclusivity features prominently in current policy debates and civic discourses on cities and human settlements. The principal Act that governs urban planning is the Town and Country Planning Act, 2013 which replaced the Town and Country Planning Act, 1977. It is argued in this paper that in its current form, Botswana's planning legislation is greatly limited in facilitating the realisation of inclusive human settlements. This is explained in terms of the limited participation in decision making accorded the urban inhabitants as well as the entrenched privileging of exchange value over use value in the production of urban space. Botswana's participation in the United Nations Centre for Human Settlements' (UN-Habitat) effort towards inclusive cities, and the University of Botswana's community-engagement initiatives are presented as possible avenues through which Botswana's own models of inclusive human settlements could be formulated.

1. INTRODUCTION

This paper explores the extent to which Botswana's planning legislation supports the country's search for inclusive human settlements. The concept of "inclusive settlements" features prominently in contemporary global debates on human settlements. One of the key issues identified by the United Nations Centre for Human Settlements –UN Habitat–'s Habitat III Agenda as crucial is the development of inclusive human settlements.¹ Other institutions that

* Senior Lecturer, Department of Architecture and Planning, University of Botswana

** Professor, Department of Architecture and Planning, University of Botswana.

1 United Nations (UN), "Habitat III Issue Papers, 1- Inclusive Cities", New York, 31 May 2015, at <https://www.unhabitat.org/wp/>, accessed on 17 June 2016.

have adopted the concept of inclusive settlements include the World Bank², the Rockefeller Foundation³ and several agencies of the United Nations. In fact, Goal 11 of the Agenda for Sustainable Development calls for “inclusive, safe, resilient and sustainable cities and human settlements.”⁴ The appeal comes in the wake of inequitable distribution of the benefits of urbanisation. Cities and other human settlements display inequalities in terms of access to infrastructural services, access to decision making and opportunities for decent livelihoods. Disparities within these sectors are captured in the concept of the “urban divide” whose bridging is comprehensively discussed in the United Nations Centre for Human Settlements (UN Habitat) 2010/2011 State of the World Cities Report.

The existence of supportive planning legislation is central to the realisation of inclusive settlements. Vanessa Watson opines that planning law is one of the triggers that can open the way for sustainable and inclusive urban future for African cities.⁵ Planning legislation sanctions activities such as land use zoning, land use planning, development control and the enforcement of various building standards, and codes. The existence or absence of inequalities in human settlements is often codified in planning legislation that governs access to infrastructure, decision making and the interaction between the human agency and the environment.

The paper is divided into four parts. Following the introductory section, the second part provides a framework through which inclusivity and corresponding concept of the right to the city are discussed. Out of the framework emerge requisite attributes of inclusive human settlements and it is against these attributes that in section three we discuss the amenability of Botswana’s planning legislation in the search to inclusive human settlements. The final section suggests possible measures that could be adopted to steer the country’s planning legislation towards supporting the search for inclusive human settlements.

2 See World Bank, “Inclusive Cities Overview”, Brief, 29 October, 2015, at [https://www.worldbank.org/en/topic/urban development/ ...](https://www.worldbank.org/en/topic/urban%20development/), accessed on 17 June 2016.

3 Rockefeller Foundation, *The Rockefeller Foundation’s Informal city Dialogues*, (2013) available at [https://nextcity.org/informalcity/entry/commentary -what-we-mean-by-inclusive-cities](https://nextcity.org/informalcity/entry/commentary-what-we-mean-by-inclusive-cities). [accessed 17 June 2016]

4 UN, *Transforming Our World: the 2030 Agenda for Sustainable Development*, New York, (2015), p. 24 available at [https://sustainabledevelopment.un.org/post2015/ ...](https://sustainabledevelopment.un.org/post2015/), accessed on 1 June 2016.

5 V. Watson “Changing Planning Law in Africa: an Introduction”, 3 *Urban Forum* (2011) pp. 203-208.

2 INCLUSIVITY AND THE RIGHT TO THE CITY

2.1 Inclusivity

Various institutions differ in their definition of inclusivity. The Informal City project undertaken by the Rockefeller Foundation defines ‘inclusive city’ as:

“... [a city] that values all people and their needs. It is one in which all residents- including the most marginalised of poor workers - have a representative voice in governance, planning, and budgeting processes, and have access to sustainable livelihoods, legal housing and affordable basic services such as water/sanitation and electricity supply.”⁶

The above definition places emphasis on addressing needs of city inhabitants; effective representation of all residents in governance, planning and budgeting structures and processes; and finally, ensuring equal access to basic services. What is missing from the definition is the nature of the representation - whether this is representation through political parties, state institutions, or directly by city inhabitants. Whose voice?

The World Bank, on the other hand, defines inclusivity as “the process of improving the ability, opportunity and dignity of people disadvantaged on the basis of identity.”⁷ The World Bank definition has, however, been faulted by McGranahan *et al*, who argue that the definition ignores that people may be excluded or disadvantaged on the basis of structures of society or economy.⁸ Accordingly, McGranahan *et al*⁹ propose three forms of inclusion, namely:

- i) Removal of discriminatory exclusions such as denying migrants the right to settle in the city (space), buy property (market), send their children to school or access health ensuring that the prevailing care (services);

6 R. Douglas, “Commentary: What we mean by inclusive cities”, *The Rockefeller Foundation’s Informal Dialogues*, 28 January 2013, at <https://nextcity.org/informalcity/entry/>, accessed on 17 June 2016.

7 World Bank, “Inclusion matters: The Foundation for shared prosperity”, (2013) available at http://sitere-sources.worldbank.org/EXTSOCIALDEVELOPMENT/Resources/244362-/InclusionMatters_AdvanceEdition.pdf, accessed on 5 May 2016.

8 G. McGranahan, D. Schensul and G Singh, “Inclusive Urbanisation: Can the 2030 Agenda be delivered without it?” 28 (1) *Environment & Urbanization*, (2016), pp. 13-34.

9 *Ibid*.

- ii) Ensuring that prevailing institutions (regulating markets, the provisioning of services and the use of space) incorporate the voices and reflect the needs of disadvantaged groups; and
- iii) Ensuring that the human rights of otherwise disadvantaged groups are fully met through among other means, markets, services and access to spaces.

