

CHAPTER V

14 SUMMARY

CONCLUSION AND POLICY RECOMMENDATIONS

This study sought to investigate the impact of HIV/AIDS on land issues in two districts in Kenya: Nyeri district with high potential, high population density and high HIV/AIDS prevalence rates; and Bondo district, which was among the first in Kenya to suffer the HIV/AIDS impact, where polygamy and kinship are still highly valued, and where concerted community action on HIV/AIDS has been under way for a while compared to other parts of Kenya. The study was undertaken due to the recognition that land is one of the most important sources of capital in Kenya, and is also a politically charged and unresolved issue, yet no studies had been undertaken to investigate the impact of HIV/AIDS – declared a disaster a year ago – on the land.

In order to determine the impact of HIV/AIDS on land, the study examined various factors, including gender, children, land use, access, tenure and disposal, food security and potential for conflict. The study found that the stigma associated with HIV/AIDS, a culture of silence, and a lack of coping strategies particularly affect women and children (orphans). The study was designed as a field survey in which qualitative and quantitative data was collected through the use of a questionnaire and interview schedule. Thirty respondents and 12 key informants provided data. Descriptive statistics, cross tabulation and deductive reasoning were used to interpret and analyse the data.

The study highlights a number of issues that emerged, identifies policy gaps at formulation and implementation levels, makes policy recommendations, and suggests possible areas for further study.

14.5 Conclusions

Information gathered from literature reviewed, as well as from interviews at household level and with key informants has led to the following conclusions on the impact of HIV/AIDS and Land Issues:

General Impact of HIV/AIDS at the Household Level

- HIV/AIDS has clearly affected households adversely in various ways, but primarily in the socio-economic sphere. Economically, the onset of illness depletes finances as treatment is expensive: for vulnerable households funds are already scarce, while the death of household members in their productive years leads to loss or reduction of much needed income, and erodes the economic base of most families and communities.
- Socially, stigmatisation is the most critical challenge facing households with people who have HIV/AIDS, as relatives and community members shun them. Ironically this denies them the social support that Africans have traditionally relied on, at a time when they face a seemingly insurmountable problem. Children who are orphaned lack access to adequate basic resources and requirements: a concern related to this is that they will be caught up in the cycle of poverty which is alarming given that the poor constitute more than half the population of Kenya.
- This brings out the need to tackle HIV/AIDS holistically as a development issue, as it is greatly affecting all development areas. The National Aids Control Council has adopted this approach. These efforts need to be pursued and implemented aggressively in each development sector. The changes that the pandemic has begun to have on the population triangle due to the high number of deaths in the productive age group of 15-49 years, when projected, present an alarming situation in terms of development and poverty.

HIV/AIDS, Land holding, Poverty and Food Security

- The data collected at household level indicates little buying or selling of land, possibly because those interviewed were living on ancestral land, which is highly protected by clans and families. However, information from key informants indicates an increase in leasing of land, partly due to the hard economic times. What remains unclear is how this affects potential earnings from the use of land by the families, as opposed to rent from leases.
- Most of those interviewed at household level and the key informants repeatedly mentioned a rise in poverty as one of the consequences of HIV/AIDS. They ascribed this to the economic impact of the illness and the diversion of time from agricultural production to caring for the sick.
- Because there is more land lying idle, coupled with loss of income, increased expenditure on treatment and funerals, and time spent caring for those with HIV/AIDS food security is increasingly

threatened. Orphans find their access to basic nutritional requirements directly and greatly compromised: some of those in the study were barely surviving.

Impact of HIV/AIDS on Land Rights in relation to Access, Control/Ownership, Redistribution and the Emerging land transactions and Disputes

