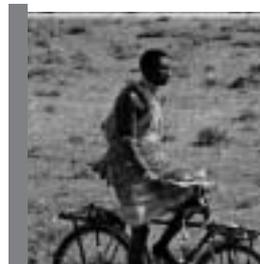


6 RESEARCH FINDINGS - THIKA DISTRICT



6.1 Background on Thika District

Population and economy

Thika District is one of the seven districts in Central Province. It is a relatively new district, having been created less than two decades ago from parts of Murang'a and Kiambu. It has a population of about 645 713 living in 171 569 households, making it the third most populous district in the province and the eighth most populous nationally. Thika District has six divisions: Gatanga, Gatundu, Kamwangi (Gatundu North), Kakuzi, Municipality, and Ruiru.

The headquarters of the district are in Thika town. Thika town has long been known for its concentration of industry, effectively functioning as a satellite industrial node of Nairobi. Indeed, Thika town is sometimes considered a peri-urban area to Nairobi due to its close proximity (about 40 kilometres), and the area immediately surrounding Thika town has seen something of a real estate boom owing to the growing demand for residential sites among people based in Nairobi.

However, rural villages in Thika District are characteristically rural in the sense that smallholder farming is the predominant livelihood and few residents commute daily to urban jobs. The population density of the district in 1999 was 329 people/km²; however, excluding Thika town and Ruiru, which together account for 26% of the district's population, the population density in 1999 was approximately 268 people/km². In other words, the rural part of Thika District is not atypical of Central Province as a whole, which has a population density of 282 people/km².

The district as a whole has traditionally been rich in agricultural production, having a large number of large-scale coffee and tea estates. Because of both its historical industrial and agricultural strength, Thika District has attracted migrants from other parts of the country. However, in recent years Thika's once vibrant economy has been negatively affected by a combination of factory closures and the poor conditions prevailing in the coffee market. This has boosted the level of unemployment and under-employment, not least for the casual labour that formerly provided a large source of supplementary income to rural households. Cases of violence and robbery have reportedly been on the rise in the district owing to the deterioration in the local economy. And, according to the Welfare Monitoring Survey of 1997, Thika District has experienced a greater increase in poverty since three years earlier than any other district in Central Province.

According to the 1999 census, the composition of the economically active population is shown in Table 6.1 below.

Table 6.1: Composition of the economically active population of Thika District

	Female	Male	Total
Work for pay	43 236	86 535	129 771
Unemployed	8 985	12 067	21 052
Unpaid workers – family business	20 761	20 643	41 404
Unpaid workers – family farm	72 567	44 199	116 766

Source: Central Bureau of Statistics 2002.

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Disregarding unpaid workers, the unemployment rates for women, men, and both women and men, are 17%, 12% and 14% respectively. However, unemployment rates for populations that are predominantly rural must be interpreted with caution, as unpaid work in the family enterprise – which accounts for over half of those in the economically active population – can often disguise unemployment and under-employment. Among economically active women in the Thika District, 64% perform unpaid work in the family enterprise, of which three-quarters is work on the family farm. Moreover, women constitute 62% of all unpaid workers on family farms. The aggregate dependency ratio, defined here as the ratio of those not economically active versus those that are, is 1.8:1.

Due presumably to its population density and its once prosperous economy, Thika District has a relatively good array of infrastructure and services, especially in terms of the road network, telecommunications, and health services.

The HIV/AIDS epidemic

A sentinel surveillance site was established in Thika town in 1990. The trend in the HIV positive prevalence rate among pregnant women seeking ante-natal care is shown in Table 6.2.

Table 6.2: Trend in the HIV prevalence rate among pregnant women in the Thika sentinel surveillance site, 1990-2000

Year	Rate (%)
1990	3%
1991	10%
1992	3%
1993	28%
1994	40%
1995	-
1996	13%
1997	19%
1998	33%
1999	18%
2000	21%

Source: Ministry of Health 2001

Whether the large size of the fluctuations in this trend is due to small sample properties or inconsistency in testing methods is unclear. In any event, it would appear that the figures cannot be treated as an accurate reflection of changes in the HIV prevalence rate in the population, and rather must be interpreted as an order-of-magnitude indication of the course of the epidemic. One can conclude mainly that the prevalence is and has been high for at least ten years.

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Even if the prevalence figures were known to be accurate, one would not be able to assume that they are representative of the nature of the epidemic in the rural areas of Thika. Interviews with respondents at the study site indicated that residents there do not typically come to Thika for healthcare; moreover, it is generally maintained that rural prevalence rates are lower than urban ones. For Thika District, the estimated urban rate for 2001 was 22.8% and that for rural areas was 15%.¹

According to the public health officer who serves Gatundu North Division, the scale of the epidemic in rural areas is huge and growing. Whereas in 2000 30% of hospital beds in the sub-district hospital serving Gatundu North and Gatundu South were filled by patients whose underlying problem was AIDS, by 2002 this figure had risen to 40%. AIDS orphans were just beginning to become common relative to the situation in 1999, when the Ministry of Health conducted a baseline study in the area, and some child-headed households were also appearing.

Another finding of this 1999 baseline study was that 78% of adults had seen someone suffering from AIDS, indicating that three to four years ago awareness of HIV/AIDS was already very high. The public health officer and the African Medical and Research Foundation (AMREF) project officer attributed the worsening of the epidemic to the fact that, despite a level of awareness of HIV/AIDS that now reached 94 to 99%, there was little evidence of change in behaviour. In particular, drinking habits and prostitution had not declined (gauged casually by the observation that local lodges which hired rooms by the hour were no less busy than they used to be), and these play a critical role in spread of the epidemic. The 1999 baseline study also established that, at least then, sexual behaviour differed little between married people and unmarried youth – both categories had had an average of three sexual partners in the previous 12 months. A large share of sexual encounters among both married and unmarried people were and continue to be 'unplanned'. However, 'planned' does not necessarily imply consensual. The public health officer and AMREF project officer indicated that women were distinctly vulnerable to infection because they often 'have no say' as to whether to engage in sex or not, and young women in particular were the least informed about the health risks associated with sex. In 1999, condom use stood at 12%, and there was little indication that it had improved. Infected men, on the other hand, were apt to succumb more quickly to AIDS because of relatively poor diets, often associated with excessive drinking and expenditure on drinking.

The impressions of the district health officer and AMREF project officer were somewhat contradicted by those of the district officer responsible for Gatundu North Division. According to him, the Constituency AIDS Control Council (CACC) serving the constituency of Gatundu North had calculated that the prevalence rate had declined from 23% a few years ago to 21% today. He attributed this to the effectiveness of the CACC's awareness campaign, which among other things was resulting in the increasing acceptance of condoms. However, whether or not the campaign has had such an influence on people's behaviour as suggested by the District Officer, it is unlikely that this could be linked to the apparent decline in the prevalence rate for the constituency,

¹ The Appendix of the Ministry of Health report indicates an estimated prevalence rate for the district of 17% and for urban dwellers of 22.8%. The figure of 15% for rural areas was calculated by assuming the 17% is approximately a weighted average of the rural and urban prevalence rates, where the weights are a function of population shares. This is not totally accurate in that the population shares differ from the shares of particular sub-groups within the population, that is, women who attend ante-natal clinics.

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especially given that the CACC was only formed in September 2000. However, the District Officer did concur with other observations made by the health officers, namely the important role of alcohol and prostitution. Much of this behaviour is associated with the tea estates, where large numbers of men receiving frequent cash payments create a steady demand for sex work and illicit alcohol.

Notwithstanding the evident severity of the epidemic in rural Thika, the District Officer could recall no instances where an entire household had disappeared on account of AIDS.

Land transactions and land administration

Registration of rural land in the area that is now within Thika District began in the late 1950s, making it among the first parts of the country to experience this process. Statistics for the district as a whole seem to suggest that Thika has an active land market. For the 11 months January through November 2001, there were 4 340 transfers registered and 1 534 leases (see Table 6.3). However, these statistics are difficult to interpret since we do not know, firstly, how many properties exist in total (that is, to determine what percentage of properties were transacted in 2001), and secondly, we do not know how many of the reported transactions were of urban properties in Thika town and Ruiru.² In addition, the statistics do not reveal the extent of transactions that are not conducted through the formal procedures. Many if not most leases in rural areas (presumably excluding estates) are informal arrangements struck between lessor and lessee.

Table 6.3: Land transactions in Thika District

	November 2001	Jan–Nov 2001
Transfers	147	4 340
Leases	33	1 534
Charges, mortgages	64	665
Discharges	29	544
Succession	57	884
Subdivisions	47	784
Partitions or other mutations	6	272
Combinations	-	9
Cautions	36	518
Correction of names	6	144
Official searches	902	14 168
Copy documents supplied	3	121
Land/lease certificates @ KShs 125	215	6 770

² In most land markets, transactions occur with greater frequency among small properties in urban and peri-urban areas, because of greater density of population and parcel densities there, because properties in these areas tend to be traded more for speculative purposes, and because the transaction costs of land transfers are less for those living close to urban centres.

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Other dealings requiring fees		
Power of Attorney	4	54
Revocation POA	-	7
Withdrawal of caution	10	82
Prohibitory/court order	-	-
Rectification of register	-	-
Application for consent	-	-
Surrender of lease	-	-
Deed poll	-	-
Court orders	3	46
New grants	-	-
Total	1 562	30 942

Notes: 'Cautions' are placed when a transaction is in process to prevent other transactions being registered. Land/lease certificates are generally issued for leases of 25 years or longer. Official searches are searches regarding the history of land parcel registration.

Source: Ministry of Lands and Settlement, 'Monthly Land Registry Returns' file.

The District Officer serving Kamwangi division chairs the Land Control Board that serves the division. Other members of the Board include elders drawn from the local communities, including some women, and a physical planner whose particular role is to evaluate requests for subdivision. As elsewhere, one of the main functions of the Land Control Board is to assess proposed land sales with a view to ensuring that other immediate family members are in agreement with the proposed sale, and that the sale is not likely to leave the seller household landless and destitute. Women do object to the sales proposed by their husbands, though the frequency with which this happens could not be determined. The most common reasons expressed by those wishing to sell were to enable the person/household to relocate to another area, and because the seller wished to consolidate his/her land holdings.

For subdivisions to be effected, a survey must be made and a diagram produced. This could be done by staff of the Physical Planning office based in Thika town, or a land owner could hire a private surveyor. The advantage of hiring a private surveyor is that one avoids a delay in obtaining a diagram; however, one respondent from the fieldwork indicated that a private surveyor might charge a few thousand shillings to conduct a survey.

Provided agreement is obtained from the Land Control Board, transfers and subdivisions are processed through the land office located in Thika town. Official confirmation of succession is also obtained through the land office.

Another land-related function of the District Officer is to hear disputes. These are typically disputes that the family or clan failed to resolve internally. The two most common types of disputes that came to the District Officer's attention concerned the trespass of animals and boundary disputes. Boundary disputes appear to be focused on the placement of and tampering with beacons, and many of these disputes were intra-familial.

