

**THE IMPACT OF HIV/AIDS ON LAND ISSUES IN
KWAZULU-NATAL PROVINCE
SOUTH AFRICA**

**PERI-URBAN LAND TENURE IN THE AGE OF AIDS:
REPORT ON THE KWANYUSWA CASE STUDIES**

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INTRODUCTION: TENURE FOR AIDS-AFFECTED HOUSEHOLDS IN KWAZULU NATAL

It's often assumed that land is the key resource for rural AIDS-affected households in Africa. Following from this central point, it is often further assumed that if the landholdings of African households hit by the shock of AIDS can be protected, then the households will be able to use the land to support themselves, and their members will also be protected from destitution. While this proposition is often likely to be accurate as it stands, there are probably areas of the continent where it doesn't hold – at least, not as simply stated.

As the work of Bryceson and the Leiden University Africa group shows (1999, 2000), Africa as a continent is turning away from its agrarian past, and household livelihoods are becoming more complex. As international markets and overall terms of trade move against the rural household farming sector, households are relying increasingly on mobilizing cash income from all members – women and children included – and not only on agricultural income produced by the male head.

In South Africa's rural sector, this trend to demoting home farming and turning to multiple cash income sources is already well known to research, because the southern tip of the continent is where it has advanced the furthest. Compared to other African countries, South Africa's history of powerful urban labour markets and massive industrial labour absorption has built a different kind of rural economy dating from the beginnings of industrialization.

Under late colonialism and then under apartheid, the strictly limited rural area assigned to African occupation under tribal-style institutions was treated by government as dormitory accommodation for the families of urban workers. For the majority African population, the acute rural overcrowding produced by apartheid land planning was sustainable only because the rural household economy was driven to depend on urban wage earnings: under labour migrancy, rural densities could rise past the point where household farming for livelihoods stopped being viable, and could continue rising as long as wages still came back from the cities. Well before the transition to labour migrancy was complete, market production for Africans had been more or less systematically strangled by denial of markets to African producers, who were highly efficient and competitive with white farmers up to the end of the last century (cf Keegan 1984, Bundy 1979). Home farming became a sideline to most rural African households in South Africa.

Urban wage dependency became highly dangerous for the precarious balance of the rural economy of the former 'homelands' – the old African reserves of colonial times – in the early 1980s, as South Africa's urban industrial economy began to falter. By the late 1990s, rural wage earning was in free fall, and rural livelihoods were collapsing. The urban township populations had a lock on the remaining urban jobs, not so much through higher education levels as through closer proximity to job opportunities, more efficient networks and better access to information. Urban jobs for the unskilled had also fallen away as South Africa's move to an information economy began to accelerate.

Rural households faced unsustainable levels of unemployment with only weak fallback options in the household production economy, and rural workers moved more and more into locally available jobs where there were any. Many of these jobs were in the farming sector, which was itself declining, and therefore paid below poverty levels. Rural communities in the old homelands began to split at household level into haves and have-nots, dividing on the point of whether anyone in the household was working for wages or whether the household had to find other income sources.

In relation to cultivation, natural surface water was drying up as the climate changed and more and more wetlands sponge areas came under unsound cultivation and washed away. In the dry provinces of the interior, by the early 1990s home farming had almost stopped. Household garden cultivation began to take over from full-scale arable fields in many areas of the coastal provinces (cf Andrew 1991).

The full emergence of HIV/AIDS as a continent-wide pandemic came against this background. In South Africa, younger adults supporting households of children and other dependents began to sicken and die in large numbers. By 2001, newspaper reports had HIV/AIDS prevalence reaching 36 percent or more in women covered by ante-natal data in parts of KwaZulu Natal, and it was thought to be higher yet in some areas. In spite of some care programmes and support measures, little that was done had any direct effect on livelihoods for the individuals and households that were hit by AIDS. In an economy that was increasingly cut off from the urban sector, rural poverty associated with the effects of AIDS was growing as a problem.

The rationale for this part of the report is to start to develop an analysis that explores vulnerability to AIDS at the household level, and also how land options relate to this vulnerability, against the background of the trends already present in the land system. KwaZulu Natal is the single South African province which is worst hit by the pandemic. It is also the single province with the most rain and the most agricultural potential across its former homelands. It needs to be asked what the effects are of AIDS on poor rural households in KwaZulu Natal under these conditions.

It is indisputable that land is an important resource for AIDS-affected households, but it is not automatically clear how the household makes use of land under these conditions. It is assumed here for a start that widows and orphans are particularly vulnerable to the effects of AIDS, and that poverty is both a cause and a result of vulnerability to the effects of AIDS on the household. It is also assumed that land is a resource which can be used against the impoverishing effects of AIDS, and that because of the scale of the AIDS crisis, that the pandemic will have a massive reciprocal effect on land practice and tenure. But can these propositions be broken down further? Which widows and which orphans within those groups? How poor? How do AIDS and the associated chronic disease conditions hit different kinds of households? How do these groups stand in regard to land and tenure? In a rural economy that is not agrarian, how does AIDS affect the household's options to hold and use land? And, are any kinds of households particularly vulnerable to the effects of AIDS specifically in regard to land?

In this light, issues that need to be unpacked include these:

- *What is the nature of the AIDS event for the household and for its land?*
- *What are the preconditions that determine how it hits?*
- *What exactly happens when AIDS hits the household?*
- *How does the household respond, and is land a part of this response?*
- *What outcomes follow?*
- *What are the implications?*

And, what trends are already in the tenure system at the point where it meets AIDS?

One of the critical factors here is the human and managerial capacity of the household to respond to the attack of AIDS, since it is households that make decisions around using land resources. To make sense, these capabilities have to be seen in the light of the local nature and capacity of the

tenure system, which is not the same in all parts of the old homelands even within KwaZulu Natal.

The twenty case studies which are considered here have been compiled for the FAO's inquiry into the effects of the South African HIV/AIDS pandemic on the rural tenure system, with a view to helping the most vulnerable and least known victims. They were written by community interviewers led by Mathilde Thokozile Nzama in early 2002, in KwaNyuswa, a metro peri-urban district inside the former African reserves of KwaZulu Natal. The approach taken to identifying AIDS-affected victims and households was developed along the lines of the Bangui protocols, in asking not only about known AIDS cases, who are reluctant to be identified, but also about other chronic diseases that are associated with HIV/AIDS or parallel its effects. TB is the most important of these. In this sample of 20 qualitative cases, 15 have either been diagnosed HIV positive or appear to be consistent with AIDS symptoms and etiology, while five are probably better attributed to other conditions, with or without HIV/AIDS infection accompanying.

The analysis pursued is based on the Sahlins recension of the Chayanov model of labour commitment as a limit on accumulation in Russian peasant households of the 19th century (Sahlins 1972). In this classical anthropological analysis, a model of household survival activities was developed around a non-maximization economic theory which provides an alternative to neoclassical economic views. The underlying rationale is to find measures that can assess how the household's actual performance departs from an equilibrium level of labour commitment that would be necessary to feed and provide for the household members, and this aspect of the analysis is not yet complete.

Issues which this approach highlights include labour mobilization in AIDS-affected households in relation to the tenure system, tenure security for women and unqualified male heirs under peri-urban conditions, and the distribution of vulnerability to land snatching among households and people affected by AIDS and other chronic diseases associated with AIDS.

KWANYUSWA: THE RURAL TIDE MEETS THE URBAN SHORE

The Valley of a Thousand Hills is the steeply dissected regions of hills and watercourses lying west of the city of Durban, formerly part of the KwaZulu homeland, and now designated as partly within the Durban Metropolitan Area. Thousand Hills, which includes the large Tribal Authority which is the focus of this chapter, is part of the peri-urban zone of dense, partly urbanized settlement which has changed and thickened the occupation of the districts of former KwaZulu located closest to Durban.

The tribal district itself lies on the extreme outer fringes of urban development, west of the Inanda Dam and north-west of Pinetown, about 35 kilometers by road from the Durban city centre. It is one of the largest of the various Thousand Hills Tribal Authorities, and occupies most of the central high ground between the Umngeni and Umlazi Rivers. To the south is emaQadini, another relatively advantaged Tribal Authority, to the east lies KwaNgcolosi, and north across the Umngeni is emaPhepheteni, a somewhat more remote TA. Further to the west and south are white-owned farms and small farming towns along the Durban/Pietermaritzburg transport corridor, now changing over to a tourism economy and a more suburban identity. Immediately south are the nearest towns of Botha's Hill and Hillcrest, growing rapidly with a developing tourist trade. Further south is the Shongweni area, with its economy of racing, horse farming, polo and tourism.

Based on the qualitative sample of 20 household case studies from the Hillcrest area, this report raises some questions about the impact of HIV/AIDS on the land tenure system, through its effects on the household as shown in the case studies. The following chapter, which comprises an overview of the different areas with respect to HIV/AIDS, households and livelihoods, attempts to develop an analysis based on the case data from the different areas.

The community: location, structures and service delivery

Service delivery in the Thousand Hills area gathered speed in the early 1990s, and is now advanced in the central parts of KwaNyuswa. Because of its close links to the metro city and its unstable, often transient population, AIDS levels in the population appear to be high, and the area has a number of community-level AIDS services. At the same time, population densification has continued to roll over available land resources for residential use, and the older rural economy structured around household farming and stock raising is under considerable threat.

Though the community health workers and AIDS care workers were not much in evidence in the case histories, the Valley of a Thousand Hills also has access to a hospice and an orphan care facility located in the nearest town, which exist to help AIDS sufferers and AIDS-affected households. Staff from these facilities also give advice and try to help patients and their families to access grants and support services, and are reported as sometimes distributing food parcels to destitute AIDS-affected households. There is also a local clinic which caters for AIDS patients as part of the general population, and also gives blood tests.

The area also has access to hospitals in Durban and other nearby centres, and there are large numbers of private doctors in the area, particularly in Hillcrest, Pinetown, Durban and Isipingo, who treat patients with symptoms suggesting AIDS. In addition, patients from the Valley region have access to large numbers of local and out-of-district traditional healers and also Christian faith healers, who are very frequently consulted by AIDS patients and their responsible care givers. Transport to these different health services is by taxi, bus or private car. It is usually

readily available, but tends to be very expensive compared to transport for normal and healthy family members.

In relation to local government and services access, for the immediate future all but one of KwaNyuswa's component *izigodi* ward sections remain under rural, tribal organization. However, under the Municipal Demarcation legislation the metro region has already begun to swallow the tribally structured territories located to the south and west of the city, and the prospect is for further metro incorporation at some unknown point in the future.

This prospect is considerably less welcome to the people of the Thousand Hills region than might be anticipated. Rather than expecting any improvement in living levels, community members fear they will lose their relatively affordable support strategies partly based on the old rural land economy of home cultivation and natural resources collection. At the same time, they also fear losing the accessible system of local micro-governance which prevails now under a progressive but weakly structured chiefship, and becoming subject to metro urban taxes and charges.

The peri-urban zone: exchanges between the city and the periphery

KwaNyuswa's peri-urban status depends on its urban transport advantages, in giving preferential access to Durban as the regional metropole. The peri-urbanization process in Valley of a Thousand Hills began to operate after the impenetrable indigenous bush of this very rugged area was opened by the pipeline maintenance roads built in the 1940s and 50s. This road development served the massive water pipes crossing the former African reserves, running east from the reservoirs and dams built in the area to supply bulk water for metro Durban. Partly as a result of road building, the elapsed time to walk to Durban from the Valley region shrank to one day from several days, and unskilled jobs in the metro area became much easier to reach. Access to the cash economy, as located in the urban metropole, was becoming easier, and beginning to affect the rural home-based production economy.

Bus services eventually followed, and for the larger population of the province's outlying rural reserves, the Valley became perhaps the main staging area for work in the Durban metropole. Migrant labour was redirected away from the Johannesburg area, and work opportunities suddenly came closer to the borders of the KwaZulu homeland. Monthly and weekly commutation appeared, and slowly began to replace long-cycle labour migrancy to the interior. Pinetown expanded as a sub-regional centre, offering more jobs.

For this category of urban-directed but non-metro migration, the main target was probably a quasi-suburban rather than metro urban choice of locality, one which would offer reliable, accessible and familiar rural institutions and land-based support options along with access to the city itself. Reliance on the cash economy and on wage earning increased, while the old land economy simultaneously hung on and continued to offer partial household support and a backstop to failures of wage income.

As these changes took place, in-migration out of the province's remoter regions allocated to Africans began to target the KwaNyuswa/ MaQadini area. From the vantage point of the new millennium, it looks likely that far more in-migration than was generally realized was flowing into the peri-urban regions when compared with the streams into the townships and shack settlements of the metro urban area.

The Durban peri-urban zone, the largest in the country in terms of its number of residents, was able to form because the old KwaZulu homelands approached close to the metro edge. This

factor allowed large non-metro populations to build up in a fairly orderly way on land politically assigned to African occupation, for the most part on their own terms, under their own institutions, with secure low-cost housing and land tenure, and independent of urban bad living conditions, charges and persecutions.

Since 1986, the rhythm of increasing metro labour absorption and the associated growth of the peri-urban zone have been disrupted by the downturn in the national economy. Flows into the peri-urban zone have probably decreased in relative terms, and there are signs that rural to rural migration may be rising. At the urban end of the continuum, it is reported that there is substantial elite out-migration from the established urban townships into the formerly white suburbs, but there is also an outflow from the established urban African population into the metro's peri-urban fringe, which includes KwaNyuswa.

Population movements and land in the peri-urban periphery

New entrants are currently coming to KwaNyuswa from various coastal and interior areas, but also from the urban sector. In addition, migration is now arriving in KwaNyuswa from the metro sector itself. As recorded on the 1996 DBSA survey of migration patterns in KwaZulu Natal, mean income levels in the peri-urban zone averaged considerably higher than incomes in the shack settlements of the metro city itself, partly reflecting the advantages of the peri-urban economy in allowing well-resourced households to draw on both the urban and rural sectors for income in cash and in kind. In this light, an outward flow of urban-origin migration as well as inward flows from less advantaged rural areas will not be surprising.

KwaNyuswa's advantages in urban access and favourable institutional conditions are still probably strong enough so that peri-urban inflows exceed outflows. Accordingly, the KwaNyuswa area probably continues to experience net gains from in-migration out of remoter areas, since there is very little reverse flow to outlying districts. How far inflows from the urban core balance out-migration from KwaNyuswa into the metro city is not clear. The probability is that KwaNyuswa is still sending more residents into the metro core zone than it is receiving in return.

For HIV/AIDS, the implications are not fully clear. Research suggests that there are no large urban/rural differences in prevalence levels in KwaZulu Natal, so that interchanges between the city and its peri-urban periphery are not likely to affect the prevalence of AIDS. However, some of the more localized flows conceivably might: one prospect here is migration into the Valley of a Thousand Hills area from the Natal North Coast, an area with high population interchange and a strong flow down the coast from Mozambique which has been cited as one route by which AIDS has spread into the Durban Metro area.

In addition to its rural flows, in-migration is now coming into the formally rural KwaNyuswa TA from the metro. Families are reported to be arriving from the main Durban townships of Umlazi and KwaMashu, and also from KwaDabeka, a township on the outskirts of Clermont, outside Pinetown, where many KwaNyuswa families have gone to live. This migration stream represents relatively well-off households with assets. In addition to civil servants such as teachers, professional people and businesspeople are part of this flow.

The inward migration stream of the relatively poor seeking wage jobs is therefore meeting a new counterstream of the relatively advantaged outward migrants looking for less-served and safer places to invest resources and establish businesses. The two streams meet in the metro peri-urban

zone, but also to some extent coexist in the more outlying peri-urban areas on the edge of the metro shadow.

Both the KwaNyuswa and KwaDumisa chiefs or amakhosi are looked at as ANC-aligned but not strongly political, and both have been willing to let civil society organize groups and structures without attempting to insist that all local associations fall under their sponsorship and control. Respondents commented that this willingness to allow the public to form associations reflects a progressive commitment to public welfare and the advancement of the community. This situation differs from what is often found in outlying rural districts, where the chiefship usually tries to coopt or hold down civil society activity in order to keep tighter control.

Migration, local institutions and violence

During the period of falling employment in the runup to the democracy elections of 1994, civil violence spread across the metro shacks and townships as the ANC youth struggled to expel the IFP from the urban African settlements. The ANC-aligned comrades youth movement was largely successful over the period of the late 80s to the early 90s, but at the price of a very large and unmeasured loss of life which has rapidly passed into the legend of the killing fields. Urban violence rapidly spread through the rural areas as well. Refugee processes on an enormous scale resulted throughout most of KwaZulu Natal.

KwaNyuswa escaped most of the violence till well after the peak of the urban disturbances, but then the most densely populated high-ground areas were hit by a very serious episode of post-political violence from local quasi-anarchist youth formations that had their origins in the ANC comrades movement. This outbreak of violence is worth briefly considering here, both because it reflects how close even a settled and peaceful area can be to the violent disintegration of civil order when institutions come under stress, and for what it says about the way social outlook and local institutions have been affected by in-migration and population turnover.

This period of violence and social breakdown at KwaNyuswa continued for many months during the early 90s. Because of the changes in the local community and polity which resulted from heavy and long-continued in-migration, this violence could not be contained from inside, and was mainly left to burn itself out. Over months, the youth campaign in the densely settled areas of KwaNyuswa apparently reached a point where violence was an end in itself, without ever passing through a stage of becoming rationally criminal. The toll of the dead is unknown, because no records were kept.

The chief and indunas were seen as able to do nothing. One effect of in-migration is a constant stream of outsiders who have few if any local social connections, and are not in a position to line up effectively behind individuals who may be recognized by the older local community but are unknown to them. Once outsiders dominate a settlement, what often emerges is a community with little social coherence and few if any effective institutions. There is likely to be no effective support for the alliances based on land-giving relationships which underpin the chiefship and represent the older structures of social control. Severely dislocated by the continuing inflow of strangers, the local traditional institutional structures at KwaNyuswa seem to have had no power in relation to the youth violence, which had become anarchic and apolitical. After a number of months, intervention from the national ANC and the police was finally secured, and the episode came to an end.

As calm spread through the area, the KwaNyuswa area took on a general reluctance to accept any kind of political activity. However, even before the episode of youth violence, there had been

only measured support for national politics, and the replacement of the IFP affiliation of the 1970s with a general ANC attachment in the 80s had taken place without any overt conflict. It is possible that any area with strong migration inflows which break up traditional institutions may be likelier to endorse the ANC, with its anti-traditional and more universalist values, than to support the IFP, which relies heavily on chiefship and old land-based alliance structures for its coherence. If so, then migration has probably been an important factor in the political transformation of the destination areas of KwaZulu Natal, and perhaps of other places.

However, the recent advance of the municipal demarcation process has been having surprising effects on the now-established identification of the KwaNyuswa community with the urban, universalist values of the ANC, and there are signs that anxieties over being brought into the metro dispensation are causing support to coalesce around the Valley of a Thousand Hills chiefships, and around a kind of conscious neo-traditionalism. This reawakening of support for and interest in the TAs may give them greater leverage in relation to efforts to maintain order in the land market and also in protecting AIDS-affected households from sharp practice and land snatching.

The household level: accessing peri-urban land

For families wanting to move into the peri-urban zone from any direction, arranging entry is not difficult at KwaNyuswa. For most rural-born people in either area, land is obtained by approaching either a landowner in the community or someone from the TA, either an induna or the chief. In the past, either approach has been made with support from a local resident who serves as sponsor and vouches for the good character of the candidate, but cold approaches are not uncommon now.

The help of a sponsor is a traditional practice, and assists the TA authorities as community representatives with their responsibility to screen in-migrants and ensure that undesirable characters – violent or dishonest people, or those being pursued by enemies – do not gain entrance to destabilize peaceful communities. The baseline rural concept of a named residential community is a little similar to that of an urban gated neighbourhood – it entails a grouping with an active identity, which assumes mutual support, polices itself against unacceptable behavior by members, and excludes outsiders judged to be undesirable.

For most candidates looking for land, sponsors are likely to be network members such as relatives and friends, church members, workmates, or others. However, KwaNyuswa's informal land market is known for a process in which chance contacts – Nyuswa residents met on buses or in other public places – refer outsiders looking for land to local people who have land and are willing to sell. A similar pattern has begun to appear in other peri-urban areas, but most sponsors are still network members rather than strangers.

If the approach is made to an individual landholder, then the price of the land needs to be settled. Depending on size, location and aspect, informal land prices at KwaNyuswa can reach over R 5000 for the site alone: Vusumuzi M, the landholder in Case 2, priced his attractive site and very poor quality housing at R 8000, but failed to sell at that price.

The KwaNyuswa chief officially frowns on high prices, but essentially considers the formally communal and tribal land to be the private property of the sellers, and rarely if ever interferes in private price setting transactions. Charges made by the TA staff add anything up to another R 2000, though the chief claims the formal fee is much less. The price of the house if one is bought comes on top of the price of the land, and can be well over R 20 000 at KwaNyuswa: if the house

is an expensive one, there may be no separate charge for the land. How the transfer of these larger amounts are financed is not clear, but some are paid over in cash in a one-off transaction. Others may be bank transactions.

To validate the transfer, the neighbourhood is notified, and witnessed formal public placement follows, with acknowledgement of boundaries. The transaction is formally recorded in the record ledgers of the TA, so that the allocated holder of the land can be determined in dispute cases.

Jabulani J's dispute with his uncle (Case 18) illustrates the process. When he found his maternal uncle encroaching on his land, Jabulani J – a suspected AIDS sufferer – hastened to contact his official witnesses, who backed him as he went on to approach the tribal court. The court, including the chief, tribal councillors and indunas or headmen of the wards, found in Jabulani J's favour when the books were examined, and Jabulani and his mother were found to be the only recorded landholders for that parcel. The maternal uncle was told that he was not an heir to the land, and to vacate it and not to attempt further encroachment. For clearing his title to the land, this service cost Jabulani J R100 in court fees.

Under today's conditions, land as well as housing in peri-urban areas is usually considered to be privately owned, and the chief at KwaNyuswa regularly decides in tribal court in complicated land cases involving de facto private land rights. That is, the TA in effect guarantees tenure security in relation to the informal private land market, and the adjudication process is very accessible, as well as generally public and transparent. Until about ten years ago, nearly all land at KwaNyuswa was taken up and occupied, and therefore under ownership. However, with the concentration of population in advantaged areas and the concomitant depopulation of large parts of the outer hilly terrain, it is not clear whether open land is not now again available for re-allocation to outsiders willing to accept less well located sites.