The latest definition of inclusivity comes from the UN-Habitat in its New Urban Agenda, which envisions:

“...cities and human settlements where all persons are able to enjoy equal rights and opportunities, as well as their fundamental freedoms, guided by the purposes and principles of the Charter of the United Nations, including full respect for international law. In this regard, the New Urban Agenda is grounded in the Universal Declaration of Human Rights, international human rights treaties, the Millennium Declaration, and the 2005 World Summit Outcome. It is informed by other instruments such as the Declaration on the Right to Development.”¹⁰

Inclusivity permeates the vision in the foregoing quotation and is captured through epithets such as “all persons” “equal rights” and constant allusion to various United Nations declarations that celebrate human rights and well-being for all. The New Urban Agenda commits cities, States and countries to “leave no one behind” in their endeavours to provide jobs, housing and services.¹¹ It also commits signatories to abide by the UN Habitat provisions and requires non-state actors to call for inclusive human settlements should particular cities and national governments be slow in implementing the New Urban Agenda.¹²

Both the UN Habitat and McGranahan *et al.*, underline the observance of human rights as an important factor in the quest for inclusive human settlements. The critical questions of “who are the disadvantaged,” whose

10 UN Habitat III, *New Urban Agenda, Draft outcome document for adoption in Quito October 2016*, 10 September 2016, para. 12, p. 2.

11 *Ibid*, para. 13, p. 2.

12 We have seen several Civil Society Organisation such as Trade Unions and First People of the Kalahari invoking Botswana’s membership to international organisations like ILO and the UN to pressurise the government of Botswana to accede to demands of minorities and labour organisations. The recent establishment of Slum Dwellers International Chapter in Botswana came about largely as a result of the active participation and recognition by Slum Dwellers International at UN Habitat forums. See <http://old.sdinet.org/country/botswana/about...>

human rights have to be met, and “what is the source of their disadvantaged status,” remain unanswered.

The “urban divide”¹³ and the attendant violation of human rights emanate largely from the operations of neoliberal urbanisation. Neoliberal urbanisation is characterised by privileging private property and promotion of a capitalist market in the production of urban space. Under neoliberal urbanisation the State is pushed into a reduced role while the private sector is promoted as the engine of economic growth. As a result, through privatisation, some State functions are ceded to the private sector and parastatals. David Harvey argues that within this set up, state and corporate interests are integrated and national resources are channelled into serving the interests of corporate capital and upper classes in shaping urban processes.¹⁴ The dominant logic in neoliberal urbanisation is competition for investment among cities. In order to outcompete each other, resources are invested in mega infrastructural projects that barely benefit the majority of the urban inhabitants.

2.2 The Right to the City

Opposition to neoliberal urbanisation led to appeals for a rights-based and pro-poor urban legal reforms that steer away from technocratic models of governance to rights based models. Rights based and pro-poor activism now form part of Henri Lefebvre the “Right to the City” advocacy. There is convergence between the Right to the City advocacy and calls for inclusivity because both concepts strive for the democratisation of urbanisation processes in which the rights of all are recognised and observed.

According to Marie Huchzermeyer, the right to the city debate was used in reference to urban struggles in the global North¹⁵. This view is corroborated by Mark Purcell who opines that the concept was used as Marxian critique of the

13 Urban divide is yet another concept popularised by the UN Habitat’s World Urban Forum III and seeks to draw attention to urban inequalities in which pockets of affluence (residential, commercial) are juxtaposed with massive poverty and deprivation in slums and squatter settlements.

14 D. Harvey “The Right to the City”, 53 (2008), *New Left Review*, p. 38.

15 M. Huchzermeyer, “Humanism, creativity and rights: Invoking Henri Lefebvre’s right to the city in the tension presented by informal settlements in South Africa today”, Inaugural Lecture, School of Architecture and Planning, University, of Witwatersrand, South Africa, 12 November 2013, also published in 85 *Transformation*, (2014) pp. 64-89.

disenfranchisement that comes with neoliberal urbanisation.¹⁶ The contention was that the expansion of global capital resulted in reduced role in decision making in the production of urban space for both the State and the general public at large.¹⁷ The empowering feature of the Right to the City is captured in Kafue Attoh's observation that the concept challenges urban policies and urban designs implemented in undemocratic manner – a manner which prioritises the needs of capital over the majority of urban inhabitants.¹⁸

Two key concepts - the right to participation and the right to appropriation - are central to Lefebvre's notion of the Right to the City. According to Mark Purcell, instead of the indirect representation through State institutions associated with liberal-democratic governance, the right to participation calls for the direct participation of urban inhabitants in all decisions that produce the urban space in their city.¹⁹ The envisaged direct participation pertains to decisions made under the "auspices of the State (as in policy decisions); of capital (investment /disinvestment decisions); and a multilateral institution or any other entity that affects the production of urban space."²⁰ Purcell further contends that the right to participation shifts control away from corporate capital and the State elite towards urban inhabitants. As such, it is a major challenge to the widespread dominant decision making role assumed by the State and capital in neoliberal urbanisation. The involvement imagined is one in which all urban inhabitants including the socially, economically and politically disadvantaged participate in decision making on planning, implementation and budgeting.

The right to appropriation challenges the valorisation of urban space as a key strategy for capital. Under neoliberal urbanisation private property and the exchange value are privileged over commons and use value. Prioritisation of exchange value perceives urban space as a commodity that can be bought and sold in the market. This perception is in conflict with those who occupy land for use by themselves. The right to appropriation stresses the primacy of use-value

16 M. Purcell "Excavating Lefebvre: The right to the city and its urban politics of the inhabitant", *Geo Journal*, 58 (2002) pp. 99-108.

17 *Ibid.*

18 K Attoh, "What kind of a right is the right to the city?" 35 (5) *Progress in Human Geography*, (2011) pp. 669-685.

19 M. Purcell, *op. cit.* pp. 99-109.

20 *Ibid.*

and is useful in understanding informal sector struggles for economic inclusion, the right to a livelihood and protection against arbitrary evictions.

In the case of global South, the right to appropriation is crucial in the recognition of informal and non-capitalist sectors as bona fide players in the production of urban spaces. Patrick McAuslan aptly captures the spirit and purpose of the Right to City activism when he defines it as:

“... a right for all in the city to be there; to have or acquire secure tenure to their homes (particularly the absence of arbitrary evictions); to participate in the process of urban governance, and in particular in the planning and financial management of their local areas; to have uniform standards of administrative justice applied to them by officials; and to have uniform access to dispute settlement for and process to assist them to resolve their land and other disputes peaceably and justly.”²¹

Despite its origins in neoliberal urbanisation in the global North, Right to City has been used to study common urban challenges in the global South. Marie Huchzermeyer shows how the Right to the City was invoked by shack dwellers in their struggle against eviction threats in Durban, South Africa.²² Similarly, Anne-Marie Sanvig Knudsen employed the Right to the City to analyse the struggles for recognition by pavement dwellers in Mumbai, India²³. It has been argued that the Right to the City informs most progressive urban legal reforms in the global South with Brazil cited as one country that has managed to put in place a legal order that consolidates the ‘Right to the City.’²⁴

2.3 Summary

The foregoing discussion indicates that key attributes of inclusive human settlements are participation in decision making and recognition of the primacy

21 P. McAuslan “Urban Planning Law in Liberia: The Case for a Transformational Approach”, 22 (3) *Urban Forum*, (2011) pp. 283-297, p. 286.

