

THE IMPACT OF HIV/AIDS ON LAND REFORM IN KWAZULU- NATAL

**Proceedings of a seminar held on the 23rd of November 2001
Leeb du Toit Council Chamber, University of Natal, Pietermaritzburg**

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Centre for HIV/AIDS Networking, University of Natal, Durban**

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Annexure Three: HIVAN/SARPN (2001) HIV/AIDS and Land Reform Briefing Paper, November 2001

Annexure Four: Lucinda Franklin, “Socio-Economic Impact of HIV/AIDS in South Africa”

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Annexure Six: Overview of the DLA HIV/AIDS Programme and the Challenges for Implementation

GLOSSARY

AFRA	Association for Rural Advancement
AIDS	Acquired Immune Deficiency Syndrome
CBO	Community Based Organisation
CPA	Communal Property Association
DLA	Department of Land Affairs
FAO	Food and Agricultural Organization of the United Nations
HEARD	Health Economics and AIDS Research Division
HIV	Human Immunodeficiency Virus
HIVAN	Centre for HIV/AIDS Networking
HSRC	Human Sciences Research Council
IDP	Integrated Development Plan
KZN	KwaZulu-Natal
KwaNalu	KwaZulu-Natal Agricultural Union
NDA	National Department of Agriculture
NGO	Non Government Organisation
PDA	Provincial Department of Agriculture
PDLA	Provincial Department of Land Affairs
SARPN	Southern African Regional Poverty Network
UDW	University of Durban-Westville
UND	University of Natal, Durban
UNDP	United Nations Development Programme
UNP	University of Natal, Pietermaritzburg

1. INTRODUCTION

1.1 SEMINAR OBJECTIVES

The objectives of the seminar were essentially to link role-players around the region, and in particular KwaZulu-Natal, for whom poverty reduction was a major objective, to actively stimulate open debate around the issue of HIV/AIDS and land reform and to consider policy, strategy and implementation that is more effective in engaging with the pandemic in the land reform programme in South Africa. These objectives have been elaborated in section 1.4 below.

1.2 PROGRAMME

The seminar was held at the Leeb du Toit Council Chamber at the University of Natal, Pietermaritzburg, on the 23rd of November 2001. The participants were drawn from national and provincial government departments, local and regional NGOs, the provincial farmers' association, local and regional development organisations, research institutes, and academics. See **Annexure One** for a full list of participants with their contact details.

The event was designed to be participatory and to create an environment of shared learning. Several papers were presented at the outset to provide background information to the pandemic in KwaZulu-Natal and of the Department of Land Affairs' HIV/AIDS policy. The issues raised in discussion after these presentations were then discussed and debated in an interactive and creative process, which intended to help participants engage with the difficult subject.

The seminar was facilitated by Tessa Cousins who has considerable experience in workshoping such events and in the rural development and land reform arena with particular expertise in community participation.

1.3 STRUCTURE OF THE REPORT

The report has been broken down into five sections. The first section outlines the background to the seminar and its objectives. Section Two presents an overview of the impact of HIV/AIDS on land followed by an assessment its impact in KwaZulu-Natal. The Third section presents an overview of the existing HIV/AIDS policy adopted by the South African Department of Land Affairs and experiences of its implementation. Section Four identifies the key issues and challenges facing land reform, agricultural development and rural development more generally. The final section develops a way forward and attempts to provide creative solutions for practitioners facing these challenges in KwaZulu-Natal and beyond.

1.4 BACKGROUND OF SEMINAR AND ELABORATION OF PURPOSE **- Dr Scott Drimie, Co-Ordinator, SARPAN, HSRC**

Dr Drimie outlined the background and objectives of the seminar. These are summarized below and provide a useful context and framework for future collaboration on the impact of HIV/AIDS on land in the province.

The Southern African Regional Poverty Network (SARPAN) hosted a two-day conference on land reform and poverty alleviation in June 2001. In keeping with the goals of SARPAN, the conference was designed to facilitate the sharing of perspectives on land issues in several Southern African countries and to generate debate about how pro-poor policy processes may be incorporated into land reform policy options in the region. During the conference the issues surrounding the impact of HIV/AIDS on land reform received significant interest partly as a response to the perceived dearth of information and policy research on the issue. It was commonly agreed that the impact and trends of this pandemic should be a central feature of conducting land reform. The failure to do so was deemed to be professionally negligent, a misuse of resources for poverty reduction and unlikely to achieve stated policy objectives. Therefore it was proposed that SARPAN should host a workshop on the impact of HIV/AIDS on land reform and rural development in collaboration with a number of specialists from around the region.

SARPAN has established a partnership with the HIV/AIDS Network (HIVAN) based at the University of Natal, Durban, which has a considerable network and expertise in the HIV/AIDS field in KwaZulu-Natal, the heartland of the epidemic in the region. As a preliminary step towards engaging with these challenges, SARPAN and HIVAN therefore arranged this small seminar to explore the issue with a number of representatives from the land, agricultural and health sectors and to set an agenda for a larger workshop to be held in 2002 in a rural location in the province.

The steering committee driving this process has consisted of SARPAN and HIVAN, which worked in close consultation with the National Department of Land Affairs HIV/AIDS Desk and the Director of the KwaZulu-Natal Provincial Department of Land Affairs. The SARPAN/HIVAN partnership acted as a “secretariat” that has facilitated the process. Both SARPAN and HIVAN are essentially about facilitating networking, not about owning processes or research. Their main objectives in guiding this process have been:

- To link role-players around the region for whom poverty reduction (related in this instance to HIV/AIDS and land reform) is – or should be - a major objective
- To act as a catalyst for policy, strategy and implementation that is more effective in reducing poverty by disseminating key information and opinion on poverty issues and by actively stimulating open debate.

The specific objectives of the 23 November 2001 seminar were:

- To initiate discussion around HIV/AIDS and land reform by creating a forum in which a small group of civil society, government and academic representatives

with knowledge on land, agriculture, HIV/AIDS, local government and development in the KwaZulu-Natal province, could meet together with regional experts. It was hoped that this forum would identify the broad issues for further consideration, as well as the key players and initiatives in this area.

- To facilitate the development of a network, which would support further discussion, collaboration and dissemination of information on the impact of HIV/AIDS on land in KZN.