6.2 Recap of the fieldwork

The study site was the village of Gachugi, which is located in Kairi sub-location, Chania location, Gatundu North division. Gachugi is located approximately 30 kilometres north-west of Thika along the tarred road that runs parallel to the Chania River.

The fieldwork in Gachugi, or relating to the Gachugi site, consisted of the following activities:

- One hundred and one 'census' interviews, representing roughly 95% of all households in the village.
- Twenty-eight in-depth interviews were conducted, of which two-thirds were with individuals from affected households or households suspected of being affected, and the rest with individuals from unaffected households. Altogether, about 17 different households were represented by the 28 individuals interviewed.³ Two of the cassette tapes turned out to be unusable due to technical problems, thus the analysis made use of only 26 interviews. (See Appendices 4.3 and 4.4 for summaries.)
- Three focus group interviews: one with widows, a second with land-poor women, and a third with land-poor men.
- Key informant interviews were conducted with the Chief of Chania location, the Assistant Chief of Kairi sub-location, the District Development Officer of Thika, the District Officer of Kamwangi division, and a group interview with the district health officer based in Gatundu North (who also runs the VCT centre there), a health project officer who is employed by AMREF and who also works in Gatundu North, and other members of the CACC for Gatundu North constituency.
- A participatory mapping exercise was conducted with eight participants, all being men 49 years old and above.

The Assistant Chief of Kairi assisted with the organisation of some of the activities. The mapping exercise and the focus group interviews took place at the primary school premises.

One of the problems encountered in the course of the fieldwork included some disruption of one of the focus group discussions by a handful of community members who insisted on being included. Another problem was that a number of respondents to the household survey and in-depth interviews were perceived to be reticent, and, in a small number of cases became upset or angry. This related in some cases to questions about land, and in other cases about health. Some respondents appeared to be impatient because they were interrupted in the course of doing something else.

6.3 Population and livelihoods profile

The total population of Gachugi as measured by the household survey was 496 people residing in 101 households. However, as mentioned above, some households were missed in the course of the survey, and it is possible that both the number of households and people is up to 15% greater than the figures reported below.⁴

³ Due to inconsistent record keeping, there were a few instances where it was not obvious if respondents were or were not members of the same household.

⁴ In principle many of the figures reported in this chapter should therefore be extrapolated. However, in practice this is not done because the 15% figure cannot itself be verified. In addition, many of the results are stated in terms of percentages, and thus would be unaffected by any such scaling up.

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Table 6.4: Population profile of the Gachugi study site

Age groups	Total	% of total	Female	Male	Female/Male
0–4	52	10.5%	25	27	0.93
5–14	134	27.0%	70	64	1.09
15–29	138	27.8%	81	57	1.42
30–54	122	24.6%	65	57	1.14
55+	50	10.1%	26	24	1.08
All	496	100.0%	267	229	1.17

The share of the population that is 14 years or younger is very large at 37%. Those that are between five and 14 comprise 27%, which is close to the district figure of 29%.⁵ More curious is the preponderance of females both overall, and within all but the youngest age ranges: there are 17% more females than males, in contrast to Thika District as a whole, for which numbers of females and males are virtually equal. Although one contributing factor may be the earlier mortality among adult men, the imbalance is particularly striking among those aged 15 to 29 years, suggesting that migration has more to do with the gender imbalance than mortality.⁶ However, this is also at best a partial explanation. Table 6.5 summarises the numbers of men and women who left their households in Gachugi in the last ten years to reside elsewhere, according to their main reasons for leaving. These are overwhelmingly young adults who left in the past five years. Although men leavers do outnumber women leavers, the margin is slight and cannot account for the huge discrepancy between the numbers of young women and men in Gachugi. Possibly the most interesting observation from the table is that almost nobody left Gachugi in the past ten years because there was not enough land there.⁷

Table 6.5: Family members who have moved away from home in the past ten years

Reason for moving away	Total	Female	Male
Not enough land	1	1	0
To look for a job	38	11	27
To start own household elsewhere	6	1	5
To join husband's family	17	17	0
To join wife's family	0	0	0
To pursue further education	1	0	1
Was asked to leave	0	0	0

⁵ The census data per district disaggregated by age group do not include statistics for children aged four and younger.
⁶ Of the 101 households, 75 have a married household head who in all cases is the husband. In all but seven cases, the husband is older than the wife, with the average age gap being 6.5 years. However, if one were to 'add back' those who reportedly died within the past ten years, the situation changes little or not at all for the younger cohorts where the imbalance is most striking.

⁷ Obviously the decision to leave Gachugi to look for a job may be an indirect function of the lack of land.

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Reason for moving away	Total	Female	Male
Other	1	0	1
Total	64	30	34

A final possibility is that the gender imbalance among young adults is due to the large number of unmarried or divorced young women with children who reside in their parents' household in Gachugi. Altogether, 22 young women, mainly between the ages of 18 and 30, either remain with their parents because they had children out of wedlock (for example, 'me and my sister gave birth at home and we are not married'), or returned to their parents' home with their children because their marriage or relationship ended (for example, 'two of my daughters returned home with children after their marriages broke up'). It is clear that remaining in or returning to the parents' home is necessary because the parents are relied upon to support the grandchildren. Although this phenomenon is important in and of itself (it represents over a quarter of women living in Gachugi who are 15 to 29 years old), it is still not a fully satisfactory explanation of the gender imbalance, because if this were indeed a 'typical' pattern, then one might have expected just as many women who had come to Gachugi to settle in their husbands' homes to have also left. On the other hand, there may be a peculiar phenomenon associated with movements to and from urban areas, whereby some young women from rural areas like Gachugi settle with men in urban areas with whom they have children, but upon the dissolution of that relationship are forced to return to the rural home with their children. Alternatively, some women remain in urban areas to work or look for work, but leave their children with the grandparents back in the rural areas. By contrast, a young man in a failed relationship is less likely to assume responsibility for the children. Thus if he is living away from his parental home, he will not likely return there merely on account of his relationship ending.⁸

Table 6.6 below reports the frequency with which different sized households were observed. The distribution reveals a great deal of heterogeneity in terms of size, behind which one finds also heterogeneous household structures, with smaller households tending to be nuclear family groups and larger households typically being three-generation extended family units. However, of the 101 households, three comprise a single individual, of whom two are women.

Table 6.6: Frequency distribution of household sizes

Household size	Total count	Female-headed	Male-headed
1	3	2	1
2	9	3	6
3	18	4	14
4	21	2	19
5	17	5	12

⁸ There are however a few examples of young widowers who leave their children with the grandparents.

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6	12	2	10
7+	21	6	15
All	101	24	77

Including these two single-person 'households', there are 24 female-headed households among the 101 households surveyed, though the precise meaning of household head depends in some measure on the context, as will be discussed below. Importantly, female-headed households are disproportionately represented among the largest households, that is, those with seven or more members. Fourteen households have no adult men aged 20 or older, and eight of these are single-adult households.

Respondents to the household survey were asked to state whether they considered their households to be better-off, worse-off, or about average, relative to other households in the village.

Table 6.7: Household welfare self-ranking in relation to other household characteristics

Household welfare	Number	Percentage	Average household size	Average wealth score	Average no. of LSUEs
Better-off	21	20.8%	3.7	3.3	1.8
Average	49	48.5%	5.0	2.1	1.4
Worse-off	31	30.7%	5.6	1.2	1.3
All	101	100.0%	4.9	2.1	1.4

Better-off households have fewer household members and more livestock, though the differentiation in livestock is not huge.⁹ By contrast, worse-off households are on average 50% larger than better-off households. Fifteen of the worse-off respondent households reported having to sometimes skip meals for lack of money.

When asked why respondents rated their households as they did,¹⁰ those who rated themselves as worse-off tended to cite seven factors, in order of number of mentions: poor quality housing (11);¹¹ not enough food (7); inability to pay school fees (7); lack of employment or too old to work (6); too little land (6); lack of other property (5); and miscellaneous others (7). Obviously these factors are not unrelated to one another. Although it is notable that lack of land was not the most frequently mentioned characteristic or indication of poverty, it is clear that it is related to some of the other characteristics, even for those who did not explicitly mention it. For example, household

⁹ The fact that better-off households are on average smaller than worse-off households is similar to the situation in the Bondo site. However, for the Embu site, household size varies little by welfare self-ranking.

¹⁰ The question read, 'Please explain why you define your household this way', thus it can be interpreted as a question about what respondents consider indicative of their household welfare level, not their explanation for what accounts for that welfare level.

¹¹ That is, semi-permanent (mud) rather than permanent (brick or stone).

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per capita land access is a strong predictor of whether the respondent indicated that the household lacked sufficient food. In-depth interviews also revealed that some household heads draw a direct connection between lack of sufficient land and the inability to keep one's children in school.

Female-headed households are disproportionately represented among worse-off households, as shown in Table 6.8. The underlying reasons vary, but skipping ahead to Table 6.9 it is evident that the majority of women who head households are widows, which in most cases means that they have lost a breadwinner, thus putting them at an economic disadvantage. Obviously in some cases it matters not just that the husband died, but how he died, an issue that will be explored later.

Table 6.9 reveals that one-fifth of all households are headed by widows, and that these

Table 6.8: Household welfare by gender of household head

Welfare ranking	Female-headed households		Male-headed households	
	Number	Percentage	Number	Percentage
Better-off	4	16.7%	17	22.1%
Average	11	45.8%	38	49.4%
Worse-off	9	37.5%	22	28.6%
All	24	100.0%	77	100.0%

households tend to be large and relatively poor. The most typical kind of household, however, is one with a married couple, and that tends to be better-off than widow-headed households, though equally large. Widowers are few in number, perhaps confirming the statement by one public health officer that men do not survive for long if their wives pass away first. The absence of households headed by single men or married women reflects social norms, whereas the existence of some households headed by single women probably reflects changes in those norms.

Table 6.9: Characteristics of households according to gender and marital status of household head

Gender of household head	Marital status of household head	Number	Percentage	Average age of household head	Average household size	Average wealth score
Female	single	4	4.0%	43.8	3.8	1.1
	married	na	na	na	na	na
	widow	20	19.8%	59.0	5.0	1.4
Male	single	na	Na	na	na	na
	married	75	74.3%	46.1	5.0	2.3
	widow	2	2.0%	90.5	2.0	2.2



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Total	101	100.0%			
Average			49.5	4.9	2.1

It is also striking that the average age of household heads in most categories is rather high. In fact, only 30% of all household heads are aged 39 or younger, and half are 50 or older. Given the overall youthfulness of the population, this is very striking and seems to relate to three phenomena: first, at least in rural areas, new households are impeded from coming into existence due to the lack of land and other economic opportunities; second, there is a large number of unmarried/divorced daughters with children who depend on their parents, which means that they cannot or do not establish their own households; and third, there are numerous instances where young parents die and leave responsibility for their children to the children's grandparents.