At the same time that peri-urban TAs openly support the informal land market, and sharecrop arrangements are often encouraged, customary prohibitions surviving from the colonial administration discourage actual contract renting of agricultural land. This negative evaluation of land rental options has also been characteristic of South African national land administration, though a more experimental attitude has begun to emerge under the prodding of economists trying to promote a freer market approach to rural land.

It is not entirely clear why no strong informal rental market has emerged alongside the informal property market – and also why buying and selling of land for agricultural purposes has never emerged informally. However, the underlying conditions would appear to relate to the marginal situation of home farming in the older labour migrancy economy, together with the deliberate closing off of opportunities for African small scale commercial farming under the colonial and apartheid administrations. Another factor is the way rentals are perceived in rural tribal communities.

Under the negative historical conditions for African commercial production, the residential value of land has far exceeded its production value. Even today, informal land transfers are expected to be for residential purposes. To combat homelessness and dispossession, residential use has been the understood priority in the overcrowded African reserves, as all legitimately constituted families are assumed to have a basic right to land they need to live on, and from which they can draw their consumption needs. This basic human right has served to justify residential sales of land even while the accompanying allocation of production land has declined. Land transfers for the specific purpose of agricultural production have been excluded on the grounds that rich

families should not be enabled to promote economic differentiation and disrupt the community by buying up the land of the poor, unless they can show that they need it to live on.

At the same time, the demand for agricultural land access has never been strong enough to break through these administrative barriers, as residential demand was able to do in establishing the informal residential land market. However, another contributing factor is likely to be the slipperiness and instability of rental contracts aimed at commercial production.

If unproductive land is leased, and then becomes profit-making at a significant level, the formally allocated landholder tends to feel entitled to share in the profit once a reasonable contribution to household support is surpassed, and commercial success is evident. That is, the terms of the contract are felt by the party renting out to imply a sliding scale of compensation which rises with the value of the output, while the party renting in wants to insist that the original terms are binding as agreed on, since the difference in total production is entirely due to his or her efforts. Rental contracts in sugar areas are reported to break down regularly around this issue, and sharecropping arrangements also sometimes collapse due to disagreements about revisiting the terms of the shareout.

Under current conditions, TA structures do not feel themselves willing or able to try to guarantee or arbitrate land rental agreements as they do permanent land transfers. Rental transfers are particularly difficult to deal with on an unwritten, informal basis, since the interests of the two parties tend to diverge over time. At the same time, long-established reluctance by community land administrations to support land transfers that promote economic differentiation remains a powerful factor: profit-making land use has been discouraged on tribal land since colonial times as disruptive in volatile communities which value internal peace.

All these factors around temporary land transfers determine the terrain on which impoverished, disorganized and labour-short rural households of HIV/AIDS sufferers have to find worthwhile ways to use land, which is often the only resource remaining to them once they lose access to the job market. It is pertinent here that AIDS-affected households tend to be weakly structured, with marginal tenure standing and weak internal labour mobilization in a high percentage of cases. For weak landholders, holding the line against other households that compete or encroach aggressively is difficult, even when the issue is publicly agreed permanent land boundaries. For weak households to manage and maintain temporary arrangements aimed at ensuring an income stream, at a point when they are unable to mount their own production operation, is likely to be out of the question unless official policy measures in support can be brought on line.

The household level: cultivation and the economic base for AIDS sufferers

The intense peri-urban demand for land almost entirely for residential purposes has had the effect of putting the KwaNuswa densely settled areas into a quasi-suburban relation with the metro city. That is, the majority of households support themselves mainly on the wage economy, either from inside the metro boundaries or from local jobs linked into the city. However, most KwaNuswa households still retain some kind of agricultural plot, usually an intensified garden plot with hand irrigation.

KwaNuswa's agriculture has declined seriously due to overcrowding in the advantaged areas of relatively flat land where the transport routes have been laid out, and most or all large fields in better located areas are now under housing. There is usually not enough land in a family landholding to accommodate any or all of the family's children and grandchildren. Most find sites for themselves, often at some distance from the parents and relatives, and others leave the

area. This process of dispersion of families in crowded areas breaks up local alliances of related people, and leaves the community less cohesive and more impersonal.

As the area has moved economically further into the cash economy, settlement has densified as agricultural land has been converted for residential use. Agricultural land use declined from the 1950s through the mid-90s as the size of landholding shrank and commitment to wage income eclipsed reliance on home farming. However, recently this trend is reported to have reversed to some extent as unemployment has continued to rise, and more and more households have found themselves cut off from wage income. As in other areas, land has become a more common fallback option for families losing their foothold in the cash economy.

Increasing crowding and the cash economy have reduced the size of agricultural plots. Preferences by women for small intensive gardens on the home plot have also been reported from more rural areas in the eastern seacoast provinces (cf Middleton 1997, Andrew 1991), but the shift to high-value garden crops on small plots as opposed to extensive production of staple maize is very marked in the peri-urban zone. In many or most cases in-migrant families do not receive a separate formal agricultural holding at all, and nearly two thirds of the households in the KwaNyuswa sample had migrated into the area from other districts. For many of these households, which have no separately allocated agricultural land, a home garden on their residential site is their only cultivation option.

This change in the relative placing of agricultural land use for household livelihoods has contributed to a series of linked social, demographic and economic changes. As land-based livelihoods options have become less central, residential land has become more important. Recognition of land rights for women has also advanced significantly, in keeping with what are widely seen to be government priorities. The TA appears to have been relatively alert in protecting the rights of women, though there are limits on what the TA sees itself as able to do when women's emergent rights conflict with established rights of husbands and heirs. Nor has it always protected weaker households in the community, though the case histories testify that the TA has successfully protected the land of disadvantaged households and/or of AIDS sufferers in known cases.

The households which have reliable and constant access to wage work are those which enjoy a decent standard of living, or reach what can be thought of as elite status in the local context (cf May, Carter & Posel, 1997). These households are disproportionately found among the in-migrant population, since it is mainly the households with significant economic resources that are able to first put themselves into the migration stream, and secondly meet the costs of migrating into the advantaged peri-urban settlements where prices are highest on the informal land market.

The poor, who are mainly the downwardly mobile families among the locally-born but also represent long-established in-migrant households that have become disorganized, are left to work out support combinations from the alternatives available to them. As in many or most less urbanized communities, most of these poverty-linked alternatives do not involve wage work – or, otherwise, they bring in only the most marginal and lowest paid jobs, including garden work or farm labour, or the low end of the part-time domestic service sector.

Many of these alternative support options, which serve as inferior substitutes for wage work, involve either cultivation or natural resources collection, both for food supply and for income generation. In addition to these, local casual labour and the poverty end of the microenterprise category are common alternatives for the very poor. Many households in the serious poverty category, which represented about 12 percent of the KwaNyuswa sample population in the 1995

LAPC survey, made use of a diversification approach to household support. That is, the poor often tried to employ several of the inferior support options at once, so as to insure against income failure and maximize their returns as far as possible (see Table 1).

However, not all support options were equally common for the poor. Local casual labour – which pays very badly but is capable of being accessed from home, without transport costs, on an ad hoc basis at short notice and for a limited time period – was probably the most common and least satisfactory form of support. Many impoverished households made use of agriculture or gardening to improve their access to food or income, but well-organized microenterprise operations were relatively rare.

With few exceptions, how far the poor can improve or sustain their support position by using the land-based collection and production options that are available to them is limited by the level of resources they are able to put in, and the relevant resources include management authority and skill. Most poor households have neither good quality able-bodied labour available to their support tasks, nor enough cash to capitalize a significant informal business operation. Many have little production land, or none. Loss of children's labour time into school attendance and schoolwork is another factor which cuts back the total labour available to poor households trying to cultivate or run businesses. As in more rural communities, diversion of children's potential work contribution often results in nearly the entire burden defaulting to the women in the family, who also carry a number of competing domestic tasks. However, beyond the diversion of household labour time to other competing uses, poor households facing social dislocation often have problems in deploying labour internally to best advantage, and may have unemployed labour time going unused.

Beyond shortage of land under conditions of crowding, the disappearance of cattle holdings among the poor living on the edge of the metro city not only takes away their most effective vehicle for savings, but also removes the option of free manure fertilizer. With land and labour doubtfully available, cost limitations for seed, inputs and delivered water then accumulate to affect the very poor severely.

The changeover from predominant staple maize to intensified vegetable production has been central to the changes in cost factors. Vegetables make a more useful contribution to the household economy of the poor than does staple maize, which can be bought out of the industrial economy at a more competitive price in many cases. But vegetables mean intensified production, needing much less land area but carrying higher costs and therefore higher risk.

For the first time in this recent series of interviews, poor households at KwaNyuswa have consistently cited the cost of seeds as a barrier to cultivation - while maize seed of well-adapted local varieties was historically saved from the previous year's crop, seed for common vegetables has to be store-bought in envelopes for each season. Reported costs are running from R 50 to R 100, a considerable amount for an impoverished household to invest.

Water for home irrigation is a second concern, which does more to raise costs than the up-front need for seed stock. With the drying up of rivers and streams across the country due to unwise cultivation of wetland sponge areas, the need for delivered water has also become a key agricultural concern. Local households are using both recycled domestic water and delivered piped water for the hand irrigation of vegetable gardens, and are making use of plastic pipes and sprayers. Delivered water is purified and priced for drinking use, and it is not supplied for the needs of home agricultural production: instead, DWAF tends to frown on using it for home cultivation uses. This is a policy emphasis which needs to be questioned in the interests of the

rural poor. Prices for delivering piped water to individual households can now run to R 1800 or more for the initial installation - a level well beyond most poor households and particularly those hit by AIDS - and even subsidized recurrent costs are difficult for these families to bear.

James L, a disabled household head who seems to be a TB victim (Case 4), was hanging on to his cultivation option against considerable obstacles, and said he aspired to put in delivered water so that he could cultivate more effectively. He ran a very small and weakly profitable microenterprise to raise the cost of seed, but he estimated the up-front cost of having water installed at R 1800, far more than he can afford. Up to the time of the interview, he had not been able to upgrade his cultivation.

None of the households in the KwaNyuswa case histories dealing with AIDS and chronic disease were able either to hire in more land or to hire extra labour apart from Rose Z, though the TA is favourable to hiring workers and is not very strongly opposed to quiet agricultural land rentals. All these cost factors combine to hold back effective use of cultivation strategies by poor families in the densely settled peri-urban districts.

Less casual work is probably available now in fetching firewood and carrying water than was formerly the case, though it is also possible that more well-off families are hiring cultivation labour than in the past. Local firewood and water resources of usable quality are now very scarce in reach of settled areas, and better off households increasingly rely on paid infrastructural services for the bulk of their domestic uses.

The overall effect is to cut back on the value of land access as an economic fallback option for households that are not able to draw enough income from the urban economy to support themselves on their direct earning options. It is possible, though direct evidence is lacking, that the poor at KwaNyuswa may be relatively or absolutely poorer than they were ten years ago, as a result of the economic and environmental effects of densification processes driven by urban access.

However, unemployment has seemingly led to an increase in relative poverty, which is affecting many households that were not originally part of the new poor category created when the old land-giving local aristocracy fell apart. Consequently, land-based support options are reported to be coming into greater demand as lack of wage jobs undercuts the support strategies of households previously able to live off wage income. Interview data suggests that interest in agriculture as a fallback option is on the increase. However, for many poor families, cultivation activity now seems to be out of reach, due to their limited access to all the production factors.

For the better off, the picture is different. Of this grouping, those who are locally born and have inherited land may also continue to exploit cultivation options, particularly vegetable gardening, and may sell their crops. Some households in this better-off local-born category, and particularly those with older male heads who have retired from wage work, cultivate crops with the intention of selling for income. The presence of this level of well off cultivation activity also helps to sustain a moderate market for tractor cultivation services, and also for casual agricultural labour. This demand for casual labour is increasingly taken up by the poor, though this market dates at least back to the 1950s.

Since authority in contemporary rural society flows to household members who provide income support to the household unit, men in this category of retired crop farmers use their crop production income to support their authority position in the household. Possession of an income allows them to retain their status as providers, so that they avoid being marginalized in their old

age, and can better retain their claims as senior decision makers against younger household members who are active in the urban wage markets.

Crops at KwaNyaswa are commonly sold around the neighbourhood by children of the household, along the roads inside the TA community or in the nearby towns, or otherwise locally at pension day markets taking place every second month. Some more committed producers have made a practice of hiring transport to bring their crops to the Pinetown or Durban markets, or otherwise have bought their own bakkies to provide transport. Interviews report that more people are now selling crops to street traders operating in Pinetown. However, transport costs remain a significant obstacle. Whenever crops have to be transported any significant distance, the cost of hired transport is usually high enough to wipe out most or all of the profit. Because of the relatively low volume of crops being produced for sale until recently, few organized routes into outside markets have been established for KwaNyaswa producers.

Some well-off older men born in the community continue to accumulate cattle, though the KwaNyaswa cattle herd appears to have declined precipitously since the early 1980s, due to the nuisance problems of keeping stock in a community which no longer has effectively demarcated land for livestock. Cattle also continue to be kept by some households in the surviving older kinship groups, who retain a nucleus of traditional rural values. For households in this category, livestock have enough monetary and social value to compensate for the problems of raising them in densely settled areas, where their wandering unherded into gardens results in frequent disputes and law cases in the tribal court. However, the overall level of stock husbandry in KwaNyaswa at present is low.

Dynamics: social dislocation and the decline of the land-based aristocracy

Household incomes at KwaNyaswa were relatively very high on average by the mid-90s (cf Cross 1997), though the poverty sector remained. These poor households were originally concentrated among the section of the population that earlier represented the old landholding aristocracy, but have since received more recruits from the category of earlier in-migrant households. Many of the senior landholding family groupings based on male-line inheritance failed to make the investment in education needed to take the step into reliance on the wage economy instead of on land resources, and consequently fell into disarray and poverty. Much of their land then became available to later-arriving, better-resourced in-migrating families, through the informal market process.

Because of high migration, the peri-urban population is usually very unstable, with households relatively shallowly rooted in their communities of residence and frequent on-migration taking place. This population instability has in effect opened up traditional institutions such as the chiefship to permit greater civil participation and more decision freedom and access to land and earning for women, a trend which seems now to have spread from this quasi-urbanized peri-urban region to more remote areas as the cash economy penetrates more intensively into the countryside.

Dynamics: weak households as a factor in land relations and poverty

However, this loosening of civil institutions has gone along with a breakdown of social cohesion more generally, and contributed to widespread social dislocation. Households and families have lost cohesion to a serious degree, and for at least 20 years a high percentage of households have had weak, non-standard structures, not based on married nuclear family connections. The rate of

formal marriage has fallen compared to more rural African communities, a sign of relative disintegration of social reproduction capacity in the community at large.

As a result, the KwaNyuswa population has come to include two elements: first a local-born population which includes a high share of weak households suffering from social dislocation and the effects of being superseded in authority positions by in-migrants, and second the relatively recent in-migrant population, which includes a high share of better off households. This in-migrant grouping concentrates on strong married households in part because of the filtering effect of the migration process itself: in order to mobilize the resources needed for a move households normally need resources - and also cohesion and discipline - and in order to qualify to obtain land rights the new outside households formally need to be able to show that they are structured around a married relation, though this requirement is sometimes bypassed.

In addition to a high rate of women-headed households, there are also many KwaNyuswa households comprising unmarried relatives, adult brothers living with sisters, or brothers on their own without any female relations. In such cases, land has been passed down by default inheritance, since such unmarried households do not qualify to obtain land rights, and single people do not have the standing even to hold land once they inherit it. This leaves tenure somewhat insecure for women-headed households and households of single people.

For any consideration of the effects of AIDS on land tenure, this category is important, because it is into this grouping that AIDS-affected households are driven by the effects of the virus. Within these weakened households, there often seems to be little mutual support capacity, so that families can comprise groups of weakly connected adults without a clear and respected head. Members of these families often do not pool their income effectively, take responsibility for each other, or help to support each other on a reliable basis. Households suffering badly from this kind of internal dissolution have little capacity for either short-term support or long-term accumulation.

The effect of HIV/AIDS on the trend toward damaged households is not accurately known, but is likely to have accelerated family breakdown, and left more land in the hands of families of unmarried adults who often do not have either income or labour capacity to use the land, or do not have internal discipline to be able to deploy the human resources of their families so as to run a cultivation operation.

Earlier research in the peri-urban zone suggests that the factor of land descending into the hands of weak women-headed households played a considerable role in the early development and expansion of the informal land market, since weak landholders are the ones most likely to feel that their tenure is insecure and that their best course is to sell the land and realize some cash before their land asset is lost to stronger neighbours. Difficulties for the poor in weak households in mobilizing the human and financial resources to put their land into production appear to be a contributing factor here, since land once out of production is at risk of being sold off cheaply in a distress sale the next time the household faces a crisis. However, the case data does not confirm high levels of distress sales among AIDS-affected peri-urban households, though some cases were recorded.

With the devastating combined effects of AIDS on household income and household labour capacity, the entry of large numbers of HIV/AIDS cases into the land and household equation in the late 80s and the 90s will have been likely to promote the processes of impoverishment around land which had already been started by population mobility triggered by urban job search. From the qualitative data, it is not clear how far HIV/AIDS has had the effect of putting land on the

informal market, by undercutting the capacity of already weak households to put together a cultivation operation, while at the same time drastically raising the household's need for cash.

POVERTY WAS CRAWLING AROUND THAT HOUSE: TRENDS IN LAND RELATIONS FOR AIDS-AFFECTED HOUSEHOLDS

There are 20 cases in the KwaNyuswa sample, enough to begin to open a window into the way AIDS-affected households in KwaZulu Natal's inner peri-urban zone are relating to land. In this transitional zone, where metro-urban and rural in-migration streams meet, the traditional rural land system – originally based on the old land economy, and adapted to supply the pre-colonial household with all its consumption requirements – comes up against the turbulent urban tenure system. In its popular version, urban tenure as it operates in the informal shack settlements stresses residential priority over any other concern, is based on reliance on the cash economy for all consumption, and all but excludes agricultural land use. In this urban land use system, an attenuated version of the rural land allocation system still prevails (cf Cross 1994), but rental options and tenancy are among the most important mechanisms for getting access to land.

Out of this meeting of urban and rural institutions, a number of trends appear to be emerging which can be related to developments in the other areas of study, which lie further from the transformative orbit of the province's metropole. Perhaps the most significant difference lies in the lower ranking of home agriculture and crop production in household livelihoods at KwaNyuswa, compared to what was found in Empangeni, Muden and Umzinto.

As noted above, crop production is still carried out by many households at KwaNyuswa, but it is no longer universal. In effect, the classical forms of agricultural land use in rural South Africa – livestock grazing, arable cultivation and residential use – have been competing for the land area of the former homelands, with increasing ferocity since land originally began to become scarce during the colonial period. Production uses have been losing out as the artificially induced population densities of apartheid have continued to rise in the old homelands.

In the peri-urban zone, and to a less extent in more rural localities, stock-grazing has largely dropped out, and stock holdings are now often concentrated in the hands of better-off older men who make up a relatively small fraction of the community. The remaining competition is between arable cultivation and residential use. Arable cultivation requires water and expensive inputs, and has been rising steeply in cost over the last ten years: it is now out of the price bracket for many poorer households who need cultivation products and income badly (ECI, field data 2000). Residential use has been taking over allocated arable area in any location where residential sites are in demand, and particularly in the peri-urban zone. As well as designated pasture, allocated arable land is regularly converted for housing use. One path taken by rural and peri-urban households in responding to land scarcity has been greater intensification of production, and a turn toward higher-value crops requiring greater investment: the other has been to abandon production activity entirely, and convert agricultural land for residential use.

When home agriculture declines, households become more and more dependent on cash earning. The households of the poor and sick – including particularly AIDS affected households – then have less and less backup options when and if their access to cash income fails.

This trend has gone along with the increasing number of weak households – those without a clear and undisputed authority role for the household head, and/or without enough able-bodied, economically active adults to support the household's members. Weak households appear to be characteristic of KwaNyuswa and other peri-urban districts with high in-migration, for reasons cited earlier.

These households are less able to support themselves than stronger households based on a married couple and their children, but they are in addition also weak holders of tenure. In so far as they do not have household heads with full tenure standing as legitimate landholders, their claims to hold land are fragile, and may be attacked by unscrupulous relatives or by stronger neighbours. That is, weak households are the ones most subject to asset-snatching of all kinds, and to land-snatching particularly. This category includes woman-headed households for the most part, but also includes households whose headship has been inherited by orphans and unmarried young people. It also takes in the great majority of AIDS-affected households.

Points of conflict in the tenure system affecting AIDS households

At least two wide-scale trends are putting pressure on traditional tenure as it continues to operate in the former homelands, and look likely to combine with the very high incidence of AIDS in KwaZulu Natal to press for change, and to demand policy responses. These are:

- *Rising population densities in the rural destination areas which are attracting population movement are leading to loss of tenure security.* The increasing densification of rural population goes along with the shift in the priority of the land system from production to residential uses. But it is also accompanied by high rates of residential turnover and increasingly impersonal communities, in which traditional security mechanisms based on long-standing relationships and high levels of social capital no longer work as well as they did in the historical past. As high mobility makes rural communities less stable, tenure security appears to be declining as well, and creating a need to reinforce witness procedures with standard written documents.

The increasingly shaky process of tenure security appears to be hitting the rising numbers of weak households, and particularly AIDS-affected households. Families which are not well qualified under the tenure system have least chance to defend their claims to land and housing, and the tenure institutions also have less capacity to help. High residential turnover and unclear tenure status of land transactions are trends that are most advanced in peri-urban areas such as Hillcrest. Siphso D, Vusi M, Busi N, Sibongile C, Bhekumuzi F, Buhle G, Mandlakayise H, Jabulani J, James L, Sandile E, and Thandiwe S were all in-migrants to the Hillcrest community where they were living, and their land claims were definitionally weaker than those of local-born residents. All but one of the reported chronic disease cases in which land rights had at some time been either taken away or put under threat were found in this grouping of in-migrant households – and in the remaining case, the land was sold out from under the family by the victim's own father before he left the area.

