

## **CHAPTER III                    DESIGN AND METHODOLOGY**

### **11.1.1. Site Selection**

The geographical areas for this study were Bondo and Nyeri districts. This selection was determined on the basis of the following criteria:

1. High prevalence of HIV/AIDS;
2. Areas with problematic land issues;
3. Existence of various initiatives to address HIV and AIDS, land issues and rights, gender and women's rights; and,
4. Different ethnic and cultural groups.

The selection of Bondo was based on national statistics, which indicate a high prevalence of HIV/AIDS. According to interviews with administrators at district level Bondo is one of the hardest hit districts. The researchers also wanted to determine how cultural practices that have caused concern, in particular the practice of widow inheritance, have affected the situation with regard to HIV/AIDS, and land issues. These practices have been found to impact on inheritance and property rights (WLEA, 1995). In addition, statistics indicate that Nyanza province, where Bondo is situated, has the highest prevalence of poverty at 63 per cent, despite being a high potential area for agriculture and food security (PRSP, 2002). In relation to tenure systems, though land adjudication is taking place, the process is not complete, and in the study, the researchers wanted to find out how HIV/AIDS is impacting on this process. The early identification of Nyanza for prevention activities presented another reason to conduct fieldwork in Bondo, to assess what unique coping strategies may be in place as a result. The researchers also hoped that the work of organisations combating HIV/AIDS would facilitate easier access to households where people are living with HIV/AIDS, or have died from AIDS. The well documented stigmatisation (FPPS, 2001, AAWORD, 2002, FHI, 1997) still prevails around the HIV/AIDS issue, making it difficult for researchers and others to access affected families and communities.

Nyeri was chosen because it is currently exhibiting a sharp increase in HIV/AIDS prevalence (NACC, 2000), and also represents an area where land is becoming scarce, due to high population density, giving rise to land disputes (WLEA, 1995). Initially Nyeri was thought to be an area of lower HIV/AIDS prevalence, but statistics indicate a sharp rise from 2.9% in 1990 to 17.3% in 1998 (NACC, 2000). This is in comparison to 19.2% in 1990 to 27.0% in 1998 for Kisumu. Land adjudication in Nyeri, which is in the Central Province, is complete. This was expected to present a different scenario on HIV/AIDS and land issues when compared with Bondo. Research on inheritance laws and practices (WLEA, 1995) demonstrates a marginal rise in the incidence of women owning property. This was also expected to provide useful comparative information for understanding the differences between Nyeri and Bondo and what they are based on.

In both districts the specific areas visited represent households engaged in farming as a source of livelihood and were therefore relevant for the purposes of this study, which focuses specifically on the impact of HIV/AIDS on land issues. The researchers anticipated that the two sites would indicate the following at household and community levels:

- Changes in patterns of land ownership, tenure and rights
- Changes in household and family structures and their effects on productivity and the land; and
- Cultural influences related to the fast rising prevalence of HIV and AIDS.

Significantly also, the sites would also provide information on survival strategies and challenges posed by this situation.

Another crucial consideration based on the stigmatisation attached to HIV/AIDS, was the selection of areas where FAN or the individual researchers have contacts with community based organisations, non-governmental organisations, and individuals. The experience in other research studies (FPPS, 2001, AAWORD, 2002) has shown how difficult it is to identify Kenyans infected and affected by HIV/AIDS and particularly to convince them to discuss how the pandemic is affecting them. The community-based organisations the researchers collaborated with in Bondo have core development objectives such as sustainable agriculture. This provided another good basis for identifying households to research HIV/AIDS and land issues. These organisations began to address HIV/AIDS based on their experiences with the challenges facing the communities they work with. This was significant in providing a broad picture of how

the pandemic is affecting the community. The strategy that was adopted is gaining popularity among HIV/AIDS researchers and programme implementers, and has been used by various organisations and other researchers that reach communities affected by HIV/AIDS.

## **12.2. Methodology**

### **12.2.2 Data Collection**

The methods used to collect data for the study were suited to the exploratory nature of the research necessitated by the dearth of research on HIV/AIDS and its impact on land issues in Kenya clearly demonstrated by the literature review. The major purpose from the point of view of the researchers was to identify the emerging issues based on practices likely to affect HIV/AIDS and land issues at the micro and macro levels, and that require attention in policy and law.