Depending on the consensus of the participants, other suggested objectives were:

- To devise an agenda for a workshop to be hosted in early 2002 in a rural municipality in KwaZulu-Natal. It is hoped that this workshop would begin a process of both conceptualising and discussing mechanisms to mitigate the impact of HIV/AIDS on land reform processes. The workshop would be conducted with practitioners and officials on the ground who are faced with the challenges of the pandemic on an daily basis. It should be emphasised that the process is not intended to create additional tasks for land and health officials and practitioners but to effectively enable them to think through these issues and incorporate such thinking into their work
- To identify research issues for further consideration and collaboration

Dr Drimie noted that this seminar is not happening in isolation and will be coupled to a number of other processes which are unfolding in the region to give it added impetus. SARPAN has established a partnership with the Zambian Land Alliance and the Oxfam-GB offices in Lusaka to develop a similar workshop focusing on land rights, agricultural development and HIV/AIDS. Similarly, another process is unfolding in Malawi with Oxfam-GB and CARE International. A proposal from FONSAG in Botswana is also been developed by SARPAN in order to explore a related event in Gaborone,

In addition to these one-day workshops across the region, there are two research initiatives which this seminar will be linked to in terms of sharing research findings, feeding into future debate and influencing policy. The Food and Agricultural Organization of the United Nations has contracted the Integrated Development Programme at the HSRC to co-ordinate a three-country study of HIV/AIDS and land tenure. The HSRC will draft a synthesis document from the studies of Kenya, Lesotho and South Africa and facilitate a workshop to discuss the major findings in March 2002. This research has been linked in terms of objectives and methodology to a study undertaken by Oxfam-GB in Malawi and Zambia.

1.4 OPENING SESSION

- Ms Tessa Cousins, Facilitator

Ms Cousins, the facilitator for the seminar, welcomed everyone present and thanked them for their participation. As the impact that HIV/AIDS is having, and will continue to have,

on rural development is a new and an emerging area of concern she asked that each of the delegates introduce themselves briefly and indicate what their main concerns were with regard to HIV/AIDS and rural development and why; in order to hear each others perspectives and assumptions. The concerns expressed provided both an important basis on which to begin discussions within this diverse group on the effect that HIV/AIDS will have on the land, agriculture and health sectors and marked the direction for future such forums, policy development and research.

To summarise, there was general consensus from all delegates that the HIV/AIDS pandemic was impacting on all sectors of South Africa and that it had the potential to seriously undermine development. Particular concern was expressed about the impact and implications of HIV/AIDS for access to land, land and food security, sustainable livelihoods and development. However, delegates felt that in order to know how best to respond to the effect of HIV/AIDS there was a need for more information about how HIV/AIDS is affecting each particular sector, the implications for and impact on each sector, and how the relevant sectors were currently dealing with HIV/AIDS. It was hoped that this seminar would help to provide both information and answers to some of these concerns.

Several delegates expressed concern at the lack of cohesion between planning and implementation of policies, between policy makers, land officials and the communities they serve. The need was also expressed to galvanise research, policy and implementation and to bring these areas together in a more co-ordinated manner to provide a more effective response to HIV/AIDS. Some delegates felt that the seriousness of the pandemic called for the land, agriculture and health sectors to be brought together to find workable mechanisms to mitigate the effect of the HIV/AIDS pandemic on these sectors. It was hoped that this seminar could begin this process of developing a multidisciplinary and cohesive response to HIV/AIDS.

The next section comprised of a number of formal presentations. As power point slides or notes were provided in most instances, these have been appended, and the minutes reflect a summary of the presentation's main points. The presentations made were as follows: the specific and anticipated impact of HIV/AIDS on land; an overview of the socio-economic impact of HIV/AIDS in KwaZulu-Natal; and a report from the DLA HIV/AIDS desk on existing land reform HIV/AIDS policy and its integration into programmes within the department.

2. OVERVIEW OF THE CURRENT SITUATION

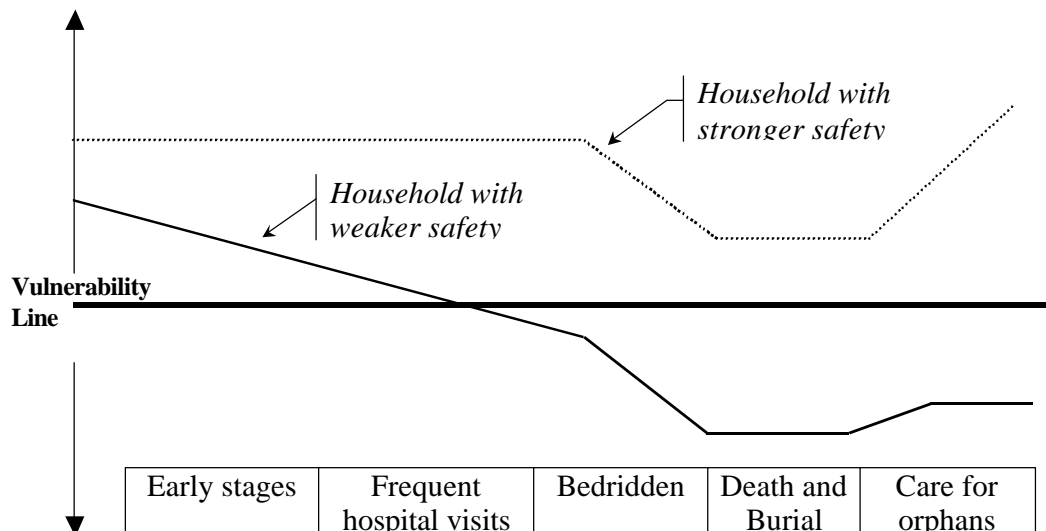
2.1 THE IMPACT OF HIV/AIDS ON LAND

- Mr Dan Mullins, Oxfam-GB

Mr Mullins set the scene for the seminar with an overview of the current and potential impact of HIV/AIDS on land and agriculture, categorizing the impact into three areas: people / households, use of resources and institutions. He indicated that an important starting point is to look at the phases through which people progress when they have HIV/AIDS: asymptomatic; early illness; chronic illness; critical illness; death and lastly, survivors.