Finally, Table 6.10 shows the distribution of households according to primary income source. Farming is far and away the most common primary income source, with casual labour and formal employment tying for a distant second. According to the average wealth score, the most prosperous households are those in which the most important source of income is business, followed by formal employment, and then farming. Primarily relying on casual labour is a clear indication that the household is relatively poor. From the in-depth interviews it appears that casual labour is the recourse of those who lack the resources or opportunity to support themselves through other means. Households dependent on casual labour tend to be caught in a poverty trap, in the sense that even if they have land, they do not have the resources to make effective use of it.¹² The rewards from providing casual labour are only sufficient to cover the purchase of immediate necessities, if that, and do not allow the household to invest in its land, should they have some.

Table 6.10: Distribution of households according to primary income source

Primary income source	Number	Percentage	Avg. wealth score	Avg. LSUEs	Avg. acres accessed
Farming	79	78.2%	2.0	1.5	1.8
Casual labour	8	7.9%	0.8	1.1	1.3
Employment	8	7.9%	2.5	1.2	1.7
Business	4	4.0%	4.0	1.6	1.6
Other	2	2.0%	3.8	0.8	2.0
All	101	100.0%	2.1	1.5	1.8

Two sociological dimensions of poverty are important to note. The one is the experience of exclusion, meaning, among other things, a lack of access to support networks in times of need. As an extreme example, H, a 59-year-old widow, expresses her inability to draw support from local leaders, society in general, and her church:

¹² In the words of P, a 59-year-old woman, 'Today's farming is difficult because the living cost has gone high. Now if you don't have another source of income you can't do that farming even the land pieces have reduced in size due to subdivision.'

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If a poor person approaches such a senior person as a chief he will only look at me then leave you alone. Poor people have no place in the society we are living in, they are left to die with their own problems.... I can't mention even a single thing that the church has done for me so far. This church as I have said there is no place for the poor.

While H's experience is by no means common to all low-income households in Gachugi, neither is it unique. What determines the actual or perceived degree of exclusion is complex, and contrary to H's words, it is unlikely that it is merely a function of poverty. Exclusion does, however, exacerbate the experience of poverty, and enters in particular ways in the nexus between HIV/AIDS and land tenure security.

The second sociological phenomenon of note is the burden imposed on some family members due to the lack of support provided by other family members. Mothers, fathers, and wives frequently describe certain spouses and/or children as 'drunkards', 'lazy', or 'immoral', and attribute much of their economic struggle to the inability of these family members to support themselves or their children. This is most often cast as a form of 'male irresponsibility', but on occasion adult daughters are also accused of 'dumping' their children on their grandmothers and then returning to Nairobi without ever remitting any income. While the veracity of these claims cannot be commented upon, the reality of the perceptions must be taken seriously. On occasion it was claimed that husbands are irresponsible to the extent that they are household heads in name only, because most day-to-day responsibilities are borne by their wives.

6.4 Land tenure, use and administration

Land holdings and land tenure

Land holdings among the residents of Gachugi can be described as modest on average but also unequal. Although most households have only one plot (see Table 6.11), a significant number have two or more plots, such that the total number of plots owned by households and their members is 124.¹³

Table 6.11: Number of plots owned and used per household

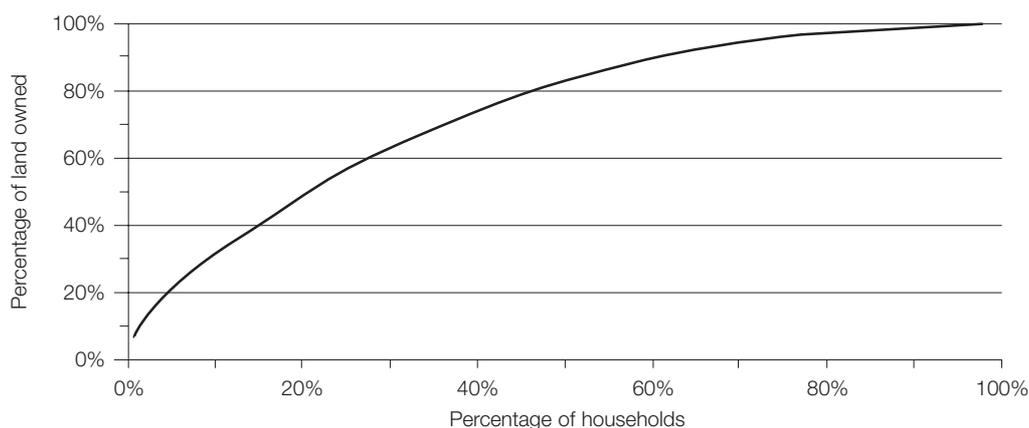
Plots per household	Frequency	Number of plots
1	89	89
2	8	16
3	3	9
10	1	10
All	101	124

¹³ As noted in the chapter on methodology, there is a possibility that the questionnaire failed to pick up some plots held personally rather than by the household. This was discovered through some inconsistencies between the household survey results and information gathered from some in-depth interviews. However, these discrepancies were very few in number, and it is difficult to say whether they are indicative of a more extensive pattern.

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Although the average amount of land owned per household is 1.7 acres, 10% of the households own one-third of all the land, and 40% of the households own three-quarters of all the land (see Figure 6.1).¹⁴ Taking household size into account makes the inequality appear somewhat worse: 10% of the people own 40% of all of the land, and 40% of the people own 78%.

Figure 6.1: Lorenze curve for household land ownership, Gachugi



Whether some households should be considered 'landless' is open to interpretation. Most of the plots that are owned are located where the household resides (see Table 6.12), generally meaning that some of the area of the plot is in fact used for residential purposes. Twelve households have a quarter acre or less, and the smallest reported amount of land owned was 0.1 acre. However, even on plots this small, the majority of the plot is still available for cultivation, however inadequate it may be. Land rentals do play some role in equalising land access, in that among the five households that rent in, four own less than the average, and through renting end up with closer to the average. However, in aggregate the effect is quite ambiguous because of the small number of people renting, and the fact that one of those renting ended up with far more than average, and one of the two renting out had a fairly small amount of land in the first place.¹⁵ Of the five households renting in land, only one classified itself as worse-off, three as average, and one as better-off. One respondent who classified his household as worse-off indicated that he would be keen to rent in land, but that the earnings derived from casual labour were far too modest for this to be possible.

All of the ten rented plots are between two and 30 minutes' walk from the households' place of residence, with most around 20 minutes away. From the in-depth interviews it is clear that the inspiration for renting in is not only to increase the amount of land available for cultivation, but also to have plots in different areas that are suitable for different crops, for example, plots near the river that are suitable for growing arrowroot.

¹⁴ Households are ranked in decreasing order of holding size. Notwithstanding that in principle land is of heterogeneous quality, and larger plots may at times be lower in quality than smaller ones, for the most part land in the area around Gachugi does not vary much, in contrast to that in the vicinity of the Embu study site.

¹⁵ There are two households that rent out, versus the five that rent in. The fact that the number of people renting in is larger is because renting in mostly involves land that is outside of the village. Among the five that rent in, one rents three additional plots and another rents in four additional plots. Adjusting for the five households who rent in and the two households who rent out, the Gini coefficient for land access is 0.4806, versus that for land ownership of 0.4786.

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Table 6.12: Distance in walking time to owned and rented plots

Distance to plot	Number owned		Rented in	Total
	Inherited	Purchased		
At compound	100	2	0	102
1–29 minutes	1	8	9	18
30–59 minutes	1	4	1	6
60+ minutes	2	6	0	8
All	104	20	10	134

Turning now to how plots were acquired, it is clear that inheritance is overwhelmingly the main means by which people come to own land, with land purchases representing about 15% of all plots owned (by number and area). Rented-in land accounts for only 7.5% of plots accessed by number, and only 3.5% by share of total area. The distinction between inherited ‘without subdivision’ and ‘with subdivision’ is important but must be interpreted with caution. ‘With subdivision’ may mean that at the time of acquisition by the respondent household the land had been surveyed and deeded through the formal channels. However, this is not always the case as some subdivisions are informal, that is, recognised within the family but not given legal force, as with plots acquired ‘without subdivision’. This ambiguity owes to the imprecise wording of the questionnaire, but together with other questions posed to respondents the situation does become clear. In many cases where a plot has been inherited with subdivision, as well as almost all cases where it has been inherited without subdivision, the situation is that the son or daughter-in-law has ‘been shown’ their new plot by the son’s parents, but that the formalities of subdivision have never been pursued. However, even for those plots that have been surveyed and formally subdivided it is not necessarily the case that the title deed is in the name of the present plot owner; in many instances, the title deed remains in the name of a parent or even deceased parent. Obviously, the status of both subdivided and non-divided plots may well be changed subsequent to their initial acquisition, a point to which we return.

Table 6.13: Means of acquiring/accessing plots

How acquired/ accessed	Number	Number share (%)	Average size	Total area	Area share (%)	Average year	Std. dev. year
Inherited, without subdivision	54	40.3%	1.0	54.6	30.6%	1984.7	14.6
Inherited, with subdivision	50	37.3%	1.8	90.9	51.1%	1982.2	15.8
Purchased	20	14.9%	1.3	26.3	14.8%	1982.1	14.8
Rented in	10	7.5%	0.6	6.3	3.5%	1995.8	7.9
Sharecropped in	0	0	na	0.0	0.0	na	Na
Borrowed	0	0	na	0.0	0.0	na	Na
Total	134	100.0%		178.1	100.0%		
Average			1.3			1984.2	15.0

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It is not immediately clear why plots inherited without subdivision tend on average to be smaller than those inherited with subdivision, to the extent that non-divided plots collectively account for a significantly smaller share of the total land area than subdivided plots, despite being more numerous. One possible explanation is that the land-controlling generation is less quick to formally subdivide land to give to the next generation when the pressure on that land is especially great. This means that as land pressure continues to mount, the phenomenon of non-divided land may be on the increase rather than in decline.

A few respondents indicated a different attitude towards land depending upon whether it was inherited or purchased. Purchased land is truly one's private property with which one can do as one pleases, including selling it. By contrast, inherited land cannot so easily be sold by the present owner because it is part of the person's heritage, and according to tradition, should either stay in the family or clan or should be disposed of only with the clan's consent.¹⁶ However, one suspects that those in Thika who appreciate this distinction are few and becoming fewer with time, not least because of the declining importance of the clan as a form of social organisation.

The 'average year' and 'std. dev. year' columns in Table 6.13 show that on average inherited and purchased plots were acquired about 20 years ago, but that there is much variation in this. This suggests, among other things, that for many non-divided inherited plots there has been ample time during which to change the tenure status. However, this is largely not the case. Among the 54 plots that had been acquired without subdivision, all but two remain in the possession of the respondent household without a deed, which has rather remained in the name of parents or other family members. Of the 50 plots that had been inherited 'with subdivision' – bearing in mind the ambiguity of this category – 54% are not presently held in terms of a deed in the name of the present 'owner.' Taken together, this means that among all inherited plots only 24% are legally owned in the name of the household or household head that inherited them, versus 76% that are not. The average age of household heads of the group with legal ownership is 65 years, versus 44 years for the larger number of household heads who lack legal ownership of their informally subdivided land.