22 M. Huchzermeyer “Invoking Lefebvre’s right to the City in South Africa today: A Response to Walsh”, *City analysis of urban trends, culture, theory, policy, action*, Vol. 18, Issue 1 (2014), pp. 41-49.

23 Anne-Marie Sanvig Knudsen, *The Right to the City: Spaces of Insurgent Citizenship Among Pavement Dwellers in Mumbai, India*, Development Planning Unit (DPU) Working Paper No. 132, University College London, United Kingdom, (2007).

24 V. Watson “Changing Planning Law in Africa: An Introduction to the Issue”, 22 *Urban Forum* (2011) pp.203-208, at p.207.

of use-value for urban inhabitants. The two qualities are subsumed under Lefebvrian concepts of “right to participation” and the “right to appropriation” discussed earlier. It is against these attributes that the extent to which Botswana’s planning legislation supports the search for inclusivity is made.

3. PLANNING LEGISLATION IN BOTSWANA

As noted earlier, planning legislation plays a significant role in the distribution of goods and services in cities and townships. Planning legislation is here defined to include all Acts passed by parliament as well as subsidiary instruments and bye-laws adopted by local authorities, the central government and state agencies, aimed primarily at controlling the behaviour of developers in urban and rural settlements.²⁵ Town planning requires legal backing to implement land use zone and planning proposals and to enforce various building standards, codes and regulations.²⁶ The preparation of urban master plans or development plans is sanctioned by law and so is the enforcement of their contents. According to Lichfield and DarinDrabkin “whatever the amount of influence which is used for plan implementation there must be some foundation in law for the actual interventions which are proposed.”²⁷ In the case of Botswana, for example, appeals for the introduction of planning legislation in the country’s urban villages were based on the view that this would bring about orderly development by compelling private developers and public institutions to abide by the plans.²⁸

3.1 Town and Country Planning Acts, 1977 and 2013

The Town and Country Planning Act 2013,²⁹ (T&CPA 2013), which replaced the Town and Country Planning Act 1977,³⁰ (T&CPA 1977), is the principal

25 R. Alterman, “Planning Laws, Development Controls and Social equity: Lessons for Developing Countries”, 5 (2013) *World Bank Law Review*, pp. 329 – 350.

26 *Ibid.*

27 N. Lichfield and H. Darin-Drabkin, *Land Policy in Planning*, London: George Allen and Unwin, (1980), p. 30

28 Republic of Botswana, *Introduction of Town and Country Planning Act to Major Villages in Botswana, Consultation Report*, Ministry of Lands and Housing, Gaborone, (1990) p. 3.

29 No. 4 of 2013.

30 No. 11 of 1977, Cap. 32:09, Laws of Botswana.

legislation governing urban development, settlement planning and land use management in Botswana. The T&CPA of 1977 sought to provide for (a) orderly and progressive development of land in both urban and rural settlements; (b) the preservation and improvement of amenities; (c) granting of permission to develop land; and (d) for monitoring the use of land. Besides seeking to provide for orderly and progressive development of land and improvement of amenities, the T&CPA 2013 additionally seeks to regulate physical planners. It is worthy noting that the 1977 T&CPA was derived from British planning law and, in particular, the 1947 Town and Country Planning Act of Britain. Table 1 is a summary of differences between the 1977 and 2013 Town and Country Planning Acts. The 2013 Act departs from its predecessor in Part III, which provides for qualifications, registration and regulation of physical planners. Part IV of the 2013 Act was also expanded to provide the legal basis for the declaration of regions and preparation of regional plans.

Table 1: Comparison of Outlines of the T&CPA 1977 and T&CPA 2013

Town and Country Planning Act 1977	Town and Country Planning Act 2013
Part I - Preliminary and covers issues relating to interpretation;	Part I - Preliminary
Part II - Central Administration of the Act,	Part II - Administration
Part III -Development Plans.	Part - III Qualification, Registration and Regulation of Physical Planners
Part IV - the control of development,	Part IV - Development Plans
Part V - land subdivisions	Regional Plan
Part VI - Supplemental.	Local Plan
	Part V - Control of Development of Land and Permission for Development
	Part VI - Subdivisions and Consolidations
	Part VII – Preservation Orders
	Part VIII - Advertisements
	Part IX - Miscellaneous Provision

Probably the most significant change relevant to this paper are the powers of the Minister responsible for Town and Country Planning activities. Under the 1977 T&CPA, the Minister's duties were extremely overwhelming. They included declaration of planning areas; preparation and approval of development plans; appointing members of the Town and Country Planning Board (TCPB); appointing a secretary to the TCPB; and hearing appeals against the TCPB. According to section 15(5), the decision of the Minister was final and could not be challenged in any court. The 2013 T&CPA abolished the Town & Country Planning Board and transferred responsibilities for preparing and implementing development plans to local authorities. Under the new Act, District Councils are mandated to appoint Physical Planning Committees whose functions include the processing of applications for planning permission for the development of land. Physical Planning Committees are also mandated to advise the Minister during the preparation of settlement and regional development plans. Powers to hear appeals against decisions made by local authorities have been transferred from the Minister to the Land Tribunal.

Both the 1977 T&CPA and 2013 T&CPA do not provide for explicit public or disadvantaged group participation in human settlement planning, implementation and budgeting processes. Section 8 of the 1977 T&CPA required the Minister (i) to consult with local authorities and any other persons, bodies or authorities as he/she thought fit; and (ii) to invite comments from the public by placing a notice in the Gazette and in any one local newspaper. Similar provisions are made in the 2013 T&CPA.

Planning legislation is interpreted and ultimately implemented through the enforcement of planning standards.

3.2 Urban Planning Standards

Urban Development Standards (UDS) are designed to assist physical planners in determining the amount of land to be allocated or reserved for various land use activities – housing, commerce, industries, utilities and community facilities. While some urban development standards are specific and mandatory, others are flexible and performance related. The current UDS were adopted in 1992 and

are applicable to all human settlements that have been declared planning areas by the Minister. Consequently, they have been criticised for being exclusionist to people or households who cannot afford the prescribed standards as well as those who have not accepted them.

3.3 Development Control Code

The Development Control Code (DCC) is a set of planning regulations devised to guide placement, construction and size of buildings in order to achieve a healthy, safe, socially harmonious, useable and pleasant environment for owners, occupiers and neighbours. It also ensures compliance with the provisions of the area's spatial development plan. It is geared at providing an orderly, pleasant development in the country's urban areas or planning areas. The provisions of the DCC are binding on all developers.