Each phase of the disease is associated with a different impact. It is important to note that there is another category on this continuum beyond death of the infected person, that is, the category of survivors. HIV/AIDS has a massive impact on those left living – there are many more affected than infected people. Mr Mullins referred delegates to the diagram below, which shows the value of use of micro credit at various stages of illness to reduce vulnerability of households. That is, households with a stronger economic safety net and a wider range of options (including land) to draw upon during the crisis are less vulnerable at each stage of the continuum of HIV/AIDS illness than their poorer counterparts. Policy makers and planners need to note this as it affects the relevance of their interventions in any community.

The effect of HIV/AIDS on households/livelihood strategies



The dotted line represents the rate of degradation experienced by a household with a stronger economic safety net and a wider range of options (including land) to draw upon during the crisis. The other line represents the rate of economic degradation experienced by a household with a weaker safety net. The different rates of degradation appear to

pivot on the presence or absence of physical assets, business income and access to credit or savings.

Turning next to the impact HIV/AIDS has on people and households, he indicated that there is a general pattern as people move along the continuum of HIV/AIDS illness. We know from statistics that HIV/AIDS affects the most economically productive members of the population. At a household level the impact of this is significant with labour, skills and experience, income and expenditure of the household all being affected. Briefly, as illness progresses so the ability of the infected person to earn an income is reduced, the household loses its primary source of income, placing a strain on household income and resources. Loss of skills and experience is also a growing problem as the most productive members of the household die before they are able to pass on their experience and specialist skills to the next generation. This reduces the ability of other members of the household to recover from expenses incurred. Further pressure is also placed on the household budget as cash is used to pay for medication, and time of family members is diverted away from other activities (like farming) to caring for the sick. Households ability to cope will also depend on the extent to which they can adapt to the changes in household composition (age, gender) brought about by HIV/AIDS, and their ability to take on new roles and responsibilities. Policy makers and planners need to note these changing relationships in households as they will affect both with whom they engage and how they plan interventions.

HIV/AIDS also impacts on the use of resources. Ill health, and time spent in caring for sick, reduces time spent in farming, leading to under utilization of resources and reduced productivity. In some cases this has resulted in changing use of land as households move away from more to less labour intensive, and often less nutritious, type of crops. In some cases land has even been left fallow or abandoned. Other households have been tempted to rent out or sell their land in order to raise extra income to meet additional household expenses due to HIV/AIDS. Selling off productive resources like land and farming implements has critical long-term implications for the household, increasing their vulnerability and sustainability in the long term. Forced removal of widows from land and property grabbing have also become issues that needs urgent attention from policy makers and land officials.

Mr Mullins looked also at the impact of HIV/AIDS on institutions (like health, welfare, Department of land and agriculture). HIV/AIDS has implications for their sustainability, effectiveness and ability to cope with increased demands. He noted that HIV/AIDS would increasingly impact on and change the environment of institutions. People and cliental, as well as ways of working with people will change, and there is likely to be a significant effect on morale. The internal capacity of organizations will also be affected as more staff become infected and affected. Most notably, as infection rates increase, so too will absenteeism and staff productivity will decrease. This will be coupled with increasing financial costs to the institution in retraining staff to replace those who fall ill and die, severance and hiring, loss of time, drain on medical aid funds, increased death benefits and pension payouts. Staff turnover will also increase as staff get sick and need

to be replaced, and competition for skilled staff will increase as the pool of skilled and experienced individuals is reduced.

He concluded by saying that the result of the above scenario is that we need to assess and reassess regularly the quality and relevance of the current services our institutions provide. We may find that we need to be addressing things differently. We should also be asking what we should be doing to safeguard our business and ourselves so that we are sustainable in the future.

Annexures Two and Three contain papers that will provide further details of the impact of HIV/AIDS on land. They are a paper presented by Mr Mullins at the SARPN conference and a Briefing Note disseminated to all seminar participants before the event.

2.2 OVERVIEW OF THE SOCIO-ECONOMIC IMPACT OF HIV/AIDS ON KWAZULU-NATAL

2.2.1 THE SOCIO-ECONOMIC IMPACT

- **Ms Lucinda Franklin, Research Fellow, HEARD**

Ms Franklin provided the delegates with an overview of the current and future trends in HIV/AIDS in South Africa. She focused particularly on the demographic, economic and social impact of the disease and also provides some suggestions as to the socio-economic determinants of HIV/AIDS for KwaZulu-Natal. A comprehensive set of power point slides is provided in **Annexure Four**, therefore the minutes reflect on overview of the critical points of the presentation.

HIV in South Africa

Statistics from antenatal clinics show that KwaZulu-Natal is worst affected province in South Africa. Looking at infection rates by age ranges, it becomes clear that it is the economically active population, those between the ages of 20 to 35 years, who are infected, with infection rates at an alarming 30% in 2000 in the age range 25 – 29 years. In 2001 it is estimated that 4.2 million South Africans are infected, and it is projected that these figures will rise by 2010 to 6 million. The implications and impact of such infection rates are serious, and will be felt at all levels and in all sectors.

Demographic Impact

While deaths due to non-AIDS related factors have remained relatively constant since 1995, deaths due to AIDS have been rising steadily and rapidly during this time. By 2015 over ½ deaths will be aids related, and as noted before it is the economically active population that are infected and dying. The numbers of AIDS orphans is a growing reality and concern - by 2010 it is estimated that there will be about 2 million aids orphans.

Economic Impact

The economic impact will also be significant. Increased morbidity and mortality is resulting in both a smaller and younger economically active population. All levels of society will be affected, from the individual through to government, and the resulting economic affect at each of these levels has a compounding negative effect on the macro-economy of South Africa. The details of the effect at each level (individual, household, labour market, firm/sector, government) can be noted in **Annexure Four** (slides 13 to 17).

Social Impact

HIV/AIDS has resulted in significantly increased demand on the health and welfare system and it is anticipated that this will grow. It is anticipated that social services will find it increasingly difficult to cope as the demand increases whilst staff levels and productivity are affected by the disease. It is anticipated that HIV/AIDS will also impact negatively on the psychological well-being of society due to the cumulative effect of parental death, educator illness, increased death in communities and increasing numbers of AIDS orphans, as well as they inability of traditional arrangements to cope with the impact of the disease.

Conclusions

HIV/AIDS is the single greatest threat to development in South Africa and the prospects for South Africa, and for KwaZulu-Natal as the province with the highest rates of infection, are gloomy. The pandemic has already reached very high levels in both KZN and South Africa and is set to rise for several more years. The resultant increase in death will change the structure of the population and will impact most severely on individuals and households. The macroeconomic impact will be felt in the long-term.

