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**RURAL FARM SIZE REGULATIONS: ANALYSIS OF THE 2020
STATUTORY INSTRUMENT OF THE GOVERNMENT OF ZIMBABWE**

Policy Analysis Working Paper

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1.0 Introduction

1.1 Background to the revised farm sizes regulations

The Minister of Lands, Agriculture, Water and Rural Resettlement in terms of section 21 of the Land Commission Act [Chapter 20:29], revised the agricultural land sizes cited as the Rural Land (Farm Sizes) (Amendment) Regulations, 2020 (No. 2). The amendments of the rural Farm Size succeeds the statutory instrument promulgated in 1999, and then revised in 2000 at the foundation years of the Fast Track land Reform Programme (FTLRP). This action of March 2020 caught the market, especially those that follow the FTLRP with surprise. Yet, there is historical precedence on the use of this instrument before and after independence of Zimbabwe in 1980, as a tool for land management and monitoring.

This analysis seeks to unpack the farm size regulations, as an administrative and land management tool for clarity to the reading public. A variety of cases in which this tool has been used are analyzed with a political economy lens to understand better how this less than prominent tool has been used since 2000. The main legal instrument of note, was the Land Acquisition Act (LAA) of 1991, with significant revisions in 2000 for compulsory land acquisition of large scale commercial agriculture for the land redistribution programme. This legal instrument was first mooted and revised over years, and radically changed to enforce compulsory acquisition with qualified compensation (in 2000) for improvements only, with the exception of land under bilateral agreements. In the implementation of the LAA, there was limited usage of the farm size regulations, despite it being a significant legal instruments at the disposal of the government.

Scholars, who follow land administration, are unpacking the gazetting of this revised instrument as it has happened in March of 2020. This is almost two (2) decades of the FTLRP, where significant land transfers have happened in principle with land contestations becoming less of an individual farmer issues than a policy and principle notion. The question that has reawakened the market is the gazetting of the regulations and a series of question of how this instrument has been used for 2 decades. Some of the arising questions in public are: What are these new amended regulations? How have they been used in the past? Where and how were they effected and who was impacted and how? Why have they been gazetted now? What is the form of interactions between farms of different sizes within an area? What do the regulations imply on land rights and tenure security? What are the findings of the land audit of the Zimbabwe Land Commission (ZLC) and the special committee report of urban land redistribution? While at it, are there policy instruments that can facilitate land expansion or disposal and how do they work? How can a more flexible system of land owning within the reasoned farm sizes be encouraged to allow successful farmers to expand, while others to move out of farming? These are major questions that will become clearer over time, but have necessitated this analysis as part of understanding the context of these regulations.

The Zimbabwe FTLRP now in its twentieth year has transformed the rural agrarian landscape beyond the large-scale commercial farm sector. It touches on the economy, regional and international relations, while it has shifted social relations in a variety of

wavelength. The conflicts and continued contestations over the meaning and outcome of the FTLRP, remains a serious concern and has made agriculture recovery a most difficult undertaking. The land policy situation remains fluid, which does not provide enough confidence in the investing and land transacting public. The situation that obtains of massive land transfer is largely irreversible in all sorts of permutations in the context of a state-led programme. However, there are particular expected transitions from the programme towards greater land utilisation and productivity. This fact alone means that for some beneficiaries the land benefits can be withdrawn at an individual property level. The withdrawal of these benefits is not new, and have happened in the FTLRP, and often contested. Before these matters are analyzed and discussed, the section that follows present the rural farm size distribution from the FTLRP foundation period.

1.2 Form of the farm size regulations

Zimbabwe is divided into five agro-ecological regions based on soil type, rainfall patterns, climatic conditions and agricultural production potential. The amending Rural Land (Farm Sizes) regulations of 1999 SI 419/1999. “(1) Subject to sections 5 and 6, no person shall own a farm situated in – (a) Natural Region I if the size of the farm exceeds two hundred and fifty hectares; or (b) Natural Region IIa if the size of the farm exceeds three hundred and fifty hectares; or (c) Natural Region IIb if the size of the farm exceeds four hundred hectares; or (d) Natural Region III if the size of the farm exceeds five hundred hectares; or (e) Natural Region IV if the size of the farm exceeds one thousand five hundred hectares; or (f) Natural Region V if the size of the farm exceeds two thousand hectares”.

Table 1.1 Statutory Rural (Farm Sizes) SI 419/1999

Natural Region	A1 Farm Size (ha)			A2 Farm Size (ha)	P.U
	Arable	Grazing	Total		
1	5	7	12	250	2-30
2a	5	10	15	330	2-30
2b	5	15	20	400	2-30
3	10	20	30	500	2-30
4	10	30	50	1500	2-30
5	10	60	70	2000	2-30

2020 amendments state that "subject to sections 5 and 6, no person shall own a farm in Natural Region One if the size of the farm exceeds 250 hectares or Natural Region Two if the size of the farm exceeds 500 hectares or Natural Region Three if the size of the farm exceeds 700 hectares or Natural Region Four if the size of the farm exceeds 1 000 hectares or Natural Region Five if the size of the farm exceeds 2 000 hectares."

