

**Impact of HIV AIDS
on Land Reform Programme**

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Introduction

The main aim of this paper is to start a debate on HIV AIDS with relation to land reform in the context of rural development. A number of examples will be used to try stimulating debates around this topic. Most of the examples will be related to South Africa since I have a better understanding of the South Africa situation in both contexts. I will not talk much about the land reform projects as a whole and the science of HIV and AIDS. Understanding the two (HIV AIDS and land reform) will be important as a base for discussion. What is also important to note is that this paper is meant to start a debate around how HIV AIDS impacts negatively on the land reform programme?

A number of studies have been carried out in other parts of Africa looking into the impact of HIV AIDS on livelihood projects more especially agriculture. I will draw from some of these studies in addressing the impact HIV has on land reform.

This paper will then try and answer the following questions:

- ✓ What are the implications of HIV/AIDS for the country's land reform programme?
- ✓ What interventions can land reform organisations make to minimize or eradicate these implications?

Examples will be used to better illustrate and answer these question more appropriately.

About HIV AIDS

HIV AIDS is a disease currently without cure. HIV can be transmitted from one person to another person through unprotected sex with a person already infected with the virus. HIV can also be transmitted through parental, contaminated syringes and contaminated blood. Once the virus is transmitted to once body it will start destroying the immune system. The body will no longer be in a position to resist new infection from other illnesses. As a result a person fall prey to a number of illnesses commonly know as Opportunistic Infections, which they would normally, be resistant. A person with HIV can leave about 10 years without showing that he or she is infected.

Globally there are about 36.1 million people living with the HIV AIDS. About 95% live in the developing countries. It is also estimated that in Sub-Sahara Africa there are about 25.3 million people infected with the virus. It clearly shows that there is an urgent need to address HIV AIDS at all levels.

About land reform in South Africa

"Land," notes the White Paper on South African Land Policy "is a finite resource that binds altogether in a common destiny." For this reason, a land reform policy that contributes to reconstruction and development "must deal effectively with:

- The injustices of racially based land dispossession of the past.
- The need for a more equitable distribution of land ownership.

- The need for land reform to reduce poverty and contribute to economic growth
- Security of tenure for all, and

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- The injustices of racially based land dispossession of the past.
- The need for a more equitable distribution of land ownership.
- The need for land reform to reduce poverty and contribute to economic growth.
- Security of tenure for all, and
- A system of land management which will support sustainable land use patterns and rapid land release for development."

The purpose of the government's land reform policy is therefore to redress the injustices of apartheid and past imbalances, foster national reconciliation and stability, underpin economic growth and improve household welfare and alleviates poverty.

Based on these purposes, the land reform programme is divided into three component parts, namely, redistribution, restitution and tenure reform. The intention of redistribution is to make land for residential and productive purposes available to the poor, through the provision of a grant, in order to improve their livelihoods. The key purpose of restitution is to restore land to people dispossessed through legislated racism between 1913 and 1994. The tenure reform policy is incomplete in the White Paper but nevertheless takes its point of departure from Constitutional principles that oblige the government to secure the tenure of all people.

Each of these land reform legs should contribute to the overall social and political purposes of land reform particularly the injustice of dispossession, equitable distribution of ownership as a basis for reconciliation and a reduction in household poverty system of land management which will support sustainable land use patterns and rapid land release for development.

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- ✓ Restitution
- ✓ Tenure reform.

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Land ownership in South Africa and land development strongly reflect the past political and economic conditions of the apartheid era. Prior to 1994, 87% of the land in South Africa was held by the minority (whites) and only 13% was held by the majority (blacks). The land reform programme in South Africa aims to redress this legacy while contributing to national reconciliation, growth and development.

Rural development and HIV AIDS

The impact the epidemic has on rural development and livelihood cannot go unnoticed. AIDS affect the very same people that development is intended for. It therefore becomes a challenge for policy makers to ensure that all development programmes in rural communities integrate HIV AIDS in their planning. The causes and challenges of HIV are closely associated with wider challenges to development, such as poverty, food and livelihood insecurity, and gender inequality. In effect HIV AIDS tends to exacerbate existing development problems through its catalytic effects and systematic impact.

HIV AIDS challenges are not exclusively related to HIV AIDS. Poverty and access to basic resources are one of the factors that exacerbate the epidemic. In addressing this it therefore becomes important to address the root causes and consequences of the wider challenges of rural development. Rather than developing a programme that deals only with HIV AIDS, bring in place a programme that will improve and bring value to lives of people. Land reform and security of tenure leads to development in rural communities. Very few people and investment industries will invest on land that has no ownership. Depriving people the right to own land is more like stopping development that can improve lives of many people.

