

**FEEDBACK REPORT ON COMMUNITIES REACTIONS TO
THE FINDINGS ON THE STUDY OF HIV/AIDS AND ITS
IMPACTS ON LAND TENURE AND LIVELIHOODS IN
LESOTHO**

By

**Matšelis M. Mphale
and
Emmanuel G. Rwambali**

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By

**M. M. Mphale¹
And
E. G. Rwambali²**

¹Geographer & Land Use Planner
Lecturer, National University of Lesotho
Department of Geography

²Extensionist & Rural Sociologist
Lecturer, National University of Lesotho
Department of Agricultural Economics & Rural Sociology

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LIST OF ABBREVIATIONS AND ACRONYMS

AIDS	Acquired Immune Deficiency Syndrome
FAO	Food and Agriculture Organization
HIV	Human Immuno-Deficiency Virus
HSRC	Human Science Research Council
SADC	Southern African Development Community
SARPN	Southern African Regional Poverty Network

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1.0 BACKGROUND

In 2001/2 FAO commissioned a study to determine the impacts of HIV/AIDS on various land issues. Three countries namely, Lesotho, South Africa and Kenya, under the coordination of SARPN-HSRC, participated in the study. In Lesotho, the study was conducted at the national, local and community levels. However, at that time more focus was given to community and household levels where the interactions of the HIV/AIDS pandemic, land and livelihoods were more vivid. The study came up with several conclusions and recommendations relating to policy issues, community relations and livelihoods as well as their various support systems.

On the other hand, the current feedback workshop was made possible through The Southern African Regional Poverty Network (SARPN) support. Some of the major objectives of SARPN are to provide a facility for raising the level and quality of public debate on poverty across Southern African Development Community – SADC; enable debates that lead to formulation and evaluation of social and economic policy making, strategy and implementation at all levels across SADC region; disseminate key information on poverty issues; bring together and network issues related to poverty to Southern African Communities. It is out of this spirit that the SARPN made funds available for feedback workshop on HIV/AIDS and Its Impacts on Land Tenure and Livelihoods in Lesotho to take place. Thus, this report is a follow up activity of the mentioned study that was carried out in the year 2001/2 commissioned by the FAO and SARPN. The workshop was thus meant to share the findings of the FAO study with the participating communities, solicit their reaction and opinions and more importantly to update the previous findings by capturing new developments in regard to HIV/AIDS and its impact on Land.

The initial study that was commissioned by Food and Agriculture Organisation (FAO) and Southern African Regional Poverty Network (SARPN) found that HIV/AIDS had negatively impacted on livelihoods of the affected and infected communities in that it had lowered agricultural productivity and affected income sourced from agricultural activities since the infected households could not fully participate in agricultural activities because of the impending labour shortages resulting from prolonged illnesses.

Some of their assets such as livestock were being sold to meet the high medical expenses, particularly during the pre-diagnosis stage and during the time when victims are seriously ill. The loss of income had in turn impacted on the living standards of the affected household resulting in food insecurity, lack of agricultural inputs, poor education levels and lack of basic necessities.

HIV/AIDS pandemic had also reduced the effectiveness of institutions such as Agriculture, Health and LHWP that had experienced loss of trained personnel and resulted in a decline of services offered by them and ability to generate income.

The magnitude of HIV/AIDS prevalence combined with poverty and stigmatisation afforded to AIDS victims had overwhelmed the community support structure and weakened the kinship system consisting of the extended family that used to function as a safety net for societal disaster-situations.

The stigmatisation associated with AIDS had contributed to the widow's insecurity of land rights. This is despite numerous reviews of land laws and Acts in an effort to make women legal heirs of land. In the same token the orphans' rights were insecure partly due to lack of knowledge and non-implementation of the land Act and selfishness of the relatives who are given the custody.

HIV/AIDS has also altered the functions of land administration at the grass roots level in such a manner that the land managers, due to compassionate reasons had not been able to apply the provision of the land tenure system that revokes land when it has remained fallow

In response to the epidemic, households had adopted a number of strategies such as the inter-household contractual arrangements such as sharecropping and *mafisa*, the sale of livestock by the infected individuals and affected households to cater for medical bills and withdrawal of children from school in order to cut expenses on school fees and to allocate to children household chores that the parents can no longer cope with (Mphahlele et al. 2002)

2.0 JUSTIFICATION FOR THE FEEDBACK WORKSHOPS

According to Babu et al. (1997) information has a great impact on decision making, and hence its value is closely tied to the decisions that result from its use. In other words if it is not used then it has no value. They further indicate that its value is related to those who use it, when it is used and in what situation it is used. Swanson (1997) on the other hand observed that information generated through research rarely reaches the end users. It ends up being knowledge generated for the sake of knowledge and ultimately being of little use. It is out of such similar observations that Chambers (1993; 1997) suggested the necessity of not just collecting information from people but also sharing the same information with them for the purposes of improving on their lives.