- *Rising unemployment means youth cannot marry and is promoting rent tenancy.* The traditional land allocation system depends heavily on the married family – a conjugal unit of married parents with children – as a qualification for both formal citizenship of the community, and for receiving rights to land as a public sign of citizenship status. Unemployment is disqualifying significant shares of young men – and therefore of young women as well – from legal marriage: unemployed men are not acceptable partners because they usually can neither support a family nor complete the *lobola* marriage payments owed by the husband to his wife's family. The knock-on effect is therefore to disqualify unemployed men from having land allocated to them through the former homelands' tenure system. The result is that large numbers of younger people are forming unmarried partnerships and finding accommodation through a second-tier tenure mechanism, in the form of the room-rental market. Residential rent tenancy is not a mechanism recognized by traditional rural tenure, though it dominates the urban informal

areas. As tenants, couples have no formal identity as community citizens, their household is not recognized in relation to shared property or inheritance, and they have no rights to public guarantees of tenure security. Such rights are emerging informally, but so far protect only weakly. At the same time, rental transactions for access to agricultural land are generally not recognized either, and therefore remain unenforceable when they are not actually blocked.

The weaker the household, the greater the problem for the AIDS-affected poor who are renting land or housing because they cannot qualify for formal site allocation. Likewise, the poverty of AIDS sufferers means they are usually unable to marry, and cannot fulfill the conditions for secure inheritance of land from parents who have died. Vusumuzi M, David N, Sandile E, and Jimmy D were all involved in unmarried partnerships or households with weak tenure rights: it is not clear how Jabulani J managed to find the resources he needed to marry, but his position in relation to his uncle's attempted land snatch would have been more precarious if he had not somehow succeeded.

Against this background, a number of linked trends in the relations of HIV/AIDS sufferers and their households to land tenure and land use can be tentatively identified for further study and assessment.

The household dynamics of AIDS and land

For the peri-urban zone in KwaZulu Natal, how can the question of the relation of AIDS to land tenure and land relations best be tackled? Though it is not very difficult to show the effects of AIDS on land use, it seems clear that there is no direct or immediate connection between households suffering the devastating effects of AIDS, and the tenure system itself. For a household to suffer an AIDS death – or for many households to face AIDS deaths – does not, in and of itself, change tenure. Instead, it can be seen that the mediating factors are how the household is inserted into the tenure system, and how the households of the victims respond to the way the death or illness, or the arrival of orphans, affects their support arrangements.

What is critical here is perhaps not so much the so-called 'support strategies' or 'coping strategies' of the household, but the household's actual deployment of household members and their labour. It is through assigning workers to tasks that households deal with the breach made by AIDS in their existing support arrangements, and also in their future plans and long-term strategies – if in fact the AIDS death has actually affected the household in such a way that support arrangements are put out of alignment. The accumulation of many household decisions about where to commit their efforts – into cultivation and land use, into the old land economy or into the newer, more intensive version found in crowded areas, into housing or into rental accommodation, into the job market or into microenterprise and small business activity – can change the tenure system, as it changes land use and as de facto tenure rules adjust to follow these changes in practice.

It then follows that what land-related decisions are made by the frightening numbers of AIDS-affected households now found in rural areas partly depends in turn on how effectively the household's management can bring about successful labour deployment. That is, if households facing the fact of AIDS are to try to increase their cultivated area or intensify their cultivation, or even hold the line on their existing cultivation, they will need both to earn money to cover the costs, and to mobilize the actual workers to go into the fields or gardens. But contemporary households have been badly hit by social dislocation, and the processes of social dislocation are accelerated by the effects of AIDS in breaking up the household's functional internal

organization. Given the cross-pressures within contemporary rural households, and the clear fact that households are not unitary structures that act with a single purpose, not all household managers who are coping with social dislocation can deploy the labour they need or want to deploy, whether it is into cultivation, into the job market, or into any other economic activity.

In terms of the KwaNyuswa case studies, the opposite poles of labour mobilization are illustrated by the household case histories of Busisiwe N and of Thandiwe S, which are discussed in greater detail below. In the case of Busisiwe N, a small family comprised of three adult women and two children, has been able to maintain effective internal cooperation while navigating their way through land dispossession and the later onset of AIDS, and is still maintaining strong cooperation around wage earning and care giving after one of the three daughters has died and the second has begun to sicken. The daughters have taken up and also given up wage jobs in domestic service as necessary in order to care for the young and the sick while supporting the earning efforts of the mother. Wage income has dropped as the earning power of the older daughters has been taken away, and cultivation is going on at a lower level than before, but the household is still viable and falls into the category of the moderately poor.

But for the family of Thandiwe S, with three adults and nine children, little or no cooperation is in evidence, and the standard of living has dropped into desperate poverty since the death of the grandmother and the loss of her pension. There appears to be no agreed head now, and the two older daughters, the mothers of the children, have not taken on the responsibility of either working or cultivating or trying microenterprise to support the younger generation. There is no cash income aside from one child support grant, and although the family still has cultivation land, their cultivation operation has dwindled to a small patch of maize which is not well cared for. Thandiwe S, one of the granddaughters, at the age of 15 is sick with a chronic chest problem since age six but does her best to support the children in the frequent absence of their mothers by begging around the community. Ill from malnutrition, the children are not caring for the garden either. Pooling of resources is difficult to find in this family.

Labour mobilization and household cohesion

What appears to count here, both for the general welfare of AIDS-affected households and for the specific question of the impact of AIDS on land tenure and land use, is how far the household manager – the head of household – can get compliance from all members in respect of their labour time and can then plan to use all the household's human resources effectively, so that pooling of resources and accumulation can take place. If this does not happen, then as a general rule the great bulk of the household's total income is likely to be diverted into short-term individual consumption, so that housing, education, and cultivation, other microenterprises and other long-term collective family priorities go by the board. For the household, increasing paralysis, loss of both land use and earning capacity, and descent into deeper poverty are the frequent outcomes. For this analysis, it is central that management authority is linked to the tenure standing of the head of household.

The other side of weak internal labour mobilization is that the process of accumulation – in which households use their available package of resources and their human capital to lift themselves by their own bootstraps out of poverty - does not take place. Inevitably, the effective mobilization of land resources in support of accumulation does not take place either.

Weak households which are disorganized by serious social dislocation are less able in themselves to engage with either the tenure system or with land use, because the same requirements about internal authority and management capacity apply on both sides. That is, the households which in

terms of accepted norms have the most respected and autonomous standing in tenure and land relations are usually those which also have the greatest internal capacity to deploy their labour. Woman-headed households are probably at a disadvantage across the board in this regard, since women in charge of households do not receive the same respect as men either from the community at large, or from their own family members. The key point here is that one effect of AIDS is to disorganize households by eating away at their management structure, and destroying some of their capacity to respond to economic needs as well as to the socio-legal system that is indigenous tenure.

The importance of the KwaNyaswa case material – human stories drawn from a high-income area with high settlement density and rapid residential turnover – is perhaps that it draws attention to the possible extent of shortfalls in the internal functioning of AIDS-affected households as a land and poverty crisis which is otherwise often invisible. Many of the households in this community, and particularly the households of the poor, are in an unfavourable support position because the social and economic turbulence associated with high levels of migration have helped to break up their internal coherence, and left them unable to use their potential workers effectively. Weak-structured households are common in this peri-urban community, and are particularly common among the poor. At the same time, one of the most vicious effects of HIV/AIDS is to turn well-structured households into weak ones, to undermine their cohesion and take away workers and managers who will not be replaced or substituted. In the most severe cases, social dislocation advances so far that interdependence disappears – each household member finds his or her own money and own food, so that nearly all income goes on individual consumption, and nothing is put by for the collective future. At the end of this process, the household's capacity to respond to losses can be permanently crippled. Production land use, definitionally a collective activity for collective ends, suffers accordingly. How does this process happen, and what does it mean for land use and land tenure?

The household as the basic unit in tenure: role concepts

The critical factor which the KwaNyaswa case histories engage with is weak households – households suffering severe social dislocation – as they relate to HIV/AIDS hitting the community, and as they relate to land use and tenure practice. It is often observed that AIDS-affected households are labour-short, but this statement probably needs to be examined. What does it mean to say, 'labour-short'? or, what would it mean to talk about unmobilized labour instead? To come at it from the side of the household's internal organization, what do different household configurations mean for land use, tenure access and overall levels of support for AIDS-affected households? Do the implications of different household configurations change depending on where the household is located? What are the factors that relate to the internal collapse of the household, so that virtually all internal cohesion is lost and household members become disconnected individuals, managing themselves as separately as birds on a telephone wire?

Some light can be shed on these questions by measures derived from the work of Marshall Sahlins, built on Chayanov's theory of peasant household economy. The discussion here is based on the consumer/earner ratio (C/E), derived from Sahlins' consumer/worker ratio¹. The

¹ The C/E ratio is a form of dependency ratio that addresses the discrepancy between the number of consumers in the household adjusted for age and gender, and the number of economically active household members supporting the total consuming membership by bringing in income. In this version of the measure, modification has been made to allow for the relative levels of returns from different kinds of economic activity which working members may be involved in: these include wage work at different

household's relation of mobilized work to consumer need can then be crudely compared to how the household stands in relation to tenure, which is assessed on a simple index referred to as the tenure/authority rank, or Tau rank. Both can be considered in relation to income measures.

This report has suggested that households and their internal functional are critical both to land use and to tenure effects in relation to the HIV/AIDS pandemic. This is true in the first place because rural tenure in Southern Africa admits households and not individuals to land rights and to community membership. In the second place, it holds true because it is at household level that decisions come about concerning tenure and residence, and the household level is where resources are deployed into cultivation as against deploying those resources into other household support activities. That is, all the critical decisions which determine overall involvement with land use in both AIDS-affected and healthy families are normally located at household level. These decisions are usually led by the household head or whoever s\he designates, and develop in interaction with the dutiful or other responses of other household members.

For understanding the issue of household support patterns as they respond to the attack of AIDS on the household's human resources, a great deal turns on the question of when a child in the household reaches the age or status of taking on adult responsibility and therefore sees a duty to contribute either cash earning or labour time to the welfare of the entire household unit. This age of responsibility is generally felt to occur later in African society than for whites or for most other groups: Wittenberg's results (1999) show young African men entering the labour market substantially later than young white, Coloured or Indian men, and then continuing their job search to an older age. In KwaZulu Natal, reaching the age of responsibility in practical terms has usually meant reaching an age between 25 and 30, or marrying and setting up a household, or having a child, or needing to take over from a parent who has died, whichever comes first.

However, the once rigid discipline of rural households in KwaZulu Natal has loosened considerably under today's conditions, and these changes have advanced furthest in the peri-urban zone. In place of older role expectations which made relatively clear under what circumstances and in what order the children of the family should take on the role of earner and begin supporting the household, contemporary households frequently find themselves with unclear principles around the issue of children becoming involved in support.

In addition to changes in the larger society, role concepts around the obligation to contribute household support have been affected both by unemployment and by the introduction of old age pensions. Unemployment has made it much more difficult for younger household members to help with household support, while the senior generation's access to pensions has made it much less necessary. The decline of the last 15 years both in labour migrancy and in wage remittances has followed (May & Trompeter 1992, May, Carter and Posel 1997). Rural role relations have begun to shift to a pattern in which the old support the young, instead of the other way round².

levels of earning, informal business activity, home agriculture, pensions or grants recipients, and local casual labour. At the time the case histories were collected, R 1500 was roughly the lowest level for an adequate formal wage, though women and domestic workers often earned less than R 500, and about R 10 per day was the going rate for local casual labour. High C/E values express a high proportion of consumers being supported, and low values reflect a higher share of economically active household members relative to consumers.

² It is worth noting here that the children's rights movement is widely blamed in KwaZulu Natal township society for having helped to persuade youth that parents owe them support without any obligation in return – that is, that children need not account for their time or their movements to their parents, can reject ordinary family discipline, and should not be expected to help with household support since support is an

At a time of high unemployment, it is no longer assumed that unmarried sons will find jobs and contribute to the parental home as a matter of course, and when they do contribute this relation may not continue for long before it lapses. A generation or more ago, in conservative peri-urban society, unmarried women who gave birth to a fatherless child were socially expected to take on an adult role immediately, and to go look for work in the nearest town or city so as to support the child (cf Vilakazi 1962). Today, when many children are born outside marriage and social pensions have reached most of the elderly to free them from absolute dependence on children's earning, this perceived support obligation for young women is probably no longer so strong, and unmarried fathers are often not seriously expected to pay child support. In many cases, fatherless children are brought up at home, supported by the grandparents on pension, while both the mothers and the fathers remain separately at their respective homes. That is, many contemporary young rural parents do not immediately give up the role of unmarried youth living at home, who are not old enough to be expected to take up economic obligations, and instead may maintain the dependent youth role until a relatively late marriage, which may not take place until they are in their late 30s.

However, rates of formal marriage have dropped in peri-urban communities particularly, and unemployment is driving these rates lower still. If the second generation does not marry and move out of the home at the expected point in the family's developmental cycle, households are increasingly likely to be supporting a number of school-age children who are not receiving direct support from either parent. C/E ratios rise accordingly, and leave the household vulnerable to losing the grandparents, and any other active earners.

One implication is that these new role relations may be pushing toward changes in household structure that affect both management capacity and land use, and through these effects also tend to shift the tenure system. One of the important points of internal household cohesion is whether the household's management can negotiate with adult unmarried children for active engagement with support needs: the KwaNyuswa case material may be read to suggest that particularly under the stressed conditions of the peri-urban zone, this kind of support delivery can fail when weaker households do not have the internal authority and cohesiveness needed to ensure cooperation. By damaging internal household structure, the AIDS pandemic is making this condition worse on a vast scale that is still largely unseen and unstudied.

The upshot for weak households of not fully engaging adult children in support activity is to drive up C/E ratios and drive down per capita income. When AIDS then subtracts from a weak household the people who have been carrying the support burden and their economic activity is not replaced, serious losses in relation to land use can take place in households that appear to have abundant unutilized labour. The same effect can come about when AIDS subtracts a household manager with relatively well-accepted authority qualifications and leaves the household disorganized, with a new head who has much less social legitimacy and management experience.

Cultivation in weak households

entitlement. If something like this view is in fact often found among youth in the urban townships, it is not clear how far such expectations have spread into rural and peri-urban communities.

These losses both affect cultivation directly, though withholding labour needed to keep the family cultivation sideline in operation, and also affect land use indirectly, in helping to ensure that households do not earn enough to be able to afford the inputs, equipment and services that high-intensity peri-urban cultivation now routinely uses. That is, as input costs rise, one of the effects of AIDS is to drop many households below the economic threshold level for running a cultivation operation. AIDS-affected weak households have often become too poor to cultivate, even when they acknowledge that they have some land and need the cultivation products.

The late Siphon D's daughter commented in regard to her grandmother's chance of mobilizing production since acquiring a household of orphans,

'The main thing is that it is too expensive to plough, because we use tractor ploughing, and that costs too much...the money which we use to buy seeds is gone, because we are all feeding ourselves on granny's pension. We could maybe help ourselves by using land – but for cultivating we would need to have all the tools, and also sprinklers.'

Her remark illustrates how younger people in the peri-urban zone now see the microfarming enterprise. The example of James L perhaps reflects a more realistic and low-tech approach: an older man who had once been a farmworker, he fell back on hand-hoed garden production when he lost his disability grant, and continued even after his sons, perhaps resentful of no longer being supported through school, pilfered and sold his agricultural tools. However, the comments of Thenjiwe H, the deserted wife of Mandlakayise H who is now supporting her household of eight on a part-time gardening job, can serve to underline the relation between sudden poverty and land taken out of cultivation:

'About cultivation, the problem isn't the chronic disease (AIDS) which took my son, the problem is simply with my husband, who doesn't give me the money to cultivate any more. I am carrying all the load now. Even though my husband is alive I am responsible for everything, including school costs.'

With a C/E fraction of 9.1 and per capita income of R 158 monthly, virtually all of Thenjiwe H's income goes on urgent consumption needs together with school costs, leaving nothing for the costs of the cultivation. Her comment about having no help is echoed by other women heads in the KwaNyuswa case sample, who remark that no one helps them in providing the money for household support.

Assessing household capacity to mobilize labour after AIDS

Weak labour mobilization appears to relate directly to very weak internal cohesion and very weak standing on the part of the household head. The analysis that follows therefore addresses how households lose coherence and lose legitimated internal authority as they are hit by AIDS or another chronic disease condition, and then tries to sketch the probable results for tenure and the land system in communities like KwaNyuswa.

To do this, it uses the consumer/earner ratio and the household tenure/authority scale in relation to a rough approximation of per capita income, for the household's 'before' condition and its 'after' condition separately (Table 1, Table 2 detailed in Appendix One). That is, this approach tries to show how the state of the household after the onset of AIDS or another chronic disease departs from the household's state before it was affected by the disease condition. Using the case data, the analysis then looks at the kinds of effects on land use reflected in the data (see also

Table 1 for the before-and-after outcomes for levels of agricultural contribution to household support), and explores how the buildup of such outcomes can affect the tenure system.

The household's de facto situation in relation to capacity to mobilize domestic labour is reflected partly in the C/E ratio (Table 1), which expresses the proportion of consumers in the household against the proportion of earners, defined as members contributing directly to household support. It therefore shows how the household is performing in mobilizing members to help in family support. As for most dependency ratios, low ratios of consumers to earners are favourable. However, very high ratios indicate that support contributions are being stretched to feed too many mouths, while the presence of underutilized internal labour becomes progressively more likely as the ratio rises³.

At the normative level, in terms of how the household and the community see the situation, household labour mobilization also relates to the tenure/authority measure (Table 2), which ranks how closely the household conforms to the ideal standard of formal marriage demanded by the tenure system as a qualification for holding tenure rights. On this ordinal ranking scale, the regularity of the household's domestic authority structure is the other side of external tenure standing, and follows exactly the same ladder of social acceptance, so that departure from the ideal standard of the married male head as a landholder can be used to help predict how effectively the actual head can exert internal authority. That is, single female heads with no regular source of support have very little social acceptance or legitimacy as household heads and need to rely on personal force of character to be able to mobilize the labour of household members, while formally married male heads have full acceptance and the weight of society behind their authority.

Inspecting Table 1 illustrates the general principle that C/E and estimated per capita income stick reasonably closely together, so that households with very high and unfavourable ratios for consumers against earners also tend to have low per capita income. This is not surprising, since these measures are interactive. However, in this case sample there also appears to be some relation between the household tenure/authority scale and both per capita income and C/E, though it looks as if any such relation is not necessarily linear. Instead, they may involve income-related clusters of households whose internal dynamics are similar, but whose authority scores do not necessarily scale together with income.

For the purposes of this analysis, the per capita income groupings of greatest significance seem to be the ones in the middle and lower levels of the distribution, where most of the KwaNuswa chronic disease cases were located (Table 3). For reasons that will be discussed below, the smaller numbers of cases locating toward the highest levels of C/E and per capita income may represent kinds of households that are less likely to affect land relations. Main consideration is therefore given to the middle and the poorer end of the estimated income distribution, while the relatively better off households may serve as limiting cases.

Poverty, land sales, and land snatching in relation to AIDS-affected households

³ For interpreting this dependency ratio, it is important to remember it works by adding up standardized fractions of consumers and of earners, and that its value in poor households will often exceed the total number of actual household members. That is, many of these households are supported by contributions that add up to less than the standard value of one wage income for a healthy male worker, or R 1500 per month plus. In this kind of case, if the equivalent of five full consumers are supported by one earner, a woman on pension whose income is R 570 and who is categorized as .5 of a standard male earner, the C/E fraction will exceed the actual number of people in the household.

The analysis that follows relies heavily on the household's estimated per capita income, but it is important to note that there are only 20 KwaNuswa case studies available, that they are purposively chosen and not random, and that information on income is not always fully provided in each case history. The per capita income estimates therefore rely heavily on interpolation, based on the available information on what, for instance, domestic service or construction jobs were paying for people in the area at the time. For these reasons the per capita income estimates are provided mainly to give an anchor and a comparison for assessing the related distribution of consumer/earner ratios, and to compare and contrast with the household tenure/authority scale, both of which are more easily and more accurately derived from the available data. No strong reliance should be placed on the per capita income data alone.

Using the per capita income estimates, five categories of relative poverty fall out along the income distribution. The intervals run arbitrarily from R 0-100, R 101-200, R 201-300, R 301-400, and R 401+. Because of the small sample size, only a few cases are available in each category, and what seems to be the internal cohesion of these per capita income categories is likely to be illusory.

Destitute

Estimated per capita income R 0-100. DESTITUTE. Siphon D Case 1, James L Case 4, Daniel N Case 8, Vusumuzi M Case 3, Thandiwe S Case 20.

Against expectations, the bottom category of poverty in the KwaNuswa case sample was dominated by male-headed households: only Thandiwe S's household, which in practice seems to be effectively headless, had an adult generation comprising only women. Monthly per capita income was estimated between R 67 and R 93, and C/E ratios ran from 7.7 to 11.3, but clustered at the top end of this range. Actual household size varied from five to 12, but most cases located closer to the lower end. Included in this group are the two most severely dislocated households in the KwaNuswa case sample of 20.

These five cases mainly reflect destitute two-generation families with very high consumer/earner ratios, in which the head was the person responsible for household support, but was sick, disabled, unemployed and/or incompetent. At the same time, these household heads were also not old enough to get a government old age pension, and were not able to bring in any other reliable income source.

From the case histories, it looks as if the families in this small category tend to be collapsed households, which usually did not have the internal authority structure and coherence to draw on the available labour capacity within the household to substitute against lost earning and work contributions resulting from AIDS deaths of key members. Very low per capita incomes and very severe poverty seem to have resulted. Land use has been hard hit by the knock-on effects, and it appears to be this category of disorganized households facing very serious shortfalls that is most likely to be putting land on the informal market.

For these household cases, the combination of high dependency, very low income and weak labour mobilization appears devastating in destroying the capacity of the household to withstand the attack of AIDS or other chronic disease. The immediate effect of AIDS was in all cases to worsen the C/E ratio, while cutting off access to income streams and cutting recorded wage income. Land use was seriously affected, with immediate consequences for tenure.

James L's C/E ratio went from 5.6 to 11.3 after he lost his job and his disability grant due to chronic disease, and Daniel N's C/E declined from 7.2 to 11.2. C/E for Vusumuzi M went down only slightly, from 7.5 to 7.7, since his loss of his employed daughter to AIDS resulted in the dispersal of most of his household. Siphos D's orphan children found themselves in a household with a C/E of 7.6, up from 4.3. But in Thandiwe S's distressing case, after the loss of her grandmother together with her old age pension, C/E went from an already very unfavourable 10.3 all the way to 17.0. This was the worst C/E recorded for the 20 KwaNyuswa cases, and came about in a household of 12 people, most of them children, who from then onward had no recorded cash income beyond one child support grant, the proceeds of begging, and irregular money gifts from their mothers' boyfriends.