HIV/AIDS is not simply a public health problem - the epidemic demands a committed and innovative multisectoral response.

2.2.2 THE IMPACT ON EDUCATION **- Peter Badcock-Walters, HEARD**

Mr Badcock-Walters has considerably experience in monitoring the socio-economic impact of HIV/AIDS and more specifically the impact that it will have on the education system in the SADC region. When comparing the impact and trends of the South African situation with that of the fourteen countries in the SADC region it is clear that the effect of HIV/AIDS that we are experiencing in South Africa is not unique. He also stressed that the focus of the problem cannot just be with those infected. Many more people are affected by the pandemic and their needs will have to be accommodated. We need to ask ourselves what kind of society and what systems will be left in the wake of the

HIV/AIDS pandemic. Mr Badcock-Walters made the point that Government has an amazing opportunity to start now with systemic reform to ensure that it makes the changes necessary to enable it to cope in a system affected by HIV/AIDS.

Turning to education, he stated that HIV/AIDS is the largest management issue facing education and will impact every aspect of management, teaching and learning for decades to come as well as the social environment in which education occurs. The primary impact of HIV is that it will explode the scale of existing systemic and management problems in education, with the result that the sustainability of the system is at risk. He says that managers and educators are 70% more at risk than the general population.

Mr Badcock-Walters presentation is attached as **Annexure Five**. In summary he outlined the extent of the impact of HIV/AIDS on the education system - enrolment was declining, drop out rates and attrition were increasing and growing numbers of teachers were leaving the system, both as a direct and indirect result of HIV/AIDS. As the education system did not exist in isolation of other systems in the province there would be a knock on effect in the rest of the systems: the impact on education will impact the communities in which it is provided and mirror dynamic changes in population and the needs of those populations. In particular, he noted that the decline in the number of experienced teachers in communities would have a consequent effect on availability of teachers to guide and influence community life. The impact on education could also reduce the flow of skilled labour and increase the flow of unskilled and dependent labour, which resultant implications for land and agriculture. Child labour on the land and in the home might also increase.

He also stressed an important point, that the impact of HIV/AIDS is not uniform throughout the province but geographically variable with identifiable “hot spots”. There are many reasons for this; however, there are strong correlations between areas of high HIV/AIDS infection, households in poverty, socio-economic deprivation and areas of greatest impact on the education system. Policy makers and planners would plan far more effectively if such correlations and variations in impact were taken into consideration in policy, planning and implementation (not only in education, but also applicable to land, agriculture and health). He also outlined a number of other important lessons or considerations for land reform:

- Population profiles are changing dynamically with the most economically active group at greatest risk;
- Growing numbers of dependent orphans, school drop-outs and other vulnerable children will be seen in the community and in migration patterns;
- Household and community ‘wealth’ will decline due to loss of bread winners and subverted expenditure;
- There will be a decline in the number of experienced teachers in communities and consequently in their availability to guide and influence community life;
- Growing incidence of illness and mortality will change the social patterns of community life and work;
- Demand projections for land, services and systems may require major revision;

- Impact on education will reduce the flow of skilled labour but increase the flow of unskilled and dependent labour;
- Incidence of child labour on the land and in the home may increase;
- Demand for training in land use coupled to access *may* increase, with capacity to stem the degree of likely migration.

3. OVERVIEW OF EXISTING LAND REFORM HIV/AIDS POLICY AND INTEGRATION INTO PROGRAMMES

3.1 OVERVIEW OF THE DLA HIV/AIDS PROGRAMME AND THE CHALLENGES FOR IMPLEMENTATION – Ms Coletane Carey, Co-ordinator, National DLA HIV/AIDS Desk

Ms Carey was appointed in May 1999 to spearhead the HIV/AIDS response for the DLA in all nine provinces of South Africa. This involved setting up an internal, external and outreach programme for HIV/AIDS and HIV/AIDS Committees in each of the nine regions. She describes the role as “mission impossible”.

Each of these programmes is outlined in detail in **Annexure Six**, which also includes a copy of the DLA HIV/AIDS policy. These programmes and the challenges they present are summarized briefly below.

Internal HIV/AIDS Programme

The DLA has dedicated a budget of R800 000 and a full time national co-ordinator to address their internal HIV/AIDS needs. As the Co-Ordinator, Ms Carey was tasked with developing a DLA staff programme around HIV/AIDS. She encountered considerable resistance from staff from the outset. An initial needs assessment, canvassing all 2800 staff, which was circulated together with a draft policy, received a response from only 156 staff members. Nevertheless, she has managed to make considerable progress with the internal HIV/AIDS programme. The DLA finalized its HIV/AIDS policy and launched it in all nine provinces in August 1999; AIDS Committees have been established in each province and are functioning well in most; and an HIV/AIDS business plan has been developed and some of its strategies are already being implemented. One of these strategies is a comprehensive educational programme with basic HIV/AIDS training being provided throughout the DLA offices countrywide to ensure that staff are sensitized to HIV/AIDS. Education has also been tailored to the needs of specific staff in the DLA (peer education, legal education) and monitoring and evaluation tools have been developed to assess the impact of the internal programme. HIV/AIDS also receives priority on the management agenda of the DLA, being a standing item on the EXCO agenda. The DLA is furthermore, an active participant on the Interdepartmental Committee on HIV/AIDS, a forum for all National Government AIDS programmes.

The DLA’s commitments for 2001 – 2002 are:

- to establish linkages between implementation of land reform projects for beneficiaries and AIDS programmes
- to develop a support programme for infected and affect staff
- to sustain the involvement of a PWA in order to strengthen the DLA HIV/AIDS programme. This was achieved in August 2001 when Ms Tyku, a PWA, was seconded from the Department of Health.

- to establish community outreach programmes with national and provincial AIDS service organisations

The External Programme of the DLA:

The DLA is committed to use its resources to reach all land reform beneficiaries and to advocate for them to develop HIV/AIDS responses. This commitment is embodied in the DLA HIV/AIDS policy. However, extending the AIDS programme to land reform beneficiaries is still in the planning phase and Ms Carey stated that she hoped that this seminar will assist in thinking through the processes necessary to implement the policy.