The large discrepancy between de jure and de facto ownership is at the heart of much tension between the older generation that maintains legal ownership of the land, and their sons who feel denied that ownership. From the perspective of the younger generation, the withholding of land is impeding them both economically and in terms of having families. For example, as one 32-year-old man, E, who has half an acre of land still held in his father's name, explained:

They have refused to give us land, therefore one has to find his own way of owning a *shamba* (field) since children need to go to school.... For example, if my parents have given me my portion of land I would invest the money to educate them through Std 8 up to secondary school. If I had planted such trees about ten of them, if you can sell such fruits amounting to 800 shillings you'll be able to pay 500 as school fees and 300 shillings for domestic use.... But since our fathers have refused to give us a piece of land this is why there is increased problems.

¹⁶ This is implied in the following exchange. Interviewer: 'There is no one selling his land, even your husband just decides to sell his land?' Respondent: 'He doesn't own any; he inherited.'

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When one has already gotten married as one gets old. If one waits till when he will be given a piece of land he will die a bachelor.

The older generation seems to have more diverse concerns. The three most prevalent concerns appear to be: first, that relinquishing too much control over land would threaten their own economic security; second, that their children cannot be trusted to make intelligent decisions about the land, for instance, they might mortgage it and then lose it out of short-sightedness; and third, that formal subdivision is delayed because the children cannot agree how the land should be apportioned among them. N, a 48-year-old widow with two sons and a daughter, expressed the first two concerns as two sides of the same coin:

Yes it is true, because this young generation... this young generation you cannot leave it, you will hear them say that they will use the title deed as security to borrow a loan.... The land can be auctioned. Therefore it's better you retain it until death. Afterwards it's upon them either to rent or to borrow a loan using it as security.... In case you submit the title deed at this age it's possible to be told to take all your belongings to the road, and I am a widow.... We just withhold the title deeds because of parental love, not that we hate our children. It's just securing it for them since this is not a good era. He can take the title deed after death.

Whatever the underlying reason, the disinclination to formally subdivide land is accentuated when there is very little land to begin with. As the mapping exercise revealed, repeated subdivision has reduced average land holdings dramatically over the last two or three generations. Where that process has proceeded quite far and additional land cannot be purchased to compensate, household heads are in less of a position to contemplate further subdivision, especially further formal subdivision.¹⁷

Although the practice of 'showing' land to adult children for their use is perhaps rooted in custom, when it is deliberately not followed up by official subdivision and title transfer it appears to be a sort of compromise parents employ in order to accommodate their children's need for land without making a decision that is irrevocable. Of course, there are other reasons why land may be subdivided de facto and not de jure, the most common being that the household or household member cannot spare the money to proceed with formal subdivision and titling.¹⁸

In Thika, the failure to formalise de facto land-holding arrangements is therefore not strictly or perhaps even mainly a function of people's lack of interest in the formal tenure system, as some of the literature has maintained.¹⁹ In fact, almost the contrary: in Thika, the formal system of land titling is perceived to be of enormous importance, first and foremost to provide title holders with security against extended family members perhaps

17 This is reflected in Table 6.14, which shows that 'formal plots' are on average 27% larger than 'non-formal plots'.
18 J, a 23 year-old single man, stated: 'On my part if I would get money, I can be able to apply for a title deed but due to financial problems I cannot.' R, a 50 year-old widow, indicated: 'The title belongs to my mother-in-law. Now that she has not surrendered it to us, we do not have one not at all.... In fact, there is no problem it is only that we do not have money.'

19 See for example, Shipton (1988), and as is discussed in Chapter 7, this is to some extent still true for Nyanza. Okoth-Ogendo (1999) similarly speaks of the 'breakdown of land registries nationwide', in large measure due to land holder apathy. This is not to say that apathy about the value of titles did not used to be the main reason why people in Thika declined to follow the process for legal subdivision.

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ving for control of the land. However, in a context of land shortage and inter-generational competition for land, effecting subdivisions legally and transferring deeds to one's children is not done lightly. This supports the supposition mentioned above that this inter-generational land competition itself is one reason behind the relatively high average age of household heads, which is in keeping with the logic expressed in E's quote. If this is the case, perhaps the most dramatic implication is for women who reside in their marital home, because upon the death of their husband they have little or no legal recourse should their in-laws want them to leave.

Land ownership and gender

Because some female-headed households have more than one plot, there are 28 plots owned altogether among the 24 female-headed households. However, as suggested above, there are important distinctions to be made in terms of what we mean by 'ownership'. Excluding rented land, but including four plots that were acquired through purchases, the profile of ownership of female-headed and male-headed households is as shown in Table 6.14.

Table 6.14: Non-formal and formal land ownership by gender of household head

	Non-formal plots			Formal plots			Proportion non-formal	
	no.	avg. size	total ha	no.	avg. size	total ha	by no. (%)	by area (%)
Women household heads	19	1.4	26.8	9	1.2	11.0	67.9%	70.9%
Men household heads	62	1.2	75.7	34	1.7	58.3	64.6%	56.5%
All household heads	81	1.3	102.5	43	1.6	69.3	65.3	59.7

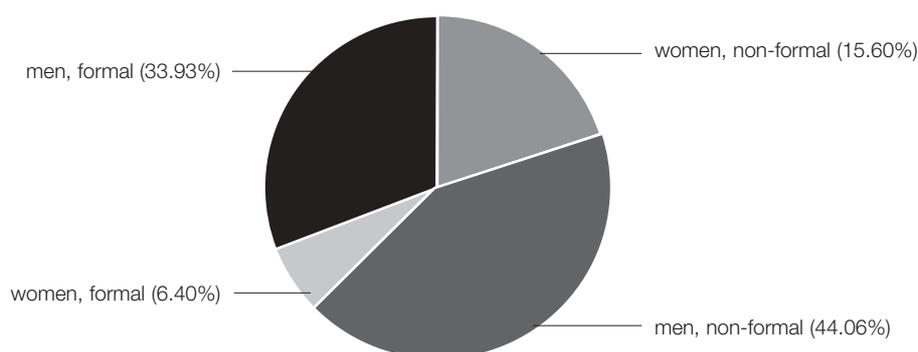
The nine plots formally owned by women household heads belong to nine different women, of whom eight are widows. All but one of these widows hold the land with title deeds in their own names. It is very likely that these women mostly transferred the titles into their own names sometime following their husbands' deaths, although one respondent stated that: 'Before my husband died, he undertook the procedure of sharing his land between his four sons and I was also given a share.' The eighth widow's plot is held in terms of a joint title deed. Among the women having formal ownership of their plots, the only non-widow was a 45-year-old single woman who cares for a teenage son. This woman was born in Gachugi, and in 1999 she inherited land from her mother, a widow who owns 1.5 acres in her own name. Curiously, a plot of one acre was subdivided for her brother about 20 years ago, but he never acquired a title deed to it.

Of the 19 plots owned informally by women household heads, two are owned by women who have formal ownership of other plots, and three are informally owned by one woman. In other words, there are 15 different women household heads who only hold land in terms of informal ownership. Of these, 12 are widows and three are single. It appears therefore that most widows do not acquire title to their land, though it is unclear what distinguishes those who do from those who do not.

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Figure 6.2 summarises the overall pattern of land ownership by shares of total land area, distinguishing by gender and whether or not household heads have formal title to their land.

Figure 6.2: Shares of total land area owned formally and non-formally by gender of household head



Although the widows who own non-divided land range in age from 35 to 75 years, the majority are over 50. The three single women, by contrast, are in their early 40s, and all were born in Gachugi and apportioned a piece of the parental homestead. This reflects an important albeit incipient trend whereby land is apportioned to unmarried daughters. There are examples where this happened some time ago, as with the case of D, a 66-year-old man who had three brothers and three sisters. One of the sisters, 'had a disease that made the fiancée to leave her and therefore she was counted like one of the land inheritors', that is to say, by the father. Upon her death, the title was passed on jointly to her three children. Similarly, F, a 52-year-old widow, recounts how her father-in-law's land was informally subdivided among her husband, her husband's brother, and her husband's sister 'who did not get married'.

However, indications are that this was quite rare, and where it did happen before, daughters were typically given less land than their brothers, as in the case of D's sister.²⁰ Although still rare, allocation of land to daughters has become less so as the number of unmarried or divorced daughters has grown, and as people's attitudes have adapted. In the words of one of the men participating in the 'land-poor' focus group discussion:

Let's say the current time we are at now there is a change in land ownership. It does not matter whether it's boys or girls because you may want to subdivide land but you have daughters who have gotten children out of wedlock. So you figure they are not going anywhere soon you just subdivide it and give them a piece of land. So it is equal.

Although fathers may allocate land to their daughters, widows are especially likely to allocate land to daughters. B, a 48-year-old married woman, explains:

²⁰ 'The land was apportioned into equal portions for the sons although the portion for the daughter who was not married was slightly smaller.'

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In earlier days only the sons could inherit the land.... But as for me in case there is any unmarried daughter I can give her the same share of land equal to her brothers.... Yes because it's not that she refused to get married but it's only that she did not get any spouse to marry her so that she can go with him.... The three homes that I've come across have the same opinion as mine that is giving their unmarried daughters a piece of land.

The land market

The land market in Gachugi is fairly inactive, although over time there is a slight trend towards greater activity. Of 124 owned plots, 20 were purchased. These purchases began as long ago as the early 1950s, and half of these took place since 1980. As Table 6.12 shows, what distinguishes these purchased plots is that they tend to be further away from where people stay – they are virtually always household members' additional plots. Importantly, the 20 purchased plots are owned by only ten different households, and eight of them by one particular household. Those households that have purchased more than one plot tend to state that a main motivation was to ensure that there was enough land to leave to one's children.

Land sales are more rare. No households reported having sold land in the past ten years, although eight plots were purchased by five households. The asymmetry owes to two reasons. First, people are very averse to selling the land they hold within the village, presumably because this would mean either rendering themselves homeless, or subdividing an already small plot and thus endangering one's own food security.²¹ When asked if they had ever considered selling land, for example, to raise money to cover hospital fees, respondents usually replied like U, aged 72, 'We never thought of selling land', though they may well have contemplated selling livestock or even crops in storage. D (66), confirmed that for emergencies livestock were especially appropriate, because they could earn a fair amount of cash, and were much more liquid than land. Land in fact is not very liquid, first of all because of the procedures that must be followed (including review by the Land Control Boards), and second of all because one cannot sell land to which one does not have title. There is no evidence of informal land sales, that is, sales that do not go through the formal system whereby the buyer acquires title to the purchased land. However, the main reason people do not sell land appears overwhelmingly to be that people do not wish to. Those who would be in the best position to sell land would presumably be those who own extra plots that they had purchased outside of the village, but these households are least likely to need to sell land.