- Information derived from literature and fieldwork in this research study, clearly illustrates that women and children have been the most marginalised in land transactions: HIV/AIDS is worsening the already vulnerable situation of these two groups. In some cases in the study, women had been dispossessed of land and property they inherited after their husbands died of HIV/AIDS related complications. Women also experienced stigmatisation and mistreatment when they announced their HIV-positive status, and some were divorced on account of this.
- The findings of this study highlight the gender implications of HIV/AIDS and land issues. Women's rights to land have been dictated by patriarchal customary practices that are still prevalent in spite of provisions under law for women to inherit. Thus women still access land through men who are predominantly the registered landowners. While it cannot be said that HIV/AIDS has had a direct and explicit impact on these rights, there is an indirect impact when death due to HIV/AIDS complications occurs: in the worse case scenario women lose access to the land. In addition, it is important to consider the impact on children when single women who head households are denied their rights to inherit land and property. When these mothers die their children are also denied their inheritance and source of livelihood.
- The research study did not unearth many conflicts or disputes over land related to HIV/AIDS. However, the key informants emphasised that there has been an increase in such disputes. There were two cases of disputes related to HIV/AIDS and land where daughters were challenging a decision by elders to give their father's land to their uncle. A key finding is the projection that such disputes will increase due to the higher rate of deaths due to HIV/AIDS related complications, and the greater potential for conflict that such deaths have brought on.
- A special concern is that of orphans: this category is likely to rise to about 1.5 million this year in Kenya. This study found children and particularly orphans to be most affected by HIV/AIDS. Some had been dispossessed of their land by relatives and significantly by 'guardians' responsible for distributing the deceased parents resources. The lack of existing provision for direct land rights for children has increased the vulnerability of HIV/AIDS orphans. In addition, there were situations where orphans were forced to work on other people's land to earn money for their basic needs.

HIV/AIDS and Land Reform

- The effects of HIV/AIDS on land reform are not yet clear. Currently there are no statistics indicating deaths from HIV/AIDS related complications by profession or Ministry. However, the observation that there have been more deaths in the last two or three years in the Ministry of Lands and Settlements in specific areas of the country has begun to cause concern. This results in loss of institutional memory and slows down the land adjudication process, where this is still taking place.

Community Understanding and Response

- One of the most crucial findings of the study was the difficulty in making a connection between HIV/AIDS and land at the household and key informant level. This demonstrates that the effects are still being viewed in terms of survival; hence at a practical level, rather than the strategic level which is necessary in a long-range epidemic like HIV/AIDS. More seriously, development agents mandated to formulate or influence policy in both government and non-governmental sectors have not made this connection, showing that the response to the epidemic is not yet strategic.
- In Kisumu, respondents were aware of organisations working on HIV/AIDS issues and most had been involved in the mainly preventive interventions these organisations are undertaking. In Nyeri however, this work is at the initial stages and most communities have been left to grapple on their own with HIV/AIDS infection and related complications. The safety net that provided social support in the past has been eroded and is no longer there at a most critical time.

Recommendations

14.6 Policy Gaps and Options

This study has revealed a number of policy gaps that need to be addressed.

First, it is evident that little thought has been given to the impact of HIV/AIDS on land, at the policy and programme levels. The lack of precise data or records both at the national and local government levels regarding even obvious problems like land grabbing from orphans and land conflicts that have occurred, suggests that no attention is being given to this issue. Yet there are economic, social and political problems associated with the land issue.

Similarly, other public institutions that are engaged in HIV/AIDS work or the land issue have not designed any programmes to deal with this issue. Double Joy Children's Home deserves mention for developing an innovative approach to address this constraint, although it raises the problem of custodianship of the title deed. The problem is particularly acute in Nyeri district, an area with rapidly increasing HIV/AIDS prevalence rates and serious land constraints, but where there has been little action even on HIV/AIDS issues alone. It is also disturbing that in Bondo district, where over 10 agencies are working on HIV/AIDS issues, not one is dealing with land issues associated with HIV/AIDS.

There are no laws governing HIV/AIDS and land inheritance. A task force appointed to look into HIV/AIDS and legal issues is about to complete its work, but press reports indicate a focus on ethical issues. Similarly, land issues, including property rights in the event of HIV/AIDS related deaths, are not covered in the HIV/AIDS policies. The HIV/AIDS policy tackles the need to address the effects of the pandemic on agriculture, but not on land, a serious omission given that agriculture depends on land. Further, the land policy only deals with land ownership and use, not access. Although land transactions are affected only minimally by HIV/AIDS, victims may be denied access to land, while inheritance practices deny women what is rightfully theirs. Part of the explanation is that the land policy was written at a time when HIV/AIDS was not an issue in Kenya. Government initiatives on HIV/AIDS and related land issues are recent. They include creating awareness and establishing links between the ministries of land and health. The Ministries of Land and Health have begun forming AIDS and land units respectively. The government has appointed a team to examine HIV/AIDS and land laws in Kenya, and the land policy has recently been reviewed, although the results are not yet public. In addition to these initiatives stress needs to be laid on the need to enact law and establish clear policy guidelines during the Constitutional Review Process to address problems associated with gender and discrimination across all sectors, and in particular to address the inheritance laws.

