

6 Conclusions and Recommendations

The preliminary nature of the present study means that policy recommendations are sometimes also of a preliminary nature. In particular, some recommendations remain relatively general, and would need the benefit of further study in order to be usefully refined. However, other policy recommendations fall clearly out of the foregoing analysis. By and large, the recommendations are logical responses to what was learned from the respondents; this is not to say that the recommendations were themselves offered by the respondents, nor that they necessarily concur with them.

The policy recommendations are presented in three distinct sets. First, those that are general in nature but that are also of importance to the question of HIV/AIDS and land are presented. Second, we indicate areas in which land administration systems in tribal areas could be fortified to take into account specific concerns around HIV/AIDS and land; and third, we present a list of strategic interventions and actions that could be taken to further ameliorate the situation in respect of HIV/AIDS and land.

General recommendations

- 1 Increase the capacity of households to engage in income generating activities, both agricultural and non-farm activities. While this is obviously already an objective of government across the board, it would be a particularly important way of assisting households affected by HIV/AIDS, and thus could be targeted at such households. The importance of non-farm income generating activities is not in helping to sustain the households directly, but also because, as is well demonstrated in the study's case studies, households with some steady cash income are more likely to be able to make effective use of their land.
- 2 Increase access to water for gardening purposes. Pro-poor government-supported water programmes tend to fall into two categories, namely those that focus exclusively on water provision for human consumption, and community garden projects that tend to be very expensive and reach very few households. Innovative, low-cost approaches to improving accessibility of water for gardening, including of 'grey' water that is not fit for human consumption, would have an impressive impact on household's ability to benefit from the often modest amounts of land they have. As with the previous recommendation, this is general in the sense that it is something that would be valuable across the board, but on the other hand could also be particularly focussed on rural communities where there is known to be a large concentration of AIDS-affected households.
- 3 Carry on with the sensitisation of people to the reality of HIV/AIDS and promote voluntary HIV testing. One observation from this study is that individuals who fall ill dissipate a large amount of their and their family's resources in getting second and third

opinions from a variety of types of healers and doctors. While one can only sympathise with the immense challenge of coming to terms with a fatal illness such as HIV/AIDS, the public at large must be encouraged to opt for HIV testing so that, should they face the bitter reality of being HIV positive, at least they have some resources left when they need them most.

- 4 Enhance support to the elderly. The role played by the elderly in either keeping households together, or providing a refuge for children orphaned by AIDS, cannot be over-emphasised. However, the material poverty of many elderly people means that they often perform this role at immense personal cost, and receive in turn only modest support (see also Du Guerny, 2001). Recognising the elderly for the resource they are, the state should seek additional ways of supporting them, for example in facilitating their access to child support grants on behalf of their grandchildren, especially if and when these grants are modified to cater to children older than 6 years.

Recommendations in respect of land administration

- 5 The land registration system in tribal areas must be strengthened. Most tribal authorities maintain some form of written land register, but these registers are often unmethodical, incomplete, and difficult to effectively update. This has the effect that the register is not as useful as it otherwise might be in helping to resolve land disputes, thus opening up too much space for those wishing to unfairly usurp other's rights (e.g. lessees from lessors). A critical function of better-maintained land registries would of course be to reflect rights in land of women, adult children, and in some cases perhaps minors.
- 6 Tribal land administration systems should be strengthened all around. Various systems could be devised in order to improve the tribal land administration, for example drawing on the example of Malawi whereby tribal land clerks are trained in a number of land administration functions, and then appointed to assist tribal authorities perform their various land administration functions. These land clerks might be similar to the communal land rights officers contemplated under earlier drafts of the Communal Land Rights Bill.
- 7 Ensure representation of weaker individuals and households in respect of land administration. A particular challenge in view of the topic of this report is ensuring that the interests of weaker households are represented in land administration functions. This implies widow-headed households, orphan and youth-headed households, and poorest households generally. These households are more likely to lack voice in ensuring that those in authority are aware of their problems and needs. One practical possibility would be to create a post for an ombudsman at community level, whose role it is to interface with poorer and more vulnerable households, and in particular to have the power to intervene when intra-household problems erupt which traditional authorities are disinclined to address. Other functions of the ombudsman could include

assisting those households enlist for grants (e.g. child support grants) who presently find it difficult to do so because they lack the proper certificates or are unaware of procedures.

- 8 Facilitate the development of the land rental market. This recommendation falls out clearly from the case studies, which revealed that AIDS-stricken households must often temper their desire to rent out land which they cannot currently make use of, against the fear that renting it out might lead to dispossession. A number of steps can be taken to facilitate the rental market, of which the most obvious would be to develop the land registry system, as mentioned above, but also to develop simple formalities for centrally recording the terms of rental agreements.

Strategic interventions and actions

- 9 Government make a clear, public statement to the effect that the confiscation of land from AIDS-affected households is unacceptable. Although a symbolic gesture, it would nonetheless serve to raise public consciousness on the issue.
- 10 Initiate large-scale sensitisation and training campaigns for the benefit of traditional leaders, community health workers, traditional healers, social workers, agricultural extension officers. The aims of these campaigns could include generally themes such as ensuring that various categories of community-based officials understand basic concepts of land tenure, the vulnerability of particular groups in respect of land, land administration procedures, etc., as well as more targeted messages such as the disadvantages of promoting high cost diets for AIDS sufferers in poor households.
- 11 Community health workers must especially be recognised for the valuable resource they are, not least because they have a greater awareness than most other community-level officials as to the circumstances affecting particular households. The active and constructive role of community health workers in mending intra-household disputes arising out of the discovery that one household member is HIV positive, is one example of the powerful role they can play. Accordingly, community health workers should be afforded a special measure of support to perform their role.
- 12 Strategise with officials within agriculture departments and Land Affairs to take better recognition of diverse household types that result from HIV/AIDS impacts. The premise of this recommendation that many interventions, e.g. agricultural extension, are based on one model of what a target household looks like, and as such other types of households – especially those that have been distorted by the pressures imposed by HIV/AIDS – are not engaged with successfully or are not even reached. A concerted effort to review land-oriented government interventions to constructively determine how they could be revised to take into account non-traditional households would do much to improve their effectiveness.