



MMS Bulletin #109

"AIDS and livelihoods"

Reclaiming Property – Reclaiming Livelihoods

**Property grabbing from women and children
in the context of AIDS**

Von Kaori Izumi

Property grabbing we are observing in southern and east Africa today is a symptom of deepening poverty in Africa, which reflects fundamental failures in rural development in Africa in the past. Whereas there are a number of inspiring initiatives with compassion by local communities and grassroots groups to mitigate the devastating impact of property grabbing from women and children, real causes of property grabbing need to be addressed in the context of larger development policies and changing African societies and their cultures.

Declined investment in agriculture and rural development in past 30 years and HIV and AIDS pandemic combined with cut in public expenditure in social service, conflicts and natural disasters have contributed to the deepening poverty and breaking down of social norms in southern and east Africa.

Globally there are 1.2 billion extremely poor. 75% of the worlds poor live in rural areas, deriving their livelihoods from agriculture. About 852 million people are under-nourished of which 815 million live in the developing countries. The highest incidence of under-nourishment is found in sub-Saharan Africa where 33% of the total population in the region are under-nourished. In May 2006, 39 countries in the world were facing serious food emergencies of which 25 were found in Africa. Close to half of the worlds poor will live in sub-Saharan Africa in 2015. The average annual growth in GDP in sub-Saharan Africa between 1980 and 2000 was negative 1.1% and poverty has increased between 1990 and 1999.

Official foreign development aids (ODA) in agricultural sector declined by 57% in past 30 years from USD 5.14 billion (1983-87) to USD 2.22 billion (1998-2000). The total volume of the lending from International Financial Institutions (IFI) to agriculture declined by 40% in real terms between 1990 and 1999.

HIV and AIDS pandemic

Today, 33.2 million people are living with HIV and AIDS globally. In sub-Saharan Africa, it is estimated that 1.6 million adults and children died due to AIDS in 2007. Young women account for 76% of new cases in sub-Saharan Africa. In Swaziland, AIDS takes away more than one half of the potential length of life. In Botswana, Central African Republic, Namibia, South Africa and Zimbabwe the loss is 30-40% of years of life expectancy without HIV and AIDS. In Zimbabwe life expectancy dropped from 62 years in 1980 to 37 years in 2006 for both sexes, and for women it was dropped to 34 years. In Malawi, life expectancy declined from 46% in 1987 to 37 years in 2002 according to the World Development Report of the World Bank.

The impact of HIV and AIDS pandemic on children is alarming. In 2007 it is estimated that 11.4 million children are orphaned due to HIV and AIDS related diseases (UNAIDS 2007). Globally, it is estimated that by 2010 over 18 million children will have been orphaned by AIDS.

Unpacking property grabbing and poverty in the context of HIV and AIDS

In the majority of communities in southern and east Africa, women do not hold land and property rights of their own in customary systems with some exceptions. Land and property rights and inheritance systems differ by gender, the type of property, the type of kinship systems and the residential patterns. It is important to note however that norms and practices of land and property rights are not static but they are evolving. Gendered power relations and customary and cultural norms and practices shape property rights.

HIV and AIDS is a widow and orphans-creating disease. Wives are blamed for having infected the husband, which expose them to domestic violence. Property grabbing from women and children, who are happening in the region today is a symptom, a cause and a consequence of poverty and breaking down of social norms, family ties and social safety nets. Property grabbing has left women and vulnerable and orphaned children in the situation of distress and poverty but little attention has been given in development agenda.

Targets of psychological and physical harassment, dispossessed of their property, evicted from their homes, these women and children are left destitute. Evicted from their marital and parental homes, most of the evicted women move to urban slums. They live in urban centres as squatters, engaging in informal economic activities. Orphaned children are shared and inherited by their relatives together with deceased parental properties, being separated from their siblings. Other children are left to become child headed households without any care if their shelter is untouched or they move to the streets which become their new homes. Breaking up of families and early marriage of young girls as young as twelve years old is a common phenomenon. It is reported that relatives want to take young girl orphans with a plan to marry them away to earn bride wealth.

Both in rural and urban areas, the living conditions of such women and children are extremely harsh not only physical and material terms but emotionally and mentally. Given that property grabbing usually happen during burial ceremonies and mourning period, the level of mental

distress among the victims of property grabbing is high. Many of these evicted women are also HIV positive. Physical and mental distress further leads to their pre-matured deaths before they reach any form of support, leaving more children orphaned.

Several factors have contributed to weakening property rights of women and children that include among others changing role of the extended family, changing patterns of customary property distribution, urbanisation, expansion of market economies, labour migration, social and economic dysfunction associated with AIDS.

Widows are made responsible for deaths of their husbands being blamed by in-laws for having killed their husbands by bringing AIDS from elsewhere or by using witchcraft. Stigmatised people are more likely to be abused and are less capable of defending their rights, and social supports are withdrawn by family, friends and neighbours who fear of being associated with HIV positive and witchcraft. Confiscation of property from widows happens as a measure of punishment (e.g. cutting fruit trees in widows' garden), greed and stigma.