The second reason accounting for the asymmetry between those purchasing and those selling is that, according to the focus group interviews, when sales happen, the households who are selling tend to leave altogether, for example, to the Rift Valley where they can obtain sufficient land. This means that these selling households were not interviewed because they were no longer present in Gachugi. However, it does not appear that many such sales have occurred. As a consequence, land made available through the departure of some households is not nearly enough to compensate for the increase in land pressure due to subdivision.

²¹ Said R, a 50-year-old widow, 'Now that the field is only a quarter acre, if we sell our children will go hungry. So we cannot afford to sell.'

Land disputes

Eleven of the 101 respondent households indicated that they were involved in a land dispute, though on further probing, only eight of these were current disputes and three of these are in fact the same dispute between three siblings (two sisters and a brother) who head their respective households and their uncle who is refusing to release their father's share to them. With one exception, all are intra-familial disputes. The disputes can be summarised as follows:

- One dispute between three youths and their uncle (mentioned above).
- Three disputes between co-wives of a deceased husband.
- One dispute involving a woman and her brother-in-law.
- One dispute between a widow and her children on the one hand, and members of the extended family on the other.
- Two disputes between siblings vying for larger shares of their father's land.
- One dispute between a respondent and her neighbour, who allegedly has been trying to shift their common border to her own advantage.

Half of the active disputes are presently with the courts. According to those in-depth interviews that mention land disputes, these disputes can take many years to resolve, whereas those that do not go to court are typically resolved relatively quickly either within the extended family, or with the assistance of the elders or other local leaders.

The common interpretation among community members is that land disputes are apt to happen in polygamous households, but in general are caused by land pressure. This is expressed in different ways. One member of the land-poor focus group discussion explained that, 'There is a problem with these pieces of land because even these children had to keep children and cows but there is no space for the cow to graze so there are disputes because of these small pieces of land.' Another member of the group linked the decision some households take to move elsewhere to the wish to avoid disputes:

So you figure instead of having disputes over the land... it would be better to sell the land even though it is fertile and go to areas like in the Rift Valley place, which is stony, where you will live well.... So that is why land is sold here not because the pieces of land are many – it's because the disputes will not give you any peace of mind. So it is better to have a place where everyone will fit. No matter where the person has been the whole day they can just come home and sleep comfortably.

Finally, commenting on the sometimes-fractious relations among her brothers-in-law, Q stated that, 'The land disputes minimise once everyone goes back to Nairobi' – underlining the importance of diversification into non-agricultural livelihoods.

As mentioned above, however, some or possibly most disagreements over land do not erupt into open disputes, but maintain rather as simmering tensions. Not least is the example of inter-generational tensions over land allocation, which generally do not erupt into open disputes because of the unequal status of the older generation that has the land, and the younger generation that does not.²²

²² Unlike in Embu, there were no examples encountered in Thika of women land holders feeling pressure from adult sons to cede their land rights.

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Land use

Land use in Gachugi is intensive, owing to the fact that land parcels are by and large small and in many cases insufficient. Over half of all plots are reportedly used more intensively than five years ago. Although another quarter are reportedly used less intensively, this is predominantly among better-off households with businesses that are presumably less dependent upon the land.

Table 6.15: Reported change in land use intensity compared to five years ago

Change in intensity in land use since five years ago	Number	Percentage
Less	34	25.4%
More	71	53.0%
About the same	27	20.1%
Not stated	2	1.5%
Total	134	100.0%

Chemical fertiliser is used on over 95% of the plots. The value of organic fertiliser is also widely recognised, but is not used in large amounts due to lack of livestock and high transport costs. A number of respondents indicated that, due to continuous use, the fertility of the land has been decreasing over time.²³ A more serious problem is the poor marketing conditions, especially for coffee, which previously constituted the main cash crop of the area. A number of respondents described their active attempts to identify new market opportunities and make optimal use of their land. In addition to poor returns for coffee, field owners have been motivated by less availability of children to perform agricultural work and thus the higher cost of labour. In the past year, credit was used to purchase inputs for only 10% of all fields. Poorer households tend to be entirely dependent on own production to meet their food needs, and are less likely to have cash available for purchased inputs and rarely use credit. Table 6.16 reveals that just over half of all fields are devoted to production of food for own consumption.

Table 6.16: Production of crops for sale or own consumption

Primary land use	Number	Percentage
For sale	28	20.9%
For household consumption	72	53.7%
Both equally	32	23.9%
Not stated	2	1.5%
Total	134	100.0%

²³ For example, W, a 30-year-old single woman born in the area, indicated that her lack of money despite having farm land was because, 'the *shambas* (fields) then were fertile' – implying that today they are less so.

The use of hired labour is simultaneously widespread, in the sense that hired labour is used on about 40% of all plots, but also modest, in that those households that hire labour generally do so for only a few days a year (presumably planting or harvest), such that the total amount of person-days of hired labour is low at roughly 150. The implication is that the bulk of casual work reported by respondents is performed not for one's neighbours but further afield, for example, in the agricultural estates in the vicinity.

6.5 Morbidity, mortality, and HIV/AIDS

AIDS-related morbidity and mortality according to the field data

Among the 496 individuals captured in the household survey, 46 (about 9%) were reported to be in poor health at the time of the interview. These 46 people were spread across 31 households. Not one person was reported to be ailing from AIDS or from a secondary infection that was attributed to AIDS. However, the in-depth interviews revealed a different picture, with eight people revealed – either by themselves or close family members – to *probably* be ailing from AIDS. Seven of these were adults and one was a child. The discrepancy owes to the fact that respondents were far more likely to be candid in the format of the in-depth interviews, which were more personal and sometimes longer. On the other hand, there was only one case of a person who revealed that she was ill with AIDS and who had actually ascertained her HIV-positive status through testing. All of the others merely suspected that they were ill with AIDS, generally because they had symptoms thought by them to be consistent with AIDS and/or they survived a family member who appeared to have died from AIDS. Given the fact that the in-depth interviews were selected purposefully, in part on the basis of what the household survey revealed about the incidence of chronic illness, it is not possible to extrapolate an estimate of the total number of people in Gachugi who are HIV positive or suffering from AIDS. Moreover, people's suspicions may at times be wrong. On the other hand, in all likelihood even among the in-depth interviews there was an under-reporting of the incidence of HIV and AIDS, owing to a mix of lack of awareness, denial, and wishing to maintain one's privacy.

This supposition is supported by anecdotal evidence. When asked generally about the incidence of AIDS in the community, most respondents, young and old, agreed that AIDS had become very serious in the past several years. As in other communities, metaphors used to describe the increased presence of the disease include the 'bus', as in 'a bus for carrying everyone', and 'broom', which sweeps people away and spares no one. During an in-depth interview, one of the women who had earlier in the week participated in the focus group discussion with 13 widows, stated that:

All those women you saw there apart from that woman who was seated next to me and the other one seated on the other side, all the others our husbands have died of AIDS. That is why I was not able to speak I looked around and saw that almost all people had AIDS like me. Can we people who have buried their husbands suffering from AIDS not be infected?

This is not to say that this woman's perception as to the HIV status of her neighbours is factually correct, but to support the conclusion that the scale of the epidemic in Gachugi is certainly greater than many people are willing to acknowledge.

Respondents to the household survey were more likely to be candid about AIDS as a cause of death of household members, even if they chose not to acknowledge it as a cause of

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illness among the living. Among the 101 households captured in the survey, 46 deaths were reported over the past ten years. Of these, 25 were of people who were 55 years old or younger at the time of death. Table 6.17 reports the main causes of death, with 'other' being a mix of miscellaneous other diseases and causes of death other than disease.

Table 6.17: Main cause of death among those who died in last ten years, aged 55 years or younger at time of death

Main cause of death	Number	Percentage
Malaria	6	24%
Pneumonia	1	4%
AIDS	9	36%
Other	9	36%
Total	25	100%

AIDS allegedly accounts for more deaths than any single other cause among those 55 and younger that had died within the previous ten years. That those who died of malaria and pneumonia may have had immune systems compromised by AIDS is anyone's guess, but it is noteworthy that all of these were young adults (17-30) at the time of their deaths. A few respondents expressed scepticism as to the recent 'malaria epidemic'; and, 'Even when the person is taken to the hospital, the doctor will know that he has died of AIDS but back at home they will cheat people that it was chronic malaria, asthma or TB, the most common diseases.'

By the same token, when speaking of others' families, especially in general terms, AIDS may well be over-ascribed as the cause of death. In the words of M, a 48-year-old widow: 'In case one suffers from any other disease people just conclude that one died of AIDS.' While this may inform the general perceptions of the epidemic, as reflected in the 'bus' and 'broom' metaphors mentioned above, there is little reason to believe people exaggerate the incidence of AIDS in their own families. If anything, the over-ascription of AIDS between families is the counter-part of the denial/under-ascription of people in respect of deaths in their own families.

Taking together the disparate pieces of information from the household survey and in-depth interviews, Table 6.18 summarises what is known with different degrees of certainty about individuals infected and households affected by AIDS through ill-health and death.

Table 6.18: Summary of incidence of AIDS-related illnesses and deaths

'Likelihood'	Infected individuals		Affected households	
	Present illness	Recent death	Present illness	Recent death
Certain/very likely	4	12	2	9
Probable	7	13	7	12
Total	11	25	9	21

It must be stressed that the distinction between 'certain/very likely' on the one hand, and 'probable' on the other, is itself subjective and unscientific. The distinction reflects the degree of certitude expressed by the respondent, and as mentioned before, few respondents have had tests or are relating information from relatives who have been tested. People's statements about the illness or death of non-family members were not taken into account. In addition, the figures as to 'present illness' should not be confused with prevalence of HIV, but rather indicate that AIDS-related illnesses are being experienced. The number of households affected is lower than individuals infected because some households experience more than one AIDS illness or death. On the whole, however, the clustering of AIDS within households has not occurred to a great extent. According to these admittedly tenuous statistics, altogether one-quarter of all households in Gachugi are affected either through AIDS-related illnesses, AIDS-related deaths, or both.

Knowledge and belief about HIV/AIDS

Discussions with community members about HIV/AIDS reveal a combination of informed awareness and pejorative generalisation, even from the same individuals. People are universally aware of AIDS as a new and serious health problem, and most command certain basic information, for example: the main ways by which the HI virus is contracted; the relationship between HIV/AIDS and opportunistic infections, including TB and malaria; and the importance of good diet for those who are infected. However, especially among non-affected households, there is also a body of belief by which people explain who is likely to get infected by HIV and how infected people tend to behave. These characterisations tend to be pejorative and unsympathetic, with an emphasis on promiscuity and the link to illegal alcohol. Among older community members in particular, there is a characterisation of the younger generation as 'immoral', which explains the rapid spread of the epidemic. The pejorative generalisations sometimes take on the aspect of 'modern legends', for example, in holding that infected people are possessed by a desire to infect others, so that they 'do not die alone'. Several respondents in Thika maintained this belief, which in some instances was embellished, for example, the woman who stated that infected individuals keep a list of people they have infected to take with them to the grave, and another woman who claimed that infected people are apt to try to infect others by biting them. As an example, R, a 50-year-old widow, claimed the following.