Botswana's Development Control Code 2013 emerged from the revision of the 1995 DCC, and was aimed at making the code more flexible. It has been argued that the 1995 Code applied uniform development standards whose relevance and appropriateness to rural areas were always questionable.³¹ The 1995 Code was largely prescriptive and ill-suited for design concepts and planning principles emerging in response to development realities in the country. The 2013 Development Control Code introduced area specific regulatory tools that are more responsive to the local planning contexts. Thus under the new Code, it is mandatory for all settlement development plans to have their own specific regulatory codes for developments that address the uniqueness of each planning area.

Although urban development standards and the development control code affect everyday life for urban residents, few of them participate in their formulation and adoption. The next sections assesses the extent to which the Botswana's legislation supports inclusivity. The focus is on the two attributes identified in the previous section - namely participation in decision making, and recognition of the primacy of "use value" over "exchange value" for urban inhabitants.

31 Republic of Botswana, *UN Habitat III, Botswana Country Report*, Ministry of Lands and Housing, Gaborone, Botswana, (2014), p.30

4. PARTICIPATION IN DECISION MAKING

As noted earlier, inclusivity is founded on participatory, democratic decision making to guard against State and private domination. Botswana’s planning legislation espouses a centralised urban planning system as evidenced firstly in the T&CPA 2013 and, secondly, in the prescribed relationship between national economic planning and subnational planning.

As shown in Table 2, the Minister still wields substantial power over planning matters under the T&CPA 2013.

Table 2: Key Roles of the Minister under the T&CPA 2013

Section 15	“The Minister may, from time to time, declare, by Order published in the <i>Gazette</i> , areas of land in Botswana to be planning areas and the provisions of this Act shall apply to any planning area declared as such from such date or dates as shall be appointed by the Minister.”
Section 16	<p>“The Minister shall, where he or she considers it appropriate, declare, by Order published in the <i>Gazette</i>, any part of Botswana as a region for which a regional plan is required”.</p> <p>“Where a region covers more than one district, the Minister shall, in writing, appoint a Regional Planning Advisory Committee which shall be responsible for advising the Minister”</p>
Section 18	(3) If any objection or representation with respect to a regional plan or proposals for the revision of any such plan is made in writing to the Minister within one month of the publication of the notice in subsection (2), the minister shall take into consideration the objection or representation and having done so, shall finalise the regional plan with or without modification of the draft plan or proposals

Section 19	<p>(1) It shall be the responsibility of the relevant planning authority to initiate the preparation of a draft local plan for submission to the Minister.</p> <p>(6) The Minister may direct a planning authority to prepare, alter, or replace the local plan of its planning area.</p> <p>(7) In preparing a local plan, a planning authority shall take into account the proposals laid down in the regional plan of the planning authority's planning area.</p>
Section 25	<p>(1) The Minister may give directions to a planning authority requiring that any application made to the planning authority for permission to develop land, or all such applications of any class specified in the directions, shall be referred to the Minister instead of being dealt with by the planning authority, and any such application shall be referred accordingly.</p> <p>(2) Where an application for permission to develop land is referred to the Minister under this section, the provisions of section 23 shall apply, with the necessary modifications, in relation to the determination of that application by the Minister as they apply in relation to the determination of such an application by the planning authority</p>

Botswana's centralised town planning system is strongly recommended in the two reports on which the country's Town and Country Planning legislation is based. These are the Ball Report,³² prepared in 1968 by B. R. Ball (a British town planner), and the Heap Report,³³ prepared in 1974 by the prominent British planning law expert, Sir Desmond Heap. It was out of these two documents that Botswana's Town and Country Planning Act of 1977 emerged.

In addressing the question as to who should prepare and implement the physical development plans, the Ball Report was of the opinion that "this should

32 B. R. Ball, *Report on a Visit to the Republic of Botswana 17 July -22 August 1968*. (Unpublished Report to the Government of Botswana, National Archives, Gaborone)

33 D. Heap, *Review of Town and Country Planning Legislation*, Report to the Minister of Local Government and Lands, Gaborone, Botswana, (1972).

be the responsibility of a central government authority in consultation with a local authority.”³⁴ The recommendation was made on the basis of what Ball perceived as an “extreme shortage of both professional and technical staff.”³⁵ Sir Desmond Heap endorsed the above recommendation and argued: “In the present state of Botswana’s evolution my feeling is that the best interests of town planning require a strongly centralised control.”³⁶ It should be pointed out, however, that the two consultants did give room for the powers over plan preparation to be delegated to some other bodies the Minister deemed fit. Sir Desmond argued:

“... as time passes and understanding of the art of town planning and of the essential need to have it in a developing country becomes more and more understood, it may well be possible for powers vested by the legislation in either the Minister for Planning or in the Town and Country Planning Board to be delegated to some other as, for example, the town councils of one of the towns.”³⁷

Although Sir Desmond argued that the new legislation should provide for delegation, the responsibility for authorising the delegation was left entirely to the Minister. Thus, delegation of planning powers could be “made subject to such conditions and reservations as the Minister thinks fit to impose.”³⁸

Centralisation of the decision making process is also evident in the prescribed relationship between local planning and national planning. Policy formulation process in Botswana is designed such that policies at sub-national levels are an interpretation of national policies. Since independence in 1966, Botswana has operated a system of development planning characterized by regular preparation of national development plans (NDPs). NDPs contain the national development strategy which all development efforts in the country should pursue. Implementation of the national development strategy is realized through the preparation of a hierarchy of development plans targeted at different spatial levels. These include at district level, district development plans (DDPs) and at settlement level, settlement development plans (SDPs) or

34 R. Ball, *op. cit.* p. 47.

35 *Ibid*

36 D. Heap, *op. cit.* p. 26.

37 *Ibid* pp. 26-27.

38 D. Heap, *op. cit.* p. 26.

spatial /land use plans. DDP sets out the overall goals, direction and priorities which all developments at district level should conform. Section 19 (7) of the T&CPA 2013 underscores the hierarchical structure of planning in Botswana as it requires that “In preparing a local plan , a planning authority shall take into account the proposals laid down in the regional plan of the planning authority’s planning area.”