At the implementation level, ancestral land policies have remained outside the domain of lawyers and local administration. Elders from the community determine community disputes involving land. They all have an interest in preserving certain traditional institutions, irrespective of the repercussions on women and the increasing number of orphans. There is a need to establish community courts that involve legal professionals.

There is also the growing phenomenon of land leasing on ancestral land in rural areas. This is an interesting development at a time when the government has expressed concern about the need for a land policy that assures effective land use. In light of the demanding financial and resource needs facing the state, this may present a timely opportunity to engage society in dialogue regarding ancestral land use. Consideration should be given to the development of a land policy on the use of unused ancestral lands, which may provide sufficient incentive for ailing and financially constrained citizens to consider land leasing as a way to secure income from their land.

Another gap is the lack of policy to guide the protection of property, particularly that of minors. The potential for the state to be burdened in the future with providing welfare to large numbers of landless, dispossessed adults suggests that the dispossession of orphaned minors needs urgent attention. The development of policy to safeguard such properties is likely to favour government in the long-term as it can enhance the financial security of individuals and guard against internal instability. It is worth recalling that in Kenya, the land question was the driving force in the war for independence.

Food security is another concern requiring attention in policy. Land and food security in Kenya are inextricably linked, as land is the primary means of survival for most Kenyans. The effects of HIV/AIDS, in particular land conflict, declining food production capacity, and the increased reproductive role of women as caregivers are altering land use practices that have been employed to meet the country's food needs. The

increase in orphans, a majority of them unproductive while some become delinquent, will impair the ability of the country to meet its food needs in the future. It is important, therefore, to explore possible land use policies that could make up for these losses and possibly meet the resource needs of families incapacitated by the scourge. Government intervention in resource use is justified in disaster situations and HIV/AIDS has been declared a disaster in Kenya. The link between land and the survival of the people is not being emphasised sufficiently.

Rural communities in Kenya are highly dependent on community action for their survival. It was surprising therefore to find a lack of coping strategies at the family and community levels to deal with even the most basic issues of the HIV/AIDS scourge in Nyeri district. By contrast, home based care visits by women groups to HIV/AIDS patients, community based education strategies, counselling and welfare strategies exist in Bondo, a much poorer community. This can be explained by the fact that the HIV/AIDS scourge hit the community in Bondo earlier than the community in Nyeri. In order to 'break the silence' and minimise the stigma associated with HIV/AIDS in Nyeri and similar communities where prevalence rates are high, 'rapid learning' strategies are needed. Exchange programmes between communities, through local community associations, can play an important role. This strategy would be particularly effective with women groups, as building solidarity and self-interrogation begin with seeing oneself mirrored in society. Women's self-help groups can be an effective avenue for carrying out such education campaigns.

The impact of HIV/AIDS will reverberate through the entire economy. In light of international agricultural commitments, countries with high prevalence rates need to rethink their position and commitments. Perhaps a moratorium can be placed in regard to the fulfilment of their agreements, to enable countries to combat HIV/AIDS.

- Gender disaggregation of data – there is no information regarding who is most affected in the regions studied, although there is a general view that the numbers of male and females affected are equal.
- According to the Longwe Framework for Analysis, organising women is a pre-requisite for women's empowerment. The stigma associated with HIV/AIDS has constrained their ability to organise. As a first step, government needs to work closely with women's organisations that address empowerment from a social organising perspective. This may include organisations such as Widows and Orphans, which are not immediately associated with HIV/AIDS. In light of the high HIV/AIDS prevalence in schools, the work should especially target young women who are likely, in future, to become a new category of the poor as the traditional 'avenues' for 'empowerment' such as marriage and childbearing are closed.
- In some Kenyan communities policy makers have found that male spouses do not object to their wives owning land as a cooperative. In some parts of Kenya policy implementers have assisted women's groups to own such land, following which the land is subdivided and registered in their individual names. In the absence of effective legal procedures, this approach needs to be implemented aggressively, particularly where such groups are linked to those affected by the HIV/AIDS scourge, including widows and female-headed households.