None of these households were able to put anyone else into the formal job market after the chronic disease onset, and in all of them cultivation declined or stopped. This was in spite of the strenuous efforts of James L to keep his cultivation option open by reselling slaughtered chickens on a very low margin to get money to buy seeds. Thandiwe S herself, aged 15 and sick with chronic chest pains which may be TB or AIDS, was the only one of the older grandchildren attempting to support her household. Since she could not stand to breathe dust from hoeing, she did this by begging from door to door in the community. Because outside contributions from boyfriends are likely to address occasional lump-sum requirements more often than day-in, day-out consumption needs, not all the eight children in this household have yet been taken out of school, but all are reported to be sick with malnutrition-related disease.

As assessed on the tenure/authority measure, two of these households (James L and Vusumuzi M) did not have a change of head and did not suffer a structural loss of authority status and tenure standing: in these two cases the heads had the relatively high, rank-3 public standing of unemployed married men, but had lost most of their individual domestic authority by failing to support their family members adequately by local standards. The remaining three households plummeted down the authority ranking as a result of chronic disease. David N lost his intended wife and his sister to AIDS, became sick himself, lost his job, and slid from rank 1 – married, employed male head with children – to rank 8, single male surviving on casual work. Siphos D's two orphan children had no income and had to leave their house and stay with their grandmother nearby when their parents died of AIDS, dropping the surviving family's tenure/authority ranking from 1 to 6. Exploiting the vulnerability created by this change and by the household's fall into poverty, Siphos's relatives from the D descent group arrived and took over the unoccupied house and landholding. Thandiwe S's family lost their relatively young grandmother to a chronic gastro-intestinal condition that may or may not have been AIDS-related, and went from rank 6, widowed woman head on pension with children, to rank 11, single woman with no income as head.

Three of these five households were relying heavily on cultivation activity before their chronic disease onset, but after their chronic disease event both found their agricultural returns seriously cut back, by loss of land, loss of cash for inputs, and/or loss of motivated labour. It is likely to be important that this was the only income grouping which reported distress sales of land. But is it also important that all the male heads in this destitute grouping did in fact sell or try to sell land, while Thandiwe S's household of women may have had too low a tenure standing to be able to mobilize a sale, and Dennis D and his weak and elderly grandmother were unable to oppose the takeover by former in-laws.

Daniel N and James L both sold cultivation land when their financial resources ran out completely, and Vusumuzi M tried unsuccessfully to do the same. Thandiwe S reported that her extremely weak-structured household could not sell their land, as if they had tried to there were

so many of them they could not find any other household to accommodate them. Perhaps equally to the point, they were probably unable to sell any of their now-unused cultivation land since there was now so little authority remaining in their domestic relations that no one in this disorganized family could unequivocally claim the standing of head and act in a land transaction. Likewise, the agreement of the Pietermaritzburg uncle – the only person in the family group with any claim to be able to transact land – would probably not be forthcoming.

In Thandiwe S's household, and also in the case of Vusumuzi M, household structure and pooling of resources had largely fallen apart. In Thandiwe S's case, since the death of her grandmother no one other than she herself was in charge of ensuring that household members had food to eat. Her aunts who were the mothers of the eight children were away from home most of the time, and groceries supplied by an outside uncle who had taken over the grandparents' Pietermaritzburg house were reported to last only half the month. For the rest of the month household members ate what they could find, unless the mothers' outside boyfriends made a contribution. No money was available for medical treatment or any other purpose. Outside of the single child support grant, there was no cash income. Though the family still had a decent landholding and a desperate need for food, cultivation had shrunk to a small and sporadically cultivated patch of maize outside the door. In effect, this household has become child-headed, although there are two adult members. Thandiwe S commented that her household was past all help, and all that was left was prayer.

In the case of Vusumuzi M, structure and pooling had collapsed before the death of the only employed child from AIDS. Vusumuzi M is an unsuccessful part-time informal builder, whose work is not of good quality. He earned too little to support his household of 11 people, and after the added embarrassment of his wife's episodes of insanity he had apparently lost the respect of his children and the community at large. The household was being supported by the earnings of the second daughter, the mother of the four children, and Vusumuzi M described her as *inkosana* – the (normally male) heir and supporter of the family, who would eventually succeed the father. When she became too sick to work in spite of strenuous efforts to return to her domestic service job, the other three daughters broke off from the household without leaving the homestead, and each began to cook separately for herself. Vusumuzi M was already cooking for himself alone since his wife was absent undergoing traditional treatment for her mental condition, and the sick daughter cooked for herself and her children. After her death, and the death of the mentally unstable mother, the second daughter's two younger children were taken away by their paternal grandmother, the two youngest daughters moved out, and the oldest daughter has continued to cook separately with her boyfriend. The father of the younger two children has also died of AIDS, and that family can provide no help.

Vusumuzi M is now apparently only involved in providing for his two older grandsons of 13 and 10, whose father died in a car accident. Since the employed daughter's death the household has shrunk from 11 members to five, but the C/E ratio has worsened slightly, and Vusumuzi M has no influence with the remaining adults in the family, who do not contribute in any way to the general household interest.

The situation of Siphos D's survivors was different. As unsupported orphans with no income, the surviving son and daughter of the late Siphos D and his wife could not stay at their late parents' house alone. They went next door to live with their grandmother, the wife's mother, who was a pensioner and already had several orphans staying with her. They now comprise a transferred household of about seven people. Siphos D's wage income and his wife's informal earning have been lost, and the combined household is now bigger than it was, but with more dependants and with no wage or informal earning. Siphos D's surviving son Dennis D tries to help the grandmother as the household's manager with small amounts of money from casual work, but

this seems to be the only household income aside from the grandmother's pension. As a result of the two probable AIDS deaths, the household's C/E has deteriorated from 4.3 to 7.6, and estimated per capita income has apparently dropped from R 440 to as low as R 93 per month.

On Siphon D's death, the household also fell in tenure/authority status, from rank 1 to rank 6, making it much more vulnerable to land snatching. Left unattended, the house and land of Siphon D's family have now been taken over by relatives in the D descent group, who are taking the role of nominal guardians, and can also claim to be the nearest land-qualifying heirs of Siphon D. However, given what is reported of the family's history, it is also possible that the D family, which for the most part lives at the nearby Ngcolosi TA, still holds some anger against Siphon D's late wife and her parents of the P family, for persuading Siphon himself to leave his relatives and move to stay with his wife's family, who then provided him with land at a cheap price. It is striking that the land the D relatives have taken over seems to be the same holding originally provided to Siphon when he left his own family grouping and came to stay with his in-laws. This land, originally held by the P grouping and given to their son-in-law, would not normally ever be inherited by the D family group, other than by the line of Siphon's son or daughter, who are also P grandchildren.

However, under prevailing conditions this AIDS-affected household seems to be the only surviving representative of the P family, and it has too low a tenure standing, too few resources and too little income security to fight the takeover. Siphon D's children and their grandmother P have not put a case against their D relatives in the tribal court.

In principle these assets will be returned to the children – or at least to the son, Dennis D – when he is ready to marry and therefore qualifies to hold the land. However, there is no guarantee that this will happen unless the son takes forceful action in the relatively near future. Since Dennis D is both unemployed and uneducated as well as unmarried at the age of 21, he is an unqualified heir in relation to eligibility to hold land and obtain formal community membership status as a head of household. His own sub-marginal tenure status (rank 8) and lack of an income or of income prospects make his marriage chances doubtful, and a successful move to regain the house and land does not look likely. It is not clear whether the D family members who have taken the house and land will now recognize any obligation to contribute to the support of Dennis and his sister, but nothing of this kind is reported in the interview.

Estimated per capita income R 101-200: VERY POOR. Dora B Case 6, Sibongile C Case 9, Magdalene M Case 15, Mandlakayise H Case 16.
and

Estimated per capita income R 201-301: POOR. Busi N Case 3, Sarah K Case 5, Nkosinathi R Case 10, Sandile E Case 12, Buhle G Case 14.

The groupings in the middle of the estimated per capita income distribution have a very different composition from the category at the bottom. These households are predominantly female-headed, with three generations, and with relatively large numbers of children in school and economically inactive adults at home. These families tend to be supported on the efforts of the women heads for the most part, with perhaps one other economically active household member contributing earnings in cash or in kind. Unutilized or unmobilized household labour appeared to be a common characteristic, though some of these households did show effective labour mobilization in the face of chronic disease in spite of structural and social disadvantages.

AIDS or other chronic diseases had frequently knocked out one of the household's key earners, dropping per capita income and ratcheting up C/E. However, the pandemic less often damaged the existing authority structure, since the women heads in this category tend to be too old to face a high AIDS risk. As it typically does, AIDS tended to strike the second generation, creating orphans in households run by grandmothers.

Very poor

Household size for the four cases in the 'very poor' grouping at R 101-200 ranged between 7 and 19 – that is, from medium-sized to very large. Per capita income ran from an estimated R 117 per month to R 158, and C/E ratios ran from 4.9 to 10.7, but clustered above 9.1.

Household tenure/authority ranking clustered very closely around ranks 5 and 6, which represent employed widows with children at rank 5, and widowed heads with children living on pension at rank 6. Ranks 5 and 6 express a tenure and authority standing which is accepted in the community as legitimate, but is not strong, and can often be threatened. It also does not give full autonomy in deploying and transacting land, as Magdalene M's and Thenjiwe H's cases illustrate: widows have a clear right to land usufruct, and also have the capability to sell under informal tenure, but even now do not necessarily have full control of transfer and disposal if a son or absent husband disputes their authority. Internally, household management by impoverished widows still supporting the family on their own earning does not offer a strong platform for labour mobilization.

The 'very poor', in the interval between R 101 and R 200, include mainly the households of women heads who are working for wages. These women had often found some other source or sources of personal income in order to support large households with little or no help. This reliance on the ingenuity and hard work of one person leaves these big households very vulnerable if the main supporter dies, as the severe impoverishment of Thandiwe S's household after the death of her grandmother illustrates. All or nearly all support lines may be broken off, and in a youth household with weak management there is no guarantee that substitutes will be found.

This designated very poor grouping in the second lowest income interval was occupied entirely by women headed households. Perhaps not unrelated to female headship, the numbers of children too young to work went as high as 10 and 12, and three out of these four cases contained internal AIDS orphans, children who had lost their mothers to the pandemic and had no fathers present. One household had taken in orphan grandchildren from outside, and one had lost an orphan grandchild when the family of the mother claimed him after the mother and father both died.

It is worth noting that two of the women heads in this category – Magdalene M and Thenjiwe H, the abandoned wife of Mandlakayise H – wanted to sell land but had been blocked from doing it. However, the declared intent in both cases is closer to an investment decision than to a distress sale.

Magdalene M, an uneducated traditional widow, inherited a large tract from her husband and earlier in her widowhood contributed greatly to strengthening the local informal land market. She sold land to six households of new people in the 1970s and 80s, and also contributed land for a community garden. But at the time of her son's battle with AIDS she could not lighten her support burden by selling more, since her son was now an adult and the heir to the landholding, and he forbade his mother to dispose of any more land. Since his death, Magdalene M has begun considering selling more land to fund delivery of water to the house. Likewise, Thenjiwe H

wants to build a new house, and would like to sell land to cover the costs, but says she is unable to do it because the TA will not allow her to dispose of any land since her missing husband Mandlakayise H is the landholder of record. This might not hold if Thenjiwe H pushed forward with confidence, as Sandile E's aunt did in disposing of Sandile's land against the rules of the tenure system, but Thenjiwe H is very aware of her weak tenure status and has not challenged this prohibition.

In terms of land use, cultivation and cultivation rights, several of the woman-headed households were not displaced, and were able to carry on their production operations limited only by labour mobilization and what they could afford to fund. Of the households in the *poor* grouping that had agricultural land allocated, Buhle G and Busisiwe N said they were able to continue cultivating albeit on a smaller scale than before their households' AIDS episodes: both these woman-headed households had relatively effective internal labour mobilization and a moderate level of estimated income. However, as many as three of the other households reported in this income category have no access to cultivation land at all as a result of land snatching, and have been cut off from trying this option. The remaining case, Sarah K, has continued as before in her very small but secure household garden, but obtains only a very small yield. Neither she nor Sandile E, Nkosinathi R or Siphon D's heirs would necessarily be able to obtain more land through a rental transaction if they wanted to use this form of household support, although the Siphon D family still seems to have access to garden land on the grandmother's own holding.

Continued cultivation also applied to Magdalene M and the deserted family of Mandlakayise H in the *very poor* category – these households were significantly worse off than the *poor* group, but still had enough land and mobilized enough labour to continue growing food. Households in this group with very small gardens were limited to Sibongile C, who also continued to do what she could by way of gardening after the AIDS deaths of two daughters and a son, with no interruption but little benefit.

Middle poor

Six households fell into the next per capita income interval, of what is perhaps ordinary poverty at R 201-300 per month. Five of these six were female-headed, but in these specific case histories these women heads had accumulated fewer children too young to contribute. Household sizes in this category therefore tended to be smaller, ranging from 1 to 8. With fewer mouths to feed, estimated individual household per capita incomes ran from R 200 to R 266 per month, appearing to represent a higher tier than the 'very poor' grouping. C/E ratios were also clearly lower, and ranged from 3.3 to 8.6, clustered below 4.1. Though in four out of these six households AIDS has taken away the former main supporter, and has also cut per capita income and increased dependency, relatively low dependency rates at the onset of chronic disease have allowed most of these families to make some recovery once the acute crisis was past.

While these women heads who were living on their pensions and had not taken jobs may actually have been receiving less income than the working grandmothers in the *very poor* grouping, their income was not being spread as far. The overall effect on poverty and tenure standing is for these households to be objectively better off and probably stronger and less marginalized in their de facto tenure standing. It is in this grouping that some effective household labour mobilization begins to be found.

Though these households are poor and often face shortages, selling land was not a strong strategy. These women heads appeared to be using credit, borrowed against their pensions or cash incomes, to try to maintain their investment in the future by keeping children in school without

having to sell off household land assets. Though KwaNyuswa women have in the past tended to be more willing than men to use the informal land market, and are widely believed at the level of rural social perceptions to be ruthless about selling off land to meet consumption needs, most of the women heads in this group were struggling to stay above water without liquidating the household's land assets.

It is also worth noting that women have historically been largely blocked from using the micropolitical aspects of the tenure system, which revolve around using land transfers to bring relatives and allies into a local land-based settlement cluster obligated to support the land-giver's initiatives and increase his local influence: however, this kind of strategy did occur among the women heads in this grouping, where Buhle G apparently offered to transfer land to her brother so that he would come with his family and help her create a land-based proto-cluster of her own. As an unmarried and childless woman landholder, having a married brother next door would have strengthened her tenure standing considerably. Her strategy worked well, and would have succeeded if her brother and his wife had not both died of AIDS after building their house, stranding Buhle G with their orphans.

These six households vary in how many unsupported children, working children and orphans they are maintaining. The household of Sandile E no longer formally exists, and has none of its former members below working age. But before its enforced breakup, two of the orphan children it contained were too young to support themselves, and those who were old enough to work were unemployed. Likewise, Nkosinathi R no longer has rights to land, but is supporting two orphan children while living alone in temporary accommodation.

Nkosinathi R is now 37 years old, and was severely injured in civil violence in 1998, resulting in a chronic condition that needs regular hospital care. He and his brother Mfanafuthi R lost all land rights around 1985, when their father took the occasion of their mother's death to sell the family land, abandon his sons and leave the community. After this event, he and his brother as de facto orphans were shuttled around among several households of their local relatives. As they grew older they found jobs and were able to support themselves independently. But as in the case of David T, neither married, and although they remained together there is no sign that they ever had a house or home of their own. Instead, they appear to have remained members of the new floating tenant population of KwaNyuswa. People in this category do not qualify for tenure status and are not recognized as adult citizens, but many are locally born and continue to live in the community on an informal, uncertain basis: this population appears to be increasing significantly as a combined result of unemployment and AIDS, and shows signs of becoming a major tenure problem for the future.

Mfanafuthi was killed in an accident in 1997, leaving Nkosinathi R to support his two children born to different mothers outside of marriage. The following year Nkosinathi R was attacked, losing an eye and becoming brain-injured and partly deaf. He lost his job as a result, making his situation much more precarious. At the time of the interview he was living on casual labour in a rented room, but still successfully supporting his late brother's two orphans, who remain with the mothers' families, and to some extent he was supporting their mothers as well.

Though he is literally homeless, his unusual virtual household allows him to claim some respectable community standing as a man supporting the children of his family. Because the dependency burden he has taken on is limited to a relatively small family unit, with a C/E ratio of 3.3, and because he works hard at finding casual and temporary jobs in gardening and painting to add to a probable disability grant, he seems to be able to manage enough earning to give a per capita income roughly estimated at about R 270 per month. This implies only moderate poverty.

Likewise, though land is not involved, as an uncle he has been a remarkably honest guardian under very stressful circumstances.

However, given his difficult position Nkosinathi R is not likely to be able to marry and establish a home of his own in the usual way. Therefore he probably will not be able to get back into the tenure system as a household head. It is not clear how stable even his present precarious health is, and his condition may be deteriorating. As an individual alone, he has no future – unless, like Jimmy D, he finds a similarly afflicted partner. As a landless orphan himself with chronic care needs, his situation is very similar to that of AIDS orphans and AIDS patients, and highlights the possible destiny of AIDS orphans who become victims of land snatches.

At the other end of the scale, Buhle G, a hard-working and entirely honest guardian, had no children in her own marriage, and lost her house and land when her husband divorced her, claimed and sold the land, and left KwaNyuswa: she supports five orphan children belonging to her brother now dead. Not coincidentally, she has obtained a new landholding partly on the strength of this guardianship, which raises her tenure/ authority ranking from the unacceptable status of rank 12 – single woman with no children – to rank 5, widowed/divorced working female head with children.

Her position here, better for tenure and community standing with orphan children than without them, illustrates how guardianship can work in a positive way if both the guardian and the children genuinely have a common interest. Of these orphans staying with Buhle G, three are still in school, and two are old enough to work but are not formally employed. One of these older orphans tries to help Buhle G by contributing small amounts to the household from casual work around the neighbourhood.

Likewise, Busisiwe N is supporting a relatively small household with only one small grandchild, and received considerable income support from her two older daughters before the eldest died of AIDS and the middle daughter also became ill. The eldest daughter both worked for wages and cultivated their allocated land enthusiastically, although she had no child of her own and was working for the household as a unit. When she became sick her next sister found a job, and worked till she needed to leave her job to look after the older sister, enabling Busi N herself to switch from a part-time job to a full-time one. At present, it is not clear what contribution the youngest daughter, who is only 20, is making to the household, but some cultivation work looks likely, and she is helping to care for the middle daughter who is now sick., and also for her child.

This female-headed household had a very manageable C/E ratio of 3.4, up from 2.7 before the illness and death of the oldest daughter. Although total income has been cut drastically by the loss of the two working daughters' income, and household cultivation has gone down seriously due to loss of available labour time, per capita income from the mother's fulltime domestic job is still in the low-moderate bracket at R 200 per month and the household still obtains some cultivation returns. Although Busisiwe N was forced to give up her inherited landholding by her late husband's relatives before she arrived at KwaNyuswa, like Buhle G – who had also been deprived of land earlier in her life, before her experience with chronic disease – Busisiwe N reported that she felt no threat to her land at the time of the interview.

Sarah K's household was more complex, and included more young children and a higher dependency burden. Sarah K is a widow living on her pension, who originally had 9 surviving children and four grandchildren. It appears that her three oldest children married and left the family home, leaving behind one boy born outside marriage. At the time of the interview, Sarah K had eight surviving children and grandchildren at home, including one son who appeared to be

sickening with probable AIDS. She had lost her two older sons who were still living at home. One died of AIDS and the other died as a result of fatal wounds in a knife attack. One of them was the principal supporter of the household. Her only surviving employed child was her older daughter, the mother of three grandchildren. The two oldest sons who had married and moved out still contributed to the support of Sarah K's family, though these contributions may have been small and irregular.

The impact of AIDS on this household has been to take away or incapacitate three out of five adult children, a very serious blow in itself. This family, which previously had relatively effective labour mobilization in the adult generation, lost at least half its earning capacity, while four children or grandchildren are still in school. However, C/E rose only to 4.0 from 3.4, and a roughly reconstructed prior per capita income estimate suggests that mean income per family member has fallen from about R 300 to about R 246. These income and dependency levels remain manageable for the immediate future. Because there was no change of head, the impact of the employed older son's death on tenure status has not been vital, though the loss of an adult employed son will have weakened the grandmother's standing and authority to some extent. Cultivation activity was reported to be continuing at the same level as previous to the AIDS deaths – the household is still able to carry the costs – and there seems to be no specific threat to the household's land.

The distribution of income among the mainly woman-headed households in the *middle-poor* and *very poor* categories draws attention strongly to the power of dependency in determining how effectively AIDS-affected households can engage with their challenges, and can use land to deal with some of their food needs. With only one or two exceptions, the 'middle poor' grouping had very much lower dependency than the 'very poor' category, though tenure/ authority ranking tended to be marginally weaker. Particularly, the better off grouping had lower social dependency and better labour mobilization, while the poorer group perhaps tended to depend on one female supporter more often.

However, land use effectiveness tended to go more directly with gender of head, for slightly surprising reasons. That is, the male-headed households were often youth households, with weak prospective male heads, which had accordingly faced land snatches, and which were no longer independent household units. The households, or former households, of Siphon D, Sandile E, and Nkosinathi R had no land left, and could not cultivate. By contrast, the women heads in these groups tended to stick with their cultivation, though usually on a declining scale as losses of children to AIDS ate away at the income they had available for crop production. With the single exception of Dora B, whose cultivation status is not clear, all these women heads were using crop production to provide part of the provisions they needed for their families. However, most of them also complained about not having enough money to buy the supplies and inputs they needed, and Sibongile C had only a garden operation.

Estimated per capita income R 301-400: UPPER POOR. David T Case 7, Jimmy D Case 17,
Jabulani J Case 18
and

Estimated per capita income R 401+: ADEQUATE INCOME. Rose Z Case 8, Bhekumuzi F
Case 13, Elias H Case 19.