The hierarchical structure is entrenched in Botswana’s urban planning system which is perceived purely as the translation of the socio-economic development proposals contained in national development plans into physical form. Throughout the Ball Report, constant reference was made to the 1968-73 National Development Plan, the plan which was in operation at the time Ball undertook the study. Even the duty of the town planner was defined within the context of national planning as that of “assisting in the preparation and review of the national development plan and ensuring its co-ordination with local physical planning...”³⁹ The procedure as it applies today is such that the local planning amounts to a local interpretation of the national planning goals articulated in the latest national development plan. In line with this requirement, urban development plans prepared under the provisions of the T&CPA are perceived as instruments “for carrying out the national, regional and local policies.”⁴⁰ The Ball report summed up the relationship between national economic planning and local physical planning as one in which local physical planning was “a necessary part of the implementation of national economic development plans.”⁴¹ The argument advanced above is that the urban planning system supported by the country’s Town and Country planning legislation is inherently centralised and as such an anathema towards inclusive human settlements.

The centralised nature of Botswana’s planning legislation is also evident in its technocratic nature whereby planning is reduced to a technical activity and a preserve for those who have gone through prescribed formal technical training deemed essential for settlement planning. Under these models there is minimal participation of user communities.⁴² Commenting on technocratic

39 D.R Ball *op. cit.* p. 52

40 Republic of Botswana, *National Development Plan 5 (1985-1991)*, Ministry of Finance and Development Planning, Gaborone, Botswana, (1985), p. 20.

41 D.R Ball, *op. cit.*, p. 41.

42 Robert Home provides a detailed historical account of early physical planning in the British colonies.

models of planning, Lonie Sandercock observes: “planners in this model are handmaidens to power ... in this model the planner was indisputably the knower, relying strictly on his professional expertise and objectivity to do what was best for the public.”⁴³ Once imported to the global South, urban planning became a vehicle for modernisation and more specifically, a westernisation project.⁴⁴ Local and indigenous planning knowledge, standards and building materials were replaced by western planning standards founded, allegedly, on scientific rationality.

Technocratic planning and limited access to the planning process are also apparent in prescribed channels of communicating planning matters to the general public. Some key activities such as the declaration of planning areas (Section 15), the declaration of regions (Section 16), notification of the public of the existence of a draft plan (Section 18 (2) and the availing of plans for public inspection (Section 18 (5)), are communicated to the public through the Government Gazette and local newspapers. The Government Gazette is available at a cost, from the capital Gaborone and as such, it is not easily accessible to all. Usually, Development Plans are voluminous and written in English and as such, the effectiveness of the inspection process as per Section 18 (5) of the T&CPA 2013 remains doubtful.

Drawing examples from the preparation of Development plans, we consider some of the challenges brought about by the non-participatory planning system in Botswana. Limited awareness of development control requirements is often cited as the main reason why plans are violated. The Report of Survey for the Molepolole Planning Area Development Plan provides some insights into stakeholder’s limited exposure to the preparation of development plans. During the Stakeholder consultation exercise it emerged that the plan that was being reviewed – the Molepolole Planning Area Development Plan (MPADP 1995-2015)-was not widely known by key stakeholders such as the Village Development Committee (VDC), Molepolole Subordinate Land Board (MSLB),

See: R. Home, *Of Planning and Planting: The Making of British Colonial Planning*, E & FN Spon, London, (1997).

43 L. Sandercock “The Death of Modernist Planning: Radical Praxis for a Postmodern Age,” in M. Douglass and J Friedmann (eds.), *Cities for Citizens: Planning and the Rise of Civil Society in a Global Age*, New York, Wiley, (1998), pp. 163-184 at p. 171.

44 See A. J. Njoh, “Urban planning as a Tool of Power and Social Control in Colonial Africa”, *3 Planning Perspectives*, (2009), pp. 301-317.

and the community at large. Lack of plan awareness by the VDC was particularly worrisome since there were projects such as identification of infill spaces and upgrading exercises which through the assistance of Council physical planners, were to be community driven. Discussions with the Molepolole Umbrella VDC revealed that VDCs remained substantially uninformed about the plan.

Limited awareness of the MPADP was also reported to be at the centre of land allocations in restricted zones by the MSLB. In accepting that they had indeed violated the MPADP 1995-2015 planning proposals, the MSLB advised that land use zones should be clearly demarcated on the ground.⁴⁵

Limited awareness of development plans was also reported in Selibe Phikwe during the review and preparation of the Selibe-Phikwe Planning Area Development Plan (SSPADP), 2011-2035. From kgotla meetings and Focus Group Discussions with stakeholders, it emerged that the SPPADP 2000-2024 was not widely known. To address the above deficiency, the SPPADP 2011-2035 called for the strengthening of community level participation in the town's development process⁴⁶. This was to be realised through improvements in the composition, structure and operations of the Ward Development Committees as the basic planning unit at local level.

5. PRIMACY OF USE VALUE OVER EXCHANGE VALUE

The extent to which Botswana's planning legislation is supportive of the right to appropriation as defined above can be gleaned from general attitude of the legislation towards two sectors that form part of the country's emergent urban system. These are the non-capitalist or indigenous sector and the informal sector. A common denominator in these two sectors is that they both privileged use value over exchange value, a feature which immediately set the two sectors against the thinking that informs the Town and Country Planning Act, 2013 and the revised Development Control Code 2013. First we look at the non-capitalist or indigenous sector before delving into the informal sector.

45 Mosienyane and Partners International, *Review and Preparation of Molepolole Planning Area Development Plan 2012-2036, Report of Survey*, (2013), Kweneng District Council, Molepolole, para. 3.9.3

46 Mosienyane and Partners International, *Review and Preparation of Selibe-Phikwe Planning Area Development Plan 2013-2035 Report of Survey*, Selibe-Phikwe Town Council, Selibe-Phikwe para. 3.13.3

5.1 Exclusion of the Non-capitalist / Indigenous sector

Non-capitalist/ indigenous sector is associated with Botswana's urban villages. With an estimated urban population of 60%, Botswana is one of the most urbanised countries in Southern Africa. Apart from rural-to-urban migration, the increase in urban population is accounted for by *in situ* urbanisation of rural settlements.⁴⁷ As defined in Botswana, an urban settlement has a population of 5000 or above, of which 75% of the workforce are engaged in non-agricultural activities.⁴⁸ Included under urban centres are urbanised rural settlements, most of which date back to the pre-colonial and colonial periods. It is important to note that the majority of the remaining 40% of Botswana's population resides in nucleated settlements of various population sizes, ranging from 250 to 5000. Concepts of space organisation informed by the values and cultural traditions of resident communities in urban villages and the remaining non-urban settlements are not adequately catered for in extant planning legislation.