On tenure: Discussion around land reforms in Kenya has been fuelled by the land shortage (for men!) and the duration of ownership of freehold properties. If land reforms are to be undertaken, these reforms need to be gendered, with nationality (not citizenship) constituting a central criterion of land redistribution.

14.7 Recommendations

Finally, the study concludes that there are a number of policy gaps and issues that need to be addressed.

It would be advisable for the government in its renewed efforts to re-design the legal and policy frameworks for HIV/AIDS, land and food security within the on-going constitutional review, to thoroughly examine the projected impact of HIV/AIDS on land specifically and on other development areas in general. The pervasive nature of HIV/AIDS necessitates that all of these policies are examined. For instance it can be said that the food security of communities, particularly vulnerable groups, will be extremely precarious because of the impact of HIV/AIDS, a factor that needs to be taken into account in the food policy. The land policy also needs to be revised in light of the apparent disparities between legal provisions and practices, which indicate

that custom is governing inheritance practice to the disadvantage of women and orphans. The policy on HIV/AIDS should be modified or revised to take into account emerging issues such as the disenfranchisement of vulnerable groups, and this needs to be reflected in interventions and strategies on HIV/AIDS.

A comprehensive impact analysis of HIV/AIDS on land, with special reference to marginalised groups, would benefit government in the long run, as it would contribute to the redesign of laws and policies and give direction to interventions and strategies. The position of marginalised groups, particularly women and orphans needs urgent attention. HIV/AIDS and its resultant impact on different spheres of development, especially land, is likely to result in a social, economic and cultural crisis. The government and organisations working in these areas need to ensure strategic collaboration on the consequences of the pandemic based on data disaggregated in different categories such as gender, socio-economic status, and profession. This effort needs to address issues such as changes in land use patterns, food security, inheritance patterns, leasing of land, property rights and other changes in households. Policies and laws should be reviewed based on the information derived from such an exercise.

Policies on HIV/AIDS, land and food security should be re-examined on the basis of emerging issues related to the pandemic. The case of vulnerable groups requires special consideration in this re-examination as it has become clear that HIV/AIDS is worsening the situation of marginalised groups such as women and orphans, whose situation is already precarious. Women by virtue of their caring and nurturing roles constitute the majority of those providing home-based care and care-giving at the household and community levels (AAWORD, 2002). Organisations involved in work on HIV/AIDS, and those working on land issues need to collaborate on the impact of HIV/AIDS on land, and subsequently, food security, as women divert their labour to care giving. At the community level strategies, which address this issue, are required.

The study recommends addressing the need for coping strategies that target women's groups with a view to enhancing their self-mobilisation, breaking the silence through conscientisation and social organising, and taking the opportunity presented by transforming cultures to push for their rights. Such empowerment has been proposed in other studies as a way of transforming women's disadvantaged economic position (Mbilinyi, 1998; Teffera, 2000). This is particularly significant because of findings that leasing of ancestral land in rural areas is on the increase. This may result in women losing their rights to use this land. Whereas the study finds potential in leasing land to supplement the needs of people living with HIV/AIDS who placed increased demands on household incomes, nevertheless this gap needs to be sealed to provide clarity and avoid potential domestic and family conflicts or loss of rights for marginalised people.

One of the most important strategies for empowering women is self-mobilisation to fight for their rights. Any community strategy, therefore, that fails to target women groups, organisations and movements, lacks the capacity to transform society and to eliminate disempowering customs. To restore the dignity of women and their productive power, HIV/AIDS intervention strategies are needed that bring together HIV/AIDS caregivers, single mothers living with HIV/AIDS, widows of HIV/AIDS victims, guardians and elderly female guardians of orphans, to address their welfare needs, such as providing for their families and patients, and strengthening their will to fight and mobilise society to raise awareness of the impact of HIV/AIDS on women and their property.

14.8 Areas for further study

The study found a dearth of literature on this subject. There was even less documented information at the local level regarding the effects of this HIV/AIDS disaster on land. Therefore the study proposes the following as possible areas for further study.