Table 1.2 Rural Land (Farm Sizes) (Amendment) Regulations, 2020 (No. 2)

NR	2000 regulations	2020 regulations
1	250	250
2	350/400 IIa/b	500
3	500	700
4	1500	1000
5	2000	2000
Average	917 ha	890ha

Source: <https://allafrica.com/stories/202002170105.html>

The average land holding across all natural regions has slightly reduced from 917 hectares to 890 hectares with fundamental changes being the land holding size in natural regions 2 (a and b) and 3. In order to have a better presentation on the meaning, table 1.3 shows the overall rural land sizes, including peri-urban, old resettlement and small-scale commercial farms. Included in the table are also the average sizes of the Commercial Farm Settlement Scheme (CFSS)

Table 1.4 Maximum farm sizes by land use in Zimbabwe (incomplete)

Type of Farm Averages	Specific typology	Farm sizes as per agro-ecological zones					
		1	11a	Iib	III	IV	V
Communal (customary system)	Residential plot	0.1-3	0.1-3	0.1-3	0.1-3	0.1-3	0.1-3
	Field plot	?	?	?	?	?	?
	Grazing	?	?	?	?	?	?
A1 model and the Old Resettlement areas (1980-1997)	Residential plot	6	6	6	6	6	6
	Field plot						
	Grazing						
A2 Model	Self-contained	250	500	500	700	1000	2000
SSCF ¹	Self contained	230	30	40	60	120	240
Commercial Farm Settlement Scheme model (medium scale)	Self-contained	100	200	250	300	700	1000
LSCF	Self-contained	250	500	500	700	1000	2000
Peri-urban	Self-contained	2-50	2-50	2-50	2-50	2-50	2-50

Source: Government of Zimbabwe (2001) and various research reports on FTLRP

An important fact to note is that the new rural farm sizes still remains below half of what obtained in 2000, where the average land holding of the large-scale commercial sector was 2,200 hectares (Moyo, 2000). Out of the 8758 farms a total of 6,422 farms accounted for about 10.8 million hectares under mostly white ownership as companies, individuals, trusts foreign ownership registered as Bilateral Promotion and Protection Agreements (BIPPAs). By 2005, some 73% of these total large-scale farm areas was gazetted for the FTLRP. A significant outcome is the fact that the large scale commercial sector individual "ownership" has been halved, while there are more beneficiaries above the 4,200 individual farmers. To get a glimpse into the statistics, it should be noted that 31% of all agricultural land in Zimbabwe (or 12.3 million hectares) was reduced just over 5% of all agricultural land. There were at least 182,000 beneficiaries under the A1² model. In the

¹ The SSCF were formerly known as the Native Purchase Areas during the colonial period before independence in 1980. They tend to be a buffer between large-scale commercial farms and communal areas. These farms were allocated to better resourced Africans through purchasing land on freehold title. There are about 8,000 such farms on about 4.1 million hectares, whose average size is less than 500 hectares.

² A1 – was defined as the decongestion model for the generality of landless people. Originally, it used to have a villagized and self-contained variant, of which the latter was discontinued in 2005. Beneficiaries have access to the following average allocations: Agro-ecological Region (AER) 1 (12 ha.), AER 11a (15 ha.), AER Iib (20 ha.), AER III (30 ha.), AER IV (50 ha.), AER V (70 ha.). Each household is allocated 3 ha. arable, with the rest being for grazing.

commercial A2³ at least 22,000 farmers benefited with large sized plots, to which some of the remaining former white owners were reclassified to A2 if their farms were compulsorily acquired.

The pressure to accommodate more beneficiaries of both A1 and the differentiated A2 type and local perceptions of the adequacy of given sizes, as well as the prescribed farm size guidelines were used to determine actual patterns of farm size allocations. Thus both demand for land and agro-ecological land use capacities determined farm sizes towards median levels below the prescribed maximum for all land size categories. The farm size regulations were an instrument that was largely used to legally facilitate the administrative procedures of acquisition. However, as noted in this analysis, these were not comprehensively used to guide the redistribution or allocations of land. There was no strict enforcement as explained in the analysis below.

1.3 Context and Scope

The rural farm size amendment and their effectiveness will signal a component of the material facts that the land reform programme remains inconclusive. The use of the instrument will be watched closely in the public space, where the land reform programme has had color, with a key outcome that the agrarian structure is dominated by small to medium scale farms. It is the indication of no foreclosure of the high octane and comprehensive period of the redistribution of the first decade of the FTLRP that remains worrying for key markets that may want to invest in the farm sector.