The study drew on data from secondary and primary sources. The literature review extracted relevant information and identified gaps on the theme of HIV/AIDS and land issues. It covered available sources including books, dissertations, strategic plans and policy documents. The review covered:

- The panoramic view of HIV/AIDS in Kenya and its implications
- The implications of the spread of HIV/AIDS;
- Land issues in Kenya;
- Land rights and reform;
- Changes in the land tenure system; and
- The gender disparities in these areas.

The review attempted to ascertain how HIV/AIDS is affecting land issues in general, particularly the situation of vulnerable groups such as women and children. The major concerns that emerged from the review for further investigation were:

- The general impacts of HIV/AIDS on Kenyan society with specific reference to land reform, agricultural productivity and food security.
- Gender implications of the existing rights to access and control of land, and land ownership. These rights are predominantly male oriented and do not protect marginalised groups in Kenyan society. The literature suggests that women, who are the primary producers in agriculture, are severely disadvantaged and that HIV/AIDS is likely to exacerbate this situation.
- The effects of HIV/AIDS on inheritance patterns, which discriminate against women.
- The lack of literature on HIV/AIDS and land issues highlighted the importance of finding out about ongoing initiatives at community and household levels to identify 'wise practice' interventions and strategies that can be replicated.

These topics were also studied in the primary data collection. The main methods were in-depth interviews and key informant interviews. The interview materials were in English and interviews were conducted in both English and the local language, where necessary. The in-depth questionnaire focused on HIV/AIDS and its impact on land issues, and addressed the following themes:

- Forms of land transactions, changes in land holding, inheritance laws and practices, access to land, poverty and food security;
- The effects of HIV and AIDS on the above (abandoning of land, renting out of land, disinheritance);
- The impact of HIV and AIDS on productivity, and on family and community relations;
- The impact of HIV and AIDS on land rights including succession and inheritance;
- Community understanding and views on HIV and AIDS in relation to land issues;
- Community views on the vulnerability of groups such as widows and orphans in the context of HIV and AIDS, and land issues;
- Community response to the impact of HIV and AIDS on land issues; and,
- Community awareness and involvement in intervention strategies by NGOs and government on HIV and AIDS, and land issues.

The questionnaire was semi-structured with the first section seeking to obtain household details such as bio-data, including household size, and to appraise how this impacts on farming in terms of labour and land issues, forms of land holding, and access, ownership and control of landed property. Allocation of duties was studied to assess the amount of work, and the division of labour by gender. The second section of this

questionnaire was open-ended because of the sensitivities around HIV/AIDS. This gave the interviewer some latitude to conduct the interview based on the reaction of the respondent while probing certain issues. The research assistants had been trained on the ethics of dealing with HIV/AIDS cases. Another reason is that open-ended questions can provide unique information as the flexibility allows the respondent to speak more freely.

In the key informant interviews, the primary issues addressed were based on the knowledge and experiences of representatives of organizations working on land, and HIV/AIDS, and included:

- Key issues on land reform, land ownership and rights, land tenure, food security and HIV/AIDS issues in Kenya at national and local levels;
- Major disputes on land, their effects on women and children, and how HIV/AIDS contributes to these disputes;
- Methods of dispute resolution and changes due to HIV/AIDS;
- Efforts being made to address the impact of HIV/AIDS on land issues in Kenya;
- Community based intervention strategies on HIV/AIDS and land issues;
- Gaps in laws and regulations on land in the context of HIV/AIDS and ways of addressing these; and,
- Lessons learnt, and wise practices that can be adopted, with modification, on land issues and HIV/AIDS.

The key informant guide was open-ended to allow interviewers to benefit from the wide and varying experiences of the key informants. Key informants were selected from organisations addressing HIV/AIDS, and those dealing with land issues and included government agencies.