Components for a successful land reform programme

For every land reform programme to be successful and achieve its entire objectives there are three components that it need to meet. Failing to comply with these components will fault any land reform programme.

➤ **Access to land.**

Access to land is through legislation or policy and objectives of the land reform programme. The policy should enable people who have rights to

access land exercise their rights. A land reform programme must enable landless or land needy people to access land.

➤ **Securing access to land.**

The land reform programme policy should secure rights of people who have access to land. This must be integrated in to the policy. This component deals with issues relating to gender imbalances, land invasion. Lastly there could be situations that prevent an applicant to exercise his right to access land if these can be identified and are common they should be integrated into policy.

➤ **Capacity use land successful.**

Once you have access to land the most important thing is to utilize that land for the benefit. This will include livelihood projects and subsistence farming. The policy should also address these aspects.

The three components will be used to illustrate the relationship between HIV AIDS and land reform and how AIDS affect the implementation of a land reform programme.

Two examples will be used to illustrate the how HIV can impact on a land reform programme. The first one will be on restitution and the second tenure reform <labour tenant>.

Impact of HIV AIDS on restitution

What is restitution: the purpose of the land restitution programme is to compensate or restore land to people dispossessed by racially discriminatory legislation or practices after 19 July 1913. Between 1994 and 31 December 1998 a total number of 54, 218 claims were lodged with the restitution commission. 20% of these claims were rural and 80% urban.

To better illustrate the impact HIV AIDS may have on the restitution programme I will use a possible scenario.

The Thwala family once lived on plot 240. In 1965 they were forcibly removed from their land and re-allocated some 65 km away on plot D78. In 1997 Mr. Thwala died before lodging a claim for plot 240. Responding to a campaign by the department of land affairs Mrs. Thwala lodged a claim for in June 1998. In October 2000 an official from DLA informed her that her application for plot 240 was successful. The DLA official informed her that she has a number of options to take. One is land restoration and the other is compensation (monetary). A happy Mrs. Thwala returned to her family and informed them about the good new. The entire family was excited. Three days later Mrs. Thwala visited the DLA office to meet with the official from DLA. After a lengthy debate she informed the DLA official that the decision of her family was to take money <R45, 000.00>. The agreement was signed and money transferred to the Thwala family trust account.

Ask your self the following questions:

- Why did the Thwala family take money?
- How does this affect the land reform programme to address past inequalities?
- Can this be linked to HIV AIDS?

As with the livelihood project it is not easy to draw a line and easily pickup an AIDS related case that has a direct impact on the development programme. Maybe the Thwala family has a person sick and HIV positive. The family decided to take the money and use it to pay medial bills and buy treatment. As much, as they want to go back to their ancestral land, what is more important to them right now is to save a life.

The reality is that very few people will give true reason for taking monetary compensation and use it for paying medical bills. This can also not be ruled out as is likely to occur. The core business of a land reform programme for any country is to deliver land. Some NGO's working in the land sector have not really taken to the issues relating to HIV AIDS affecting their communities. They also use the same reasons HIV AIDS is not their core business. In turn they will adopt policies that support campaign for treatment and informing people in communities they work in about HIV AIDS.

How do you attempt to address such an issue into the land reform programme? What can be done in the land reform programme to inform officials about such cases? They are real and happen on a daily bases. Since HIV AIDS is not the core business of land reform programmes but HIV AIDS has an impact on the implementation of the programme.

On the three components stated above the Thwala family have access to land but their access is not secured since they would rather save life a family members. The whole circle is not complete.

What we have to ask ourselves is how can a land reform programme address this insecurity? AIDS is common in land reform programmes and need to be integrated into land reform policy.

Impact of HIV AIDS on tenure reform <labour tenant>

Tenure reform refers to changes in the terms and conditions under which land is held, used and transferred. A fundamental goal of tenure reform is to provide people with tenure security.

What is important to note in South Africa is the absence of a tenure policy. Under land tenure reform there is a Labour tenants Act. The aim of this act is to protect the rights of farm workers and labour tenants.

Farm workers are among the most marginalized, vulnerable and poor. Majority of these people rely on livestock and communal farming for living. Most labour tenants receive no income, they work in kind for right of residence and farming. Even though this practice is at a low scale it is still practiced.