Despite clear instructions in the Terms of Reference that the consultants should cover major villages, both the Ball Report and the Sir Desmond Heap Report (cited earlier) excluded villages from their assignments. Out of the two reports emerged the idea of "planning areas", which defined the areas for which planning control was to be exercised. It should be recalled from earlier discussion of the two reports that the idea of a "planning area" emerged from the contention that planning control was not required for all parts of the country. Sir Desmond Heap was more specific as regards areas to be declared planning areas immediately. These were the "official" urban areas. Provisions of the 1977 T&CPA relating to preparation of a development plan and enforcement of planning control were first applicable in the "urban" areas. According to Sir Desmond Heap the inclusion or exclusion of villages "were matters for town planners to advise upon" and his role was to "provide that the law is there waiting to be called into use as and when any particular area is regarded as in need of planning control."⁴⁹

47 C. Molebatsi, "Participatory Development Planning in Botswana: Exploring the Utilisation of Spaces for Participation", 62 *Town and Regional Planning Journal (Special Issues)*, (2013), pp. 9-14.

48 Government of Botswana, *National Settlement Policy*, Government Paper No. 2 of 1998, Government Printer, Gaborone, (1998).

49 D. Heap, *Review of Town and Country Planning Legislation*, (1972), p. 16.

The exclusion of villages from the defined planning areas was a major defect in Botswana's town planning system because for a long time the villages remained without any formal land use planning. As late as 1995, planning efforts in urban villages were still preoccupied with the need to restructure these settlements. In the case of Molepolole, for example, the Terms of Reference for the preparation of the Molepolole Planning Area Development Plan called for the transformation of the village from "an overgrown traditional village into an efficient and attractive town."⁵⁰ Development in these villages proceeded on the basis of advisory plans. The concept of an "advisory plan" originated in the Ball Report and, as the name suggests, adherence to the provisions of such a plan were not obligatory on local authorities. Even following the declaration of some of the villages as planning areas, the applicability of the planning legislation remains problematic.

The initial exclusion of traditional settlements from being governed or subjected to any planning control similar to what was introduced in the towns adversely affected the spatial growth and expansion of these settlements. This is particularly evident in the area of infrastructure service provision. Physical or spatial inclusion, which entails the provision of affordable necessities to all urban residents, forms a key feature of inclusive human settlement. To date, urban villages like Molepolole, Kanye, Serowe and Mochudi and other smaller settlements, where the 40% non-urban population reside, experience a disconnect between physical expansion and service provision. According to the Botswana Habitat III country Report,⁵¹ 46.14 % of households in the rural areas have access to regular waste collection while 34.5 % have access to sewer or flush toilets. The Report also indicates that 33.35% of households in urban villages had piped water indoors. For the realisation of inclusivity in the urban villages, it is imperative that attention be given to the question of affordable infrastructure provision in urban villages and smaller settlements within the country's settlement hierarchy.

The stumbling block seems to be the absence of collective formulation of planning instruments that are more relevant to urban villages and their

⁵⁰ Department of Town and Regional Planning, *Molepolole Planning Area Development Plan 1995-2015*, (1997), p. 97.

⁵¹ Government of Botswana, *Botswana Habitat III Country Report*, (2014).

subsequent enforcement. In a review of Molepolole Area Development Plan 1995-2015, Mosienyane and Partners International (MPI) reported rampant violation of the plan largely due to non-enforcement of the provisions of the planning legislation.⁵²

5.2 Exclusion of the Informal Sector

Recent literature from the global South shows that a significant proportion of urban population in sub-Saharan Africa live in slums and the majority of these earn their livelihoods in the informal sector.⁵³ The relationship between Government and the informal sector in Botswana can be described as oscillating between zero-tolerance to tacit recognition. Writing about extra legal land transactions in peri-urban areas of Gaborone, Molebatsi characterized government policy as that of “zero-tolerance,”⁵⁴ This was in reference to Government authorized demolition of what were considered as illegal developments in Mogoditshane, a peri-urban settlement on the outskirts of Gaborone. In June 2013, street vendors in the tourist town of Maun woke up to find their stalls uprooted from the street by the Council byelaw enforcement agents who claimed that they were acting on instructions from the Government. In 2014 there were running battles between Council officials and informal sector traders- street vendors in the City of Francistown.⁵⁵ Skirmishes between the City officials in Francistown and the informal sector seem to be far from over. In November 2016, it was reported that “vendors who operate at the Francistown central market have been given until December 2016 to vacate their stalls to make way for a property to be developed.”⁵⁶

By definition, informal sector activities are not covered by the planning legislation currently in place. From its inception, British planning legislation is

52 Mosienyane and Partners International, Review and Preparation of *Molepolole Planning Area Development Plan 2012-2036, Report of Survey*, (2013). Kweneng District Council, Molepolole.

53 UN Habitat, *The Challenge of Slums: Global Report on Human Settlements*, (2003).

54 C. Molebatsi, “Self-Allocation, Accommodation and Zero Tolerance in Old Naledi and Mogoditshane” in R. Home and H. Lim, (eds), *Demystifying the Mystery of Capital*, London, Cavendish Publishing House, (2004), pp. 73-97.

55 <http://www.dailynews.gov.bw/mobile/news-details.php?nid=8560&flag=currenthttp://www.gabzfm.com/francistown-vendors-not-happy- eviction>

56 See Mmegi, *The Monitor*, 9 November 2016, accessed in October 2016 at <http://www.mmegi.bw/index.php?aid=64042&dir=2016/october/24>

closely associated with private capital interest and has always displayed hostility towards the informal sector. Although not in the magnitude witnessed in other countries in the global South, informality in terms of housing and sources of livelihoods is a major feature of Botswana's urbanisation process. This stems mainly from the rapid urbanisation alongside failure of the formal sector to cater for the population in terms of meaningful jobs and service provision. While in the colonial period this was largely due to deliberate policies that viewed Africans not as bona fide residents of urban areas, in the post-colonial period the burgeoning informal sector is attributed to malfunctioning market forces and poor governance.⁵⁷

The proliferation of the informal sector has also been explained in terms of the irrelevance of the British derived planning legislation widely practiced in former British dependencies like Botswana. Not only was planning legislation modelled on British law, some of the former colonies and dependencies were actually used as laboratories for testing planning innovations.⁵⁸ Urban planning and the accompanying planning legislation were part of the colonial package with its attendant economic, social and political objectives. These objectives had spatial manifestations that defined the general layout or morphology of colonial cities and settlements.

According to Anthony King, urban planning was used to express spatially the dominant values of the period.⁵⁹ At the time of exportation to the colonies, the cultural and ideological contexts of British planning were dominated by the Garden City Movement which promoted a good city founded on the principles of light, air, primary health and other aesthetics. It is important to note that these values or principles were cultural specific to the evolution of the British cities. The general practice was that what was good for the metropole was also good for the colonies. It was within this thinking that the British planning legislation was exported to the colonies.