The plan consists of three main phases, the first is a situational analysis of existing community structures, factors increasing risk of infection and needs around HIV/AIDS; the second phase is to establish HIV/AIDS Committees and community links; and the third phase is the implementation phase involving AIDS awareness talks, AIDS education, care, support and impact monitoring. The plan is detailed in **Annexure Six**.

Challenges:

Ms Carey noted a number of challenges that the HIV/AIDS programme has and is still facing with the DLA. A major challenge is that HIV/AIDS is not seen as a priority for planning at the DLA and there is a consequent lack of urgency, commitment and insight into the impact of the pandemic from some management and staff. There is a need for more training of management and development of care programmes for staff and beneficiaries. HIV has also not been integrated into land reform programmes. To date there has been no co-ordination of land affairs and agriculture programmes on HIV/AIDS which has limited progress however Ms Carey is now collaborating with her counterpart at the National Department of Agriculture. The DLA programme is also understaffed at present, making it difficult to extend existing effort and effect implementation of the policy at a national level. Lack of support has also affected the operation of the HIV/AIDS Committees at provincial level.

3.2 THE ROLE OF THE PWA IN THE DLA HIV/AIDS PROGRAMME

- Ms Vilas Tyku, National DLA HIV/AIDS Desk

As noted above, Ms Tyku was seconded to the DLA HIV/AIDS desk in August 2001. As an HIV positive person her role is to facilitate the HIV/AIDS programme of the DLA by giving HIV/AIDS a human face and, in this way, helping to destigmatise HIV/AIDS in both the workplace and at the community level. She calls herself a “VIP” or viral infected person. Her role is also to provide information to land beneficiaries about HIV/AIDS and its relevance to their lives. The education component goes beyond awareness and protection to linking communities with relevant support systems and assisting communities to develop coping measures that will help them to maintain a stable community and workforce in the era of HIV/AIDS.

She has been piloting the beneficiary programme at five farms in the Western Cape but has encountered a number of problems that have to date, made it impossible for her to effectively begin to implement the policy. She believes that this is largely because planners do not see HIV/AIDS as their priority; they have their own pressures, plans and protocols that complicate her ability to work. Ms Tyku believes that financial restraints are also a major reason for the planners' resistance to her work: The Government has distributed land to disadvantaged communities but failed to provide financial assistance. This has angered the land beneficiaries and made them reluctant to get involved in the HIV/AIDS project when their immediate priority is providing sufficient food for their families.

The rather ominous result is that while the DLA is committed to HIV/AIDS and its HIV/AIDS policy is operating internally, on the ground nothing is happening

3.3 RESPONSE FROM PDLA & PDA

3.3.1 Response from Mr Sy Nkabinde, Deputy Director, PDLA

Mr Nkabinde stated that as land reform planners the PDLA is supposed to help land reform beneficiaries and communities with HIV/AIDS, but that in practice this is not easy. However, he stressed that they hope to become more equipped and that they will then be able to assist the communities they deal with a great deal more effectively than they are able to at present. He said that part of the problem is that most land reform beneficiaries are in rural communities and are in the age group of 18 years upwards (the high risk category for HIV/AIDS infection). Most of these land reform beneficiaries have dependents – on average 3.4 dependents per beneficiary. This means that 34 000 infected people is multiplied into 100 000 affected people. This is a lot of people to assist. He also cited a lack of HIV/AIDS education amongst land reform beneficiaries as a problem. Talking about HIV/AIDS is still problematic. People do not attribute illness and death to HIV/AIDS and as a result it is difficult to get a clear indication of which households are infected and Department of Health statistics have to be relied on. Coupled with the low-morale of DLA planners and the very high turn-over of provincial staff, the challenge of HIV/AIDS for PDLA seemed immense. Mr Nkabinde felt that there was a need to strengthen the activities of the various sectors working on these issues and there was a need for a support programme for land reform beneficiaries.

3.3.2 Response from Dr Iona Stewart, Part-time AIDS Co-Ordinator for the Provincial Department of Agriculture

The major problem for the PDA AIDS co-ordinator was the fact that she is not full time employed by the Department of Agriculture and yet there is a need for concerted effort and attention around HIV/AIDS. Dr Stewart sees her job as educating all levels on Department on AIDS, its effects and impact on food production. She says that for agriculture the priority focus and responsibility has to be increasing food production from the land, so that South Africa can support its population, and AIDS survivors. She says

that she relies on the Departments of Health and Land to support other activities that are within their area of expertise.

4. IDENTIFICATION OF KEY ISSUES AND CHALLENGES

4.1 INTRODUCTION

Drawing on the presentations, as well as the experiences and expertise within the group, this session focused on the key issues and challenges facing land reform, agriculture and rural development in the context of HIV/AIDS. Ms Cousins facilitated a group discussion and prioritisation process to elicit and identify a set of key issues and challenges for further consideration by the delegates.

4.2 KEY ISSUES AND CHALLENGES

At the outset of the seminar, delegates felt that in order to know how best to respond to the effect of HIV/AIDS there was a need for more information about how HIV/AIDS was affecting the particular sectors of land reform, agriculture and rural development, the implications for and impact on each sector, and how the relevant sectors were currently dealing with HIV/AIDS. A number of key issues and challenges facing land reform, agriculture and rural development were identified during the presentations. These have been briefly listed below:

4.2.1 *Land Reform and HIV/AIDS:*

- HIV/AIDS fundamentally changes all aspects of the land reform policy as it impacts on both the people whom land reform is intended to benefit and the people staffing the institutions that support land reform
- The DLA HIV/AIDS Policy has emphasized an “internal programme” focused on the education of DLA personnel with little attention on the external programme” and the “community outreach programme” focused on the beneficiaries of the Land Policy
- As a consequence very little progress has been made in integrating HIV/AIDS into land reform planning.
- A number of key questions need addressing for the department to effectively engage with the role land reform can play within communities affected by HIV/AIDS. Policy makers and planners would plan far more effectively if such correlations and variations in impact were taken into consideration in policy, planning and implementation. These questions include:
 1. What is the impact and implications of HIV/AIDS for access to land? For example, selling off productive resources like land has critical long-term implications for the household, increasing their vulnerability and sustainability in the long term. The forced removal of widows from land, as well as property grabbing have become additional issues that needs urgent attention from policy makers and land officials.
 2. Have the demand projections for land, agricultural extension and other services and systems been revised as a result of the pandemic?