### **12.2.3 Sampling**

The sample for this study was drawn purposively, due to the sensitivity of HIV/AIDS in Kenya, where a lot of stigma is attached to being HIV positive or having AIDS. This called for knowledge of households that included people living with HIV/AIDS and where the research assistant was known or could be introduced by a trusted associate. In both of the study areas, the researchers relied on contacts in community-based organisations, or those providing home-based care, to identify households and create the necessary rapport and confidence with respondents. In total, 30 in-depth household interviews were conducted: 20 in Bondo, and 10 in Nyeri. Because of the small sample size the results merely indicate trends or issues that need investigation through more intensive research, and in policy and other interventions. The aim was to conduct at least 20 in-depth interviews, but this was only achieved in Bondo, which was an area of great interest for reasons indicated above. A total of 12 key informant interviews were conducted, as well as informal discussions with local leaders. These discussions took place before the household interviews to enable the researchers to get a broad idea of how HIV/AIDS is impacting on the communities, and how this has affected land issues.

For comparative purposes, the researchers endeavoured to include households with the following characteristics:

- Households not affected by HIV/AIDS, including one that had not experienced an HIV/AIDS related death and one headed by a female;
- Households with people living with AIDS, one headed by a female and one by a male;
- Households where an AIDS death has occurred, one headed by a female and one by a male;
- Households where AIDS orphans live or head the household, one headed by a female and one by a male;
- Households where there is a widow whose spouse did not die of AIDS; and,
- Households headed by a grandparent, with many children.

### **12.2.4 Data Interpretation and Analysis**

Due to the sample size the study applied descriptive statistics, in particular measures of dispersion and percentages, and charts and figures to interpret the data. These results and deductive reasoning were used to analyse and interpret the data. Cross-tabulation was also used extensively to examine variables such as gender, social status and culture on different segments of society. In addition, gender issues were analysed and interpreted using the Longwe framework for gender analysis.

## **12.5 Limitations of the Study**

The stigma associated with HIV/AIDS continues to present special difficulties for research on its impacts, as respondents are reluctant to discuss HIV/AIDS, especially in their personal capacities. The research team,

had to be sensitive to the respondents' discomfort with some questions, specifically how a person living with AIDS or the death of a person from HIV/AIDS was affecting land issues. Despite enlisting the assistance of organisations and individuals working with HIV/AIDS in specific communities to gain the trust of respondents, reluctance was still evident in lack of openness and one-line responses from some of the respondents. This called for greater sensitivity on the part of the researchers, who attempted to probe without being overly intrusive. Researchers also took some time to make respondents comfortable, and provide general information on how HIV/AIDS is affecting the country to demonstrate that it is a widespread phenomenon affecting many people.

The researchers were aware of emerging challenges in dealing with HIV/AIDS research. For instance, in one AAWORD research project a coordinator of a group of women living with HIV/AIDS explained that the group charges for information as this is one source of income for people living with AIDS. Another general problem has been 'research fatigue' in some communities, most notably in Kisumu where Bondo is situated. These communities have expressed frustration at providing information without seeing practical benefits such as development projects. This has necessitated allocating time to explain to respondents how research information informs policy.

The other difficulty experienced was the inability of respondents to relate land to HIV/AIDS, as the subject is new in Kenya. There are high levels of awareness of HIV/AIDS as an issue, and on land issues, particularly with regard to land rights, but connecting the impact of HIV/AIDS to land issues proved difficult, even for key informants. At the household level, the low literacy levels demanded simplification of these concepts, and the household questionnaire reflects this need.

For key informants, the major task was to locate them and get them to commit to an interview due to the limited number of people working on the issues under consideration. In the rural areas, local administrators handle land disputes, and civil society has yet to take up land issues and HIV/AIDS as requiring education and advocacy. HIV/AIDS and land issues are dealt with separately and the connection has not been made. The result was that researchers were unable to get specific information on how HIV/AIDS is affecting personnel involved in land issues. In addition one of the officers targeted for interview had just been transferred from the HIV/AIDS unit to Kisumu district.

Finally, whereas inferential statistics would have been better suited to analyse the relationships between the two variables, the sample sizes limited this possibility. It was essential to carry out the study in two rural culturally different communities with varying resource endowments, however, the cost of doing so on a larger scale within the various resource constraints was a key limiting factor.