

**FAO (Food and Agricultural Organisation of the United Nations)/SARN (Southern African Regional Poverty Network)
HIV/AIDS and the Land Workshop**

**SHERE VIEW LODGE, PRETORIA
24 – 25 June 2002
Report by Tanja Arntz**

Attendants:

Approximately 50 delegates with representatives from Kenya, Lesotho, Uganda, Malawi, Zimbabwe and South Africa attended this workshop. An attendance register will be circulated to participants and can be obtained on request from Nompilo Xaba at the Campus HIV/AIDS Support Unit (Tel: 031 260 2511).

Background and Motivation for the Workshop:

HIV/AIDS is a major issue of development in Sub-Saharan Africa today and it is recognised that there is an urgent need to address and resolve the problems created by the HIV/AIDS epidemic. In the agricultural sector, research on the impact of HIV/AIDS on extension, food security, nutrition, agricultural productivity, etc. has been initiated by a number of aid agencies. However, little research has been conducted on the impact of HIV/AIDS on land issues.

HIV/AIDS affected households generally have less access to labour, less capital to invest in agriculture, and are less productive due to these limited financial and human resources. With regard to land, some of the HIV/AIDS affected households may abandon, rent out or sell land as a result of inability to utilise the land and/or the need to generate cash to buy medicine or to cover funeral expenses. Dispossession of AIDS widows by the deceased's family members is increasingly becoming a problem in the region, in some cases leading to destitution of HIV-infected widows. Young widows are under pressure to return to their natal home after their husbands' death. In some communities, the custom of remarriage of the widow to her brother-in-law is gradually disappearing, partly due to a fear of HIV/AIDS infection, which in turn affects indigenous land tenure institutions. Increasing dispossession of women of land as a consequence of HIV/AIDS epidemic also affects agricultural productivity, as women are the major producers. Particularly when brothers-in-law grab land from AIDS widows and leave the land idle without any farming activities, this may lead to under-utilisation of land, resulting in decline in agricultural production.

There are a number of issues to be examined in relation to HIV/AIDS and land tenure issues, especially in the areas that are experiencing increasing land pressure, land scarcity, commercialisation of agriculture, high potential areas for investment and intensifying competition and conflicts over land. The HIV/AIDS epidemic seems to add another dimension, exposing vulnerable groups including women to even more vulnerable situations in relation to land. In relation to women's land rights, there seem to be two key issues in the impact of HIV/AIDS on women's land rights. The first is land-grabbing by male relatives after the husband's death, which leaves women landless and destitute, taking away their means of livelihood. The second is

whether the grabbed land is used for productive purposes or under-utilised or left idle for speculation purposes by male relatives.

Key questions

Key questions on HIV/AIDS and land issues include:

- The impact on and changes in land tenure systems (including patterns of ownership, access, and rights) as a consequence of HIV/AIDS with a focus on vulnerable groups.
- The ways that HIV/AIDS-affected households are coping in terms of land use, management and access, e.g. abandoning land due to fear of losing land, renting out due to inability to utilise land, distress sale of land, etc.
- The consequences of such coping strategies for security of access and rights to land.
- How changes in land tenure, access and rights to land among different categories of people as a consequence of HIV/AIDS are affecting agricultural productivity, food security and poverty with a focus on women.
- The future implications for land tenure arrangements for HIV/AIDS-affected households and individuals, particularly for orphans and widows of HIV/AIDS.
- Priority areas for policy interventions with concrete recommendations for securing the land rights of people affected by HIV/AIDS.
- The areas for research.

Methodological issues and data collection method:

Research on HIV/AIDS issues are often more complex due to stigmatisation of the epidemic. Methodological issues included:

- What are the most appropriate methodologies for conducting a study on HIV/AIDS and land issues?
- How to separate the consequences induced by HIV/AIDS and by other non-HIV/AIDS-related factors
- Methods of qualitative analysis on various forms of transactions in land (renting in and out, sales, etc.), changes in the size of land holding, a change in agricultural production as a result of land transactions and other factors (land use, cropping pattern), and changes in the total land holding and its impact on food security and poverty: sampling method, selection of valuables, isolation of HIV/AIDS from other valuables, actual measurement of the impact of HIV/AIDS on various aspects (poverty, food security). (To what extent could conventional economic methods be applicable?)
- The extent to which generalisations can be made.
- How to manage the stigmatisation, how to get families acknowledge that deaths are caused by HIV/AIDS.
- What are the most appropriate data collection methods for qualitative analysis and who should be the informants?
 - Interviews with NGOs (legal aid organisations and HIV/AIDS NGOs) working with those affected by HIV/AIDS
 - Informal individual interviews with traditional leaders and group leaders
 - The families of those affected by HIV/AIDS
 - Women (married, divorced, abandoned, widowed, single)

- Orphans accorded different socio-economic status (e.g. marital, profession, type of farming - small, middle and large, crop and livestock farming, size of land, etc.)
- Focus group interviews to review preliminary findings
- Personal history

Strategies and action plan

By the end of the workshop, it was resolved that a strategy and action plan be prepared for future work on various aspects including:

- Legal and policy issues
- Legal aid
- Documentation and further research
- Sensitisation.