The first area is changing land use patterns in high-density areas and among nuclear families. Questions for further research would be:

- How widespread are these phenomena?
- What are the long-term implications on agricultural production, food security, and the land question in real economic and social terms?

The second area is landlessness in the wake of land dispossession of widows and orphans. The questions raised include:

- How widespread is grabbing land from orphans?
- How are communities dealing with it?
- What alternatives have been developed to check this practice?
- How will this impact on food security and agricultural productivity? Who takes care of land that belongs to orphans, particularly where they are adopted by relatives who live in other areas?
- What strategies are being used in other countries or areas to ensure that orphans are not dispossessed of their land, and that they are taken care of?

Another area that has been virtually untouched is a detailed account of how HIV/AIDS is impacting on personnel working in the Ministry of Lands, and related government departments such as Land Boards and the local administration, and how this is affecting the capacity to deliver land administration and land reform services.

Finally, it is still unclear from the data and existing literature, whether HIV and AIDS impact on the land question differently from other illnesses and deaths arising from other causes. In order to determine the severity of the HIV/AIDS scourge, a comparative study examining trends in the same community relating to different illnesses and or causes of death could be undertaken.

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APPENDICES
Questionnaire

FOREST ACTION NETWORK (FAN)
Research on HIV/AIDS and Its Impact on Land Issues in Kenya

INTRODUCTION

Greetings. My name is I am working on behalf of Forest Action Network, a national organisation. We are visiting ordinary Kenyans in two areas (Kisumu and Nyeri), to find out how HIV/AIDS is affecting land issues, and to find out their views on how best we can deal with this situation.

Please note that the information you give us is highly confidential, and we would appreciate it if you would respond freely to the questions I am going to ask you.

SECTION A: BIOGRAPHICAL DATA

(Interviewer: Please record details for Q 1-7 by observation, if unsure, check response with respondents)

1. Respondents Number.....
2. District.....
3. Division.....
4. Location.....
5. Sub-location.....
6. Village.....
7. Sex.....

ASK ALL

8. How old are you?
 - (a) Below 18 years.....
 - (b) 19-29 years.....
 - (c) 30-39 years.....
 - (d) 40-49 years.....
 - (e) 50-59 years.....
 - (f) 60 years and above.....
9. What is the highest level of education that you have completed?
 - (a) None
 - (b) Adult education.....
 - (c) Primary (Std 4).....
 - (d) Primary (Std 7-8).....
 - (e) Secondary (II).....
 - (f) Secondary (IV).....
 - (g) Secondary (VI).....
 - (h) Post secondary college.....
 - (i) Some university.....
 - (j) University degree.....
 - (k) Don't know.....
 - (l) Other

10. What is your occupation? (a) Formal..... (b) Non-formal.....
11. What is your religion?
 (a) Christian..... (c) Traditional.....
 (b) Muslim..... (d) Other (specify).....
12. What is your marital status?
 (a) Single..... (d) Divorced.....
 (b) Married..... (e) Separated.....
 (c) Widowed..... (f) Other (specify).....
13. Type of marriage
 (a) Monogamous..... (c) Potentially polygamous.....
 (b) Polygamous..... (d) Other (specify).....
14. System of marriage
 (a) Customary..... (d) Islamic.....
 (b) Civil..... (e) Other (specify).....
 (c) Christian.....
15. Number of children
 (a) 1-4..... (c) 9-12.....
 (b) 5-8..... (d) 13 and above.....
15. What languages can you speak?.....
16. What languages can you read/write?
17. Could you please tell me how many people live in this household including yourself?
 (a)
 (b) Number of children living in household.....
18. Who is the head of the household?
 (a) Respondent..... (e) Grandmother.....
 (b) Spouse/partner..... (f) Grandfather.....
 (c) Mother..... (g) Other (specify).....
 (d) Father.....
19. **INTERVIEWER: TAKE NOTE OF WALLS OF DWELLING/S**
 1) Bricks/concrete blocks..... 5) Wood.....
 2) Grass/thatched..... 6) Plastic.....
 3) Mud and wood..... 7) Other.....
 4) Corrugated iron.....
20. How long have you and your household lived in this dwelling?
 1) Less than 1 year..... 4) 5-10 years.....
 2) 1 - 3 years..... 5) 10 years and above.....
 3) 3-5 years.....