Despite widespread adoption, it has been argued that British derived

57 See UN Habitat, *The Challenge of Slums: Global Report on Human Settlements*, (2003).

58 R. Home, *Of Planning and Planting: The Making of British Colonial Planning*, E & FN Spon, London, (1997).

59 A. D. King "Exporting Planning: the Colonial and Post-colonial Experience" in G.E. Cherry (ed.), *Shaping the Urban World*, London, (1980), pp. 203-226.

planning legislation has not been effective in the global South. Critics usually point to the difference between the conditions under which the English planning law was conceived, and the conditions in developing countries where the derivatives of the English planning legislation were applied. Koenigsberger contends that as it evolved in the United Kingdom, British planning system was founded on the following assumptions:⁶⁰

- i) the continuation of a slow and steady rate of urban growth and social change;
- ii) the existence of a society which considered economic initiative the prerogative of the individual and relegated public action to matters of economic sub-structure and the relief of stress; and
- iii) a conservative outlook and a unanimous acceptance of the preservation of the achievements and institutions of the past as an objective of all planning.

The contention is that English derived planning legislation could not provide the necessary legal backing to the planning process where these assumptions were inapplicable. This would appear to have been the case in some of the former colonies and dependencies, where the conditions were very different from those held in the assumptions above. The rate of urban growth and social change in developing countries is high. Contrary to the second assumption, in most of the developing countries, the public sector as opposed to the private sector is expected to initiate development and, as Koenigsberger observed, the preservationist notion entailed in the third assumption was not a priority to “the future orientated newly emerging nations.”⁶¹

The problematic nature of the exportation of English planning legislation to developing countries is eloquently captured by Patrick McAuslan who emphatically argued:

60 O. Koenigsberger “Planning Legislation in Developing Countries”, *Royal Town Planning Institute Summer School*, (1975), pp. 87-91.

61 *Ibid.*

“... British planning law does not consist solely of a lot of words embodied in statutory form or judgements which can be with suitable modifications, used in other countries of the common law. The words themselves, the way they are put together and have been interpreted, embody ideologies and beliefs about power and society which if accepted uncritically or unthinkingly could at worst do great harm to a society based on different beliefs and at best fit uneasily ...”⁶²

The thrust of the argument above is that the English planning legislation reflects the sociocultural and political history in which it evolved and as such, was not immediately transferable to other societies.

Planning control measures such as planning standards, planning procedures and regulations have also been cited as contributory factors to the poor performance of the British derived planning legislation in developing countries. The main problem with planning and design standards is that quite often they are beyond the affordability of the people for whom they are meant. As Payne⁶³ observed, “the standards are derived from some abstract though well intentioned notions of what individual households require irrespective of what they can afford.” It has also been argued that some of the design and planning standards are even unsuitable to the climatic conditions in developing countries while in some cases, they are phrased in legalistic and technical jargon that is incomprehensible even to the minority that can read and write.⁶⁴ Insistence on planning standards and regulations, though perhaps based on genuine concern for safety, tend to overload the planning system. As observed by Payne, under such circumstances insistence on standards becomes counterproductive in that it generates the very same conditions that standards are meant to guard against—uncontrolled development and the proliferation of substandard structures.⁶⁵

Despite government-sponsored upgrading efforts in former squatter settlements like Old Naledi in Gaborone, Botshabelo in Selibe Phikwe and

62 P. MacAuslan, *The Ideologies of Planning Law*, Pergamon Press, Oxford, New York, (1980), p.2.

63 G. Payne, “Some Issues in Housing and Planning Standards” in S. Meilke and M. Safier (eds.) *Cities and People: Can we Plan the Future*, Development Planning Unit, London (1989), pp. 63-71 at p.65

64 See examples cited in P. MacAuslan, *Urban Land and Shelter for the Poor*, Earthscan, London, (1985), p. 82.

65 G. Payne *op cit*.

Peleng in Lobatse, they continue to experience high population densities and inadequate access to basic infrastructural services. A study conducted in Old Naledi by Haas Consult⁶⁶ highlighted some of the infrastructural challenges faced by former squatter settlements in Botswana. The study reported non-compliance in plot development resulting in congestion in terms of number of people per plot. The majority of plots in Old Naledi had up to three building structures of different quality which was viewed as violation of the mandatory two structures per plot provided for in the Development Control Code. Among the factors that contributed to high number of people per plot was the provision of rental accommodation. There were cases in which up to five households occupied a single plot. The challenge posed by the congestion currently found in upgraded areas adversely affects any measures aimed at the provision of affordable infrastructural services as espoused under the inclusive cities advocacy.

The exclusion of both the non-capitalist sector and the informal sector can also be explained in terms of the dominant role played by the political elite and capital in the production of urban space in Botswana. Neo-liberalism has found its way into Botswana's development planning system and cascaded into urban planning practice. Reference to privatisation, cost sharing and non-subsidisation of urban development is commonplace in the country's development debates. Successive national development plans refer to the private sector as the engine of economic growth,⁶⁷ and Government has been called upon to adopt an enabling or facilitatory role in the development process. Conscious attempts at making the cities more competitive and attractive to transnational capital are commonplace.⁶⁸

The emergence of privately developed industrial, commercial, townships and office parks are clear indications of the increasing role of the private sector in the development of urban areas in Botswana. With increased ascendancy of market led urban development thinking, appeals have been made

66 Haas Consult, *Old Naledi Infrastructure Upgrading Project*, Gaborone, Botswana, (2002).

67 See, for e.g. Republic of Botswana, *Macroeconomic Outline and Policy Framework for NDP 10*, Ministry of Finance and Development Planning, Gaborone, Botswana, (October 2007) pp. 6-7.

68 See Republic of Botswana, *Gaborone City Development Plan 1997-2021*, Ministry of Lands Housing, Gaborone, (2001).

in Botswana to revisit the planning legislation. The location of some shopping malls in Gaborone is a clear indication of the State acceding to pressure from the business community. This refers particularly to upmarket shopping malls like Riverwalk, Airport Junction, Molapo Crossing and Game City in Gaborone. In the case of these malls, after the Town and Country Planning Board rejected applications for planning permission, permission was on appeal granted by the Minister, (at the time the Minister responsible for Local Government Lands and Housing).⁶⁹ One of the major criticisms levelled against neo-liberalism is that preoccupation with attracting transnational capital often leads to negligence of local issues that affect marginalised groups in the informal sector. Thus according to Gordon McGranahan *et.al.* “urban space is organised in ways that advantage the urban wealthy and middle class and often ignore or are hostile to the needs of the low income residents ...”⁷⁰

6. CONCLUSION: TOWARDS INCLUSIVE HUMAN SETTLEMENTS

The foregoing discussion suggests that in its current form, Botswana’s planning legislation is inadequately suited to guide the country in the quest for inclusive settlements. Inclusivity and related calls for the “Right to City” are predicated on the direct participation of urban inhabitants in all decisions that affect the production of urban space. Inclusivity also privileges use value over exchange value. The implication is that all inhabitants of urban areas have the right to be there and a right to a livelihood. An analysis of Botswana’s planning legislation suggests it remains centralised and with minimal opportunities for direct participation by the urban inhabitants. Active participation is also greatly compromised by the technocratic nature of the planning system. Planning documents are written not only in technical language but in English and are not easily accessible to the general public. Evidence adduced also point towards the exclusion of the indigenous/non-capitalistic and informal sectors by the existing planning legislation, as having adverse results. As argued in the paper

69 Republic of Botswana, *Report of the Judicial Commission of Inquiry into State Land Allocations in Gaborone*, Government Printer, Gaborone, (2004).