Victims of AIDs are very jealous and do not speak of their status. They do not want to be screened. Some even end up becoming rapists and can even rape our children. This has become a major problem thus making us to have fear since the victims are fully determined to infect as many people as possible.

It is our judgement that these beliefs are very likely spurious, but that they are revealing about the way in which those affected by the disease are demonised, which is an extreme form of stigmatisation.

Men's views on AIDS sometimes betray a clear misogynist undertone, either accusing wives in general of acquiring the virus through extra-marital relationships and then infecting their husbands, or accusing widows of knowingly spreading the virus among other men. E, a 32-year-old married man whose brother-in-law and then sister died of AIDS, generalised that, 'The innocent man gets the virus through his wife.'

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However, women reject this tendency of men to place responsibility on them. S, a 31-year-old woman, had an HIV test after observing her husband's symptoms. After confirming her own HIV positive status she confronted her husband:

He denied [being infected] and refused the likelihood of him having acquired the disease and accused me that I was allegedly responsible.... I am actually sure that he knew about his status long before and had started taking drugs earlier.

Numerous instances like this exist where men accused their wives of being unfaithful and thereby getting infected with HIV and in turn infecting the husband, and where, according to the wife, the reverse was in fact the case. While it was not the objective of this research to adjudicate the question of which gender is more apt to be truthful in this respect, we note: firstly, that there is in general a concern with others' licentious behaviour, colloquially known as 'moving around' and implying multiple partners; and secondly, to the extent that married partners engage in this, it is more commonly husbands. The reason for this view (which we do not and can not prove rigorously) is primarily the testimony of people like S above, who identify specific instances of hypocrisy, whereas among men (or their mothers), the blame cast on women is usually more generic and/or has the stamp of inauthenticity or even scapegoating. That men play a larger role in the public sphere may be one reason they are more apt to be hypocritical by way of projecting an image that is at odds with their private behaviour. An extreme example of this is M's husband, a church leader, from whom she separated over ten years ago but with whom she still lives off and on. M observed the following about his abusive behaviour towards her, frequenting of prostitutes, and former problem with alcohol:

[The villagers] see it a lot so they tell me to just keep quiet. I just stay on. I just leave him alone because it is not his fault apart from problems which always come. So they tell me that my husband is an important figure. So I just quiet down. I just leave him alone but it is not his own doing. It is the demons and he has two of them, the ones called 'Nyakigwo', you have heard of them.

Alcohol, transactional sex, and occupation as risk factors

As in Kinthithe, much of the discourse about AIDS and behaviour in Gachugi is couched in terms of the contrast between those who behave morally and those who do not. In some instances the distinction is mainly generational – for example, 'This generation is immoral', referring to the youth. Other times the distinction is between those who do and do not go to church. One particular, almost Manichean, understanding of the inter-play between AIDS and morality is revealed in some of the statements quoted above, whereby it is held that those who are already infected prey mischievously on those who are 'innocent', as though to bring them into one's ken.

The obvious problem with the absorption of AIDS into the moral worldview is that it hardens the stigma surrounding the issue of AIDS. Among those who are not infected (or affected), or who are not aware of it, AIDS becomes a point of reference distinguishing 'us' from 'them'. Among the interviews conducted with the non-infected and unaffected in Gachugi there was little evidence of compassion for the infected or affected. The moral interpretation serves to widen the distance between the two groups, encouraging – but also being aided by – widespread secrecy.

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On the other hand, it is well established from research in Kenya and elsewhere that alcohol abuse and prostitution do elevate the risk of contracting HIV (Gathenya & Asanga n.d.). That these associations are also at play in Gachugi comes through, mostly in people's general explanations of what is driving the AIDS epidemic, for example, the following statement by a participant in the focus group discussion with land-poor men:

The way we are living now we cannot be helped.... Most of the people who are destroying themselves take *kumi kumi* like our fathers. Even now they are destroying themselves but us who are here now, even though we are not drinking now we drink a lot. So I say the issue of poverty has to be checked if AIDS is to finish, but if poverty does not go down the AIDS won't either because the people supplying it, the high rate [of AIDS] mostly is of people who take that *kumi kumi*.... [S]o if these traditional brews can be banned, what I mean is the cheap brews, the AIDS rate can go down because of that immoral behaviour.

Another participant drew a direct link between AIDS, poverty, and transactional sex:

What this disease is doing is connected to poverty – the people who are dying most are the poor people because someone can lack food for the children then a man might come and give her 20 shillings. So you see she will have sexual intercourse with him. So to eradicate this disease then poverty must end because it's connected with poverty. So if problems ended AIDS rates would come down, but now the rates will keep increasing because the people dying are the ones with nothing. It is very hard for rich people to have it. Yes they die but the rate, the rate of people dying, is the ones with nothing.

These quotes reflect what appears to be a common view, namely that men lapse out of weakness, while women are forced out of economic necessity. The role of poverty is more obvious in the latter, but also appears to contribute to the tendency of men to take 'traditional brews'.

The link between vulnerability to AIDS on the one hand, and alcohol use and economically motivated sex on the other, is also related as a matter of direct experience. A number of respondents in in-depth interviews lamented the alcohol problems of their husbands or adult sons, and described how this alcoholism impaired their ability to function economically and act responsibly. Alcoholism was linked to illegal brews mainly because they are so inexpensive. According to one respondent, for the price of one bottle of beer one can purchase enough illegal brew to get thoroughly inebriated (about KShs 50). Several respondents claimed that illegal brews were concocted in such a way as to addict the drinker, and alleged that they had unhealthy ingredients. It is not clear to what extent the problem with illegal brews is because of the nature of the drink or because they are illegal, but alcohol abuse appears widespread, and in numerous instances related to infidelity and spouse abuse.

E, the young man quoted above whose brother-in-law and then sister died of AIDS, and whose story is told in more detail in the case studies, goes on at length about young women putting themselves at risk in order to earn 'a few shillings'. What is described is not occupational prostitution per se, but a much more casual reliance on one or more sexual partner for economic sustenance. From the context of the interview it is clear that

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E is referring obliquely to the lifestyle at one time followed by his sister, and the manner in which she linked up with the man who briefly was her husband, a *matatu* (taxi) driver.

The expression 'moving around' (referring to multiple sexual partners) is used mostly to describe the behaviour of some women, and notwithstanding its moralistic overtones, presumably subsumes a strategy some women follow in order to eke out an existence in a harsh environment. However, actual mobility is very likely also a contributing factor, and in Thika District as elsewhere, is associated with occupations such as that of E's brother-in-law that involve transport on the one hand, or on the other hand, movement between homes in different towns – for example, between the natal/marital rural home and the work-related domicile in Nairobi. A significant share of affected households are those in which wives reside in the marital 'rural' home in Gachugi, and the husband spends much of his time in Nairobi.²⁴

Healthcare available to residents of Gachugi

There are a large number of healthcare facilities available to residents of Gachugi. The closest is a government clinic in Ngorongo, which is about 3 kilometres up the road. The closest government hospital is in Thika town, roughly 24 kilometres from Gachugi. In between are at least two missionary (private) hospitals, one in Kigio and the other in Mang'u, about 8 and 10 kilometres away respectively. People based in or having family in Nairobi may also use hospitals there, notably Kenyatta hospital, or Kiambu hospital, which is intermediate between Nairobi and Gachugi.

The choice between the clinic and hospital is dependent on the level of care that is required. Emergencies and cases requiring diagnostic work or complex treatment are referred to hospital. All healthcare costs money, but missionary hospitals cost a great deal more, thus few respondents bothered to mention them. Having said that, respondents also frequently recalled the era when government health facilities charged only nominal amounts, and found the charges they imposed today prohibitive, even if far lower than those charged by the missionary hospitals.

Some respondents expressed resentment at the fees charged by clinics and hospitals, and the strict policies sometimes enforced – for example, one participant in the widow's focus group discussion said:

Because hospitals have become expensive I remember a child who cut himself, on going to hospital he was not treated and was told to come for money. I borrowed from people there so that he can go back, they needed 100 shillings and I had given him 50 shillings.

Not surprisingly, the cost of medicine is also frequently prohibitive, forcing some people to make fairly symbolic substitutions:

That issue of hospital is pitiful. I look healthy but ten years ago a young man was sympathetic on me, he took X-rays at Gatundu. When I went and he saw my chest had a problem he paid for my X-ray, the results showed that part of my lungs were withered. There is a drug which I bought and it relieved a bit. I have

²⁴ Occupation-related mobility and separation from one's spouse or regular sex partner are both identified as significant risk factors for infection for Kenyan men in general (Gathenya & Asanga, n.d.: 8).

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problems because I cannot work very hard, I do not have money for expensive medicine. When I get sick I just buy Panadol from the shop, I stop after relief. The drugs I was prescribed for cost KShs 3 000 and I cannot get that kind of money. So the disease is still inside.

On the other hand, one woman had a different memory of how the hospitals functioned previously: 'No, I would rather that they're expensive and you get the right drugs. In the past when hospitals were not charging, we would not have found those drugs.'

Raising money for major healthcare involves a number of strategies, the most common being appealing to friends, relatives, and other church members for contributions. Some respondents reported selling assets, in particular livestock, and one individual received a lump sum from his company in Nairobi. Two respondents acknowledged the kindness of nurses and doctors, who provided some amount of healthcare and even medicines for free for those who simply could not afford them. One woman mentioned that she presented her title deed to the hospital in lieu of immediate payment.

Among all of the interviews there is only one mention of an ailing person seeking healthcare through herbalists or traditional medicine. This person, whose widow believes he died of AIDS though this was never acknowledged, was advised by a friend to see a Nairobi-based herbalist to complement care he was receiving in a Nairobi hospital. The herbalist charged KShs 30 000, which the man covered by selling livestock. What is remarkable about this story is its uniqueness among the households interviewed in Gachugi. On the other hand, numerous respondents reported relying on prayer as a way of healing themselves, and some even expressed the conviction that AIDS could be cured through faith.

Despite the presence of a VCT centre close by in Ngorongo, only a handful of respondents mentioned having gone there or to any other such centre. In the first place, few respondents indicated an interest in being tested. In addition, some respondents express the concern that by virtue of being seen going to a VCT centre, others will conclude that they are HIV positive.