21. Do you or other members of this household own the dwelling you live in?

- 1) Yes.....
- 2) No.....
- 3) Don't know.....

22. If yes, who?

- (a) Respondent.....
- (b) Spouse/partner.....
- (c) Mother.....
- (d) Father.....
- (e) Grandmother.....
- (f) Grandfather.....
- (g) Other(specify).....

(INTERVIEWER: PROBE FOR TITLE DEED AND IN WHOSE NAME)

23. If yes, how was this land acquired?.....

SECTION B: Land Issues (Ownership, Access,Control)/ Duties

24. What is the acreage of this land?.....

25. Are there are farming activities going on, on this land?

- 1) Yes.....
- 2) No.....
- 3) Other.....

26. If yes, what type?

- 1) Subsistence.....
- 2) Cash crop.....
- 3) Subsistence/cash crop.....
- 4) Other.....

27. Who usually makes decisions on the use of this land?.....

- 1) Respondent.....
- 2) Spouse/partner.....
- 3) Mother.....
- 4) Father.....
- 5) Grandmother.....
- 6) Grandfather.....
- 7) Other(specify).....

28) Who usually manages this land?

- 1) Respondent.....
- 2) Spouse/partner.....
- 3) Mother.....
- 4) Father.....
- 5) Grandmother.....
- 6) Grandfather.....
- 7) Other(specify).....

29. Who usually makes decisions on the use, disposal, access to and ownership of the proceeds of the land?

- 1) Respondent.....
- 2) Spouse/partner.....
- 3) Mother.....
- 4) Father.....
- 5) Grandmother.....
- 6) Grandfather.....
- 7) Other(specify).....

DECISION	BY WHO	REASON FOR AUTHORITY
1. Use		
2. Disposal		
3. Ownership		
4. Access		

30. Who usually decides on the allocation of household/farming duties?

TYPE OF DUTY WHO ALLOCATES REASON FOR AUTHORITY

(INTERVIEWER: Probe for who cares for HIV/AIDS infected. For orphans who makes these decisions and on what basis).

SECTION C: HIV/AIDS and Its Impact (INTERVIEWER IN EVENT OF PLWAS)

31. How has HIV/AIDS affected your family? (INTERVIEWER: PROBE)

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32. Have farming and household duties been affected?

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33. What strategies have your household and family developed to cope with this?

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34. What strategies has the community developed to cope with HIV/AIDS in general, and with regard to its impact on Land issues?

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SECTION D: IN EVENT OF DEATH FROM AIDS

35. When did your spouse/partner/sibling/child die of AIDS?.....

36. What was the effect of this death on the family? (INTERVIEWER PROBE FOR FINANCIAL, PSYCHO-SOCIAL, LABOUR....)

37. Please describe what happened after the death (INTERVIEWER PROBE)

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38. Who inherited the land?.....

39. Please explain your answer in 38.....

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40. Is there any dispute relating to inheritance/access to the land?.....

41. Please explain your answer.....

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42. If there is a dispute, in your view, is this related to the death being from AIDS?

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43. If there is a dispute, have you sought assistance in resolving the dispute?.....

44. Please explain your answer.....

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45. How have you been coping after the death?

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SECTION E: INTERVENTIONS

46. How has this community responded to HIV/AIDS?

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47. What strategies have been developed to address HIV/AIDS in relation to Land issues by this community?

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48. Are there agencies (NGO, government) offering assistance on HIV/AIDS as this relates to Land?.....

1) If Yes, please name them:.....

2) If Yes, what kind of assistance:.....

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SECTION F: FOOD SECURITY

49. Describe any changes you may have observed in your household in regard to the ability to feed members of the household.

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50. How else does HIV/AIDS affect the ability to provide sufficient food for the family at all times?

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Key Informant Interview (National)

FOREST ACTION NETWORK (FAN)

Research on HIV/AIDS and Its Impact on Land Issues in Kenya

KEY INFORMANT INTERVIEW (National)

INTRODUCTION

Greetings. My name is I am working on behalf of Forest Action Network, a national organisation. We are visiting Kenyans working on HIV/AIDS and Land Issues in two areas (Kisumu and Nyeri), to find out how HIV/AIDS is affecting land issues, and to find out their views on how best we can deal with this situation.