In the absence of a clear policy on land, and even the agriculture sector, it means that pronouncement of statutory instruments is key to guiding land administration at a legal level. The farm size regulations touch on the fundamental aspect of the programme and its broader socio-economic importance. The farm size regulations and their use was more prominent in the first five years of 2000, and largely passed to some 2 decades without consistent enforcement. The financial markets have remained worry of the programme, which over time has made beneficiaries more reluctant to fully depend on farming as a business. While, the A1 beneficiaries on smaller land units, seem to have transformed and moved on, the A2 farmers remain on the edges and hold on to land with minimal or pretentious use for some farms as noted in earlier studies (Matondi, 2008). The land audits have concentrated on the A2 allocations, because of hidden tendencies to justify limited use. Nonetheless, the many land audits with a farm size marker, have not been fully used for taking action on either large farm sizes and/or the limited usage of the land.

There are a variety of land matters and events that have been in the public, and that is:

1. The land audit for urban land led by a committee set up by the President to investigate all urban and peri-urban land allocation after 2005 concluded its work

³ A2 – this model was administered under the former Agricultural Land Settlement Act (Chapter 20:01). The model was to increase the participation of black indigenous farmers in commercial farming through the provision of easier access to land and infrastructure on full cost recovery basis. The land is issued on 99-year lease with option to purchase. Land is allocated in the following manner: peri-urban (2-50 ha.), Small-scale commercial farm ranged from 20 ha. in AER 1 to 240 ha. in AER V, Medium scale farm ranged from 100 ha in AER 1 to 1,000 ha in AERV, and large scale ranged from 250 ha. in AER 1 to 2000 in AER V.

- and provided a report to government at the end of 2019. This was after its tenure seem to have been extended from end of 2018 to end of 2019. The report with the results has not been shared in public;
2. The land audit for FTLRP farms was undertaken by the Zimbabwe Land Commission (ZLC), as given in the Constitution of Zimbabwe (N.20) Act 2013. It provides for the executive functions of the ZLC, and apportion of responsibility for the land audit, which uses the farm size regulations as an important measure of land use. There has not been a public announcement of its progress or conclusion.;
 3. A Statutory Instrument was promulgated on 28 June 2019 to allow for Land Subletting. This was a follow-up the Joint Venture farming that had been approved around 2016 and strongly backed the Agricultural and Rural Development Authority (ARDA) to go into partnership farming on its large estates. It though need to be known that in the FTLRP farms, many of the fast-track reform beneficiaries are part-time farmers even though the planning of farm sizes is based on the beneficiaries in the A2 schemes engaging in fulltime farming. Part-time farming has significant negative impacts on equity, and the poor personal attention to the farming enterprise by part-timers can imply less optimal utilisation of land. However, in the transition when new farmers are struggling to put up investments under unfriendly financing conditions JVs that usually require land holdings and guarantees from the state play a big part. The extent to which the JVs conform to the farm size regulations needs to be probed and lessons derived on how these can support farmers to see farming as a business than part-timing.

In the context of the FTLRP, there are particular troubling factors that militate against agricultural recovery. Although land reform has redressed the colonial inequities where land ownership was dominated by a few white farmers. Yet, post FTLRP shows that there are some inequities that remain in the new agrarian structure with the major issues being multiple farm holdings by some beneficiaries and oversized farms as defined by maximum farm size regulations. The inequitable distribution of infrastructure inherited from former owners has been preceded by conflicts on access and usage, while government pronounces the policy of market purchase or use of the infrastructure by the government to provide services for farmers.

In this context there are varied views on whether the FTLRP has decongested the communal areas or not, as some farms are not being used or are less than optimal. This is complicated by the existence of a high degree of multiple holding of income sources, and thus people combine farming in the rural areas and employment in the urban areas because they are insecure on the land holding. There is still a high demand for land partly reflected by the existence of significant numbers of “illegal” settlers in all resettlement models and lengthy land application waiting lists at the ministry.

1.4 Brief historical precedence

In the 1980s and 1990, 2000, the late Professor Sam Moyo led work in analyzing farm sizes in the political context of Zimbabwe throughout its development path. Important pieces of work were the farm size productivity in the 1980s (Weiner et al, 1986), land sizes in the context of the indigenization (Moyo, 1995), land sizes in the context of the

Economic Structural Adjustment Programme (Moyo, 2000) and joint in the Fast Track land reform era (Sukume, et al, 2005). This work in the 1980s and 1990s, provided concise understanding the political economy of farm sizes in Zimbabwe and globally. More importantly, it shaped the nature of policy reforms that government undertook in Zimbabwe and provided justification for the land reform programme that largely redistributed large farms to small and medium scale farmers.