According to Lucas (1990), information consists of data that have been processed and are meaningful to a user. Thus, some of the characteristics of good information are relevance, timeliness, accuracy, reliability and usability. This renders information relevant, especially if it leads to improved decision making. More importantly the manner in which research results are disseminated has a bearing on what kind of impact it may have on policy and implementation. It is in this context therefore that the importance of ensuring that the findings reach end users and are discussed in more appropriate forums becomes critical.

Publications are one of the widely used methods to disseminate research results but with a limited readership ranging from academicians, students and libraries. This method however, is not entirely accessible to community members, who in this case are vital recipients of research results. Other problems with publications are related to higher costs of production, distribution and marketing. Sometimes, publications in the form of books, journals or monographs are produced in scientific and academic formats that are sometimes too long for busy policy-makers and too complicated for community members to consume. Consequently research findings often remain isolated from the policy formulation and implementation processes.

Under ordinary circumstances, one of the easiest and probably the quickest way of disseminating information has been the use of mass media such as newspapers, magazines, radios and televisions. However, despite those advantages, they are only effective in situations where the infrastructure and capacity is highly developed. That is to say in a country where efficient publishing houses exist, communication means such as roads, telecommunications and others are highly developed and affordable, and a situation where the majority of the population are literate, especially when it comes to utilising newspapers and magazines.

However, in most developing countries of which Lesotho is part, that kind of situation does not exist, and therefore it is very difficult for the majority of the population to get information through mass media (Van Den Ban et al. 1990; Mokone, 1999). Some of the problems or limitations associated with mass media include the fact that newspapers and magazines are

confined to few individuals in urban areas. Televisions are expensive and owned by few rural people who rarely tune to local broadcasters (Mokone 1999). Similarly, given the sensitivity surrounding HIV/AIDS as well as the socio-cultural taboos on openly discussing sex-related issues, the chances of disseminating and obtaining feedback through the media are minimal.

The foregoing analysis, therefore, suggest that, workshops and conferences can, thus, be effectively used to disseminate and communicate research results to stakeholders who might not necessarily be academicians. One of the main advantages of workshops in particular is their inherent ability to enlist inputs into the research process through participation and as a result the final product and understanding get enriched. They are also ideal for busy decision-makers for discussing topical and thought-provoking issues with clear policy orientations. If well planned, workshops can empower community members to make decision on issues that affect them. As a result, this method is more likely to maximize the impact of research and its long-term benefit to the society.

However, in regard to HIV/AIDS and Land Issues Workshops, communicating findings was not the explicit objective, instead workshops were also meant as forums where community members would be empowered to reflect on and discuss findings as well as forge the way forward in the context of existing policy framework.

3.0 OBJECTIVES OF THE WORKSHOP

3.1 GENERAL OBJECTIVE:

To share the findings with various local authorities as well as the communities at the grass-root levels and gather their reactions and opinions.

3.2 SPECIFIC OBJECTIVES:

- ❑ Disseminate the research findings of the study on Impacts of HIV/AIDS on Land Issues in Lesotho to the communities and local authorities that participated in the study.
- ❑ Seek and gather community's opinion on the study findings their implications.
- ❑ Forge the best way forward in the light of existing legislative frameworks and policies.
- ❑ Identify and document local institutional structures and support required for intervention proposed by the community.

4.0 METHODS USED

4.1 WORKING PROCESS

The working process followed the classical problem solving steps:

1. Analysis:

In order to get known the findings of the survey and to get known relevant issues at community, local and national level.

2. Action:

To find a way forward in terms of other related researchable issues as well as proposals to solve the identified problems.

3. Assessment:

To evaluate and validate the proposals so that further recommendations can be made to the relevant authorities.

4.2 METHODOLOGY

Participatory Rural Appraisal techniques were used in a workshop environment to provoke issues for discussions. The workshop itself was organised in three sessions. The first sessions entailed not only presentation of the findings of the previous study to the communities but also grouping findings into themes to be discussed by various groups. Five themes emerged out of this exercise:

- HIV/AIDS and its Impacts on the Communities' livelihoods
- Stigmatisation Issues
- Issues related to community and kinship support structures
- Issues related to Land Laws and HIV/AIDS Policy
- Coping Strategies

Different groups were asked to give their comments and perceptions on the issues, make additions regarding other impacts that were not covered by the previous study and also try to determine whether the impacts were mainly due to HIV/AIDS prevalence or whether the prevailing food insecurity situation has worsened the problem. This was followed by a plenary session where groups were given a forum to present, discuss, agree and disagree on issues.