Please note that the information you give us is highly confidential, and we would appreciate it is you would respond freely to the questions I am going to ask you.

SECTION A: BIOGRAPHICAL DATA

1. Respondent Number.....
2. Name of Respondent.....
3. Organisation of respondent.....
4. Geographical coverage.....
5. Number of years organisation has worked on HIV/AIDS or Land Issues (optional)
.....
6. Number of years respondent has worked on HIV/AIDS or Land Issues:
.....

SECTION B: HIV/AIDS and Its Impact on Land Issues

7. View of the impact of HIV/AIDS on the country in general.
8. Existing inheritance laws and practices, and the implications of this to ‘marginalised’ groups like women, and orphans.
9. Key issues with regard to access to land, poverty and food security.
10. General effects or impact of HIV/AIDS in the community (family and community relations).
11. Impact of HIV/AIDS to land transaction/holding, access to land and inheritance practices.
12. Effects of HIV/AIDS to agricultural productivity, labour in agriculture and farming patterns.

13. Agencies working in HIV/AIDS generally, and on HIV/AIDS and Land Issues.
14. Emphasis of work of agencies working on HIV/AIDS and Land issues.
15. View of any existing 'best' or 'wise' practices on HIV/AIDS and Land Issues at the community level, or nation wide.
16. View of major challenges based on existing gaps and constraints.

SECTION C: HIV/AIDS, Land and Policy

17. Whether HIV/AIDS has been addressed in Land policy and laws in Kenya.
18. Whether Land issues have been covered in HIV/AIDS policies in Kenya.
19. Existing gaps in policies on HIV/AIDS, and on Land as the two sectors relate to each other.
20. Whether there are existing efforts aimed at integrating policies in HIV/AIDS and Land, and if so, elaboration on this.
21. View on how the two (2) sectors should be addressed, and the challenges that exist in this.
22. Other comments on this topic.

Key Informant Interview (in Kisumu and Nyeri)

FOREST ACTION NETWORK (FAN)

Research on HIV/AIDS and Its Impact on Land Issues in Kenya

KEY INFORMANT INTERVIEW (in Kisumu & Nyeri)

INTRODUCTION

Greetings. My name is I am working on behalf of Forest Action Network, a national organisation. We are visiting Kenyans working on HIV/AIDS and Land Issues in two areas (Kisumu and Nyeri), to find out how HIV/AIDS is affecting land issues, and to find out their views on how best we can deal with this situation.

Please note that the information you give us is highly confidential, and we would appreciate it is you would respond freely to the questions I am going to ask you.

SECTION A: BIOGRAPHICAL DATA

1. Respondent Number.....
2. Name of Respondent.....
3. Organisation of respondent.....
4. Geographical coverage.....
5. Number of years organisation has worked on HIV/AIDS or Land Issues:
.....
6. Number of years respondent has worked on HIV/AIDS or Land Issues:
.....

SECTION B: HIV/AIDS and Its Impact on Land Issues

7. View of the impact of HIV/AIDS on the community in general.
8. What forms of land transactions are prevalent in the community?
9. Existing inheritance laws and practices, and the implications of this to ‘marginalised’ groups like women, and orphans.
10. Key issues with regard to access to land, poverty and food security.
11. Prevalence of HIV/AIDS in the community.
12. General effects or impact of HIV/AIDS in the community (family and community relations).

13. Impact of HIV/AIDS to land transaction/holding, access to land and inheritance practices.
14. Effects of HIV/AIDS to agricultural productivity, labour in agriculture and farming patterns.
15. Specific Impact of HIV/AIDS in the context of land issues on marginalised groups like women and orphans.
16. Community response and strategies to HIV/AIDS in general, and to the pandemic as it relates to Land Issues.
17. Agencies working in HIV/AIDS generally, and on HIV/AIDS and Land Issues.
18. Emphasis of work of agencies working on HIV/AIDS and Land issues.
19. View of any existing 'best' or 'wise' practices on HIV/AIDS and Land Issues at the community level, or nation wide.
20. View of major challenges based on existing gaps and constraints.