The categories of households on the higher side of the case study income distribution contain very few cases, but have a different appearance again. The households in the *upper poor* grouping had relatively higher incomes, but appear in the community setting as seriously

impoverished, vulnerable both to poverty and to land fraud as well as badly affected by chronic diseases. In this set of cases, it was the households that reached the level of *adequate income* which both appeared and acted as better off, and seemed to be able to withstand both poverty shocks and chronic disease.

The upper poor

The households in the *upper poor* category include three male-headed households of orphans, all of which represented youth households, built around weak heirs. Their tenure standing was too weak to allow the nominal heads to hold land officially. Only one of the three, that of Jimmy D and his commonlaw wife Jane, ever has or had any children, and they had only one child, born around the time Jimmy D died at the age of 27. The implication is that these households have no institutional future in the community. This lack of future possibilities may be reacting on their internal organization and use of resources.

Neither David T nor his brother or sister have ever married or brought any children into the house, so that their household remains a sibling family of one generation, 13 years after they were stranded as young adult orphans after the death of their mother and the desertion of their father. Jabulani J is reported to have had mental or emotional problems in early youth, but also seems to have managed to marry on a disability grant after spending most of his life living with his sisters or alone. Up to the date of the interview, he and his recently married wife had no children, so that his household is also a youth household of one generation. However, now that he has managed to marry his tenure standing has gone from rank 8 to rank 4, that of a married man with no children. His position in the land system is therefore stronger than that of David T at rank 8, or of Jimmy D, whose standing during his lifetime was also rank 8.

What these three orphan households appear to have in common is very low dependency, and a household structure made up almost entirely of adults who were able to support themselves relatively effectively before the onset of AIDS or chronic illness. At the same time, their tenure standing, at least before Jabulani J's marriage, was uniformly at a level which disqualified them from holding land through a formal allocation, though all three households actually did hold land on the basis of default inheritance. Prior to Jabulani J's marriage, their standing as citizens of the KwaNyuswa community was very equivocal in all three cases, because none were legitimately constituted households eligible to hold the land right.

The result of the combination of youth households with very weak tenure standing together with very low dependency produced paradoxical results for poverty on one side, and also for household tenure standing and internal authority on the other. On the poverty side, these households were all seen as poor by the neighbourhood, and seem to have behaved as if they were either very poor or middle poor. But at the same time all three had relatively high estimated per capita income levels, between R 300 and R 380 per person per month. In the objective sense of cash coming into the household, they were not easy to class as severely disadvantaged.

Nevertheless, David T's sibling family reported that they could not mobilize the cash to repair their severely dilapidated house, although the combined income of the two working family members may have been over R 3000 monthly and they had only three household members to support. Jabulani J's situation around the time of his marriage is not reported, but before that point, and before his sister told him to return to KwaNyuswa, he was described as living a hand to mouth existence on informal casual selling while staying at his father's community of origin. However, throughout this period he had a disability grant to support himself alone. Jimmy D and his commonlaw wife Jane were themselves disabled, but had two disability grants to support two

adults, a level of support that is taken in the community as very adequate. Nevertheless, they were not able to arrange to rebuild or replace their broken-down mud block dwelling until an outside charity intervened. Both Jimmy D and Jane are described as heavy drinkers, with debts at many local drinking spots. For these three households, all male-headed and all childless until Jane later had a baby, it is difficult to avoid the impression that most of the income of members was going on individual consumption, with very little invested in the household as a unit or in its future.

On the side to tenure standing, all of these households had very marginal status, could not be formally placed on their inherited land, and were not unequivocally members of the KwaNyuswa community. Their marginality in this regard raised a serious risk of land snatch attempts. At the same time, two of them had relatives in the area who could try to claim legitimate tenure status and general seniority against the young and unqualified heirs of the direct family lines, completing the necessary conditions for attempts against their land. In contrast to the other two, David T and his household were relatively safe, because their father's family lived in Zululand and they had only benignly disposed maternal relatives at KwaNyuswa.

In Jabulani J's case, his maternal relatives treated him as not quite mentally competent, ordering him to leave his inherited land so that his half-brother could take over, and then using the land to build rental rooms. After Jabulani J married and his maternal uncle made a second attempt, Jabulani J was able to exclude the uncle's claim in court, but it is not clear if he got the first plot and also his half-brother's rooming house structure back as well. The interview does not record whether the rooms are still being rented out, but there is also no indication that they are abandoned.

Households such as that of David T illustrate the problems around vulnerability and risk of paralysis that some of the weaker and more disorganized households meet. This family of three adults comprises two unmarried brothers, one in his late 30s, the other in his mid 30s and a 30 year old sister. This household has remained in what is almost a state of social suspended animation since the death of the mother and the desertion of the father. These traumatic events occurred 13 years ago, when David T himself, the oldest brother, was 25 years old, so that the family was then a household of young adult orphans. Although two of the orphan siblings have been working, none of them have married, brought home a partner, or brought children into the house. Being unmarried and childless, all these adults have the status of children in the community, and are described that way by the interviewer.

The two men are not working since the older brother David T lost his job due to TB with probable AIDS complications, and the family is supported by the working sister. The second son is apparently healthy, but not economically active although he seems to have looked for work in the past but failed to find anything. All three adults are locally born, to a locally born mother whose family provided the T family with their land, but the father originally came from far to the north, in Zululand.

After the mother's death of what seems to have been blood poisoning after an accidental injury, the father deserted the children and moved alone back to Empangeni. His motive appears to have been fear of witchcraft or poisoning carried out against his family by enemies, after his wife's unexplained death. Since none of the three unmarried and childless adults qualifies to hold land or head a household, this household is now under the assumed headship of the mother's brother, who has his own family and does not live with David T and his brother and sister. The house is described as in a very bad condition, and the garden plot, now out of production, seems to be too small to sell. The family has not made any use of their land in their response to sickness, but has

relied on cash income. David T himself does not see any future option for the remaining family members in crop production because of lack of resources, and particularly lack of land.

It is not clear from the case narrative why this household, with a C/E of only 1.6 until about a year ago and a per capita income perhaps as high as R 1000 per month during that period, still behaves as if it were impoverished and has allowed their house to get into a dangerously dilapidated condition. Although the nominal per capita income is still over R 300 per month, David T told the interviewer,

‘The head of our household is Nkani, our father, since our mother is dead. But he is not here now. If we need to do something, we report the situation to our uncle next door. We eat normally, because our sister Thobile is working to get food for us, but sleeping is not good because we have only one room to sleep, and the other room is to eat in. We don’t have debts, but many things are short in this household, and the house is falling down - none of us can repair or rebuild it.’

David T, aged 38, attributes responsibility for maintaining the house to his absent father who subsequently died.

The situation he describes is what was reported by other households with nominal per capita income incomes of less than R 150 per month. It is tempting to speculate that without the presence of children and a recognized place in the community as incentives to invest in the family and its future, the larger bulk of the total income has been going into individual consumption expenditure rather than into household reproduction and accumulation.

Equally, it is striking that this family has remained vulnerable and formally ineligible for landholding over a period of 13 years, neither formally joining the community nor losing their land, which they continue occupy by default in the absence of other qualifying claimants. They have stayed together and been easily able to support themselves, and their only guardian seems to have been helpful and benign. But in this connection it looks important that their guardian is their mother’s brother, and not someone from the descent line of their father. Going by the case record for other households in a similar position, David T and his orphaned family may have been lucky that there was no relative of their Zululand-born father living anywhere near them. A married father’s brother might have been in a viable position to move in and claim their assets so long as there was no qualified heir in the orphan family, as in effect happened to the family of Siphon D. Absent a male-line relative of their father as the last community-registered landholder, David T’s incomplete household has been relatively safe from land snatch attempts, though not apparently able in terms of its own resources to take the social initiatives that would have resolved their uncertain and precarious situation.

Jimmy D’s case is complex, but is worth reviewing here for the light it sheds on land deprivation and resistance, and on land priorities in KwaNyuswa and in the peri-urban zone. Jimmy D, who was disabled due to paralysis and epilepsy, seems to have been seen as very poor, although he had a disability grant, and his disabled partner Jane L also had a grant. Two government grants gave them a relatively high combined income. They established their household on an unmarried, informal basis in the early 90s, after Jimmy D moved out of the house at KwaNyuswa which he and his female cousins should have inherited after the death of his grandmother. Instead, their relatives at Clermont, a freehold township outside Pinetown, seem to have intervened and successfully taken over the grandmother’s house and land, taking advantage of the obvious difficulty of Jimmy’s ever qualifying to hold the property in his own right. Having taken over the grandmother’s house, the Clermont family held the funeral of the grandmother at Clermont so as to better establish their claim to be legitimately responsible for the KwaNyuswa family, and

also brought Jimmy D's cousins to stay with them. Jimmy managed to build or take over a small flat-roofed mud-block structure on his grandmother's site, and Jane L left her family home to join him there.

As an unmarried and unemployed young man, Jimmy D did not qualify to claim the grandmother's house and land, and could not afford to claim his position as head of the KwaNyuswa family by paying for his grandmother's funeral and supporting his female cousins. Still, in principle he would have had the right to inherit the house at a later point. An acute family quarrel over this sequence of events around the takeover of the house and land would not be unlikely, since through the Clermont relatives' intervention Jimmy D lost all realistic claim to the grandmother's property. By moving out of the house but remaining at KwaNyuswa, Jimmy D may have been signalling that he rejected his Clermont relatives' claims, and would not accept support from them if they offered it.

The Clermont relatives then rented out the grandmother's house, leaving Jimmy D and Jane L staying in their dilapidated earth block structure. Jimmy D did try to insist that he should be paid part of the rent for the grandmother's house since he was the family representative keeping an eye on the property – and by implication, since he was also the displaced heir – but the Clermont family refused, saying he already had a disability grant: in other words, that as a single person he was more than adequately supported and they owed him nothing.

A few months later the Clermont relatives sold the grandmother's house and land to the people renting it, leaving Jimmy D and Jane L with no more land than what their shack was built on. At this point the local induna intervened because of the conduct of the Clermont family, and awarded Jimmy D the use of a very small garden plot on compassionate grounds in spite of his unqualified tenure status. Shortly after, seeing that their mud block house was falling down, that both were disabled and Jane was pregnant, the Valley Trust development NGO came into the picture and built a two-roomed cinderblock house for Jimmy D and Jane L as a couple. Around this time Jimmy died of what is described as a lung condition, leaving Jane L alone with the child.

About a year later, Jane L found a new boyfriend, who moved into the house with her. The Clermont relatives were furious, reasoning that they should inherit the cinderblock house from Jimmy D since Jimmy as the man was presumably the owner, and he and Jane L had never married. They warned Jane L that if she did not tell her boyfriend to leave then they would sell the house.

Aware of her marginal tenure status, Jane L did not try to take steps or to put a case with the TA. Instead, she gave way to the demands from the Clermont family and moved out of the cinderblock house, and rented a room in the neighbourhood together with her boyfriend. Rumours spread the Clermont D family was about to sell the cinderblock house.

People in the community were reported to be angry because a township family from outside the area was intervening in local land affairs, and they warned Jane L to take action before the Clermont relatives went further. Apparently encouraged by community backing, she approached Valley Trust and told them the entire story. Valley Trust communicated with the TA, supporting Jane's claim to be the co-owner of the house in her own right, and a tribal court case was held. The Clermont D family said they would allow Jane L to stay in the house, but refused to allow her to have a boyfriend living with her: that is, they were indicating that they would allow Jane L a customary usufruct right to the house for her lifetime only as the surviving female partner, but still insisted that the house was theirs and would revert to them after she died or left.

Perhaps buoyed up by the support of Valley Trust, the TA ruled strongly against the Clermont D family, insisting that they were abusing a disabled person and that Valley Trust had the right to put them in prison. The Clermont D family was told that they had no inheritance rights at KwaNyuswa since they had left the community and sold their house and land, and that they should never bother Jane L or come near her house again.

Jane L stayed in the house till she became too ill, and care of her child was taken over by a local community AIDS charity. When she died in 2001, Valley Trust and the AIDS charity had to pay for her funeral since there was no contribution from Clermont. The house was inherited by the child, who remained in the care of the AIDS charity, and Jane L's mother as the guardian started to rent out the cinderblock house and collect the rent on behalf of the child as the future heir. It is not clear whether or not the child will ever be able to inherit, and it seems unlikely he will get the accumulated rent, but in principle his tenure right is clearly allocated.

The upshot of the various actors maneuvering around Jimmy D and Jabulani J's landholdings was that the two vulnerable orphan households – Jimmy D and later his partner Jane L, and also Jabulani J – both had to face land snatching attempts from relatives. Perhaps because their vulnerability was acute, in each case there was more than one attempt. That is, these three households suffered four land snatch attempts between them.

There are too few households in this income bracket to support any conclusions: however, these single-generation, weakly structured households of orphans who are not formally qualified to hold land can serve to illustrate one vulnerable kind of household, which is associated with orphan status and chronic disease but where the heads are likely to be male. These households seem to be built around stranded children or adolescents, who may not marry ever formally. Where such households of orphans are too disorganized to integrate easily back into what rural African society sees as the accepted routes to land access, they can remain structurally unfinished and vulnerable across a period of years. Even when they draw in high nominal incomes, which otherwise would suggest strong labour mobilization, cohesion and mutual support can remain weak. In a situation where each household member provides mainly for himself or herself, internal authority and labour mobilization are much weaker than they appear to be. Consequently, both the appearance and substance of poverty may remain.

Income adequacy

For the last group of households, at the top of the case study income distribution for KwaNyuswa, not many privations and difficulties remained in their immediate situation. Like those in the *upper poor* category, these relatively older households were small, with few children at home, and had adequate incomes. Unlike those in the upper poor grouping, they were stable families with heads qualified to hold land and exercise community citizenship. Internal organization and use of resources was effective, so that low dependency ratios carried forward into some relative escape from poverty. Per capita incomes ranged from R 414 to R 750.

Nakile H is the widow of Elias H. She lost her employed daughter to AIDS and her husband – a pensioner – to old age, but her surviving daughter has looked for and found a job. She commented, 'Things are not so tough now after these two deaths – things are now better from the chronic illness'. Nakile H has few demands on her income with only one child at home. Their C/E ratio is 1.4, the lowest recorded. With her own economic pursuits of local casual labour and selling vegetables from home in addition to her old age pension and her daughter's contributions, this uneducated widow is enjoying a per capita income of as much as R 750 in a household with only two surviving members. She has been able to pay off all the debt she took on for the

funerals, and continues using her land for producing vegetables for sale. She has no plans to dispose of any land.

As a widow with a child and with means of support, Nakile H is well positioned in the community. She has an uncontested traditional claim to hold the land on a usufruct basis, and sees no need for any stronger form of right. But her surviving daughter, childless and unmarried in her late 20s, may face problems after her mother dies. There are other relatives of her father's family living in the area, and according to previous knowledge of the household, the H family is conservative and traditional. They are not impressed by women's land claims, and would be likely to oppose a single daughter living alone and holding or selling land.

The household of Bhekumuzi F and his wife Nelisiwe is also well positioned in most ways. This elderly couple also have little education, but have successfully raised a family of adult children who have all left their parents' home, though a daughter and her husband live close by. This daughter and her husband seem to have been provided with land and invited to stay by the parents, who would then have convenient helpers and prospective heirs next door. The parents themselves are living on Bhekumuzi F's old age pension and his wife's earning as a successful informal trader in the market at Pietermaritzburg. With two small grandchildren in the household, their C/E ratio is 1.9, very favourable, and their per capita income is estimated at R 485 per month.

They have taken in twin AIDS orphans left by one of their younger sons, who is now in jail. According to his mother, this son seems to have committed a crime in despair after the death of the twins' mother from AIDS. There may also be a possibility that he wanted to ensure that his mother and father took custody of the orphan twins, whom he could not support and care for while living without his partner on an informal income. Since this son is still in the youth age bracket but was described as living in Pietermaritzburg by selling in the market, without a job, it may be possible that his parents found him a trading opportunity and encouraged him to leave home once he reached early adulthood. It is slightly unusual to find a young single man living away from home when he is not actively engaged in job search.

Nelisiwe F apparently did not consider giving up her earning activity to stay home and take care of the twins. Instead, she borrowed a granddaughter of about 13 from her daughter's family next door, taking this child out of school for a period of three years so that she could care for the orphan grandchildren. This granddaughter apparently splits her time between the two households, and has been able to return to school this year as the twins are entering pre-school. Nelisiwe herself spends most of her time in Pietermaritzburg.

This household reports having about 1.5 hectares of cultivation land, but none of it is in use. Before getting land at KwaNyuswa, Nelisiwe F spent years earlier in her life working for a farmer in the area as a labour tenant while her husband worked at an outside job. She declares that due to this experience, when she was expected to cultivate perhaps 3 hectares of land without help, she has lost interest in farming. What is also clear is that the household does not need the money or the income in kind from cultivation, and Nelisiwe F apparently sees her economic time better spent in market trading.

This family of long-established in-migrants is well accepted in the community, and their land rights are secure. However, they faced a land snatch episode from within the household after they moved to KwaNyuswa. Having obtained a landholding in the Nyuswa community, Bhekumuzi F decided to move his household to Maphepheteni to be involved in the Echibini church colony being established there by KwaNyuswa in-migrants. Before leaving, he divided off land for his

wife's mother to live on, and also left his wife's mother as a caretaker for their KwaNyuswa landholding. When Bhekumuzi F decided that the church enterprise was going badly and he wanted to return to KwaNyuswa, he and his wife found that the wife's mother had sold off their some of their landholding without having notified them. They could not reverse the transaction to get their land and house back. They took Nelisiwe H's mother to court, but the tribal court found against them and ruled that the transaction was final. It would appear that too much time had gone by for the land transfer to be re-opened. However, the mother was ordered to repay the money she had made from the deal to Bhekumuzi.

Unable to get another holding at KwaNyuswa, Bhekumuzi and Nelisiwe F had to rent a site at the turbulent Durban shack settlement of Lindelani and wait for the mother to die, so that they could inherit what was left of their original KwaNyuswa landholding. When the mother died in 1986, Bhekumuzi F brought his family back to KwaNyuswa.

Their house and landholding will probably be inherited either by the twins or by the son-in-law next door, and there is no sign that any problems around landholding are likely to emerge either in the short term or in the long term. Since cultivation land use is not the accepted priority in KwaNyuswa, there seems to be no pressure on this family around the issue of the unused land. Nor does the uncultivated status of the agricultural land have anything to do with the AIDS death of the son's partner, who was living with the son in Pietermaritzburg at the time. This death appears to have had only marginal consequences for the grandparents' family. Instead, with very little dependency in the household the grandparents have a degree of choice as to whether to use the land or not, and have taken the option of microenterprise instead of investing in cultivation.

The last household in this category belongs to Rose Z, and is less well off than the other two. She is a widow on pension who is now chronically ill, and heads a household comprising her daughter and son, and her daughter's two children. Their C/E ratio is higher than that of Bhekumuzi F or Nakile H, at 4.9, and her household's per capita income is estimated at R 414 per month, the lowest in this income bracket.

Her son also suffers from a chronic neurological condition after having been brain-injured in a bar fight. He has lost his job, and is unable to support his two children, who live with the family of his intended wife. In view of the son's disability, it looks unlikely that he will ever be able to complete the marriage. It is not reported whether the son has a disability grant. However, the sister is working in a well paid domestic job, earning a reported R 1500 per month.

They consider themselves poor, and report periodic shortages on some basic needs, as well as sometimes not having enough to eat. However, they are able to maintain at least one stokvel savings group membership, and have only minor incidental debts. When they have shortfalls, they borrow from stokvel groups, and seem to have no trouble repaying these small credits.

Their land assets are limited to a small garden, which seems to be in use, but is not cultivated intensively. They have never had more land than this, and are not involved in land transfers. In their present circumstances, their land rights are not threatened, and their landholding is probably too small to tempt self-interested relatives. If Rose Z dies, the land and house will be inherited by the son and daughter unless the daughter marries and moves out. This brother-sister household will be relatively weak, but would include children and would be able to hold the land. If the son inherits the land alone, as an unmarried orphan, his tenure status will be very vulnerable.

Overall, these relatively higher-income households all had fairly low dependency to cope with, and seemed to be split mainly on whether or not the household was built on an ordinary conjugal

marriage, or whether it was an orphan household compiled from people not connected through the kind of marriage relation that the tenure system expects. Jabulani J and Jimmy D's families were not as well off as in principle they might have been, and also had very weak status in regard to land, opening them to repeated tenure attacks. In most cases, these weak orphan households did not see themselves as able to approach the TA for help against better positioned relatives.

Rose Z's family, Bhekumuzi F and Elias H had roughly similar kinds of income streams as the others, but appeared much more comfortable and much better organized. Labour mobilization as such was probably not much higher, but internal commitment to investment in the household entity seems to have been more effective. Being older and based on legal marriages, these heads also had more standard family structure as well as greater land security, and commanded greater respect for their tenure rights. They were also formally positioned to turn to the TA, as representatives of the tenure system, to demand protection of their land rights if they needed to do so. The only tenure attack in this small best-off grouping came from within the household of Bhekumuzi F, and was not particularly related to household vulnerability.

THEY TOLD HIM TO LAY A CASE AGAINST HIS UNCLE: THE DYNAMICS OF LAND SNATCHING

From having considered how labour mobilization relates to poverty, tenure security and land use, it is possible to continue on to the issue of land snatching (Table 3, Table 4). The first point here is that wrongful deprivation of land appears to relate to the same underlying household factors which determine tenure standing and also labour mobilization potential. The second point is that chronic disease in general, but HIV/AIDS in particular, has the effect of weakening both household's internal organization and its external tenure standing. This is how AIDS opens the household both to land abandonment and to land snatching. If orphans households had higher tenure standing and more capacity to resist, most of the recorded snatchings would probably have been preventable: but if these households were viable, snatching would not be attempted. At the same time, it is important to note that HIV/AIDS is only one of the processes that open socially dislocated households to land snatch attempts.

From this point it is possible to move on to look at the tenure context of informal guardianship and also of land snatches, which develop from the same roots, before going on to consider risks of land snatching against women and men household heads. From the cases, it appears informal guardianship is an equivocal institution in the contemporary peri-urban zone, and that it needs to be seen in relation to the realistic alternatives. At the same time, the greatest threat of land snatching in the peri-urban zone today is probably against orphan male heads of household, and not against women or widows.