The second session was on both the AIDS and Land policies. It was opened by a presentation that summed up the salient points of these policies. Participants were then re-grouped to reflect on their perceptions, make proposals on what can be done to make things better for the HIV/AIDS affected and infected households given the existing policies. They were also requested to identify the responsible institutions, individuals or groups who would ensure that their proposals are considered as well as the likely limitations or obstacles related to their proposals. Once again these were discussed in a plenary session.

During the last session, recommendations of the FAO study were presented to the participants and opinions about them were sought. An attempt was also made to match them with the community's proposals to identify similarities and areas of conflict.

5.0 COMMUNITY REACTIONS ON ISSUES

5.1 LINKAGES BETWEEN HIV/AIDS AND DECREASING AGRICULTURAL PRODUCTION (YIELDS)

Problems related to food shortages were reported and according to the communities, HIV/AIDS affected households were more vulnerable since young people, who are the most valuable labour input in the process of production, were apparently dying in large numbers and leaving agricultural activities in the hands of the elderly who cannot fully participate in production. Participants also confirmed, as was reported in the previous study, that, the infected individuals often cannot engage in farming activities due to illness. Most Caretakers, on the other hand, were reported to be tied up, looking after them, and therefore were, in most cases, not available for agricultural activities. This has ultimately resulted in limited labour required for the production of food and hence starvation and food insecurities.

Similarly, participants reported that, the sale of livestock, which is otherwise used draught power seemed to be on the increase not only to cover medical expenses but even by other community members who needed money to purchase food from commercial outlets.

5.2 DELAYS IN FARMING OPERATIONS

Farm operations that are as labour demanding as ploughing, weeding and harvesting were reported, to be highly affected, by delays. Harvesting, for example, is often done so slowly and late by people affected by HIV/AIDS that even the community's livestock start vandalising them. It is a practice in Lesotho to graze through the fields during farming off-season.

Herding of animals is another demanding task that needs to be performed strategically especially in winter to ensure that livestock remain well fed even when there is very little grass. Infected households find tasks such as this demanding and difficult to meet. As a result, their livestock is of low quality and do not sell well.

5.3 INHERITANCE OF AGRICULTURAL LAND AND SUPPORT TO THE ELDERLY

It was indicated that, traditionally, the elderly, who cannot work on the fields anymore, distribute their fields among their children who in return share some of the produce with them. However, with HIV/AIDS prevalence, the elders showed a concern that their ailing children were not able to support them with food. However, on a more serious note, these children were also reported to be selling or renting those pieces of land to meet their medical and funeral expenses – a clear evidence that HIV/AIDS was not only impacting on the immediate family but on the extended family as well. Interestingly, the previous FAO study had revealed that despite their problems, HIV/AIDS infected and affected households were not willing to sell land since they considered it so valuable that they wanted their children to inherit. However, this time around, sale of land by the HIV/AIDS affected households seemed to be on the increase, thus portraying not only worsening conditions, but desperation as well. According to the participants, the landless people seemed to be winners in this equation since, through land accumulation, they were becoming more food secure.

5.4 CHANGES IN SHARECROPPING AND *MAFISA* CONTRACTUAL ARRANGEMENTS

In the previous study commissioned by FAO and SARPN it was reported that coping strategies adopted by rural communities are becoming inadequate in the prevalence of HIV/AIDS and acute food shortages. The study found that some people living with HIV/AIDS were increasingly employing sharecropping and *Mafisa* as coping strategies. This was because they were often too sick to work on their fields and this arrangement allowed them to avoid the risk of their land being revoked and assured them of continued access to agricultural land and food. Ironically, participants of the Dissemination Workshop reported that some community members were showing reluctance in engaging in sharecropping and *Mafisa* arrangements with people affected by HIV/AIDS currently because the affected households were increasingly dishonouring the agreements by abruptly selling land or livestock, sometimes without alerting their contractual partners. One of the reasons is that infected and affected households are often forced to sell some of the *mafisa* livestock in order to cater for the medical treatment expenses or to meet funeral expenses once the infected individual passes away. In some cases, when the ailing partners eventually die, trouble emerges between the remaining family members and contractual partners on agreements (which are often not documented) and unreasonable expectations are

made on the partners. For instance one of the participants related an incidence where he was expected to bear the burial expenses for his dead partner just because he had been utilizing his assets in a sharecropping arrangement. This is indeed very sad, since without those coping strategies, HIV/AIDS affected households are left even more vulnerable.