- There is great geographic variation in HIV/AIDS impact in KwaZulu-Natal, with identifiable 'hot spots'. This has important implications for DLA planners

4.2.2 *Agricultural Production and HIV/AIDS:*

- Although the Department of Agriculture does not have a concerted HIV/AIDS programme it has identified the priority focus on increasing food production from the land, so that South Africa can support its population, and HIV/AIDS survivors;
- The impact and implications of HIV/AIDS for land and food security at the household and national level are profound.
- At the household level, people who fall sick with HIV/AIDS are less and less able to work productively;
- As a result family members begin to devote more time to caring for them and devote less time to vital seasonal agricultural activities (e.g. planting or weeding);
- When people become sick, vital physical and social assets like cattle or tools are depleted or sold off as they or their families draw on their savings to pay for expensive medical care and then funerals, and for the hire of replacement labour;
- The incidence of child labour on the land and in the home may increase;
- Thus the households' ability to cope depends on the extent to which they can adapt to the changes in household composition (age, gender) brought about by HIV/AIDS, and their ability to take on new roles and responsibilities;
- Policy makers and planners need to note these changing relationships in households, as they will affect both with whom they engage and how they plan interventions.

4.2.3 *Rural Development and HIV/AIDS:*

- The impact and implications of HIV/AIDS for sustainable livelihoods and economic development is immense. Policy makers and planners would be far more effective if the correlations and variations in impact were taken into consideration in policy, planning and implementation, particularly in the following issues:
- Population profiles are changing dynamically with the most economically active group at greatest risk;
- Growing numbers of dependent orphans, school drop-outs and other vulnerable children will be seen in the community and in migration patterns;
- Household and community 'wealth' will decline due to loss of bread winners and subverted expenditure;
- There will be a decline in the number of experienced teachers in communities and consequently in their availability to guide and influence community life;
- Growing incidence of illness and mortality will change the social patterns of community life and work;
- Impact on education will reduce the flow of skilled labour but increase the flow of unskilled and dependent labour;

- Demand for training in land use coupled to access *may* increase, with capacity to stem the degree of likely migration.

4.3 CREATING SOLUTIONS

The presentations provided valuable insight into the potential and real impact of the pandemic on the various land related sectors that were discussed. However, these insights need to be utilised in a pragmatic manner in order to enable land and rural development practitioners to effectively grapple with this immense challenge. It should also be emphasised that although the issues and challenges have been distilled from the presentations and discussions for each sector, the epidemic demands a committed and innovative multisectoral response. All of the issues raised require information and clear strategic planning around them for the impact of HIV/AIDS to be mitigated. Therefore four key policy areas were identified by the seminar as being central for making initial headway against the HIV/AIDS challenge. It was emphasised that practical considerations needed to be explored, as the challenges facing personnel involved in these sectors were immense.

The key policy issues identified by the group were:

1. A need to integrate HIV/AIDS information (both existing and what will emerge) meaningfully into policy level work.
2. Need for mechanisms to integrate our understandings and interventions and co-ordinate beyond each sector: intersectorally and intrasectorally
3. How to start looking at the role of land workers in HIV/AIDS – make practical links to current situation
4. More Community Involvement: a more bottom-up approach to developing policies and programmes / interventions

Delegates then selected an area of particular interest and worked on these key issues. Ms Cousins asked that each group “unpack” the issue they were tasked with by asking the following questions:

- why and what is important about this issue?
- how can we take this forward?
- what do we want to see happening – what does this mean in reality?

The following sections attempts to distill the important challenges facing each policy issue and to detail a “way forward” that is both realistic and effective. The various suggestions were brought forward by delegates, many of whom committed themselves to some responsibility to enable the seminar to create a momentum in the fight against HIV/AIDS in the land sector.

5. THE CHALLENGE: DEVELOPING A “WAY FORWARD”

5.1 A “way forward”: a working group to integrate relevant data for policy purposes

The group identified a need to integrate information about HIV/AIDS and its impact on land reform and agriculture meaningfully into policy level work in order to ameliorate the devastating consequences of the pandemic. In essence, policies needed to be better informed and have practical plans of action to effectively take cognisance of HIV/AIDS.

The real challenge was seen to be taking information that already exists (such as that within the presentations) and then knowing how to integrate it into policy for each sector. This challenge was coupled with the need to identify gaps in the knowledge and the questions that needed to be asked in order to develop pragmatic solutions to the challenges facing land practitioners.

The seminar identified a need for the development of an information baseline for sectors involved in land reform and rural development that would allow each to speak from a position of experience and reflection at regular forums on the impact of HIV/AIDS on their line functions. This would allow for sector appropriate yet co-ordinated interventions.

As a starting point it was felt that there was a need for an overview of what the DLA and NDA were doing in response to the problems of HIV/AIDS. This synopsis of the current situation was seen as a necessary step in starting to develop appropriate policy and interventions. Such an overview suggests that officials from both departments, at provincial and national level, meet with other relevant stakeholders such as NGOs and the Department of Health, to critically evaluate what they were doing and what strategies were required.

It is therefore suggested that a working group needs to be constituted to take this process forward on a regular basis. This working group should be convened by the HIV/AIDS Desk with director-general level support from both NDA and DLA. There is a need to communicate the issues discussed at the seminar to top levels of DLA and PDA. It is important to communicate to management that key people from land reform, land tenure and agriculture were at this seminar and that they all supported its decisions for a multisectoral collaborative approach to developing and implementing policies dealing with the impact of HIV/AIDS. In addition, there was a need to stress the importance and urgency of integrating HIV/AIDS into land and agriculture policies and programmes in an HIV prevalent society. This would serve to build support from top decision-makers at both NDA and DLA.

Once this support was secured, the working group was to be convened by the HIV/AIDS desk. This group would largely consist of interested participants at the seminar and additional expertise in the land, health, agriculture, and development sectors. Interested parties from other groups from within civil society and the private sector were also to be invited to participate.

As one of its central functions, this group would set out to collate and integrate information from the participating institutions, in particular DLA and NDA. It was suggested that a facility required for the storage and dissemination of the information could be available at HIVAN. The electronic facility would act as a clearing-house of collected information and would be accessible for wider dissemination. An additional challenge to the seminar participants was to actively source information and deposit in this storage and dissemination facility.