Orphaned children are vulnerable to property grabbing by relatives in absence of any guardian or the guardians themselves confiscate deceased properties from orphaned children.

In absence of clear and appropriate local norms and national policy, laws and effective enforcement mechanisms, children's property and inheritance rights remain vulnerable and are the subject of confiscation, which drives some orphans to destitution, early marriage, breaking down of family, separation of siblings, poverty, food insecurity, lack of education opportunities, sex work, etc. and such vicious cycle continues. As a result disinherited orphans are forced to live under impoverishment not only materially but emotionally. It is important to note that such children are among the future generation of the societies and countries but with minimum opportunities to come out of poverty, food insecurity and human suffering. In other words, poverty, hunger and misery are inherited unless the vicious cycle is broken up through generations as rightly pointed out in the World Development Report 2008.

The scale of confiscation of property from women and children

In Ohangwena region in Namibia one FAO study found out that 44% of widows and orphans lost cattle, 30% lost small livestock and 39% lost farm equipment after their husbands and parents had died. In Zambia, 909, 641 and 732 cases of confiscation of property were reported to the Police Victim Support Unit (VSU) in 2001, 2002 and 2003 respectively, which is only a tip of iceberg as commented by Superintendent and the Director of VSU. Another FAO study conducted in Zambia showed that 34% of female headed households with people living with AIDS and orphans experienced property grabbing. This finding was confirmed by the econometric analysis on the data from National Statistics in Zambia over 5000 samples showed that 30% of widows experienced more than 50% of land size reduction after their husbands had died.

In Uganda 90% of intra-familial conflicts which were registered in one of the districts offices are over women's land rights, of which 70% were cases on threats of eviction from their marital homes.

Seventy percent of orphans surveyed in Copperbelt province in Zambia responded that they had lost their properties when their parents died. A statistical survey on orphans and vulnerable children which was conducted in Manicaland and Chimanimani districts in Zimbabwe showed that 53% of boy orphans and 47% of girl orphans were displaced from their parental homes after their parents had died.

Changing social norms and practice

A study in Zimbabwe revealed that customary patterns of distributing inherited property within extended families involve providing for orphans. A problem lies in determining who should provide for orphans needs and how they should do so. In the past, caregivers within extended families assumed control of orphans' parental property and were expected to provide for the orphans needs. Today, poverty and high death rates because of AIDS have exacerbated property grabbing and neglect. Consequently, many orphans, particular older orphans or orphans heading households are insisting that they be given control of their parents' property and enabled to provide for themselves. Orphans relatives are more likely to get away with property confiscations if they lived far from the orphans, which is common in today's mobile society.

Widow inheritance used to be a common practice in Africa, whereby brothers of deceased husband inherited the widow and her children and provided for them. Even when widows are not inherited, the widows usually remained in marital homes, continuing to live in the deceased's property and working on the land left by the deceased husbands. Today, widow inheritance is gradually disappearing because of HIV and AIDS pandemic for fear of infection. Especially younger widows without established social networks are vulnerable to evictions. They have not many choices but to return to natal homes, move to urban slums or to go on the street for sex work. In this way, the chain of HIV and AIDS, poverty and re-infection continues.

In patrilineal customary societies, a son inherited a piece of land which is sub-divided by his father, when he got married. As it is becoming common that a son die before his father, sub-division and inheritance of land happen only after the father has died. This changing practice of inheritance made young widows vulnerable to eviction and property grabbing.

Methods for grabbing orphans parental property

There are several methods to confiscate orphans parental property, some of them cruel such as taking parental property when the parents were sick and unable to protest. Absorbing parental property while also taking in orphans is another common method applied. When

orphans are absorbed by relatives with intention to take in parental property, there are high possibilities of lack of care and abusive treatment by guardians as their prime motive was not to care and provide for the orphans. Calculated and cruel methods of property confiscation from orphans include

- take moveable property when parent is sick
- take moveable property after death of parent but before bereavement rituals
- obtain burial order and death certificate of parent and gain access to moveable and immoveable property such as pensions and bank accounts
- assume guardianship of orphans and dispose of moveable and/or immovable property

HIV and AIDS related dysfunction within families are observed and translated by relatives into an opportunity for themselves. As a result orphans lose their shelters, households and source of livelihoods at the same time when they lose their parents.

Example of targeted multiple approach for poverty reduction, food security and prevention of HIV and AIDS

Multiple interventions are necessary to tackle complex issues of AIDS, property rights, food security, livelihoods and such interventions could potentially increase food security, reduce risky sexual behaviour and gender-based violence, thus reducing poverty.