Traditional tenure: the origins of guardians and land snatching

To understand how weakened households can lose their land assets through snatch attempts, it is important to look at the social roots of this practice. That is, it is necessary to see how traditional rural society in South Africa handled the issue of marginal households, as well as marginal individuals. These are women, children or unmarried youth whose households were destroyed by whatever process of internal conflict, disease, war or migration, and who found themselves with nowhere to go, and also structurally excluded from holding land or constructing a household in their own right.

Under traditional tenure, the structure of rural society in KwaZulu Natal was one of interlocking male-line alliance clusters, held together by land individually held, but socially bounded and marked as inherited from a common ancestor. These clusters were hierarchical under the chief of the political group, with senior local heads who often ranked as tribal *izinduna* or councillors. These groupings were also tightly structured and organized, with shared grazing land defended in common from other clusters. Cattle were their most important form of property, and these were treated as social wealth and inherited mainly in the male line. Maintaining this descent group stake in the inheritance of property within the cluster was a central concern to senior cluster members.

It was these clusters that the indirect-rule model of colonialism often relied on for social stability and social control, and therefore protected in various ways. It was probably for the most part later that government began to intervene directly into local tenure, and to take control over land away from local male-line alliance clusters and lodge it with headmen, chiefs and agricultural officers instead. Under the colonial administration and later under so-called 'betterment' land improvement planning, this was a process of local disempowerment which went furthest in Eastern Cape, but did not advance nearly as far in the turbulent reserves of Natal province.

Constantly trying to hold the line of stability and cautious expansion in an environment of potential risk and upheaval, these patriarchal structures allowed land rights only to married men, and ideally through the inheritance of land from the holdings of fathers and grandfathers. Partly because women married out of their birth clusters and took any rights they carried away with them, and partly because women in male-line inheritance relations represented a point of cleavage, splitting and dispute, the indigenous system of male-line local clusters excluded land rights for women except through their husbands. That is, women as wives were assigned fields by the extended family, which they did not formally inherit: instead, they received a usufruct right to the land, which allowed them to use it during their lifetimes but did not give a right to dispose of the land, change the land use, or bequeath the land to their children.

For men to break with the male-line relatives and go to live instead with their wives' relations was viewed with some alarm as a serious threat to the integrity of the cluster, and even as a kind of betrayal often attributed to the plotting of the wife. But to collect additional allies and clients through this kind of process was one of the political processes of the system, through which clusters expanded and increased their influence. Clusters which had land resources could attract allies from clusters which could not provide their male descendants with their own holdings. This use of land as a vehicle for micropolitical alliances enters the value structure as a male commitment to land as an instrument for keeping the extended family strong across generations, and not as an economic commodity. Women have been particularly distrusted since they began to be able to sell land, for putting household survival first and being more than willing to treat land as a commodity.

The traditional landholding system therefore was not structured around land production values: it was entirely aimed at land as the vehicle for political alliances, a mechanism for maintaining the aggregate cattle herd, and as the form of value which recruited the community. Keeping control of people and families that had gone astray or become separated from their relatives was another basic concern, reinforced by the colonial authorities, who feared unaffiliated Africans wandering into the towns to commit crimes, and passed legislation against 'vagrancy'. Both the colonial authorities and the indigenous power figures worked to ensure that local organization retained its integrity by sweeping up any people who went astray, and pasting them back into structures.

For individuals who lost their families or became detached from their relatives for whatever reason, options were limited. Unaffiliated individuals who could identify other relatives tended to be absorbed into those families, with a lower standing. Girl children without relatives might be adopted with a view to a later bridewealth transaction, and men or boys with no local connections might become servants with low standing. For those unaffiliated remoter relatives who had some claim to property, either inherited land or cattle that they did not qualify to hold, these assets seem to have been absorbed by the adopting family in return for support.

Social models for guardianship

This kind of transaction finds its template in levirate marriage, or widow inheritance, in which a woman who loses her husband is taken over as an additional wife by a brother of the husband. She receives support in return for the brother taking all the inherited property and assets of the dead man, which therefore remain inside the male-line alliance cluster. These assets do not go back to the widow, but may later be inherited wholly or partly by her son, or may not, depending on circumstances. The process of absorbing the unviable members of weaker households into stronger households that have the resources to support them – sometimes on unfavourable terms,

but at least on some terms that provide support – belongs to the range of exchanges which held the older land-based society together.

This kind of traditional mechanism forms the root both of the kinds of informal guardianship found in the case histories, and also of the land snatch transactions involving AIDS-affected households. What look like land and asset snatches are occurring both in the peri-urban zone and in deep-rural districts of the former homelands.

These transactions around the absorption of orphans and people who have gone astray from their relatives do not seem to have been necessarily subject to full negotiation in the historic past: instead, they may have been public deals in the nature of an offer which is difficult to refuse, attaching people without their own social identity to dominating local interests under very unequal power relations. The contrived, non-customary versions that prevail today sometimes look as if they are semi-secret, imposed by relatives with doubtful claims, who are not necessarily acting in good faith.

Emerging tenure: changes around guardians and land

Under contemporary conditions, the older local male-line clusters have been broken down in many areas by the dissolving effects of high mobility and the informal land market. This process of individualization has operated through the principle in land matters of *zenzela*, doing the transaction for yourself, without consulting any authority or other stakeholders. *Zenzela* in turn has led to the rise of the floating population, which is now living in peri-urban areas in temporary rental accommodation without any formal land or citizenship rights: it has also produced land snatch attempts in lieu of the older quasi-adoptions as a mechanism for accommodating women and children who have lost their foothold in rural society. At the same time, it has probably made land dealings more private between the parties, and less a public issue secured with witnesses.

This individualization process de-linking land and society has had the reciprocal effect of giving individuals much greater decision freedom. Well resourced individuals and families have benefited. But for widows and orphans hit by AIDS, loss of social cohesion has meant that society's controls over this kind of intervention have weakened drastically. Individualization of tenure has allowed self-interest to emerge into the open, and permitted individuals with resources to intervene against the weak without consulting any overseeing groups of relatives.

However, what needs to be remembered is that however unsatisfactory this kind of mechanism for rescuing the dispossessed may be now – and has been in the historic past – it is still what rural society has to offer to the lost. Often in return for an asset swap of some kind, in principle it has the value of providing that people who fall out of society are not wholly abandoned, and also that their assets should not be taken away from them without anything at all in return. However, there are no dedicated mechanisms to ensure equity. TA structures may be involved in these transactions, but these structures normally do not act unless invited into the case. They also do not claim authority over the domestic sphere, but only over land claims, and they can be open to influence.

The underlying point here is that some kind of genuine reciprocal obligation is expected by the community in cases where assets of marginal individuals or households are taken over. Just as in the root custom of levirate widow inheritance, if weak sibling households or widows have assets seized by relatives, the expectation prevails that the land-snatching household has the obligation to provide support for the victims. If this does not follow, as in some of the orphan case histories, then in principle there is material for a court case.

The case of Jabulani J and Jane L at KwaNyuswa, and of Taki L and Jazz M at Empangeni, show that orphans and AIDS victims sometimes can win these cases in the tribal court, if they have the confidence to approach the TA – and especially, perhaps, if it is known that they are in touch with outside authorities. However, it appears to be a critical problem for AIDS-affected households today that they often have no one to support them in approaching the TA, and are very conscious that their sub-marginal tenure standing bars them from the TA's system of law.

Dennis D and his grandmother have not approached the TA about the D relatives of the late Siphon D having taken over the house and land belonging to Siphon's children. Their standing in a case would be very weak. Similarly, Jane L had already given in to Jimmy D's Clermont relatives' threats. She would not have tried to approach the TA if her neighbours had not advised her strenuously that she did have a case which should go forward in the public interest.

Although he was unmarried, poor and alone at the time, Jabulani J himself seems to have received nothing from his maternal relations after they removed him from his inherited land so they could put his half-brother in his place, nor did they take him into their household. It may be for this reason that Jabulani J returned to reclaim the remaining land, rejecting any implicit bargain, and stood off a later snatch attempt from the same source.

In none of these cases was any support apparently on offer from the relatives who tried to carry out the snatch takeover. However, it looks as if Sandile E benefited significantly in terms of support for having refused to oppose his aunt's takeover of his grandmother's land, since he was last heard of staying in her household. His two stranded orphan sisters had also joined this household as last reported, and one had somehow obtained the money to further her studies. However, the younger brother apparently had a less satisfactory experience in the aunt's establishment. He moved out, becoming lost in the floating population of the Bester's Camp squatter settlement.

Many years earlier, James L, as an unmarried young man, found his stepfather had maneuvered so that James L could not bring a court case against him for land theft as he would otherwise have done. However, James L did go on to rejoin this household, and to share support with the same relatives who had sold his land and house and disappeared without notice. Although these relatives seem to have given him no support, they did provide him with a legitimate place in the community, so that he did not fall into the category of an unaffiliated homeless single man suspected of being a vagrant or criminal.

Thandiwe S and her stranded household have not tried to challenge their uncle for his appropriation of their grandfather's house in Pietermaritzburg, but in return they do receive a monthly grocery order from this uncle, even though this is not enough to see them through the month. An actual snatch attempt by this uncle, against the KwaNyuswa landholding which they hold by default, would be certain to succeed but looks extremely unlikely. The uncle would then have to take over a crippled household of 13 people, in return for a moderate-sized landholding and a house of no great value. In their bitter poverty, facing malnutrition, probably no orphan household at KwaNyuswa is safer from dishonest relatives. As Thandiwe S comments, there are too many of them in the household for anyone to accommodate them if the land were to be sold.

The pros and cons of informal guardians

These concerns set the scene for how the issue of honest and dishonest guardians can be considered. The context at KwaNyuswa is one where the structures of traditional society have

unravelling almost completely: society and tenure have moved a long way toward individualization of both land and society, breaking up both social capital and local territorial clusters. Few male-line alliance clusters still operate, and the descendants of these groups are often part of the new floating population, separated from their former landholdings and living in temporary accommodation. There are large numbers of independent households of women, not all of them widows, and there is a significant element of AIDS orphans and other sibling families stranded by chronic diseases. Many of the disadvantaged households are not closely affiliated to any better placed relatives, and therefore have neither formal community citizenship nor any easy route to approach the TA if they need to. Some have relatively high nominal incomes going along with functional poverty, and others are poor by any measure. An unknown number have probably dropped through the economic floor of the community and joined the floating population.

Many or most of these orphan households have had dealings with either honest or dishonest guardians, who claim the standing of household head and owner or guardian of the land and house. Some of these guardians have actually acted against the interests of their assumed orphan beneficiaries. However, these transactions may be more complex from the standpoint of the victims than they sometimes appear.

It is becoming clearer why land snatch takeovers are not always as hostile as they appear, and why orphans do not always try to act against false guardians in cases where their assets are being alienated. What needs consideration is the conditions under which informal guardians often turn out to be honest or dishonest.

Because of this stringing out and unravelling of peri-urban society, it looks likely that guardians will continue to play a role into the indefinite future. In the face of prevailing attitudes, it will not easily be possible to establish the standing of orphans as heads of household by legislation alone, though this probably needs to be tried. Under the issue of securing orphan land rights is also the question of whether it can be assumed that orphans can easily support a household if their land rights are cleared of threat, and of what finally is the value of land for orphans in the peri-urban zone who are living on their own. It is worth noting that the older traditional society would not have sustained these weaker households as independent land-holding entities, but would have folded them into stronger households instead.

Land as an asset

Securing the land rights of the weakest households may help them to avoid falling into the floating population, but may also do little to resolve their need for economic support in a harsh cash economy. In the contemporary peri-urban zone, small plots of agricultural land do not always translate directly into a way to use labour to provide household support. Getting control of all the factors of production in a high-cost intensive production regime is often beyond the resources of the AIDS-affected poor. In addition, some of the category of households most at risk of land snatches show relatively little commitment to crop production.

Peri-urban land is easy to convert into short-term profits, but selling off assets in distress sales does not relieve the support crisis of weak households of widows and orphans. Long-term income streams require investment for long-term returns. This is a difficult configuration for orphans and other households of the AIDS-affected poor, and is probably more difficult to cope with than the situation in more remote parts of the province, where most households are still equipped for production, and land can still be put under food crops easily and cheaply. If weak AIDS-affected households retain their land, it will give them residential security as they are

presently structured, but it may not be possible for them to use it effectively for livelihoods. The case histories make repeated references to cultivation costs, lack of equipment, water and inputs and limited access to labour, more than to insecurity of cultivation land. These problems around using land effectively may lead the families of AIDS victims to look for guardians who can help directly to resolve their true problems.

Assessing the value of guardians to orphan households

Perhaps the main reason why orphans accept relatives who offer to act as guardians is that such guardians, as a substitute parent generation and source of authority, can resolve nearly all their immediate problems if their intentions are honest. As shown above, the most serious obstacles which have been measured in connections with the KwaNyuswa chronic disease cases have been severe social dislocation with weak labour mobilization, in combination with very low per capita income and very weak tenure standing. These problems are becoming common in the area as high unemployment and low rates of marriage break up married households in the parent and grandparent generations, and substitute households of unmarried partners or of brothers and sisters without partners in the generation that follows.

These trends are accelerating due to HIV/AIDS and chronic diseases, which further undermine both earning capacity and internal authority. A number of younger households may emerge suffering from a long-term management deficit and a high risk of joining the floating population.

If these weak households obtain guardians who are even partly committed to their welfare, they can become something much closer to viable household units in the traditional sense. The following applies:

- *A guardian can make the household's per capita income viable*, through either wages or pension income: Buhle G is currently supporting five AIDS orphans on her wages as a domestic worker, Magdalene M is supporting two AIDS orphans as well as two children, seven grandchildren and a great-grandchild, Dennis D's grandmother is supporting Dennis and his sister as well as three other orphans, and even Sandile E's aunt as a dishonest guardian seems to be supporting Sandile and his younger brother after taking over their land. Thandiwe S's uncle is not supporting her household adequately, but without him they would have no reliable food source at all.
- *A guardian can help to repair social dislocation*: bringing in a senior generation with legitimate authority in kinship terms can restore the functioning of internal management, and give the household a chance to climb back up to effective organization. Nelisiwe F's adoption of her son's orphan twins has brought them back into a functional household after their mother's death from AIDS and their father's incarceration, and will enable them to be educated and brought fully into community and society; for purposes of economic support, Buhle G's household made up of a childless divorcee and a set of orphan cousins operates effectively on the model of a widow supporting her own children.
- *A guardian can raise the household's tenure status*, so that a household which is marginal on its own can operate acceptable land rights with quasi-citizenship standing: Dennis D's grandmother has enabled Dennis and his younger sister to access a residential site when they had lost their own, and James L's untrustworthy stepfather enabled him to buy land and have it officially allocated to a shared household while he was still unmarried and unqualified to hold land. The guardian uncles of David T and Thandiwe S

do not live with these households, but their existence anchors these very weak sibling households in retaining their inherited land.

Looked at from this standpoint, in a situation where more and more marginal households are becoming de facto landholders in rural communities, the institution of informal guardians can be valuable to weak households. Against the injustice of Jimmy D's exclusion from inheriting his grandmother's house, it is still the case that his three female cousins were taken in and supported by the Clermont relatives: we do not know if there was a quarrel over the inheritance, or if Jimmy D himself might have been offered support if there had not been such a quarrel. What is clear is that if Jimmy D had inherited the house, then he and the cousins would all as a household have been stranded facing severe poverty. Though it is very open to abuse and is not structured as an institution embodying social justice, informal guardianship for weak households is in many ways rural society's response to the alarming proliferation of AIDS orphans, youth unemployment and rising overall rates of social dislocation.

Grandmothers are the model for honest and reliable guardians, though grandmothers may not live long, and even they are not entirely safe in contemporary rural society: Jabulani J's 90-year-old grandmother helped in his uncle's scheme to take over Jabulani's land, which took away her orphan grandson's land without bringing him any support or compensation. For weak and AIDS-affected households, the issue around informal guardians is less likely to be one of excluding them altogether, than of bringing this shifting practice back under effective social or even legal control.

At the same time, the KwaZulu Natal case histories clearly seem to show doubtful guardians becoming more and more common. The snapping of community and kinship links in the former homelands is freeing self-interested individuals to present themselves to bewildered orphans as supporters, without their having to account to any local authorities up front. Case histories from Empangeni and Muden suggest that some of these self-described guardians may not even be genuine relatives, and that access to child support grants as well as land, housing and cattle assets all figure in attracting vultures in sheep's clothing. Case histories from KwaNyuswa show false guardians – as opposed to own household members trying to stage land snatches – coming on the scene mainly from the 1990s, when AIDS orphans appear in case material as a new and additionally vulnerable constituency (Table 4).

It appears to be these new guardians, mostly male-line relatives from outside the household, who include most of the problematic or dishonest ones. Different social interests are at stake here. Returning to meet metaphorically with historical practice, these relatives or putative relatives seem to take the role of the male-line extended family offering support while trying to reclaim land and property assets which are in danger of escaping from the stewardship of the cluster. In reality, not all these false guardians are men, but the model of fathers' brothers acting on behalf of the extended family seems to describe most accurately the way they present themselves. By contrast, grandmothers and aunts seem to represent the immediate family line in direct descent, instead of the male-line cluster with its land-based alliances among brothers.

The incidence of land snatching: risks against women

Looked at from the standpoint of victims' exposure to risk of land snatching and imposed guardian arrangements, the households that have been attacked clustered closely in terms of their main characteristics. It was not women headed families in general, or even widows specifically, who seemed to be the preferred victims at KwaNyuswa: widows seemed to be at risk mainly in

outlying homelands districts where male-line alliance clusters still operate actively and levirate widow inheritance is still a strong practice. Here it is worth noting that the participatory workshop held at Muden specifically pointed to resistance having emerged among deep-rural women to levirate marriage: also, that in the reported cases levirate marriage was apparently offered on a take-it-or-leave-it basis – that if the widow rejects the offer of levirate, the patriarchal extended family is likely to recognize no further obligation to her and her children.

The only reported case of a KwaNyuswa widow pressured and displaced by a husband's brother actually took place at Ladysmith in the interior, and precipitated Busisiwe N's immediate move to the peri-urban zone. However, Nona M, who moved to Umzinto from the interior, had also refused levirate marriage. Struggling with the final crisis of her daughter's AIDS, she was finding her support options slipping so badly that she was thinking she might have to reverse her earlier decision, return home and throw herself on the mercy of her rural relations. Since they had apparently washed their hands of her at the time and had shown no interest since, this appeared to be a very risky course of action.

For widows, the model of levirate carries a serious choice, and the women who reject it and strike out on their own are taking the risk of regretting it. As with informal guardians, widow inheritance is what traditional society offers to women who lose their husbands and face the risk of poverty. It is an unsatisfactory option, but the alternatives are limited, and require the widow to carry all the risk. Going it alone in an attempt to choose the family line over the extended family alliance seems to break ties and cut off second thoughts. Rural women who reject widow inheritance can then find household support and earning options disrupted by AIDS.

When this happens, losing the limited support of the patriarchal extended family – in order to enter the cash economy and adopt the model of the autonomous modern household – may turn out to be a very grave decision, and one in which land assets can play an important role as a potential economic alternative to the extended family. While Busisiwe N was able to keep up enough of her household cultivation to provide some emergency backstop as her daughters sickened and her household income fell, Nona M had never built up a cultivation operation at Umzinto. Now too far into the AIDS crisis to afford to start, Nona M and her daughters still had some land, but effectively had no economic backstop left once Nona M had rejected home cultivation and also lost the support of the husband's relatives.

However, in both these cases these women heads of household were no longer threatened by land snatching or other land insecurity once they had left the interior. At the time of the interview, their problems revolved around management of AIDS together with management of household support, and around investment and deployment of labour against available resources. There was no clear evidence in the KwaNyuswa case histories of widows facing the kind of land snatch attempts found in some of the other narratives, or in several of the other areas.

The limits on land snatching

Two comments from women heads of what were in themselves weak and impoverished households can help to locate the limit factors for land snatching. Magdalene M remarked that her large, partly unused land parcel was very secure because there were no other families in the area with the same surname as her late husband: the clear implication was that if there were no husband's relatives to move against her, there would be no trouble from either the TA or anyone else in the community, fallow land notwithstanding.

From the opposite side, Thenjiwe H commented that her moderate-sized land parcel was secure because it lay entirely within her fence. This may imply the danger identified was gradual encroachment onto Thenjiwe H's holding, with neighbours trying to move the boundary markers. As an abandoned wife with an absent husband, Thenjiwe H could have had problems in approaching the TA to act on her behalf against an encroaching neighbour with stronger tenure standing. However, she felt safe because post and wire fencing is fairly secure against being surreptitiously moved. The risk to cultivation land that she perceived was a gradual whittling away by stronger neighbours, rather than a once-off land snatching by someone with a specific claim which could supersede hers.

The further implication was that the households of women with acceptable though not strong tenure standing – widows ranking 5 or 6 – faced little danger of an outright land snatch, though some possibility existed if husband's relatives were in a position to lodge a claim. Large woman-headed households with numbers of dependent children appear to be difficult to remove: if not optimal tenure standing, they have at least social weight, and the recognition of the community as legitimately established households struggling to support children. They are therefore entitled to claim community acknowledgement of their right to be on their land. On the other hand, such households are not well placed to get help from the TA authorities if they need it, and may not be able to take effective action if a stronger neighbour begins to chip away small parts of their holding. So long as their residential rights are not entirely at risk, small hostile actions from stronger neighbours may be the biggest danger to women heads and widows trying to keep control of cultivation land.

However, the same partial immunity may not hold for households of younger single mothers. The case of Jimmy D's Clermont relatives and their attempt against Jane L and her child suggest that outright land snatches are not unlikely against this kind of small, new, socially lightweight household. Younger women who have never been married and have only one or two small children have substantially weaker tenure standing than widows enjoy: even if there is a child, their tenure standing is still likely to be sub-marginal. Nor are they yet universally accepted as legitimate landholders even in the semi-urbanized peri-urban zone: feeling against what is perceived as 'immorality' – unmarried partnerships or multiple partnerships, flagrant behaviour or potential for marriage-wrecking – is still very strong among more conservative households even in peri-urban areas. This kind of behaviour is believed to lead directly to bad, urban-style social conditions, the collapse of community institutions, and even to violence. The Clermont relatives probably tried to exploit this perception in their attempt to take over Jane's house, using immoral behaviour as their excuse for intervening from outside the community.