The information would then be available to influence policy through dissemination to political stakeholders and the regional sectors. Therefore the need to integrate HIV/AIDS into every aspect of the DLA and NDA work could be initiated and practically supported.

A need was also identified for a mechanism to pull together / co-ordinate sectoral information so that it is transformed from information into informed action. This challenge should be taken up by the HIV/AIDS desk with capacity and support from the national departments involved and the working group. It is suggested that they relevant personnel assess the Integrated Sustainable Rural Development Strategy as a possible forum to extend their activities. The desk was therefore faced with the challenge of mobilising the working group, to develop appropriate forums and to build on the support from national level officials.

This national or provincial level process needed to be complimented by similar processes closer to the people both implementing and benefiting from land reform. For example there is the need to work with planners as to *when and how* to integrate HIV/AIDS into the project cycle. Policy cannot be developed in isolation of the “on the ground” activities. This suggestion is developed below.

5.2 A “way forward”: an intervention at the local level to help develop an effective policy

Considering the lack of success the DLA HIV/AIDS desk had experienced in integrating their mandate in some provinces, it was suggested that it would be strategic to implement such an overview in KZN where the seminar had already served to strengthen ties between the HIV/AIDS desk and provincial officials. This process would be built on in other provinces at a later stage.

This also meant an integration of detailed information of how HIV/AIDS was impacting at local situations – namely the level of the individual and household. This information would allow appropriate, practical considerations to be made in addressing how locally based people could sustain land and food in the face of the pandemic. There was therefore suggested that there was a need to establish relevant information through:

- mapping and integrating information on current land reform activities which would focus HIV/AIDS efforts where there is high prevalence
- monitoring and evaluation of such projects

- household studies / quality of life surveys
- multiple land and non-land based livelihood activities

Once this type of information was established it would be possible to think through appropriate interventions for land reform for beneficiaries that were affected in specific ways by HIV/AIDS. Relevant strategies could then be operationalised to target particular areas as pilots, e.g. the Drakensberg development projects. If HIV/AIDS was factored in as a major component of the pilot project then attention would be gained from a range of agencies, particularly international institutions such as donors who have targeted the pandemic. Such strategies should include:

- Settlement and land use planning
- Rural re-organisation
- Access to roads, energy, water

This implies that the strategies should be integrated with other agents of development such as government departments, NGOs, CBOs, research institutions and international agencies. The specific intervention should be workshopped with local government in terms of planning and service provision to the beneficiaries of land reform. In order for such strategies to be followed through it was suggested that a local institution, possibly a NGO, should facilitate the process to ensure that a policy change was implemented with the required commitment from the responsible agencies.

It was debated at the seminar whether this “local” workshop should be with officials or with community representatives or a combination of both. It was decided that while a community level workshop was needed, this would have to be preceded by discussions with officials at the national and provincial level. This was in order to sensitize management in both DLA and NDA about the issue. This has been discussed in Section 5.1.1. Once support has been achieved with this level then local workshops should be conducted with officials (planners, extension officers), local councilors and agencies such as the UNDP who would bring in experience of similar initiatives from around the region.

An additional strategic objective of the pilot should be to integrate HIV/AIDS into the performance management system in the project being implemented. This would enable the HIV/AIDS desk at DLA to persuade the management and leadership within the department to realise what the pandemic is doing at the beneficiary level. Another objective of the HIV/AIDS desk should be to persuade management that job descriptions and performance management systems should include clauses that encourage or ensure that HIV/AIDS is factored into work being done, and also in the work place policy. This would be coupled to the implementation of HIV/AIDS awareness programmes amongst the staff and the land reform beneficiaries.

The purpose of such a process would be to **develop a clear approach on how to integrate HIV/AIDS practically into policies** before involving communities in implementation.

5.3 A “way forward”: integrating the role of land practitioners within a context of HIV/AIDS

It was suggested at the seminar that within the process of developing a local intervention a number of scenarios for particular situations be developed, which can then become a general framework that would guide implementation of policies at a local level. The framework could be adjusted to particular situations to help officials and communities cope with problems and impact of HIV/AIDS as it starts to affect that community.

These scenarios would help planners and other officials working at the local level implement the strategy or policy when faced with difficult situations at the local level. The tools and monitoring mechanisms would be developed at the local level workshop where the officials on the ground could find practical solutions to the problems they are facing. Gabriel Rugalema suggested that the UNDP have a programme intended to strengthen sectoral initiatives which could be utilized by DLA in this process.

Ultimately the pilot projects would be intended to integrate HIV/AIDS scenario planning into the business plan that is produced for each community when land reform projects are implemented.

Some of the practical considerations and questions that needed to be asked within the scenario planning include:

- Understanding the socio-ecology of the epidemic – relevant questions need to be answered around the following issues for instance:
 - Poverty – livelihood insecurity: food, poor land productivity, landlessness, lack of income, lack of employment
 - Migration
 - Poor health infrastructure
 - Gender (vulnerability) – property rights

- Understanding the impact of the epidemic – relevant questions need to be answered around the following issues for instance:
 - Loss of labour
 - Orphans / child headed households
 - Loss of income and other assets (including land)
 - Food insecurity
 - Poverty
 - Skills and experience
 - Cost implications
 - Tenure (security of)

- Getting PDLA and PDA staff to understand the relevance of HIV/AIDS in the mandate of their Departments – this can only be achieved through:
 - Advocacy

- Capacity building (including training)
- Management issue: HIV/AIDS integrated into policies / plans
 - Land reform
 - Improvement of agricultural production initiatives
 - Food security
 - Farmers (new cadre)
- Communities – adapt to morbidity and mortality
- Create capacity to link up with service providers dealing with HIV/AIDS issues
 - Data availability: gaps, sharing and mutual management
 - What:
 - Services: land rights for survivors, home based care, food security, counseling, gender equality
 - Gaps
 - Identify partners
 - Advocacy and campaigns
 - World AIDS Day
 - Drugs and treatment
 - Rights of survivors
 - Who:
 - NGOs, CBOs, FBOs
 - Universities
 - Government departments, DoH, DSD, DLG etc
 - Other agencies
- Planning for land reform projects – take cognizance of the impact of HIV/AIDS
- Facilitation and co-ordination
 - Monitoring and evaluation – programmes, progress
 - Feedback into policies and programmes
 - Sharing or resources / synergy
 - Information management
 - Sharing experiences

5.4 A “way forward”: developing a more bottom-up approach within policies and programmes / interventions at the local level to help develop an effective policy

The seminar identified a need for a co-ordinated effort so each sector engages in focused work but in co-operation with all other sectors. This however needs to happen at a grassroots level rather than at a provincial or national level. Policies are often developed too far away from the coalface of the problems faced by land reform officials and land reform beneficiaries. It was also noted that there are locally specific understandings of (or ways of expressing information about) HIV/AIDS that cannot be captured unless you work at a grassroots/community level.