Farm sizes have been historically the main point of contention, given that the colonial administrator used it to practice racial separate development, which did not define land size in the black areas (communal areas), while it defined by class the land sizes in the commercial sector, which the settler farmers dominated. In principle, farm size regulations were thus defined in the context of colonial separateness, while it also had significant in terms of assisting the settler farmer racial group to earn income that was comparable to the top civil servant in government or a private sector middle income Chief Executive Officer.

There was a variety of reasons to define the farm sizes, chief of which was to retain as much white farmers on the land to farm and provide food and products for industry. This perspective, then shaped the colonial government, when it declared Unilateral Declaration for Independence (UDI) by the then Rhodesia in 1961. Coincidentally, it was the year when Vincent and Thomas (1961) produced a report on natural regions 1-5, in which they characterised the description of nature, with land suitability being an important variable. It is worthy to note that we have used the agro-ecological regions, without fundamental changes for almost 60 years.

Moyo et al, (2005), wrote on the notion of viability:

The notion of 'viable' size is not related to production economies of scale, but linked to a minimum income target. In Southern Africa for instance, this minimum target was set to ensure that white farmers were able to earn an income that was 'socially' acceptable within white settler societies. Once the desired income was set, a calculation was made as to how big the farm should be, thus generating the 'viable' farm size. Efficiency had nothing to do with this calculation. This notion of viability was not only limited to planning large scale commercial farm sizes but also small scale agriculture. For instance, farm sizes in small holder resettlement in the early 1980s were based on resettlement beneficiaries being given farms large enough to afford them incomes equivalent to minimum wages prevailing in the market.

This fact needs to be interrogated in view of the farm size regulations, as there has been significant climatic shifts and changes in the natural conditions of the land across the agro-ecological regions. Continued use of the zoning, could lead to poor planning on what must be the farm size for each region. Unfortunately, studies such as the Vincent and Thomas classification require specific government led planning, which could be cost effective using new advanced measurement technologies such as drones combined with Geographical Information Systems (GIS) widely applied in spatial measurements.

2.0 Rural farm size regulations 2020: an analysis

2.1 Acquisition of land and demarcation based on farm size regulations

A major instrument for the acquisition of the farms was based on the farm Size regulation. The instrument made possible to effect compulsory acquisition for almost all the commercial farms. The remaining white owned farms have various land sizes. The larger land sizes reflected factors such as topography and farming enterprise, which were considered in leaving the farms fully intact. The remaining white farmers were on reduced land sizes, which generally conformed to the maximum farm sizes, even though there was variation with some farms that were dominated by mountains having large land sizes or those regarded as highly productive meeting major exports or contributing to food security such as in seed production, milk and wildlife. Some of the acquired properties were “reallocated” under the A2 model. Most of the farmers who remain are highly productive and produce strategic farming products such as seed, citrus, horticulture and involved in livestock and crop breeding with complex operations. Not all these oversized farms survived the take over, as some such as Kondozi (as most the prominent) were acquired and redistributed.

The farm size at the level acquisition has to be contextually understood at the material time when land conflicts were intense, and when there were high levels of litigations in the courts. Yet, it was also at a time when government had serious lack of capacity to do a “mass demarcation” of plots based on the law then. Several studies (Moyo, et al., 2009; Scoones, 2010; Matondi, 2012) noted that some of the acquired farms were allocated before proper planning and demarcation had taken place. Thus when Agritex moved in to do proper survey there were people already on the land who had self allocated plots according to how they had occupied the land, negotiated amongst each other or in some instances the leaders in the land occupations did allocate plots according to their own criteria. Utete (2003, p. 51) found that in some the process of demarcation and allocation was affected by the fact that there were people on the ground resulting in more people being settled than the assessed carrying capacity (note farm size) of the given farms in specific districts.

In some of the studies, compulsorily acquired farms were subjected to a variety of treatment by the authorities. While, in 2005, the government made a decision to “acquire” all farms, they used the delisting provision to deal with acquisition contests. For instance land owned by indigenous people or companies were delisted. In terms of use of the farm size regulations, it seems that de-listed farms were left intact in terms of the total land area. This was despite government’s policy on maximum farm sizes for all agro-ecological zones in Zimbabwe. In general, the underutilised parts of these farms were settled as occupiers viewed such as excess land to the enterprise requirements of the main estates. In addition oversized farms were also proactively negotiated for official land takeovers because they were either not being used, or were seen as too large by their owners based on the legal farm size regulations. In the study of Mazowe district (Matondi, 2012) observed that landowners negotiated with the authorities to allow for some of their land to be used for resettlement purposes.