6.6 Case studies

Three case studies are presented and analysed. Case Studies 1 and 2 involve stories of households which were almost certainly AIDS-affected, and which provide some evidence – albeit indirect and unclear – of how HIV/AIDS can impact people's land rights. Case Study 3 involves an AIDS widow, also with some threat to land access, but here the danger of land loss manifested itself very differently and appeared to have no specific relationship to HIV/AIDS. The in-depth interviews in Gachugi are summarised in Appendices 4.3 and 4.4.

Case Study 1: 45-year-old AIDS widow, N, whose mother-in-law tried to chase her away, and her son, J

N's mother-in-law tried to chase her and her children off the homestead by initiating a 'case' against her with the village elders. The grounds for the case are not clear from the interview. What is clear is that this incident occurred shortly after the death in 2001 of N's husband, who, according to her, died of AIDS after being ill for three years. As N tells it,

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the Chief came to visit her to scope out the situation, and immediately came to N's defence and dismissed the mother-in-law's accusations. N and three of her children thus have remained on the land, though their access to the land for farming purposes appears to fall well short of the one acre they claim belonged to N's late husband.

N recounts at length the history of her fraught relationship with both her parents-in-law and late husband. What N's parents-in-law and husband had against her is obscure, and may be little more than a clash of personalities. However, N's main grievance with her husband is very clear, namely that he made little effort to support her and their children, in contrast to being exceptionally supportive earlier on in their marriage. This lack of support manifested itself in two ways. First, N's husband often neglected (or refused) to purchase food and other necessities for the household, despite having earnings from his regular job as a lorry driver. And second, he made no effort to intercede with his parents to ensure that N could access some of the family's agricultural land.

N relates this extraordinary confrontation that took place in 1989 (by which time N's father-in-law had already died), between her and her daughter on the one hand, and her husband on the other hand:

I asked him if he would buy flour for us. He said that he would not even buy a bar of soap apart from flour. I asked him, 'You will not buy?' [Our] first born daughter asked him, "Father, up to when will my mother suffer, and we are not going to school and have nothing to eat. Okay, my grandmother refused to subdivide land for my mother who is going to other people's land to work on their farms and their crops do well. Can't you talk to grandmother to allow my mother to cultivate this land and we help her so we can get something to eat?"

N does not explain why her mother-in-law refused to subdivide – perhaps the reason is similar to that identified above as endemic of the inter-generational conflict around land. At the time of the interview, N reported having 0.2 acres, still held under the family's (that is, her in-laws') title deed, whereas the mother-in-law, T, indicated in the household survey that she had three acres, also located at the homestead. (T was too ill to give an in-depth interview, thus it was not possible to learn her version of the conflict with N.)

As for her late husband's failure to provide for N and their children, it may be on account of his having taken four other wives – apparently women he met in the course of his work-related travels. These other wives never relocated to Gachugi. Shortly after the encounter described above N decided to leave her husband's homestead, and left the children in his care. She returned to her parents' home, and resumed doing casual work. Some weeks later, she decided to send her accumulated earnings to her children. As she could not find a friend who would agree to take the money on her behalf, she went herself, whereupon the mother-in-law attacked her with a machete and a stick, landing herself in jail and N in hospital. Following her release from hospital, N collected her children, placed them in the care of her mother, and went to Nairobi to seek employment.

Over the course of the next ten or so years, N held various jobs in Nairobi and in and around Thika. She was reunited with her husband around 2000 through the agency of her

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children, who by then were young adults. Her son, J, in particular, was keen to get to know his father who had recently returned to the area after having lived in Mombasa for a while and met him on occasion in Thika town. The son and one sister moved back to the father's homestead, and their grandmother was glad for the support they provided with cooking and other tasks. The husband then asked N to return as well, which she did with some trepidation. Shortly after this, she became aware of his illness.

It is not very clear whether and in what way HIV/AIDS had anything to do with the effort by N's mother-in-law to chase her and her children off the homestead. There are two possible influences, the one having to do with the stigma associated with the fact that N's husband died of AIDS, and the other having to do with the perception that N was herself infected and in the early stages of illness from AIDS.

J, a 23-year-old single man who recently qualified as a car mechanic, acknowledges the stigma afflicting his sisters and mother, but does not attribute it directly to the fact that his father died of AIDS. Rather, he speculates that the stigma may relate to the family's poverty:

The problem which is there is that people here do not like us, I don't know if it is because of poverty or what. So such a problem is common here that, you cannot stay for a week without hearing people accusing us that so and so said this. Such things make one bitter and you just don't mind about that.

However, J later adds, 'According to the villagers, [my father] died of AIDS', indicating an awareness of rumours making the rounds in the community, and suggesting that his father's supposed HIV status may have contributed to this sense of stigma. N herself also acknowledges these rumours, but in addition refers to allegations to the effect that she was infected with HIV outside of her marriage, and may have been the source of her husband's infection, suggestions which she both rejects and resents.

Apart from the pitch to chase them from the marital homestead, there is one indication that this stigma may have had serious tangible impact on N and her family. Following the death of her husband, a 'funeral committee' formed of community members instructed N to start pledging money to cover the costs of the funeral. Whereas 'those are the same people who one would expect to help one mourn with you and try to assist you at such a moment', according to N they raised no additional funds and then in fact kept the money she had contributed that was left over after the expenses were met. She attributed this mean behaviour to the fact that her in-laws did not consider her a true member of the family. At least in her own head, N connected her lack of genuine support from the community to the discord that persisted between her and her mother-in-law. Her next statement is telling: 'When I knew that we had finished the funeral and what had remained should either be subdivided or not, I told men, including my father, that I will not inherit anything of that husband despite the fact that it is mine.' This can be interpreted as an admission of defeat – in other words, she is aware that she cannot count on the community to defend her right to land in her marital homestead. The fact that the Chief actually took her side later on came as a complete shock to her, and was a testament to his good character rather than to a system that worked to her advantage.

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Case Study 2: Widow, C, chased out of marital homestead when husband dies of AIDS, together with story of mother, M, and brother, E

C was born and raised in Gachugi, but upon marrying around 1990 she relocated to her husband's home in Gakui, a village less than two kilometres from Gachugi.²⁵ Shortly after that C discovered that her husband, a *matatu* (taxi) driver, was ill, and rumours abounded that he had AIDS. At that time, they had an infant. By the time her husband died, C was pregnant again and suspected she was also ill. Shortly after the husband's funeral, C was chased away from her home by her mother-in-law, whereupon she returned to Gachugi to her mother, M, for support. C's elder child died of AIDS a little while later, while C herself died of AIDS in 2000 at the age of 30, and was buried at her natal home. C's surviving daughter is being raised in the home of her brother, E. M herself struggles with an abusive husband who 'stopped helping us 20 years ago'. M's own tenure rights have been made vulnerable by her husband's having first tried to put the land up for auction, and then putting it up as collateral for a loan.

Because C could not be interviewed herself, and because the events related about her by her mother, M, and brother, E, occurred some years ago, we have only a sketchy idea of the circumstances of her expulsion from her marital homestead. However, these bits and pieces are complemented by aspects of M's and E's own stories, which also touch on issues of marital breakdown, stigma, 'social capital' and land pressure.

C and her fraternal twin, E, were M's eldest children. According to her mother, C was an 'innocent' girl when she married K and moved to his home in Kaiyo. She was probably about 17 years old at the time. K was a *matatu* (taxi) driver, and early on in the relationship got into the habit of spending most nights away from home. Rumours reached M that K had a lover in another village. Shortly after that, more rumours reached M, this time that both K and C were ill with AIDS. K died around 1991/92.

M speculated that K was probably already ill when he married C. This cannot be confirmed, nor can the grievous malevolence she attributes to him: 'Her late husband had written a list of ten people who he had infected with the disease; he had said that his wife will be the first one to get AIDS.' When C became aware of her husband's illness she began to suspect that she was also infected. At first her mother tried to 'console her by telling her she doesn't have it [AIDS]; I asked her who tested you and told you you have it?'

It is not clear that C or her husband ever farmed at the marital homestead, or that having access to farmland there was important or even possible. However, it is implied that she had no expectation of leaving there. Nonetheless, a few months after her husband's death she was forced to leave against her will: 'She stayed until she was kicked out and the house locked with three padlocks.... She was kicked out like a dog who had eaten kales with her children.' The local leaders were of no use because, 'the headman used to hear malicious stories from others'. M describes her daughter's almost total lack of standing as a widow, both with her mother-in-law and her community, noting that, 'The money from the wake or the one supposed to be for the wake, that girl didn't even get sugar from it.' In other words, her status as a widow, which according to custom would entitle her to a certain amount of both material and emotional support, was not given due acknowledgement.

²⁵ Whether or not their relationship could properly be called a marriage is discussed below.

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Returning to Gachugi, C pleaded with her mother to look after her child: 'My daughter came to me one day and told me that now that she was succumbing to the disease who would take care of her child. [But] I was unable to due to her father beating me thus making me unable to work.' Here the plight of C and that of her mother intersect. Notwithstanding her reluctance, M did assist her daughter, who in turn managed to keep working and maintaining a good diet. She survived another eight years. Although her first child died, her second child appears to be healthy and remains in the care of her brother, E.

As with the case of N, the role of HIV/AIDS in the dispossession event is not obvious or clear cut. The mother-in-law's lack of consideration for C's rights and welfare, and C's inability to muster members of the late husband's community to her defence, could reflect rather a general lack of regard for young widows, or perhaps that C was disliked (which is not to suggest that either would be grounds for her treatment). One clue that the stigma of AIDS had something to do with her treatment is the reference to the 'malicious stories', which, it is indicated, accounted for the headman's indifference to her plight. That these 'stories' might have had to do with AIDS is suggested by something M recalled saying to C when she was trying to convince her daughter that she did not have AIDS: 'Who tested you and told you you have it? People have become so malicious. Don't you know... people want to put you down now because your husband used to bleed when he died.' When asked what bleeding she was referring to, M explained that she meant the bleeding that often accompanied the diarrhoea of those ailing from AIDS. Another clue is the apparently metaphorical reference to 'three padlocks', echoing with emphasis other in-depth interviews from Thika, which suggest that a house vacated by someone who has died of AIDS is treated as condemned.

Another theme that is touched on in C's story is the changing nature of male-female relationships in modern Kenya. There is some suggestion by M that her daughter's marriage was not consummated properly in terms of local tradition: 'When they came here to visit I asked him [C's husband], "Now that you took the girl and never told the father, don't you think that is bad? Don't you think the father should know? Don't you know I can be told that I am the one who refused you to tell him?"' If it is the case that tradition was not observed, then it may also be that C was never integrated into the marital homestead in the manner tradition requires, thus making it easier for her mother-in-law to chase her away.