- Need to understand why community participation generally has not worked. Find new methodologies for facilitating community engagement.
- Stigma is a major barrier. Must be overcome. How?
 - Explore how done elsewhere (Uganda)
 - Local-level discourses / emphases / language. Identify key people in communities to do this.
 - Do we really understand nature of stigma?
- Facilitate community-identified solutions
 - Qualitative participatory research – context
 - This forms basis for interventions
 - Assets based approach
 - Physical, intellectual, human resources
 - What do communities have of these resources?
- Once land has been identified, find people from agriculture, land, rural development, and HIV/AIDS (health). Should discuss problems and how to manage the situation.
- Land reform should be geared towards empowering communities to help themselves.

- Process of Community Involvement:
 - Redistribution of land has to take place FROM THE START with the identified land beneficiaries and their community
 - HIV/AIDS (potential impact) will have to be integrated from the start
 - The goal and understand must be
 - that the land will be used and managed productively and
 - feedback will be necessary - via regular forums to address problems and priorities
 - that assistance will be provided when land reform beneficiaries bring problems to attention of forum – e.g. training in new farming techniques, health & welfare service delivery as HIV/AIDS impacts on community
 - Foster a sense of openness and engagement – buy in and commitment from officials, health providers and land reform beneficiaries to find new ways of implementing land reform in era of HIV/AIDS
 - This requires a need to identify from the outset
 - Key issues and expectations
 - Put all issues that pose a challenge to land reform implementation (e.g. HIV/AIDS) on the table
 - Key individuals in community – leaders (chiefs, indunas) with whom you can work
 - Key community structures should be involved to ensure buy-in
 - Reason: to ensure that this process becomes a priority for the community and that the community is accountable and empowered to sustain development on the land redistributed to them.
 - Needs to be a series of meetings to discuss progress and problems

- Policy makers and planners need to work with communities to find solutions or mechanisms to manage the problems that arise during implementation, including those created by HIV/AIDS

5.5 A “way forward”: Developing an agenda for future research

It was discussed that a research agenda needed to be developed to help identify policy issues and gaps, particularly around the following areas in relation to HIV/AIDS:

- Identify how people qualify to get land in the land reform process? i.e. Who are the decision makers / who decides who gets the land
- How much land is available?
- What do people need the land for?

Dr Drimie noted that the reports on the FAO (Kenya, Lesotho, SA study) and Oxfam (Zimbabwe and Malawi) studies would soon become available on the effect of HIV/AIDS on land tenure at community level in these countries. These studies will inform the above questions, and form a basis for further, more detailed, research. Furthermore, the FAO study will be workshopped in March 2002 and invitations would be extended to delegates from this forum who would be interested in attending.

Other research questions needed to revolve around:

- Effective utilisation of the land by the recipients – who controls or makes sure that the land is used effectively?
- What structures are there to ensure effective utilization?
- Are there legal structures to enforce this? Legal institutions could formalize partnerships in land use.
- Are there enough resources to use the land?
- Need to identify stakeholders
- Need for gender sensitive approaches concerning land
- Need to protect individuals rights to land –security of land tenure
- What are the key issues / causes for illegal settlement?
- Research into indigenous diets – utilize locally available foods / crops
- Role played by micro-enterprise development in sustainable utilization of land
- Research should be seen as a management tool
 - A mechanism for mobilising existing research, data and monitoring capabilities
 - Identify what, where and why and disseminate results / reports
 - Responsibility for picking up on research needs and prioritizing necessary research by DLA and other bodies. I.e. who takes things forward!!!

In order for headway to be made with this research agenda a number of key players and resources needed to be identified.

- Research institutions – academic institutions
 - HIVAN undertakes to circulate information and ensure regular feedback so that momentum is not lost
 - SAPRN, HSRC will link today's forum with the upcoming reports from and activities of the FAO and Oxfam studies.
 - HSRC Cape Town's SAHARA (Social Aspects of HIV/AIDS and Health) Journal:
 - A new Social Science HIV/AIDS Journal to be produced quarterly for SADC region
 - The journal will be accessible through the SADC MRC portal.
 - SAHARA invites input from land reform and sustainable development
 - Will collaborate with Ms Carey at NLA HIV/AIDS Desk about designing the appropriate questions for an effective understanding of HIV/AIDS and land.
- Community
- Government departments
 - Need a working group from those present today to carry the momentum of today's seminar forward: – Ms Carey agreed to invite delegates from today's seminar onto the working group.
- Private sector
- Regional Institutions

In order to take this research agenda further, a decision was made to make a strategic input into the national Land Tenure Conference held in Durban on the 27th to 30th of November by the DLA.

- Dr Drimie secured a poster session on the upcoming land tenure conference programme
- He drew up an A1 poster for the conference along with a flyer version available outlining the impact of HIV/AIDS on land.
 - It will incorporate some of the outcomes of the seminar discussion as it relates to land tenure.
 - The poster will point to beyond the DLA policy document – not HIV/AIDS education per se – to issues of:
 - Management
 - Current problems
 - Opportunity / challenges
 - Time frames – longer term: plan with / for
 - Labour
 - Burial
 - Land loss
 - Beneficiaries
 - Inheritance / land grabbing (widows)
 - Legal entity
 - Orphans
 - Projects

- Budgets
- Apart from the poster session, the group will raise the issue of HIV/AIDS at any appropriate forum within the conference and will endeavor to speak about the issue with conference delegates

FOR ANY COMMENTS ON THE REPORT OR THE SEMINAR PLEASE CONTACT EITHER SCOTT DRIMIE OR DEBORAH HEUSTICE. THEIR CONTACT DETAILS ARE:

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