At some point, during the first 5 years of the FTLRP from 2000, the land demarcation exercise became a "numbers and desk exercise", resulting in unviable demarcations (Matondi, 2012). Therefore, Agritex surveys and demarcations were carried out in retrospect resulting in unviable plots or plots that are still being contested by beneficiaries to the land authorities or in the public courts with many dimensions.

2.2 Allocation of land and use of farm size instrument

Dealing with the demand side of land is a key challenge that faces local authorities responsible for the emplacement of settlers. The land available has to be divided amongst the people and hence a criterion has to be put in place. It is also important to state that the land allocation policy is highly contested on the ground, which makes variations and at times exceptions to the rule. There is a wide variation in the size of land allocated even for people within the same scheme and model because of ecological and physical land variations. In general a combination of welfare, political (deracialisation) and economic development underpinned the redistribution and farm sizes that were allowed in each category of beneficiaries.

In a study of 4 districts between 2004 and 2007, we found that in Mashonaland central the A1 (villagised) model has a communal setup and plot sizes average six (6) hectares whilst grazing is communal. For the A1 schemes our data shows that each holding was allocated 21.5 hectares, derived as follows: residential area (0.5 hectares), arable area (6.0 hectares), and common grazing (15 hectares). However, there was some large holding in some places as some A1 farmers had more than the average of 6 hectares for arable land. The key influencing factors were topographical variation of the land the land use patterns for example livestock production were factors considered in the demarcation of large sized holdings in Mashonaland central.

The A2 farms were allocated under the small, medium and large scale, which was then changed into one category being A2. For instance, in Mazowe district in 2005, some 211 farms were demarcated under commercial A2 model. The plot sizes averaged 30 hectares for small scale, 100 hectares for medium scale and 300 hectares for large scale plots. The largest number of beneficiaries were in the small scale (509) followed by medium scale and lastly large scale. In the A2 model, 19% (n=305) of those interviewed got between 3-150 hectares, with 32 of the beneficiaries getting between 31-50 hectares. For A2 large scale, the majority were in the 31-50 hectares to 301 to 400 hectares. However, these were only 3% of the total beneficiaries. In general the majority of the beneficiaries in our sample for both A1 and A2 i.e. 53% were in the 3-10 to 31-50 hectares plot sizes. It was thus established that in terms of land allocation, land size was an important factor as government did stick to its criteria of maximum land sizes it provided for in its policy. However, there were some local variations as some settlers could have obtained large land holding as whole farms, but not far from the established sizes as some land could have been taken for the FTLRP.

The revised regulations are silent on the peri-urban plots that range from 2-50 hectares. The disquiet over the farm size of such plots is surprising given that a special committee

set for over a year to consult and analyze the peri-urban plots and its transition towards housing development than agriculture. The policy position of government was that peri-urban areas should not be permanently allocated and reserved for urban expansion. The per unit area of the plot remained small with less interest for access, as preference for most beneficiaries was on agricultural land with clear rights of tenure.

The peri-urban farms provide opportunity for agricultural development that may cushion urban dwellers from food deficits and may act as a supplementary measure to their incomes needs. It seems in the past, complex land uses such horticulture (flowers, vegetables), ostriches and game were promoted in peri-urban areas across the country. Before the FTLRP, some proprietors made huge investments in greenhouses to produce various types of crops for local and international markets. In addition, livestock production, particularly dairy, poultry, piggery, wildlife sanctuaries for tourism have been the key enterprises with varied land sizes.

2.3 Administration of the statutory instrument

It is important to put the farm size regulations to administrative test, because the utility value of the instrument is determine by the actions in land management. There is no synchronization and hierarchies in the different legislation that administer land e.g. in the communal areas land is administered through multiple acts – Communal Land Act; Traditional Leaders Act and Rural District Councils. Furthermore Agritex is now responsible for land management issues in all types of land where there already exist multiple land administration institutions. Their work has been difficult, because most of the lower rank Agritex need to go for further training on land management. In providing them with legal statutory regulations such as the farm size and land subletting, it is hoped that there will be better administration of land holdings When crafting new Land Policy there is need to consolidate the various acts that focus on communal land ownership.

Land related legislation is administered by different line ministries of the government (e.g. Ministry of Mines - Mines and Mineral Act; Ministry of Environment and Natural Resources - Environmental Management Act). Conflicts arise from this process as two beneficiaries could lay claim to same piece of land through different avenues – one with permit from the Ministry of Mines and Mining Development, whilst the other with an offer letter/permit/leasehold from the Ministry of Lands and Rural Resettlement. Land management institutions (Deeds Office and Department of Survey General) that are critical to farm valuations and assessments are under capacitated to support the mandate of the Department of Land Management and the ZLC. For instance the Department of the Surveyor General is supposed to produce diagrams to accompany the 99-year lease document as required by law for the lease to be registered by the Deeds Office. However, they face numerous resources gaps in both human and financial. The extent to which these should adhere to farm sizes is guided by the Ministry of Lands, though at the moment the Deed Registry under the Ministry of Justice plays a limited role, as the land is owned by government.