With a tenure rank of 9 – single woman with child – Jane L was at a serious disadvantage. She was a default heir and had never been formally allocated the land or had a placement ceremony. Consequently, she did not feel properly positioned to resist, and would have moved out in compliance with the threats if it had not been for community anger against the outsiders. Whatever the merits of the case, it is instructive that the TA appeared to feel that outsider interference in community land matters was a more serious social danger than Jane L and her boyfriend.

For all these AIDS-affected women heads, there was no strong indication that AIDS was a central factor in creating tenure vulnerability. Though nearly all the women in the case histories had lost adult children to AIDS, and had suffered in relation to losing both social and economic support as a result, AIDS deaths in a large woman-headed household do not seem to create structural vulnerability. That is, the head of household is unlikely to change, and therefore the household's tenure standing is not affected even if the household has great difficulty coping with an added

poverty burden due to the costs and losses involved with the AIDS death. Only one older woman in the case records lost a husband, whose death was probably not due to AIDS: her household did not become vulnerable in terms of tenure rights, because widows have an automatic claim to usufruct. Women who become vulnerable to land snatching as a result of AIDS deaths are likely to be younger women and single mothers with few children, but in this particular set of KwaNyuswa case histories only Jane L's case comes near this category.

The incidence of land snatching: risks against men

From the case histories, the most vulnerable single grouping for land snatches at KwaNyuswa looks to be unqualified male heirs, who are mainly from sibling households, with a tenure/authority ranking of 8 or below. Overall, among the nine recorded cases of land snatching which actually took place at KwaNyuswa, at least six fell into this category, and another – that of Jane L, who was female, but whose case was a continuation of Jimmy D's case – is probably a borderline member.

Either way, it looks clear that orphans generally, and particularly sibling households, run a very serious risk of land snatching in the peri-urban zone. This seems to be partly because they do not qualify to participate in the tenure system, and partly because they are socially dislocated, single-generation households, as well as young, poor and inexperienced, usually unemployed and short of resources, and often AIDS-affected. The other men heads of household in the KwaNyuswa case sample were in the destitute grouping that had sold or tried to sell land as a result of the interaction of AIDS and poverty: these were married men and relatively qualified though not much respected household heads, with full tenure standing. No land snatch attempts were made in these cases no matter how badly these families appeared to be suffering internal collapse, and to be potentially vulnerable as a result. That is, orphaned sibling households with unqualified male heirs are vulnerable because they cannot be legitimized in terms of the community tenure system, even though the heir may be old enough to own land under the common law.

The category of vulnerable male-headed households centres on the grouping which presents an appearance of poverty, but due to social dislocation apparently develops fairly high cash incomes not managed effectively. These included Jabulani J, David T and Jimmy D. Two out of the three households in this small category had faced multiple land snatch attempts. As unqualified heirs, none of these de facto household heads had been officially placed on their land. All were holding on default inheritance only, so that the land was still formally unallocated after the death of the last holder. This uncertain status combined with the kind of poverty promoted by HIV/AIDS creates tenure vulnerability, and seems to invite land snatch attempts.

However, there are also other households among the KwaNyuswa cases which represent unqualified male heirs from orphan households: these were Sandile E, Nkosinathi R and Dennis D. None of these three households still existed as independent family units at the time of the interview. All had had their land and housing successfully appropriated by relatives: Sandile E had taken the bargain and gone to live with the relatives, Dennis D and his sister were living with their grandmother at her house when their land was taken over, and Nkosinathi R had dropped into the floating population and was living with no fixed address in rental accommodation. The same almost happened to Jane L, even though her household was a mother/child unit. It is worth noting that after the land deprivation Sandile E's younger brother also dropped into the floating population of an urban informal settlement, and was last heard of staying there with no means of support. It looks clear that for orphan youth who lose their land, falling out of this land-based society and disappearing by becoming lost in the floating population is a real risk.

On this evidence, these younger men appear to be extremely vulnerable. Most of them were in the youth bracket seen as too young for support responsibility or marriage, but were also in nominal charge of orphan siblings. The rate of dispossession reflected among these households is very disturbing. Of the seven cases, only two – the attempt against Jane L in the name of her late partner Jimmy D, and the second attempt against Jabulani J – were turned back. All the others, against male heirs in their own right, succeeded.

Vulnerability and resistance in land snatches

Of those which succeeded, only Sandile E received any support from the relatives who took over their assets. Jimmy D's female cousins were taken in and supported, and Jane L might perhaps be said to have been offered some support insofar as the Clermont relatives were willing to let her use the disputed house on a usufruct basis. But Jabulani J, Jimmy D himself, Sandile E's younger brother, Nkosinathi R and his brother, and Dennis D and his sister all lost land and housing assets and received nothing. On the basis that informal guardians and land-snatching relatives seem to be operating at KwaNyuswa, it seems likely that more orphan households are losing out through land deprivation than are benefitting from receiving support in return for their assets. That is, the social understandings around the absorption of orphans into stronger households are not protecting potential victims now.

Most of these snatch attempts were not resisted. Only Jabulani J and Jane L made an organized effort to fight their interloping relatives. Both these cases were second snatch attempts, by which time Jabulani had married and Jane had acquired outside support from Valley Trust, so that both cases became much stronger in relation to the tenure system. In all the others, the threatened heirs had very low tenure ranks and no support, probably had no warning, and seem to have seen themselves as too weakly placed to resist an intervention from tenure-qualified adult relatives who were senior to them in the family. In some cases, such as that of Nkosinathi R whose family land was sold by his father, it seems unlikely that the thought of resisting ever occurred to the victims.

The remaining land snatching cases, those outside the male-headed orphan grouping, represent one unqualified male land buyer who was not an orphan, one formally allocated male-headed household whose land was sold by the mother in the owners' absence, and two women. Two of these cases were recorded by KwaNyuswa residents but did not take place at KwaNyuswa. Women overall suffered only three of the recorded land snatch attempts, and one of these did not take place at KwaNyuswa.

Of all the households in the case records which roughly attach to the orphan grouping with unqualified young male heirs, only David T and his brother and sister seemed to be safe, because their relatives were either far away or benevolent: in addition, the large female-centered group of orphans in Thandiwe S's household were also safe, due to the impossibility of finding a way to remove them from their land in their extreme poverty.

Therefore it is a point worth noting that the most vulnerable orphan households may be those that are relatively small, and do not have a second generation. The presence of children legitimates households, and social resistance to depriving large households which include several young children may be significant. It is noticeable that KwaNyuswa seems to have no true child-headed households. Instead, it appears that very young orphan children are still being absorbed into other families, or otherwise taken into official care.

But it looks clear that for the orphan youth households in the KwaNyaswa case histories, vulnerability was very high. It was not a matter of fencing or borders that made them vulnerable. Their risky position was partly a matter of sequence, in relation to the trajectory of AIDS sickness and death in the family, and partly a matter of tenure standing. As young single men, most of whom were unemployed as well, these heirs could not be formally allocated the land which in principle they inherited even if it was not already being taken over by a relative, nor could they easily approach the TA to help them. It appears that these households become vulnerable at the point when the former household head dies, and the generation of children does not include a qualified married heir able to deal with the tenure system and support the family.

In this light, it looks as if not all these households became vulnerable in the first place specifically because of HIV/AIDS: several of the deaths which precipitated a premature change of head were not due to AIDS, though Siphon D and his wife died of AIDS, and probably so did Jimmy D, who was not a relative of theirs. AIDS seems to have entered the picture later in such cases, when the heir himself became ill, as for Jabulani J, David T and Jane L. Nkosinathi R and the grandmother of Sandile E suffered from other chronic conditions. In these cases, a household already at risk became more vulnerable, since it would become increasingly obvious that the heir was not ever likely to be able to marry, qualify to hold land, and take over support of the household in the customary way. Vulnerability probably reaches a peak shortly after the change of head, but may rise again later if it becomes clear the household will remain without a formal head for an indefinite period. AIDS is probably the likeliest agent in either case.

This likelihood of a long-term vacuum creates the conditions for land snatches and for the intervention of informal guardians, if none have already appeared. AIDS deaths in widow-headed households do not create the same conditions, though the death of a widowed head herself is very likely to leave an unprotected orphan household with no candidate for a formal heir.

Land as a resource for orphan households

In terms of land use and the value of land to these orphan youth households, it looks as if these families make less production use of land than do the widowed female-headed households whose AIDS losses do not create much risk of land snatching. Productive land use, for either food security or income, is normally an activity of married women or of retired men, helped when possible by children. It is not a usual pursuit of unmarried youth staying at home before taking up adult support responsibility. There was very little sign of production activity in the grouping of orphan youth households which had been involved with land snatches.

Since Jimmy D and Jane L were given a very small garden plot by the TA, it is possible that Jane, who was disabled, did some gardening, but nothing is reported: it is possible that the allocation of a garden to this marginal household was simply a mechanism for the local induna to fire a shot across the bows of the Clermont relatives, by showing sympathy for their deprived victims. Likewise, nothing is specifically reported about cultivation activity in Jabulani J's household since his recent marriage: there was none prior to it, and afterward it is reported that he held substantial uncultivated land. If he and his wife had any cultivated area, it would have been a small garden only.

In all the other cases of youth households involved with land snatching, there seems to have been no cultivation activity once the previous head had died and an unqualified youth heir succeeded. Sandile E's grandmother had cultivated her land, but it stopped at her death. Sandile E and his siblings went to live in KwaMashu, where there was no cultivation option. The equivalent held for the family of the late Siphon D and his wife, where cultivation stopped with the death of the

mother. The grandmother on the wife's side took in the orphans but then had to stop her cultivation as well, because she could no longer afford it. Nkosinathi R lost all access to his family land when his father sold it, and had none at the time of the interview. The orphan family of David T had never been subjected to land snatching, and the working sister kept up a small garden only. At the same time, David T's household, and those of Jabulani J and Jimmy D, all had relatively higher per capita incomes and could in principle have afforded costs.

When asked about cultivation options on the land their grandmother still held, Dennis D's younger sister agreed that it might be useful for the household, but brought up difficulties about needing various kinds of equipment and supplies, and noted that their grandmother's pension could not stretch to the costs. In her opinion – echoed by several other respondents – what her family needed was access to jobs, a characteristic expectation among unemployed peri-urban youth. Given that she herself was in school and still several years too young to work, her brother Dennis was of the right age but had no education, and the other orphan grandchildren were also much too young, this option would not be a strong one in a very competitive job market with extreme youth unemployment. Though the cultivation option was available, this family was not deploying any of their available youth labour into part-time low-resource production.

It seems to be this same grouping of youth households that are least likely to be involved in active cultivation and production land use. Land insecurity itself is not likely to be a strong factor: land which is under crops is significantly more secure than land left fallow, and the households in this grouping that still have a cultivation option are no longer facing a high risk of land snatching. Cultivation is likely to be held back by weak labour mobilization and weak internal management in these socially dislocated youth households, and three of these households had no land access at all after suffering land snatches. But in addition, young people belonging to this semi-urban youth fraction are often unwilling to try hand labour on the soil as a fallback option in lieu of a white-collar job, even when they are not highly educated themselves. Only David T's family was definitely reported to have a garden, and it is striking that Dennis D's grandmother gave up her cultivation just at the point when she had most need of it, with new orphans arriving. Cultivation activity for all the others is not reported and is a matter of speculation, but could not represent more than kitchen gardening and probably was absent altogether.

It would appear that a turning away from production land use may be characteristic of the orphan male-headed youth households in the peri-urban region. By comparison, nine of the woman-headed households continued to run at least a garden even after losing some of their earning and labour capacity to AIDS deaths: one better-off older married woman refused to cultivate because she was formerly a labour tenant. Even Thandiwe S's badly disorganized household kept up a wilting patch of maize in spite of lack of commitment. Likewise, only one of the older male-headed households which has been disrupted by AIDS or chronic disease, and therefore sold land, had also given up cultivation: Vusumuzi M gave up after the deaths of his wife and daughter who had been running the production operation. In the other two, male heads were struggling to maintain cultivation in spite of illness and poverty.

That is, of the AIDS-affected households in the case sample, it was almost entirely the orphan male-headed youth households which were not cultivating. Though production is on the decline in most of the others and internal labour mobilization is often weak, commitment is still being maintained to the point for which the household can find the resources. If land tenure is to be strengthened and land options are to be developed for the insecure and threatened orphan youth of the peri-urban zone, attention needs to be given to land-related earning options which do not depend on crop production.

TOWARDS CONCLUSIONS: THE AIDS PANDEMIC AND RURAL TENURE IN KWAZULU NATAL

In KwaZulu Natal, perhaps the main consequence of the AIDS pandemic has been a rising level of economically non-viable households left adrift in rural communities to support themselves as best they can. Many of these are structurally weak households – groups of people thrown together by the effects of disease. Because rural communities require marriage as the basic condition to hold land and community citizenship, and because marriage is difficult and expensive to arrange, takes time and normally comes fairly late in life, many of these households are not seen as legitimate in their communities, even if all the members are born there.

Therefore these AIDS-affected households often suffer with weak tenure rights and therefore have little legitimate claim to hold or dispose of land. On the other side, they are often prone to ineffective internal organization, and can have problems bringing collective effort and labour resources to bear on problems of survival. Not all the households in these case studies meet the stereotypes of AIDS-affected widows and orphans – not all of them are labour-short in the conventional sense, and not all of them have low incomes. Instead, they may have difficulties in applying available work time, income and land resources consistently to the goals of household support and accumulation. Because of their economic weakness and their weak tenure standing, and often because of sickness, low social capital and lack of experience, many of these households find themselves exposed to theft of land and to the intervention of self-interested relatives or dishonest self-appointed guardians, who appropriate their assets. For these stranded households hit by AIDS to be left on their own to struggle with poverty is unjust, and leaves communities and government with an increasing burden.

The outcomes for these households and their communities are likely to differ by where they are located in the space economy. In the outer districts of the old homelands, propping up weak rights to cultivation land is likely to be an effective intervention, because the agricultural economy is often still operational, plots are larger and land rights can be turned into food resources relatively easily. In the dense destination areas of the peri-urban zone, where a large part of the rural population is now located, land is not a simple solution to the crisis of AIDS.

Residential rights in peri-urban tenure

These are areas with residential land priorities, where landholdings are very small, and few households are still organized and equipped for serious cultivation. Jobs are the expectation, in a turbulent cash economy where families carefully study how to overcome unemployment by getting their children into wage work. But unemployment is high, and the jobless are perhaps beginning to form an underclass, excluded from marriage and from landholding, and therefore also excluded from full community citizenship and access to the local land administration of the TA.

The current trends in tenure in the peri-urban zone are emerging from the clash between traditional community practices of publicly qualifying for landholding, and the growing numbers of younger people who cannot meet these standards but still need accommodation in their communities of origin. Rental accommodation seems to be expanding rapidly to house this underclass, creating a floating population which accesses housing simply on a temporary verbal contract with the owner, without going through community screening and public placement.

This growth in room renting is probably still small in total numbers: no information is available on the scale of renting. However, it clearly represents the entering wedge of urban informal tenure, close to what is found in the city shack settlements. These informal urban tenure systems are fast-access, shallow, insecure and conflict-prone, and have led in the recent past to riots and upheavals.

It is this kind of tenure that rural communities fear and are concerned to exclude when they emphasize that land rights go only to qualified households: but once they accept the informal privatization of land rights, peri-urban communities lose control over the proliferation of room tenancy. One risk for weak and functionally poor AIDS-affected households is of falling into this growing underclass of tenants, who have no land rights at all, and who may be emerging as second-class citizens in the rural sector. The 20 case histories show two cases of young men from peri-urban households broken up by chronic disease and land snatching who have fallen out of their community and become part of the floating tenant underclass: the same would have happened to a young single mother if the community had not intervened.

This specific area of conflict is part of the wider tenure trend in the rural sector, as informal privatization of land advances and creates a growing demand for an accommodation with the formal private tenure system of the outside world. In the peri-urban case histories, people are reported talking about bringing in lawyers, and appealing land injustices to the Supreme Court. On the Natal North Coast, other research shows tribal chiefs looking for ways to bring in formal bank mortgage finance without losing community control over the right to settle.

Conflict between social and private rights

This fundamental conflict – between community control over settlement and the informal land market – reflects in the long-term historical tidal change from tenure with collective interests and goals to community-mediated versions of individual private tenure. Older traditional tenure was organized around land-based male-line groupings using land to create alliances, and keyed to conserving the inheritance of land and cattle within groups of male relatives. Informal private tenure is part of the dominating trend of the industrial world, to mobile individual family units passing land and property very narrowly down the household line.

In this respect, one of the effects of the AIDS pandemic may be to push the tenure practice of the former homelands closer to the common law. The common law, and the principles of the recent South African Constitution, prioritize the rights of the immediate family and the own children of the last allocated landholder, including widows and female children. That is, the law of the developed economy prioritizes the conjugal family and the household line. The effects of AIDS in causing children to inherit prematurely in large numbers is creating a vacuum, which is pulling in various de facto semi-traditional stopgaps including informal guardians, but is also bringing in conceptual models from the outside.

Rural communities seem to want to have this issue both ways: to be able to screen families wanting to settle, and to exclude doubtful outsiders and outside institutions so that the community retains local oversight of its own land, but at the same time to accept greater autonomy for individual landholders, and to enlarge the category of legitimate landholders. Greater autonomy for landholders means freedom to transact land independently – to sell and rent, to settle friends and relatives, to bequeath land and to change land use without needing to consult. A larger category of legitimate landholders has meant accepting women, but may now be beginning to

mean considering unmarried youth as well. This is the point where social resistance becomes very strong.

The prospects for assisting rural and peri-urban families hit by AIDS and its associated chronic diseases depend on identifying both tenure and poverty measures that can work in the face of this underlying conflict, over where community control stops and individual or household control begins. The force of AIDS in itself seems to be pushing powerfully for greater individualization, but there is a catch: this pressure for individualization comes about because AIDS creates households of the weak and poor which are a burden to others, but are not necessarily able to support themselves.

Flashpoints in rural tenure are therefore sparking around land rights for women, and now for youth, and the pandemic is feeding the flames. Historically, women and unmarried youth have been restricted or excluded from the tenure system so as to maintain the control of patriarchal groups, but rights in the women and youth categories are central to supporting tenure for individual families on their own. The crisis around rights for AIDS-affected families that do not formally qualify for landholding is expanding the rights of youth and women, but it is the AIDS-affected households in these categories that are most often jobless and that struggle to escape poverty. Supporters of the older tenure system would have a case in claiming that households of AIDS orphans should not be legitimized because they cannot support themselves and will burden the community.

Land rights and AIDS orphans

It is not completely clear how far land can fill this gap in all rural communities. In the peri-urban cases, securing the right of the households of women and youth to live in the community and hold cultivation land has been only a first step. Under peri-urban conditions, land on its own has not been a decisive contribution to making these households viable in terms of economic support.

While land is often the last resource that AIDS-affected households have left, it is also vulnerable under current conditions, and expensive to use effectively. Particularly, the equivocal relations of AIDS-affected or chronic disease households to the tenure system holds most households in the vulnerable groups back from mobilizing income generation around land use.

The effects of household weakness on land use are knotted into and compounded by the effects of poverty and unemployment: these households are losing what workers they did have placed in the job market, and case study results show incomes falling drastically at the same time that the demands of high dependency burdens are increasing. Remaining workers in these households are often not competitive for urban jobs, or cannot leave the household alone for long enough to reach the city's job market: the case studies are thick with references to local casual work, domestic service jobs, and poorly paid part-time jobs. Mobilizing household labour effectively under these conditions is very hard work even for healthy and strongly structured households, and potential family contributors need to look hard at both microenterprise and cultivation, as well as at other kinds of income generating land use.

The immediate effect on land use is serious. The kinds of intensive vegetable cultivation that are now economically effective in competition with industrial farming products in the peri-urban zone are much more expensive than the kinds of traditional extensive staple farming which the case studies describe for outlying rural areas such as Ladysmith, or even at Umzinto or Empangeni. It is remarkably difficult even in the mobilized peri-urban zone, with its favourable access to urban job markets, for weak households to put together the finance they need to cover

the cost of intensive cultivation. Even the cost of seed for vegetables is too much for the low end of the AIDS-affected income distribution: costs of equipment, inputs and supplies, transport, labour and water are becoming out of reach for most households. At the same time, risk itself is higher: in addition to the cost of supplies tied up in a crop, failing access to natural surface water makes rainfed staple cultivation too uncertain to be safely accessible to low-resources households that cannot tolerate risk ventures.

Uncontested access to the land-related resources for AIDS-affected households is still a key issue. But the other question, which underlies the issue of security and securisation for households with marginal tenure standing, is how these rights once achieved can be plugged in by these households in such a way that support can be achieved. The stark predicament of these AIDS-affected households in an urbanized area throws light on their limited capacities to use land. More generally, the South African homelands are enclaves of rural institutions in an economy which relies on wage work and has not been agrarian since the last century.

Instead of cropland, the contemporary land priorities of peri-urban households revolve around housing and residential land uses. A minority of larger, older male-headed households which have inherited large tracts and made the necessary investments have been able to maintain profitable crop production, but the overall trend has been for residential uses as the highest-value land use to drive out more extensive kinds.

It is instructive that in the nine land snatch cases recorded in peri-urban KwaNyuswa, none had the objective of taking over production land and using it to farm. Instead, the trend seems to be to seize houses for renting out or selling, or in two cases to appropriate unused cultivation land to put up structures for renting. This kind of land system forces the issue of what AIDS-affected households – among the weakest and least resourced peri-urban landholders – are expected to do with land once their rights to it have been secured. To come up with policy measures, it is critical to understand the kinds of household that emerge from AIDS, and to come to grips with their resources, objectives and level of capacity.

Toward understanding household response

The case histories from KwaNyuswa in the KwaZulu Natal peri-urban zone reflect at least five categories of households affected by AIDS and chronic disease. As far as this small case sample goes, these groupings exist in the real world, but are unlikely to be as coherent in reality as they appear here. Nor will they represent the whole range of AIDS effects on households and individuals in the densely settled rural areas.

- 1 Mainly male-headed married households facing destitution because the head or main supporter is ill or has died – these households are food-short, and have children out of school. These households have full tenure standing, and have been able to sell land or try to sell land to get income against consumption needs, losing most of their asset base. Most are still cultivating the land they have left, with different levels of commitment. No recorded land snatch attempts.
- 2 Very poor large three-generation households with women heads and high dependency, whose second generation has not been able to move out and start households of their own. These households seem to be supported mainly by the grandmother along with one or two working children, and AIDS deaths have often taken away economically active older children. These households have weak but acceptable tenure standing and weak internal authority, leaving land fairly secure but not easy to transact, and internal labour

mobilization difficult. All are still cultivating, but at a declining level due to the effects of AIDS. Food and other shortages occur, and some are considering selling land. No recorded land snatch attempts.