What happens when the main household heads become ill <HIV positive> and fail to provide labour? The farmer <landowner> can evict the entire family since no one will be providing labour from that family. <In terms of the Labour tenants act this is not allowed> <**but this does not mean it does not happen**>. The act protects every member of the family. In reality such things do happen and there is no reason to ignore them.

The entire family will now be deprived of their rights to land. In this case this family will even fail to access land they are right fully entitled to. In this case the first step towards land reform is not even processed. This is one of cases that any land reform programme will not see and document. But it is a case that should have been addressed by the land reform programme had it been known. Two there will be a family that will have no access to land.

What can be done?

What this means is that it is important to integrate HIV AIDS in to land reform programme. Every development programme must include a component to deal with AIDS. AIDS is reality and no institution should ignore its existence. Some institutions want to shift responsibilities they can take in fighting the epidemic by saying that it is not their core business <health>. There is little that can be done to compel organisations do divert from their core business and address issues outside their scope.

If a land reform programme is failing to meet its objective <address inequalities to land ownership> then that programme is good as not existing. Even worse when the problem areas can be identified and nothing is done to address them. Reason being that it falls outside the core business of land reform. The land reform programme must be flexible in connecting with other institutions that have better information and resources that impact negative in the implementation of its objective.

Land invasion is a common problem in the implementation of land reform. In dealing with this the policy requires the use of law enforcement agencies. Law enforcement is outside the scope of any land reform programme so is health and welfare. Why would it be difficult to integrate health and welfare into a land reform programme?

In South Africa, the land reform programme does not talk about HIV AIDS. The only programme available is one that deal with staff and employees of the Department of Land affairs. As an agent responsible for land reform it has not committed it self to address HIV AIDS issues in the execution of its duties. Currently in South Africa the land reform programme does not integrate HIV AIDS into their business. If it does it is not stated.

The issues here are:

- How can the land reform programmes address HIV AIDS?
- And also why will it be important to address it?
- What should the policy say?

Land is a political issue. Addressing HIV AIDS requires a political commitment. In a state/ country where HIV AIDS is seen as a threat in the country's development and development projects all will be done to address HIV AIDS in a more urgent and profound manner. Where there is lack of political will, HIV AIDS will not be integrated into most development programmes.

If the epidemic is threatening the objectives of the land reform programme then it will be proper for policy makers to address it at policy level. Land invasion is a common problem and is addressed at policy level. Why is it so difficult to address HIV AIDS? Is it because there is no political will to do this?

At this stage the impact may not be felt or even seen. In the next 10 years how many land programmes will deliver land and be able to fulfil the three components stated above. If a land reform programme fails to address landless problems it would have failed its mission. I strongly believe that addressing the question of access to land is not through monetary compensation but by giving people land that they are secured to live on and add value to their lives.

Recommendation

The recommendations are meant to unearth more information that can be used to inform policy in dealing with HIV AIDS.

Assessment studies.

- ✓ **Conducts a situation analysis of the impact of HIV AIDS on land reform programme.**
This can be done through a study that will involve 3 communities in different countries. Followed by other studies in other countries learning from the lessons from the first studies. The entire study can take about 7 years to complete. Land transfers take long.
- ✓ **Make HIV AIDS statistics available to all planners, not just the health sector.**
Every project must integrate HIV AIDS statistics in their planning. How can this be integrated into the land reform programmes?
- ✓ **Involve key stakeholders in planning and research.**
Land reform has a number of stakeholders including civil society organisations. All must come together and work on a plan to deal with HIV AIDS in the land reform. Linked to this, other institutions <health, welfare etc> must be part of this stakeholder planning and research team. Results that come from such studies will be easily accepted because every person would have participated.

Policy

- ✓ **Integrate HIV AIDS at policy level.**
If land reform implementation is at risk due to HIV AIDS, what will be the immediate action by the land reform programme in addressing this issue? Policy should inform on this.
- ✓ **Encourage donors to invest in fighting the spread of HIV AIDS.**
This will assist in developing resources to fight the spread of HIV AIDS. The policy should address concerns of investor that if they invest in land reform their investment will be safe since HIV AIDS issues are taken care off.

Socio economic

- ✓ Include a budget line for HIV AIDS in all financial planning and plan for the development of improved social amenities on a progressive basis
- ✓ Create a supportive, where possible for those infected and affected by HIV AIDS to help deal with the associated stress and to encourage those still productive.

Conclusion

This requires a re-thinking of policy, sound financial planning and a realistic look at the impact on viability and hence appropriate subsequent action. Serious attention to these issues could ensure that further rural development takes place and land reform can continue to contribute substantially to welfare and economy of countries and region.