5.5 SCHOOL DROPOUTS

One coping strategy, which, according to the workshop participants has not changed was reported to be that of forcing children out of school in order to assist in household and farming activities. Interestingly, they argued that it was not only the children of HIV/AIDS affected households who dropped out, but this seemed to be a common practice throughout the community. However, they indicated that children did not only drop out in order to assist ailing parents but had to abandon school because most households cannot afford school fees. It is in this context that the issue of free primary education was discussed and communities reported that children who dropped out were often at secondary and high school level where education was not free and yet more expensive.

5.6 INSIGNIFICANT FALLOW INCIDENCES

While one would have expected the incidences of fallow to increase since the infected and affected households cannot effectively engage in production due to labour limitations, participants reported that incidences of fallow remained insignificant probably due to the latest developments in land sales and renting. This is indeed a short-term solution, which in the long run would render the orphans even more destitute particularly when considering that for most of these households, agriculture is the main source of food and income.

5.7 REDUCED WAGES FOR HIV/AIDS INFECT AND AFFECTED HOUSEHOLDS

Incidences on reduced wages for HIV/ADS affected households were also reported. Reasons attributed for that were that in a few cases where the affected households are either formally employed or are engaged in piece works, they are not able to report regularly at work because of their other demanding care-taking role. As a result they often receive reduced wages and in some cases they are even lose their jobs.

Community members indicated that currently some people in the village were being employed by the government to do catering services for free primary education programme. However, the infected individuals, due to their health condition could not be hired for such jobs particularly since they have to produce a medical certificate as a pre-requisite. This problem, combined with stigmatisation, whereby participants reported that very few people would eat food prepared by the infected individuals for fear of being infected, left the infected individuals with very little options - a clear evidence that they were not only denied income by virtue of their illness but some income generating activities marginalized them as well.

5.8 CUSTOMARY RESTRICTIONS ON WIDOWS

Some uncompromising customs were also reported to have worked against the interest of the affected household. For example, it is a custom in Lesotho that a widow has to be at home before sunset. Thus it was indicated that widows employed far from home have had to temporarily take leave or resign from work in order to comply with the mourning requirements. This actually serves them a double blow whereby they not only lose a loved one but also the much needed income for the household.

5.9 ORPHANS' COPING STRATEGIES

Although it was indicated that food aid had temporarily assisted the orphans in meeting their food needs, stories were related where other orphans who had not had a chance to learn skills that are necessary for certain income generating activities from their parents had ultimately engaged in easy alternatives such as prostitution, thus increasing the likelihood of the virus spreading even more.

5.10 SALE OF ASSETS

During the FAO study, widows interviewed in Ha Poli reported that they had been allowed to retain their deceased husband's land, and were empowered to rent out farming implements. However, the participants reported that currently widows were selling agricultural production equipments such as ploughs to meet burial expenses.

Ironically, the same implements used to be their contribution in the sharecropping arrangements and thus their loss meant that they could not engage in the only reliable means of ensuring that there is food on the table.

5.11 GARDEN FARMING

The participants confirmed that the infected households still find it easier to work in the garden than a far away field. However, there were complaints that yield from the garden is not enough to support the household's requirements and hence these people still needed to engage in sharecropping. Nevertheless, current problems with sharecropping and the reluctance of other community members to engage in such contracts compounded the problems of these households.

5.12 STIGMATISATION AND DISCRIMINATION

Workshop participants admitted HIV infected people were being stigmatised and discriminated against since the disease is associated with bad behaviour (fooling around). They went further to explain that the initial introduction of the disease and the manner in which it is spread tended to be associated with foreigners or people who associated with migrants. As a result the disease was linked more with promiscuity. Fear of the unknown was also quoted as a major contributing factor to stigmatisation because of the secrecy afforded HIV/AIDS. Because of those factors, AIDS orphans are often not accepted in the community since people believe that they are also infected. The orphans are ridiculed since they think that they have inherited the disease and fear that they may be infected by closely associating with them. They also want to protect their children since they think a close encounter of AIDS orphans and their children might infect them.

The Sesotho concept of "*thoto*" literally meaning inheriting the deceased's burden was reported to be also eroding since relatives no longer want to be burdened by the so-called AIDS victims as they might contaminate their children. They even went further to indicate that doctors have told them that if they touch AIDS patients they will be infected. Similarly, they believe that even entering a house with an AIDS victim could lead to contamination. This is a clear indication that educational programmes need to be strengthened in order to remove some of the misconceptions about the virus.