There is duplication of land related roles between the different arms of government – for instance the Minister of lands with powers of regulating farm sizes, is the overall

custodian of land policy. Nevertheless at provincial level the Ministry representative (Agritex) reports to the Ministry of Local Government through the resident minister. The Ministry of Local government through the District Land Committees that are chaired by the District Administrator does all A1 land allocations. On land allocation MLRR allocates agricultural land whilst Ministry of Environment and Natural Resources allocates land under the Wildlife Based Land Reform. The question that remain is if and how these institutions share database for make informed decisions, when the land size regulations residing with the Minister of Lands would require effective use by other statutory bodies.

In general where there are weak governance structures, tools such as the farm size regulations could be most useful in land management towards optimum use. However, even after two decades of FTLRP, the resettlement areas have weak governance systems. In addition, the government is hamstrung in terms of capacity that is human and technical resources to fully monitor farm use and the related sizes of the farms. For instance natural resource management problems are concentrated in new resettlement areas compared to communal areas where it is governed by traditional authorities.

3.0 Applied policy and practices in use of instrument

The relationship between land size and viability is a contentious matter in agriculture economics, because smallholding can be very viable and sustain the economy. Viability needs to be assessed differentiating between land use policies and agricultural policy. There is a difference of what is viable in agricultural policy and land use policy. For instance a five-hectare project on 200 ha farm can have viable margins under agricultural policy but under land use policy can be considered as underutilisation of land. In the colonial period land sizes were defined by income viability. It was noted that there are no economies of scale in agriculture and farm sizes should be discussed in a dynamic way. Viability can be influenced by investments to the sector especially by individual that is domestic and international. While the farm size regulations do not directly address viability, it will be an important part on the determination of what land will be subdivided or consolidated based on praxis. The land policy therefore must proceed with haste to clarify what viability means at the policy level, in line with Fast Track land users, who have different needs and production systems.

The rural farm size regulations have been made as part of the administrative and management process of rural lands. The regulations requires and assessment of land parcels in terms of compliance with existing policy positions in terms of objectives, targets, implementation and standards in the land management sector. There is no clear consensus on the existing on the land policy positions and thus the first step requires the specification/collation/verification of the policy statements and legislation. In order to help in the usage of the farm size regulations, there is a need to build a common understanding and eradicate contests on the existing policy positions. In order for the land policy to play its role and back the revised farm size regulations there is a need for some of the following actions:

- To define the policy compliance measures from the land reform existing policy positions.

- To specify the questions on farm size compliance as part of the land policy package as a comprehensive measure.
- The need to measure compliance need to be defined taking into account contested land and non compliance perspectives e.g. multiple farm ownership, oversized land based on the farm size regulations, land use and production matters, location of the farms and their treatment for either replanning and subdivision and/or consolidation.

A key concern in the past has been the continued land disputes over boundaries, which then made assumptions that the solution such must be registration of the allocated parcel. In addition, the argument for registration was made strongly in the context of compensation, which requires drawing land and development data from the time of acquisition of the farms. In all case, farm size is an important element of both. However, it needs to be emphasized that the type of registration and surveying is not going to resolve boundary disputes comprehensively. In Mazowe district in 2007, we found that the most acute boundary disputes are between A1 and A2 areas, where the boundaries are well known. In discussions with a variety of land managers from the district to the national level, we established that the land disputes involving boundaries could be resolved with a more integrated land development effort. This means seeking integration of farms and wider economic activity on a spatial basis across A1 and A2 units in a particular area, and across the agro-ecological regions, which feature the gazette land sizes.

4.0 Adoption and adaptation of farm size policy instrument

4.1 Adoption of instrument and policy context

Given the ways in which government works, the rural farm size regulations are now part of the law and available for use by the land authority. A major talking point is the extent to which it will be used and on what land piece. There are many instances where the adoption of the tool would help ease the burden on land management. The rural farm size regulations need to be backed by precise clarity on the current land parcel, without being blinkered by who is currently sitting on that land. It can then be able to expeditiously deal with case of large farms based on these measure to make land available to applicants. Some of the critical challenges faced in the land administration, to which this policy could be beneficial include:

1. **Long drawn procedures for the consolidation of farms:** in cases where there is a good reason why land need to be consolidated. Such land may have been allocated to few people, and as a community see benefits of consolidation for their production system. This is often the case in outlier areas, where a combination of crops and livestock is more expedient than a smaller sized land;
2. **Resistance for replanning of the farms:** once issued an offer letter, a farmer feels empowered and resist any moves to rationalize the land they hold onto, despite clear cases of under use. The appropriateness of the plans followed in demarcating land in accordance with land use model assumptions suggests that, in many areas, such technical considerations were only generally followed because of this push back by beneficiaries. There are many A1 and A2 plots which have less or more

arable and/or grazing land areas than is assumed by the land use models. The empirical scale of this needs to be determined and will require farm-by-farm planning work to determine and adjust, which the national land audit may have done and still to be published.