For the time being, M's risk of losing her home has been averted. Faced with the prospect of the land being repossessed on account of her husband's failure to repay his loan, M held a *barambee* (fundraiser): 'When we were being evicted out people assisted us with 30 000 shillings, so he was granted a stay but it was all his doing because we never sit and talk the way I am talking to you now.' The story of M and her husband is all the more interesting because it shows how fickle and gender-biased public opinion can be. Although community members support M and sympathise with her because of the abuse she suffers, the husband maintains a good standing in the community that allows him to carry on as he pleases:

He used to go to the loan money centre, things like prostitution so he ate the money because it was the time.... They [the villagers] see it a lot so they tell me to just keep quiet. I just stay on. I just leave him alone because it is not his fault apart from problems which always come. They tell me that my husband is an important

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figure. So I just quiet down, I just leave him alone but it is not his own doing. It is the demons and he has two of them.... Even the old men come and give me things and tell me to buy food when they hear how I have been battered.

Perhaps most astonishing is that even M herself is inclined to be forgiving. M's and C's situations thus have common elements vis-à-vis husband-wife relations, but in the one case HIV/AIDS very likely played a material role and in the other case it did not. The story thus reveals, on the one hand the detrimental force of AIDS in terms of women's land rights, but at the same time it illustrates how AIDS is by no means essential nor can its effects be distinguished easily.

The third aspect of this family case study is E's story, elements of which were presented earlier in this chapter. In short, despite mourning his sister's passing away, E's attitude towards women and AIDS is quite ambivalent. On the one hand, he highlights the role of poverty and suggests that women make difficult sacrifices on account of it. Remarking on the fact that he and C were born close together, he states: '[It was] a big burden because we closely followed each other, I remember very well that my sister opted to drop school for a tailoring course to reduce the burden.' On the other hand, poor women may put themselves at risk for frivolous motives:

That's why there are so many problems. Because our sisters leave home in search of a better lifestyle.... She starts befriending conductors and drivers at Kamwangi, those who are getting money from the *matatu* and are able to buy her a blouse. The fact that conductors are not her brothers, they expect a "pay" in return.

E's characterisation supports the suggestion that C's partnership with the *matatu* driver was not so much a marriage as a 'marriage of convenience'. However, his implicit judgement of his sister's motivation is harsh. The irony is that at the same time E laments the lack of opportunities available to young men like himself to make an honourable, decent living in agriculture, which would allow them to properly support their families. E's problem, as mentioned earlier in the chapter, is that his father refuses to subdivide land to him. He does not mention that his father very nearly lost the land altogether.

Case Study 3: AIDS widow, BB, who feels secure on her land

BB is a 42-year-old widow. Her husband, who she married in 1982, died in 2001. BB was convinced that he died of AIDS on account of the symptoms she observed, even though her husband denied having AIDS, at one point producing a test result to show that he was HIV negative and was being treated off and on for other ailments. Although BB now fears that she is also showing symptoms indicative of AIDS, she has not been tested.

Economically, BB describes herself as 'fortunate', because she has milk and enough food to eat. Her late husband, who died at the age of 55, had been employed in Nairobi. BB's material well-being is reflected in the fact that her household wealth score is high, meaning that she possesses a relatively large number of amenities and assets. However, the illness and then death of her husband made a huge difference to her quality of life and economic stability.

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BB's husband first fell ill in 1998 or 1999, and was initially diagnosed with diabetes, and then later with liver damage and typhoid. He was treated at a private Nairobi hospital, and his company covered the bill, which BB put at KShs 80 000. When he failed to recover, a friend recommended he consult an herbalist, where he spent another KShs 30 000. This treatment depleted their cash savings and also required them to sell some livestock. Although BB's husband died at home, for most of the two years he was ill he remained in Nairobi. BB partially attributes her husband's rapid decline to the fact that, even after having been diagnosed with liver damage, he carried on drinking excessively. He quickly became emaciated and was unable to continue working.

BB's financial situation deteriorated further in the time following her husband's death:

I would say my things started going astray since the time my husband passed away, as he used to buy animal feeds and fertiliser and to pay the casual labourers without myself being involved in those affairs. But now although the land is very small as it is, I cannot be able to afford all the requirements I need since I do not have enough money.

This underlines the economic interdependence of the agricultural homestead and the urban income; when the latter is lost, the agricultural enterprise is difficult to sustain at its previous level. In addition, BB's own ill-health means that she does not always have the energy to perform farming tasks. Whereas previously she hired in casual workers by means of the cash earned through the husband's salary, she now gets a more modest amount of assistance from casual workers who agree to be paid in kind. In addition, she is forced to do some casual work for others, because she cannot fully sustain herself from her own land. (BB's only child, an unmarried son of 24, does casual work, but his role in supporting her is unclear.)

BB and her husband accessed two pieces of land. First, BB and her husband inherited a plot of half an acre through BB's husband's family. However, this plot was never formally subdivided and registered in BB's or her husband's name. It remains registered in the name of BB's late father-in-law. BB's two younger brothers and their families occupy the two other plots that make up the compound, which are held in a similar fashion. Despite not having title to the land and the fact that even her late husband did not have title, BB does not worry about her tenure security, although her statement to this effect suggests that she is keenly aware that it might have been different:

From the time my husband died there is nobody from this home who has ever insulted me or told me something to annoy me. That is one thing which makes me very happy because in some places when somebody's husband dies one gets mistreated very much such that you can be told anything by anybody.... Yes, they treated me well because you know in some places when the husband dies sometimes you can be chased away.

The second plot is about one acre in size. BB and her husband purchased it from a neighbour in 1999 for KShs 600 000. The exact tenure status is unclear: in the household survey BB indicated that the property was held under a joint title with her late husband, but in the in-depth interview it appears the title remains with the seller. This is because they still owed an undisclosed amount of money on the purchase when BB's husband

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died. As BB does not have the means to repay the loan, she is fearful of losing the land, and speaks of her hope that, 'God [will] perform a miracle that I be given that portion' – seemingly meaning that she is hoping the owner will allow her to retain a portion of the property.

Discussion

Case Studies 1 and 2 were selected principally because, among all of the 12 AIDS-affected households studied closely through in-depth interviews, these two show the only evidence of a link between HIV/AIDS and threats to land tenure. They both happen to involve threats to the land tenure of widows, the first an older widow and the second a younger widow. The evidence is not unambiguous, but rather requires interpretation, some intuition, and where possible, the piecing together of information from different people's perspectives. The case studies are also rich to the extent that they also illustrate situations where vulnerability of land tenure exists in the absence of any influence from HIV/AIDS. Case Study 3 was selected as an example of an AIDS-affected household that does not experience insecurity of tenure in respect of inherited land, but does risk losing a purchased plot because the death of the husband has meant that the widow is not able to service the loan.

The case studies highlight a number of critical themes. One theme that stands out is abuse of women, as illustrated by the stories of both N and M. Although marital or familial harmony is no guarantee against land grabbing or chasing away, abusive relationships appear to raise the likelihood of such attempts.

A second theme is that of social capital/community support. One reason C was apparently ousted so easily from her marital homestead was that she had little community support to draw on. With the help of C's mother's words we can speculate that the reasons for this had to do with the stigma associated with HIV/AIDS, but also very likely the fact that C had not resided in that community for very long. (This is despite the fact that the community she moved to when she married was less than two kilometres away.)

A third theme is linked to this, namely the changing nature of male-female relationships. The data from Gachugi as a whole reveal a high incidence of young women either staying in or returning to their marital homesteads, very often with children. Their relationships with men either did not culminate in marriage, or those marriages ended through divorce or the husband's death. C's case captures a number of the elements associated with this phenomenon. Her mother describes her as having married, but the authenticity of this marriage is called into question. When the husband dies, her mother-in-law does not honour C's rightful place as a member of the new family, rather she returns to her natal home, ultimately to be buried there.

A fourth theme is the importance of people's livelihood strategies both in exacerbating the risk of exposure to HIV, as suggested in C's story – whereby her family's poverty may have compelled her to establish a relationship with a breadwinner more precipitously than she might have otherwise, and to a man whose livelihood as a taxi driver was itself a risk factor for HIV/AIDS – and in damaging the established livelihoods of others, as in the case of BB, whose once stable farming enterprise was undermined first by her salaried husband's death, and then by her own ill-health.

6.7 Conclusion: the impact of HIV/AIDS on land tenure in Gachugi

There is some evidence that HIV/AIDS can negatively affect people's land rights in Gachugi, but the evidence is weak and this appears to happen infrequently. Two concrete cases where the role of HIV/AIDS is discernible were examined in detail, though in both cases it was necessary to draw it out. Moreover, one of these cases occurred in the mid-1990s in a neighbouring village, and was captured by virtue of the fact that the young woman involved was forced to return to her natal home in Gachugi. Other examples were discussed where land rights were threatened, but without this having anything to do with HIV/AIDS.

Because of the low volume of land sales in Gachugi in general, one can conclude that distress sales triggered by AIDS-related crises are at most rare. No specific instances of such distress sales were observed.

Among the ten widows engaged by way of in-depth interviews, six were from AIDS-affected and four from non-affected households. The table below reveals that being AIDS-affected is neither a guarantee of having land-related problems, nor is the experience of land-related problems a strong indication that one comes from an affected household.

Table 6.19: Number of widows interviewed, according to whether or not AIDS-affected and whether or not their tenure is under threat

		Whether or not tenure threatened	
		Not threatened	Threatened
Whether or not AIDS-affected	Not affected	2	2
	Affected	4	2

Clearly this is not meant to be taken as statistical evidence that HIV/AIDS does not matter in respect of land tenure security. Apart from the trivial size of this 'sample' and the purposive manner in which it was selected, a simple cross-tabulation does not begin to shed light on the causal links between AIDS and land tenure, or the absence thereof. However, it does suggest at the very least that tenure insecurity is not obviously and overwhelmingly due to HIV/AIDS.

The main conclusion to be drawn from this discussion is that although the fieldwork unearthed only a small number of identifiable cases where HIV/AIDS plays a distinct role in events that threaten people's tenure security, the elements that contribute to people's vulnerability to such events are fairly common. In the absence of mitigating forces such as government initiatives, then, as the epidemic grows worse in places like Gachugi, one will likely see an increase in the number of cases where HIV/AIDS plays a role in dispossession or threatened dispossession. Even so, it is difficult to say with certainty whether HIV/AIDS is a specific, distinct trigger, or whether it merely adds further stress to fault lines that exist already. The latter categorisation is very likely more appropriate.

The fault lines themselves are complex to understand and even more difficult to address. The data from Gachugi reveal a serious problem of land scarcity, of which one

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consequence is a heightened competition for land. This in turn can manifest itself in the aggravation of intra-familial tensions, not least between the older generation that retains formal land ownership and their sons who reside and cultivate there, often effectively as tenants. Rather than being a case of people not appreciating the value of having title to land, the discrepancy between the land office records and the situation on the ground is caused by the fact that the older generation, for whatever reason, is hesitant to relinquish full control to their sons and daughters. The implications for tenure are serious. In the context of HIV/AIDS, one of the more serious implications is that a young woman residing at her marital homestead has no formal claim to inheritance in the event her husband dies, because he never received formal ownership from his parents.