- 3 Smaller, better organized, middle-poor woman-headed households, of either two or three generations but with fewer children at home. These households seem to be supported by the mother with substantial help from the children. Like the category 2 above, they have reasonably secure tenure status, and seem to be maintaining cultivation as far as possible as AIDS deaths take away children's labour contribution. Food shortages were less common, and these households seem to be conserving their asset base. None in the case data had sold land or were considering selling. A minority recorded land snatch attempts from relatives on the husband's side.
- 4 Mainly male-headed orphan households with one generation, which sometimes showed a paradox of relatively high incomes along with functional poverty. These households have sub-marginal tenure standing, with nominal heads who do not qualify to hold their inherited land and who have little or no domestic authority. The result seems to be high labour mobilization but also little if any internal investment and limited mutual support, leaving household members to find their own incomes whenever possible. Food shortages were not general, but housing was reported in bad condition. As unallocated default landholders none were able to sell land, and very little cultivation was reported once previous heads had died. Land snatch attempts concentrated against the unqualified heirs in this orphan category, with only one in six having escaped entirely.
- 5 Older mainly male-headed households whose children had mostly left home, with low dependency and relatively high per capita income levels. These households usually had old age pension income with few adults and very few children to support, and were able to survive AIDS deaths or chronic disease among remaining adult children without serious economic consequences. Cultivation was continuing at a moderate level. No sales of land and no recent land snatch attempts were reported.

Results here suggest that vulnerability to the land-mediated effects of AIDS concentrates among the male-headed households, among orphan households and in the destitute grouping. The destitute households were fully qualified to hold land, and had not suffered any land snatch attempts inside the last 30 years, but were desperate enough due to the sickness of breadwinners to use their tenure status to let them sell off most of their household land. These land sales reduced the household asset base without returning any lasting benefit.

The orphan youth households with unqualified heirs suffered the opposite effects of HIV/AIDS. Without having been formally allocated their inherited land, they had no community citizenship, could not sell land, and formally had no head. They were considered to be households of children even when the nominal head was in his late 30s. Consequently, their unallocated land was legally unsecured inside the community – fully exposed to land snatching by relatives who could claim to be taking over the land assets in order to help these insecure sibling families and solitary heirs.

Case histories make the point that out of seven recorded land snatch attempts against these orphan households, only two failed, and only one that succeeded also delivered any significant support for the displaced household members in return for the appropriation of their land and housing. The point of greatest vulnerability appears to be the actual changeover of heads to an orphan heir

after the death of the parent, but for youth households vulnerability to land snatching seems to continue as long as the tenure standing of the household remains unresolved.

Security for AIDS widows and orphans

It would seem to follow that male-headed households hit by AIDS are probably in a more precarious situation than the households of widows or other older women landholders. Customary practice allows widows an automatic usufruct right to the landholding and housing after the death of the husband, so that the land of peri-urban widows does not immediately become unsecured.

Land insecurity for rural widows in KwaZulu Natal centres on the older custom of levirate marriage or widow inheritance, which today requires the widow to choose either the presumption of support from her husband's family or the right to inherit her husband's land and property in her own right. Women who refuse levirate marriage risk being illegally driven off afterwards by the dead husband's relatives, who are not willing to allow control of the land and property out of the male-line family. For women losing husbands to HIV/AIDS, this entrenched conflict with the husband's extended family remains a serious risk in deep-rural districts where male-line alliances of brothers are still strong and the custom still prevails. In the peri-urban zone, widow inheritance has largely lapsed, and widows expect to inherit their husband's landholdings with at least usufruct rights, though the husband's relatives may still interfere if the widow wants to sell or dispose of land. The peri-urban case histories reported substantial poverty and weak labour mobilization in the households of widows and older women, but not a high level of land insecurity.

For women heads of households affected by AIDS, the high-risk grouping is likely to be younger widows and single mothers with few children. There is still strong community feeling against young women holding land rights and living alone, though this group was not strongly represented in the case histories. The de facto practice in the peri-urban zone is that young women inheriting land have to marry quickly, or sell the land before a stronger neighbour succeeds in snatching it.

Overall, the peri-urban case histories seem to suggest that the AIDS-related threat against land rights is mainly in the youth category, which has traditionally been barred from landholding altogether. Unlike widows, whose households can continue to exist according to established practice, younger people who inherit prematurely seemingly tend not to become established householders, and may stay for long periods with no formal standing. Today, with AIDS deaths perhaps peaking, the interviewers were unable to find cases of genuine child-headed households that were living on their own, but households of older youth and adults categorized as orphans were not uncommon.

The demographic of AIDS attack puts the youth category into the most vulnerable position. With parents dying in early middle age, unmarried youth between the ages of 18 and 25 seem to be inheriting more and more often, without being able to formalize their standing: marriage is expensive and very difficult for even employed youth if they are living on their own without parents to sponsor and assist with costs. A kind of social and tenure paralysis can result. Of the seven youth households in the case studies, only Jabulani J actually succeeded in getting married, and would probably not have been able to do it without substantial help from his married sister, who was determined to reclaim their family land from their land-snatching uncle. Even years after being orphaned, all the others remained unmarried, and only one child was recorded among these seven households.

The challenge here for identifying assistance measures is formidable. Community attitudes are still very much against recognizing unmarried youth of either gender as landholders. Legislation declaring the legality of youth landholding would provide some basis for change to emerge, but communities on the ground often refuse to recognize government interventions to which they are strenuously opposed for what are seen as compelling reasons: gender rights are often a case in point. Youth households are widely believed to be unstable and unviable, as well as prone to disruptive behavior, so that large numbers of youth landholders would be seen as a serious social problem. But failing recognition of youth as legitimate landholders, the likely trend will be for youth heirs losing parents to HIV/AIDS to drop into the floating tenant population, living without rights in rented rooms or shacks and trying to support themselves on casual labour.

Considering informal guardians for AIDS households

The situation around youth as insecure landholders draws attention back to the issue of informal guardians – older relatives from outside the household, who intervene to take over the affairs and assets of the unqualified heir and his siblings. This mechanism has roots in history, but today is under stress from dishonest self-declared guardians who appropriate orphans' assets for their own benefit. Loss of social cohesion and high residential mobility have unravelled rural society's local institutions, making it difficult for communities to monitor AIDS households and their informal guardians. Likewise, because of their sub-marginal tenure status, it is also difficult for unqualified youth heirs to approach their TA for help. Across the province, the FAO case material shows repeated cases of TAs curbing the excesses of self-appointed guardians in tribal court cases, but also shows that most of these dishonest guardians succeed and never have an official complaint brought against them. That is, these land snatches stand in spite of the fact that they violate custom by not offering the youth victims continuing support in exchange for their assets, or providing them with a place in a viable household.

Dealing with the issue of guardians is difficult in itself, because orphan youth households desperately need adults in the guardian role. And by no means all informal guardians are dishonest: grandmothers support an uncounted number of AIDS orphans across South Africa. If their intentions are sincere and they have some source of income, case studies show that older relatives as informal guardians and substitute parents are able to resolve the characteristic problems facing orphans. That is, an honest guardian can restore a viable level of household income, reestablish internal authority and move the household up to an acceptable tenure standing, opening the way for citizenship and land security. Unfortunately, outside of grandmothers, the possibility arises that honest guardians may now be in a minority. The peri-urban case histories turned up four more or less legitimate guardians, against five who were clearly appropriating assets: however, one of the most rapacious also offered her victims support in exchange.

However, any measures meant to offer help to orphan households are likely to worsen the problem with false guardians, by offering other benefits that the dishonest guardian can try to appropriate. In the peri-urban case histories, dishonest guardians of the kind found now make an appearance only since 1990, as the AIDS pandemic got its real grip and AIDS orphans became potential victims. Not only land, but also housing, cattle, child support grants, loans, insurance payouts and other benefits are at stake. Just as not all land snatchers present themselves as guardians, not all dishonest guardians aim at land snatching. Increasing the benefits that false guardians can obtain will result in further proliferation if no steps are taken.

Recommendations: packaging support with land security

Tenure protection legislation is clearly needed here, of a kind which takes account of the social realities faced by AIDS-affected households and those others who are up against similar problems. For these purposes, legal technologies need to be developed.

At the same time, it is important to recognize that AIDS is an enormous destructive force, and that anything that is done to oblige rural society to accommodate weak households that normally could not stand on their own will also weaken the tenure system, and is likely to have downside potential for overall tenure security. Likewise, it is important to be aware of the destructive potential of the various kinds of residential land use associated with AIDS-affected households, and of the very large amounts of land and money tied up in residential rather than cultivation land use generally. In the densely occupied peri-urban zones, residential land use is a more immediate and important tenure issue and mode of land use than cultivation has been for some time, and its importance is increasing in rural areas wherever there is strong demand for land. It would be a serious mistake to structure land measures for AIDS-affected households entirely around cultivation issues, or even around tenure security narrowly defined.

It is likely that orphan households need legislation and/or assistance programmes on the following points:

- serious **legal penalties for land snatching**, whether in the form of a stiff fine or other action including the possibility of paying compensation to the victims
- **registration of relatives who take the position of household guardians**, so as to have details on record in TA ledgers of any persons dealing on behalf of orphan households with land or finances
- legal provision that the **tenure rights of AIDS-affected households are not confiscated** outside of extraordinary circumstances
- legal provision that **unmarried orphans have provisional community tenure status prior to marriage**, to allow them to approach the TA and deal in land
- admin provision that **TA ombudsmen are appointed for the land and tenure interests of AIDS-affected households**, and to act for them in TA court proceedings when they feel unable to act for themselves
- admin provision that **ombudsmen representatives, government care workers, teachers and NGO staff can formally report abuses of AIDS-affected households** to open the way for these households to put a complaint to either the TA or the police
- **legalization of agricultural leasing in the former homelands** below appropriate ceilings, with enforceable standard written contract forms to be issued through the TA or through DLA offices so that AIDS-affected households can both rent out and rent in land
- assistance with advice and building services to put in **small scale irrigation for AIDS-affected households** which have land and want to cultivate, either for profits or for food security: government LRAD assistance may be relevant here

- **structured small credit programmes for households and care givers of AIDS sufferers** targeted on small quantities of seeds, services and inputs, and transport costs, to be based on savings mobilization
- options for financial and other help to **assist AIDS-affected households to build rental accommodation** up to a reasonable ceiling level, so as to have access to an income stream
- study of prospects for **registration of room rental contracts with TA structures**, so as to protect both parties as well as the community.

In densely settled areas, it is probably not possible to assist AIDS-affected households with land and land rights alone. It is important to take a broad approach, and not limit policy measures to land issues and tenure amendments.

Further issues: Tribal Authorities and rental tenure

Among the points here is that considerable specific responsibility for overseeing the rights of AIDS-affected households probably needs to devolve to existing TA structures, specifically because no other form of administration has close enough contact with households at the grass roots to be able to step in.

However, it is also true that TA structures are not always accountable at present, so that they can be open to corruption or to simple patriarchalism: where the threat to land rights comes from husbands against wives and/or children, it appears that the TA system may still favour husbands disproportionately, while saying it has no right to intervene in domestic matters. It would therefore be necessary to consider how to establish the principle that land rights of AIDS victims, their survivors and care givers cannot be confiscated without extraordinary grounds. Tenure security as such is not all that is at stake here: for women heads especially, rights to transact land may be at least as likely to be curtailed or frozen as the land is to be confiscated on a whole-scale basis.

If so, it would give support to the option of appointing ombudsman-type representatives within the TA (perhaps *induna yeziguli*, headman concerned with sick patients) to stand for weak households in legal proceedings, so as to give them a better option for putting cases even though their tenure standing is seen as too marginal for them to approach the TA directly. It would also strongly favour opening channels of outside contact by allowing health personnel, care workers, ombudsmen and teachers to report cases of injustice against AIDS-affected households to TA chiefs, to provincial and local representatives of DLA, the police, or other relevant bodies. Simply opening up the possibility of publicity and official retribution would probably go a long way toward persuading false guardians to hesitate before attempting to take over land, as well as to concentrating the minds of TA officials around defense of AIDS victims.

A second point here is the need to give serious consideration to the implications of rental tenure expanding in communities under the former homeland system, which disallows entry to the community other than through accepted public procedures. Because of the very high levels of HIV/AIDS and also of unemployment, both of which have the effect of excluding young men from the income stream they need to marry, the demand for rental tenancy in the form of room rental appears to be potentially very large. At the same time, rent tenancy offers more reliable returns than crop cultivation, is viable on very small land plots, and gives higher levels of returns

per unit area. If the demand for initial capital can be got past, room rental offers an attractive and easily viable opportunity for AIDS-affected households to obtain an income stream without needing to mobilize household labour at an unsustainable level.

At the same time, this solution would clearly be part of the problem. Rental tenancy is an explosive institution, which offers no rights and no security as it is usually practiced in South Africa. Internationally, tenancy has often been the occasion of land reform. It is difficult to track or control the outcomes at the grass roots, and on the example of existing tenancy settlements the effect on rural society of legalizing a two-class system is likely to be negative. If rising levels of HIV/AIDS start to encourage a steeper rise in rental accommodation in peri-urban areas, information will be needed around possible responses.

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Table 1

HOUSEHOLD DESCRIPTIVE MEASURES IN RELATION TO HIV/AIDS AND CHRONIC DISEASE INVOLVEMENT

Shaded cases indicate positive diagnosis or signs of AIDS: unshaded cases indicate other forms of chronic disease or acute disability of sudden onset, including TB and cancer

<i>Household</i>	#	H/H size	C before	E before	C after	E after	C/E before	C/E after	Gender of head	Ten/ auth rank	Cult before	Cult after	Estm wage before	Estm wage after	Estm amt income	Income streams	Per cap inc
Sipho D	1	4>7	4.3	1.0	5.8	.8	4.3	7.6	M>F	6	Med	-	1800	-	650	P,C	93±
Vusumuzi M	2	11>5	9.0	1.2	4.6	.6	7.5	7.7	M	3	Low	-	800	-	400	C	80
Busisiwe N	3	5>4	3.5	2.0	2.7	.8	1.8	3.4	F	5	Med	Decl	900	500	800	W,P	200
James L	4	6	7.4	1.3	6.8	.6	5.6	11.3	M	3	Med	Decl	1500	250	500	I,A	83
Sarah K	5	10>8	11.2	3.3	9.2	2.3	3.4	4.0	F	6	Low	Low	2500	1800	1950	O,W	246
Dora B	6	8>7	7.2	1.3	6.4	1.3	5.5	4.9	F	5	Gdn	-	-	-	1000	W,G	142
David T	7	3	2.8	1.8	2.8	.8	1.6	3.5	M	8	Gdn	Gdn	3000	1000	1000	W	333
Rose Z	8	8>5	8.9	2.5	7.3	1.5	3.6	4.9	F	6	Gdn	Gdn	3500	1500	2050	P,W	414
Sibongile C	9	22>19	18.7	2.5	16.1	1.5	7.5	10.7	F	6	Gdn	Gdn	4000	2000	2550	P,W	135
Nkosinathi R	10	2>1	3.0	2.0	2.0	.6	1.5	3.3	M	8	-	-	2000	800	800	C,G	266
Daniel N	11	8>6	7.2	1.0	5.6	.5	7.2	11.2	M	8	Gdn	Decl	2000	500	500	C,G	89
Sandile E	12	6>5	4.5	1.0	4.5	1.3	4.5	3.5	F>F	10	Med	-	500	600	1150	W,P	234
Bhekumuzi F	13	4>4	2.4	1.3	3.0	1.6	1.8	1.9	M>M	2	-	-	-	-	1950	P,I	485
Buhle G	14	5>6	5.4	1.3	6.9	.8	4.4	8.6	M>F	5	High	Decl	3800	1300	1400	W,C	233
Magdalene M	15	12>13	11.6	2.6	13.6	1.3	4.5	10.5	F	5	Med	Decl	2850	850	1550	W,P,A,G	117
Mandlakayise H	16	11>8	9.4	1.5	7.3	.8	6.3	9.1	M>F	5	High	Decl	3250	750	1250	P,T	158
Jimmy D	17	3>2	2.1	1.0	2.1	.5	2.1	4.2	M>F	11	Gdn	-	-	-	1150	G	380
Jabulani J	18	6>2	4.4	.9	2.0	1.0	3.5	2.0	M	4	Gdn	-	-	*	*	*	*
Elias H	19	4>2	3.4	2.4	1.6	1.6	1.4	1.0	M>F	6	High	High	800	800	1500	W,P,A,C	750
Thandiwe S	20	13>12	12.4	1.1	11.6	.7	10.3	17.0	M>F	11	Med	Decl	-	-	800	O,B,G	67

Income streams: A = agriculture, B = begging, C = local casual work, G = grant, I = informal work or microenterprise, O = outside contributions, P = old age pension, T = temporary wage job, W = permanent formal wage job

* Information not sufficient to calculate

Table 2

HOUSEHOLD TENURE/ AUTHORITY RANKING AND CHANGES IN RELATION TO CHRONIC DISEASE

<i>Household</i>	#	Household head, legitimacy /authority change	Male mrr'd empl cldn	Male mrr'd P cldn	Male mrr'd unempl cldn	Male mrr'd no cldn	Woman wdw/sgl empl w/ cldn	Woman wdw P, w/ children	Woman wdw casual work, w/ cldn	Male singl empl	Male single unempl /casual	Woman wdw/sgl no inc, w/ cldn	Single woman empl, no cldn	Woman single no inc, no inc, no cldn
Sipho D	1	-5	before					After						
Vusumuzi M	2	-			stable									
Busisiwe N	3	-					stable							
James L	4	-3	before		after									
Sarah K	5	-						stable						
Dora B	6	-					stable							
David T	7	-1								before	after			
Rose Z	8	-						stable						
Sibongile C	9	-						stable						
Nkosinathi R	10	-1								before	after			
Daniel N	11	-7	before								after			
Sandile E	12	-4						before					after	
Bhekumuzi F	13	-1		after							before			
Buhle G	14	-4	before				after							
Magdalene M	15	-					stable							
Mandlakayise H	16	-4	before				after							
Jimmy D	17	-3									before	after		
Jabulani J	18	+5				after					before			
Elias H	19	-4		before				after						
Thandiwe S	20	-5						before						after

Table 3

C/E RATIO AND TENURE/ AUTHORITY RANK BY PER CAPITA INCOME DISTRIBUTION CATEGORIES: LAND SALES AND LAND SNATCHING

< R 100 / m DESTITUTE				R 101-200 / m VERY POOR				R 201-300 /m MIDDLE POOR				R 301-400 /m LESS POOR				R 401 + ADEQUATE			
Household	C/E	T/A	Perc	Household	C/E	T/A	Perc	Household	C/E	T/A	Perc	Househd	C/E	T/A	Perc	Househd	C/E	T/A	Perc
Thandiwe S	10.3	11	R 67	Magdalene M	10.5	5	117	Busisiwe N	3.4	5	204	Jabulani J	2.0	8	2310	Rose Z	4.9	6	414
Vusumuzi M	7.7	3	R 80	Sibongile C	10.7	6	135	Buhle G	8.6	5	233	David T	3.5	8	333	Bhekumuzi F	1.9	2	485
James L*	11.3	4	R 83	Dora B	4.9	5	142	Sandile E	3.5	10	234	Jimmy D	4.2	11	380	Elias H	1.4	6	750
Daniel N	11.2	8	R 89	Mandlakayis H	9.1	5	158	Sarah K	4.0	6	246								
Sipho D	7.6	6	R 93					Nkosinathi R	3.3	8	266								

* suffered land snatch as youth living outside KwaNyuswa

Sold or tried to sell land	
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Subjected to land snatch attempt	
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Table 4

LAND SNATCH ATTEMPTS & OUTCOMES, KWANYUSWA RESIDENTS 1967-2001

<i>Household</i>	<i>Date of attempt</i>	<i>Category of attempt</i>	<i>Gender of head at date</i>	<i>Age of head/heir at date</i>	<i>Land use status at date</i>	<i>Land resources at date</i>	<i>C/E at date</i>	<i>Tenure/ authority rank</i>	<i>Per cap income estimate</i>	<i>Party attempting land snatch</i>	<i>Resistance and outcome</i>
James L	1967 (Embo at Hill-crest)	Sold from under unqualf heir	M	24	Cultivatd by step - father	1.5 ha ±	5.0	8	*	Stepfather	Succeeded, not resisted due deception, no case laid
Bhekumuzi F	1975 ±	Sold by caretaker in head's absence		39	Left w/ mother, not in use	1.5 ha ±	6.0	1	*	Wife's mother	Succeeded, sale was fait accompli in absence of head, court case failed later
Nkosinathi R	1985 ±	Sold from under sons	M>M	20 ±	Cultvtd till death of mother	*	4.0	1	*	Father	Succeeded, no resistance from sons unqualf to inherit
Busisiwe N	1989 (Lady-smith)	Widow refused levirate	M>F	46	Cultivtd, husband + wife	8+ ha	4.0	7	*	Late husband's brother	Succeeded, widow protested then left land and moved
Buhle G	1990 ±	Divorce vs childless wife	M>F	45 ±	Cultvtd, by wife	1.25 ha	1.0	5	R 333	Husband	Succeeded, court case failed and husband awarded house and land
Jimmy D	1997	AIDS + cmmnlaw marriage	M>F	28	Small garden, not cult	House site + v sm garden	4.2	11	R 380	Commonlaw husband's urban relatives	Defeated, neighbhrd pressure involved TA + NGO
Sipho D	1998	AIDS + unqualf heir	M>F	20 ±	Cultvtd, by wife	1 ha ±	7.6	6	R 93	Late father's local relatives	Succeeded, unqualf heir unable to challenge snatching
Sandile E	1999	Chron ill + unqualf heir	M>F	33	Cultvtd, by family	.8 ha ±	9.0	10	R 114	Late father's sister in town	Succeeded, unqualf heir unable to challenge snatching
Jabulani J	2001	AIDS + weak heir	M	32	Not in use	1.5 ha ±	2.0	8	*	Mother's brother in neighborhood	Defeated, claim by mother's relatives ruled out in TA court case

* Data not adequate to estimate for date of snatch attempt