70 G. McGranahan, D. Schensul and G Singh, “Inclusive Urbanisation: Can the 2030 Agenda be delivered without it?” 28 (1) *Environment & Urbanization*, (2016), pp. 13-34 at p. 16.

the non-inclusivity of planning legislation should be understood within the context of the dominant role assumed by State elites and corporate capital in the production of urban space. This is very much in line with the economic logic of neo liberal urbanisation and reflects entrenched interests which those benefitting from, are willing to defend.

What then needs to be done to make the country's planning legislation amenable to inclusive human settlements? The temptation is to be prescriptive and suggest reforms to planning legislation that will encourage direct participation by all urban inhabitants and be accommodative to all the sectors involved in city building processes. As Edgar Pieterse warns "technical solutions are often oblivious to power dynamics..."⁷¹ and if power is factored into the solutions suggested above, then it becomes apparent that there is dissonance between the analyses and the prescriptions. Robert Chambers aptly describes this discord as that of "analyses that are predicated on a non-benign State while the recommendations require a benign state."⁷² At issue here is that the exclusionary nature of the planning legislation is not accidental, but rather it is by design and serves the interest of the State elite and corporate capital. Change will thus not be effected through State benevolence but through sustained urban struggles against neo liberal urbanization.

Instead of suggesting technical solutions, an attempt is made to identify entry points within the planning regime that could be used to effect the necessary changes that could shift the planning legislation more towards inclusivity. Two such entry points are identified, namely: Botswana's membership of UN-Habitat; and, secondly, working through academia, in particular, the University of Botswana's community engagement objective.

Botswana's membership in the United Nations and participation in activities of the United Nations Settlement Programme (UN-Habitat) provides an important space for the adoption of more inclusive planning legislation. The reporting mechanisms for UN-Habitat membership requires periodic reports on progress made towards issues identified by the organisation as important in the search for inclusive human settlements. In 2014 Botswana embarked on the

71 E. Pieterse, *City Futures: Confronting the crisis of Urban development*, UCT Press, South Africa and Zed Books, London, (2008), p.6.

72 R. Chambers, *Rural Development: Putting the Last First*, Longman, (1986), p 45

preparation of a Country Report for Habitat III Conference. The conference was expected to evaluate progress towards the attainment of Habitat II's main goals given as: "adequate shelter for all, and sustainable human settlements in an urbanizing world."⁷³ It was also hoped that the conference would come up with a New Urban Agenda.

The preparation of the Country Report followed guidelines obtained from UN-Habitat which specified the methodology and composition of the Country Habitat Team that was to oversee the preparation of the report⁷⁴. Issues to be covered in the Report were spelt out by UN-Habitat and emphasis was placed on participation from a broad spectrum of stakeholders. Draft reports were sent to the UN-Habitat for review and comments. The general methodology insisted upon by the UN-Habitat provided a forum where citizens from different interest groups such as property developers, public sector, civil society organisation, (for example Trust for Community Initiatives and Botswana Homeless and Poor People's Federation), debated and dialogued on issues that should form the country's new urban agenda. The contention is, through interactions with other countries at international level, peer review and encouragement, pressure could be exerted for countries to lean towards urban legal reforms more amenable to inclusive human settlements.

University Community Engagement features prominently in contemporary higher education debates.⁷⁵ Broadly defined the term refers to the relationship between institutions of higher learning and the different stakeholders that constitute communities within which the institutions are situated. The University of Botswana community engagement objective as articulated in the University of Botswana's Strategic Plan entails:

"Establishment of local community learning hubs using technology to link local communities and the university and providing learning opportunities covering different areas of interest for various interest

73 Republic Of Botswana, *National Habitat III Report Terms of Reference*, Ministry of Lands and Housing, Gaborone, Botswana, (2014).

74 The Department of Architecture and Planning, University of Botswana spearheaded the preparation of the Botswana Habitat III Country Report.

75 See Organisation for Economic Cooperation and Development (OECD), *The Response to Higher Education Institutions to Regional Needs*, Paris (1999), and OECD, *Cities and Regions in the New Learning Economy*, Paris, (2001).

groups and to function as community resource for innovative ideas.”⁷⁶

Currently the Department of Architecture and Planning offers case study based courses that could form the basis for innovative planning practices that embrace inclusivity. One of these courses deals with the redevelopment of former squatter/unplanned settlements, while the other deals with preparation of settlement development plans. By their very nature the courses include extensive interaction between lecturers, students and local communities. The suggestion here is that, through courses of this nature, the University of Botswana could initiate forums where researchers, students, civil servants and other stakeholders involved with the city building process converge to experiment on inclusive city building. This process referred to as ‘engaged theory-making’⁷⁷ has been tried at the University of Cape Town’s African Centre for Cities through the City Laboratory projects. The definition of engaged theory-making captures the essence of these strategies as

“working closely with communities, civil servants, politicians, private firms, NGOs etc to address real problems, while using these engagements as material for rethinking urbanism, how and why cities operate and function as they do, and how the process and effects of urbanisation can be influenced and changed.”⁷⁸

At the core of these innovative strategies is the realisation that all those involved in the city building process have the right to be in the cities as well as the right to directly participate in decision making that affects their cities. Botswana’s membership to UN-Habitat and other multilateral organisations that embrace the inclusive cities thinking provides an avenue through which elements of inclusivity can begin to be infused in the country’s planning legislation. The University of Botswana through its case study based courses in urban and regional planning can also begin to experiment with the idea of *City Laboratories* to collectively work out Botswana’s own models of inclusive human settlements.

76 University of Botswana (UB), *Shaping our Future UB’s Strategic Priorities and Action to 2009 and Beyond*, Gaborone Botswana, (2004). p. 5.

77 H. Ernstson, M. Lawhon and J Duminy, “Conceptual Vectors of African Urbanism: ‘Engaged Theory-Making’ and ‘Platforms of Engagement’,” 48 (9) *Regional Studies*, pp. 1563-1577.

78 *Ibid*, p. 1568.