PROGRAMME

DAY ONE, MONDAY 24 JUNE 2002

08:00	Registration and tea/coffee
08:30	Opening – Scott Drimie (SARPN) and Koari Izumi (FAO)
08:45	Opening speech – Mr W Q-B West (FAO Rep to South Africa)
09:00	Opening remarks – Mr Mike de Klerk (Executive Director: Integrated Development)
	Opening remarks – Ms Nyaradzai Gumbonzvanda (Director: UNIFEM)
09:15	Framework and objectives – Scott Drimie (SARPN)
First Session: Country Studies and Issues around Methodologies	
Chairperson – Gabriel Rugalema (UNAIDS)	
09:30	HIV/AIDS and land in perspective – Gabriel Rugalema (UNAIDS)
10:00 – 11:00	Lesotho Study – Matselitso Morapeli-Mphale (University of Lesotho) Discussant – Martin Adams (Lesotho Land Policy Advisor) Discussion
11:00	Tea/Coffee
11:30 – 12:30	Kenya Study – Wambui Kiai Discussant – Karuti Kanyinga (Kenya Land Expert)(TBC) Discussion
12:30 – 13:30	South Africa Study – Catherine Cross (HSRC) Discussant – Thembela Kepe (PLAAS) Discussion
13:30	Lunch
14:30 – 15:30	Malawi Study – Sue Mbaya (TBC)(Independent Land Consultant and OXFAM) Discussant – Naomi Ngwira (Chancellor College, Zomba)(TBC) Discussion
Second Session – Study appraisals and areas for further research	
15:30 – 16:15	Summing up of the discussions and setting the scene for the parallel sessions - Gabriel Rugalema (UNAIDS) and Scott Drimie (SARPN)
16:15 – 18:00	Three Parallel Work-shopping Sessions Facilitated by Scott Drimie (SARPN)/Kaori Izumi (FAO), Gabriel Rugalema (UNAIDS) and Dan Mullins (OXFAM)

Wrap-up Session

18:30 Wrap-up following day one – Gabriel Rugalema (UNAIDS)

DAY TWO, TUESDAY 25 JUNE 2002

Third Session – HIV/AIDS and Rights to Land

Chairperson – Kaori Izumi (FAO)

08:30 – 09:00 Introductory remarks – Kaori Izumi (FAO)

09:00 – 10:00 HIV/AIDS and Women’s rights in Tanzania – Justinian Muchunguzi (Tanzania Agricultural Office) – paper presented by Gabriel Rugalema
Discussion

10:00 – 11:00 Testimony from Tanzania – My own life – Pelagia Katunzi (Farmer in Kegera and extension worker)
Discussion

11:00 – 12:00 HIV/AIDS and Land Rights and Livelihoods in Uganda – Elizabeth Eilor (EASSI)
Discussant – Cheryl Walker (HSRC and Land and Gender Specialist)

12:00 – 12:30 Pulling together the experiences and the key findings of the studies – Cheryl Walker

12:30 Lunch

Fourth Session – Core Issues

Two parallel sessions - 13:15 – 15:00

1. Policy and Legal issues – Facilitator: Nyaradzai Gumbonzvanda (UNIFEM)
Presentation by Joyce Macmillan: HIV/AIDS and the Law: Challenges for women’s sexual and reproductive rights.
Testimony from Zambia – Mobile clinics - TBD
Discussion
2. Methodology and data collection – Facilitator: Gabriel Rugalema (UNAIDS)
Discussion

Closure

15:00 Plenary Summary Session to finalise recommendations – Gabriel Rugalema (UNAIDS)

15:45 Close and way forward – Scott Drimie (SARPN)

SARPN will compile a workshop report and this will be made available to participants as well as posted on the SARPN website: www.sarpn.org.za. Nompilo Xaba will have this report at the Campus HIV/AIDS Support Unit, University of Natal, Durban, once it has been circulated. The SARPN website also hosts a database and HIVAN members are encouraged to enter their details on this database.

The following papers were made available to participants and will also be available at the Campus HIV/AIDS Support Unit from Nompilo Xaba:

- *FAO/SARPN WORKSHOP ON HIV/AIDS AND LAND* – Statement by W.Q.B. West (FAO representative in South Africa)
- *The Impact of HIV/AIDS on land issues in KwaZulu-Natal province, South Africa: Case studies from Muden, Dondotha, KwaDumisa and KwaNyuswa*

(Draft Document: 13 June 2002). Integrated Rural and Regional Development - HSRC.

- Walker, C., 2002. *Methodological and conceptual issues in researching the implications of HIV/AIDS for land policy: some notes on a Ugandan narrative.*
- Rugalema, G., 2002. *HIV/AIDS and Land Issues: Beyond proximate linkages: remarks for the FAO/SARPN Workshop.*
- Macmillan, J., 2002. *Women and Law in Southern Africa. Presentation on HIV/AIDS and the Law: Challenges for women.*
- Mbaya, S., 2002. *HIV/AIDS and its impact on land issues in Malawi.*
- Mbaya, S., & Ngaru, M., 2002. *HIV/AIDS and its impact on land issues in Malawi and Zambia.*
- FAO Committee on World Food Security - Twenty-seventh session, Rome, 28 May - 1 June 2001. *The Impact of HIV/AIDS on Food Security*
- Mphale, M.M., Rwambali, E.G., & Makoae, M.G., 2002. *HIV/AIDS and its impacts on land tenure and livelihoods in Lesotho.*