5.13 COMMUNITY SAFETY NETS

Participants observed that Basotho culture has changed a lot over time through adopting western culture and as a result community cohesion and solidarity has significantly eroded. Individualism has weakened communal ties and has resulted into loss of trust. Even the sick ones, are currently reluctant to accept gifts in terms of food from well-wishers for fear of being poisoned. Women liberalisation attitude of not obeying their husbands was cited as one of the reasons for the current situation. This made it clear that it not only the overburdening of the community safety nets that the decision makers should be concerned about, but the fact that in some communities the traditional safety nets had long evaporated even before the advent of HIV/AIDS.

6.0 COMMUNITY'S RECOMMENDATIONS AS A WAY FORWARD

6.1 LEGALISATION OF *MAFISA* AND SHARECROPPING

An acknowledgement was made that sharecropping and *Mafisa* will, for a long time remain important to the livelihoods of the infected and affected households. Therefore a recommendation was made that *Mafisa* and sharecropping should be legalised to protect the rights of the infected and affected households since they are often cheated out through the same arrangements. In the same token the other partners would be assured of the fact that arrangements would not be terminated abruptly. There should be a mechanism to institute witnesses when contractual arrangements are made. Chiefs and close relatives should be involved in such arrangements.

6.2 MINIMISATION OF WITHDRAWING CHILDREN FROM SCHOOL

- Participants proposed a need to create an educational fund in the community that will cater for school fees of the infected and affected households.
- They also indicated that there is a need to implement the Free Education Policy that is currently being implemented at lower levels of primary school, to higher levels of education as well particularly because this is the level where school fees are more expensive and unaffordable.
- Another suggestion was made that parents should be compelled to invest in their children's education through insurances. Innovative, User-friendly insurance schemes need to be developed by the government especially in the rural areas. These insurances, they explained should not only cater for school fees but the livelihoods and welfare of orphans as well.

6.3 PROHIBITING SALE OF LAND

The sale of arable land should be prohibited. Such a piece of land can be rented out or be used for sharecropping if the owning household is not able to utilise it. It is interesting to note that this proposal contradicts the proposed land policy, which advocated for the sale of land.

6.4 STIGMATISATION AND DISCRIMINATION

A suggestion was made that there need to protect HIV/AIDS people by enacting a law that will enforce the infected people's human rights. The community be educated on how HIV/AIDS infected people should be treated. There should also be a legal protection for the widows and orphans such that a widow has a right to control property after her husband's death. Thus, legislation and policies on the rights of widows to their husband's properties be strengthened and

publicised. Similarly, the orphans should be availed the same on their parents property. Confidentiality and secrecy associated with HIV/AIDS has made people wary and suspicious. Thus, infected people should go public so that the caretakers can take necessary precautions and more importantly so that resources aimed at helping them can be targeted directly to them.

6.5 COMMUNITY SAFETY NETS

There is a need to revive the traditional culture of helping each other when need or disaster arises. For example, people who have harvested a lot should help the vulnerable ones. Meanwhile the government should subsidise farming activities and the infected and affected households should have a share in the proceedings. However, it should be devised such that it does not create dependence among the population. People should work hard and be encouraged to invest while they are still healthy so that the same investment can help them later in the future when they happen to fall sick. Similarly, the community should be advised to help the sick like it was done in the past.

6.6 LAND POLICIES AND FALLOW LAND

The current policy of two years under which land is allowed to fallow should be reviewed and increased to five years before it is confiscated. However, that might encourage arable land to lie idle for all that the period and thus, to counteract that sharecropping should be used to stop land from falling fallow. There should be proper examination as to why land was left fallow before it can be legally taken from the owner.

6.7 RESOURCES /STRATEGIES THAT CAN BE USED TO MITIGATE THE IMPACTS OF HIV/AIDS

- Royalties of the Lesotho Highlands Water Project (LHWP) should be used to curb HIV/AIDS and at least quarter of its annual income should contribute towards the children's education funds.
- Similarly, light income generating activities need to be created to provide income to the infected households and nutritious food distributed to resuscitate the sick. However, this arrangement should be such that it does not create dependency on the handouts.

The workshop concluded with a presentation of the recommendations that had emanated from the FAO/SARPN study. These were discussed at length since participants wanted to be clear of their implications. In the end they concurred with them and indicated that researchers must ensure that their own recommendations are incorporated within those. A special request was made that they would like to be represented when these are passed to the decision-makers.

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