3. **Knowledge on farm divisions and practices:** in the absence of monitoring land data, it is difficult to know the patterns of land subdivisions (legal or illegal) that take place on the farms. There is a lot of demographic movement of farmers as they exit and enter and re-enter (Matondi, 2012), which makes planning difficult, as some of the replanning is instigated locally among beneficiaries who may not report to any authority. This also applied to ceding land or parts of, while in some cases having perpetual rental arrangements. There is need to build confidence in government land management for beneficiaries to report on the change circumstances without punitive action but formal replanning in order to bring information to the government.
4. **Joint Ventures and subletting:** on the 28th of June 2019 allowed joint venture and subletting as a policy to deal with matters of land investments, which had limited reference to the farm sizes as an existing policy. However, the importance of the Joint Venture instrument was to allay fears of land being taken by government due to underutilization, as beneficiaries of the offered farms, were given room to seek own investments than continued dependency on government subsidies.
5. **Social issues:** access to land is not just a technical matter of a piece of land and its measurement. People and resources are on the land, and families transition through deaths, divorce and some such. Those who remain make family decisions on access and use of the land, including subdivisions, which they may not report to the authority. When one gets access to land, he or she wants to be certain that in case of death their children have rights to that land for their own livelihood, and one act to ensure this family level security is to subdivide a piece of the land for the children.

In view of the problems encountered in the land reform, it has been most difficult to develop a comprehensive land policy. While in the past, the reasons were caused by tension between different groups with interests on land, it would seem that Fast Track farm beneficiaries hang on to the land without resources for full use making it difficult for government to replan. It is critical that assurance of access to land for those who can farm it, must be given on the appropriate farm sizes that match their interests and capacity. A land audit that examines farm sizes and use patterns must include negotiators to address possible resistance to replanning, even when it is known that it provides economic and social good to the country.

There has been very little progress, and the Minister has had to announce policy measures such as subletting and rural farm size regulations as statutory instruments, as government waits for several policy matters that are inconclusive since 2017 or before. A trouble feature of this lack of policy progress, is that almost all stakeholders are apologetic, and have apologetic behaviors over the land redistribution. In terms of policy development, it would seem that government has taken an apologetic stance with farmers who are not optimally using their land. Fast Track Farmers, especially in the A2 have

gotten the bulk of the sympathy, creating a situation of perpetual under use of the farms that are large sized. Former landowners, needing compensation have largely shifted to co-operating with government and applying for land under the A2 model, with those unable agreeing to a package of compensation over a period of time. This changed view and willingness to have land sizes within the legally stipulated offers government to structure a policy that can lead to actions towards agricultural recovery by removing the stumbling blocks, of which land size was a contested matter.

4.2 Deviations in the use of the farm size instrument

The Ministry of Lands, Agriculture, Water and Rural resettlement in 2009 provided insights into the performance on farm sizes.

Table 4.1: Recommended and observed Maximum Farm Sizes under the Land Reform Programme

Natural Region	Farm Size Category	Statutory Instrument (Recommended) Farm size (HA)	Observed (Audit) Farm Size Range (HA)
I	Small scale	15-25	10-25
	Medium	100	26-100
	Large scale	250	101-1700
	Peri urban	15-50	1-350
IIa	Small scale	25-40	10-40
	Medium	200	51-200
	Large scale	400	200-1400
	Peri urban	15-50	1-350
IIb	Small scale	40-50	10-50
	Medium	250	51-250
	Large scale	400	251-8000
	Peri urban	15-50	1-350
III	Small scale	60-80	40-80
	Medium	300	80-300
	Large scale	500	301-4000
	Peri urban	15-50	1-350
IV	Small scale	150-200	6-200
	Medium	700	201-700
	Large scale	1500	701-7000
	Peri urban	15-50	1-350
V	Small scale	250-350	140-350
	Medium	1500	351-1500
	Large scale	2000	1501-4000
	Peri urban	15-50	1-350

Source: GoZ (2009)

The main observation by the Ministry following a land audit exercise (MLRR and SIRDIC, 2008) was that government relaxed the farm size instrument in land management. This deviated from the stricter period of the first 5 years, when largely there was compliance with the farm size regulations. The main summary observations were that:

- Some sub-divisions created during the land Reform programs are not viable.
- Some of the allocations are way beyond maximum farm sizes.