HIV and AIDS and food insufficiency are two leading cause of morbidity and mortality in sub-Saharan Africa and are thought to be inextricably linked. Women in some of the countries with high HIV prevalence in sub-Saharan Africa, such as Botswana and Swaziland, lack of control over resources, including food supply at home, while taking the responsibility for caring for children, elders and the sick. A demographic and behavioural characteristic of 1050 women and 999 men conducted in Botswana and Swaziland, 32% of women and 22% of men reported not having enough food to eat over the previous 12 months. Among women, food insufficiency was associated with approximately 70% higher odds of inconsistent condom use with a non-primary partners, women who reported food insufficiency had over 80% higher odds of reporting intergenerational sex, women who reported food insufficiency had over two times the odds of reporting lack of control in sexual relationships.

Furthermore, poverty and food insufficiency significantly influenced the decision of whether to use condoms among female sex workers. The same survey revealed that African women who had experienced sexual violence and who lacked control over sexual decision-making were more likely to engage in unprotected sex, to exchange sex for money or resources, to have multiple partners, and to be HIV positive. Poverty focused microfinance initiative combined with a gender and HIV training curriculum led to a 55% reduction in levels of intimate-partner violence.

The report concluded that use of targeted food supplementation and food production strategies could help address some of the gender and economic disparities that drive unsafe sexual behaviours and should be considered as a way of reduce HIV transmission behaviours.

Multiple approaches on invisible poverty

I discussed that the majority of victims of property grabbing are invisible as they have no households and livelihoods, and they do not appear in statistics. First step is to make these invisible poor visible. Second is to provide shelters to those without shelters and households. Third is to provide them secure property rights on which their livelihoods could be built on.

Fourth is to provide livelihoods opportunities to those without livelihoods with training, starting capital, etc. The most important is to assist the losers and the invisible poor to gain self esteem so that they could believe that they have a value, future and capability to take the responsibilities for their own lives. Inclusive agriculture that target not only those who can compete in global market, but also those who may not capture global market but capable of providing themselves through agriculture and other forms of livelihoods opportunities.

Swazi Positive Living (SWAPOL) has 1003 women members of 30 groups who live with HIV and AIDS. In Swaziland, women are legal minors, who are not able to own property of their own. Therefore, the SWAPOL members did not have any piece of land to grow their food and many of them were evicted from their marital homes when their HIV status was known to the family in law or their husband died of AIDS. After extensive negotiation with traditional leaders, SWAPOL finally managed to acquire eleven hectares of land by 2002 for their group members. In 2003 and 2004 season, one of the groups produced 300 bags of maize, of which 50 bags were put for storage for emergencies, five bags were donated to neighbouring care points to feed orphans and vulnerable children in the communities, ten bags were donated to child-headed AIDS orphans households. The rest of the maize was sold for USD 3,883.

Conclusion

Development is about people and their capability of taking initiatives to improve their livelihoods with aspiration, self esteem and responsibilities. Extreme poverty deprives people of their aspirations and self-esteem. Millions of children and youths in southern and east Africa have grown up with extreme poverty under three decades of disinvestment in agriculture and rural development, cut in public expenditure in health and education, and devastating impact of HIV and AIDS pandemic for past 30 years. The extreme poverty and changing fabric and norms of local communities made it difficult for children and youth to have a role model, hopes and dreams for the future. Lack of governance, justice and democracy, not least lack of property rights further demoralised such children and youths.

It is the time to focus not only on material needs but emotional and mental needs of the people living in poverty. How does the future for Africa look like when the children who have lost parents, experienced hunger, property grabbing, abuse and violence as well lack of justice have

grown up? Investment in agriculture and alleviation of poverty is important but limited in scope for future generation in Africa and elsewhere. Healing of neglected and abandoned young souls are important yet forgotten issues in development agenda of halving the world hunger by 2015.

Too often, the personal stories of both hardship and resilience in the face of adversity are lost in the statistics and dry overviews of national policies and epidemiological trends. Excluded from statistics, the women and children become invisible.

Poverty can not be measured by monetary terms, but in order to understand poverty and what poverty does to people and their mind, poverty and human suffering must be heard, seen, touched and felt with one's hands.

With new emerging challenges such as climate change, bio fuel, increasing food prices, we may be at the corner of paradigm change. Perhaps it is the time to revisit an overall development policy because property grabbing is only one of the symptoms of poverty, cultural change and development failure.

**Kaori Izumi, is HIV/Rural Development Officer at the Food and Agriculture Organization of the United Nations (FAO). This paper does not represent the views of FAO, but all the views expressed in the paper are solely those of authors alone.*

Contact: Kaori.Izumi@fao.org

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Kontakt

Deutschschweiz

Medicus Mundi Schweiz
Murbacherstrasse 34
CH-4056 Basel
Tel. +41 61 383 18 10
info@medicusmundi.ch

Suisse romande

Medicus Mundi Suisse
Rue de Varembe 1
CH-1202 Genève
Tél. +41 22 920 08 08
contact@medicusmundi.ch

Bankverbindung

Basler Kantonalbank, Aeschen, 4002 Basel
Medicus Mundi Schweiz, 4056 Basel
IBAN: CH40 0077 0016 0516 9903 5
BIC: BKBBCHBBXXX