- Some of the sub-divisions have interfered with productivity in certain specialized farming enterprises e.g. rotations in tobacco and dairy etc
- Some of the planning rendered irrigation systems infrastructure non-viable and sometimes dysfunctional.
- Some of the sub-divisions have created confusion in conservancies and plantations.
- Most A1 schemes are overstocked i.e number of resettled people exceeding planned carrying capacity.
- Some sub-divisions have created land conflicts on farm infrastructure like homesteads, sheds, tobacco barns, water points (boreholes, dams and pumps) and irrigation systems etc
- Illegal settlers in conservancies, plantations and acquired farms

4.3 Adaptation in the use of instrument

Making land available through strict enforcement of the rural farm size regulations would be beneficial to the land reform programme in particular. While, largely the main concerns would be raised by those with large and multiple farms, there are particular facts that equally needs the attention of the government, and where potentially this instrument would be useful. Some of this includes that

- There is high demand for land in some districts that still have oversized farms. These farms were issued within the context of the old farm size regulations that were not strictly enforced. In fact, in often case decisions on size were made at the district level, and at times district adopted the farmer-led parceling of land based on local reality. The Ministry of Lands and the districts would then endorse the allocations and provide services for survey and demarcation to confirm the land arrangements of settled on the ground'
- Farm size regulations provide greater diversity in the range of lands sizes offered to beneficiaries because land allocations in general tended to be given below the prescribed maxim to accommodate more smaller and medium scale beneficiaries. The prescribed maximum farm sizes are broad guidelines, adapted to local circumstances.
- There was a general agreement to accommodate farm workers with farm units restricted to the 2 hectares as in peri-urban units. The idea was to have a part of the farms having farmworkers, working and also producing food for their own families, given the usually depressed wages for farm workers. Nonetheless. Farm workers "disappeared" into the new agrarian structure, and there has not been any appetite to follow on their standards of living at a policy level. The creation of hamlets in Fast Track Farm areas for residential and other social services for former, new farm workers and other services providing entities which are independent of new farmers land needs to be encouraged. If the farm size regulations results in more land available for administration by the Department of Land Management, its should prioritized farmworkers to have access to land for their family need. Some districts such as Mazowe at the beginning respected this "policy" provision, while allowing some of the farm workers to apply for land as any other potential beneficiary in the A1 and A2 farms.

- Some of the recovered lands should be allocated to women and young people. An assessments of the current land parcels for this group will need to be established, and hopefully the land audit can give direction based on data for the audit as and when its published. In districts such as Mangwe, Shamva, Goromonzi and Mazowe (Matondi, 20120) there was no clear patterns of the relationship between land allocation and farm size. It would seem that the government and local authorities tried to adhere to legislated sizes, irrespective of the beneficiaries gender or age.
- Deviations from the regulations have been allowed in the past and will apply under the new instrument through assessments of capability, suitability and carrying capacity and climatic conditions. The method of how this is done at implementation of the farm size should be made to the land transacting public.

While smaller sized farms are in general efficient, there are a number of enterprises, which, due to a number of factors, may need extra amounts of land. One reason could be the ecological needs of the enterprise. Examples of enterprises in this cluster of special enterprises include forest plantations and wildlife enterprises. Other enterprises in this class include huge agro-industrial complexes, which need certain minimum throughputs to remain viable. In such cases it is prudent for the concern to maintain enough land to cover minimum throughput requirements. Where such concerns are used as the core estates for some form of outgrower scheme, extra land might be needed to support the outgrower venture, including land to provide planting material, research and training plots for outgrowers. Examples of enterprises in this cluster include seed company farms, horticultural exporting company farms, as well as plantations with processing infrastructure.

Yet another factor requiring special consideration in land provision is the technology embedded in some production forms. In A2 production systems, the relatively large sizes of plots preclude the use of animal traction as they needing mechanical traction and implements. These require huge investment by farmers and hence would need high levels of production to recuperate the costs. Some irrigation systems are designed to operate as one integrated system. Breaking them up into smaller units may involve substantial costs and/or loss in efficiency. The same can be said of some dairy production units in which a milking parlor and support infrastructure was designed in such a fashion that units broken down from the main farm will not optimally use the existing infrastructure. Some of these critical estates, such as ARDA and other private ones require large or continuous land to support the core estate to ensure minimum production for the domestic and export markets in enough and consistent quantities.

5.0 Discussion points

In general settlers on A2 and A1-model farms were being issued temporary occupation licenses based on land offer letters signed by the responsible minister. The offer letters, which specifies the land size of the property, was to be converted into a 99-year lease under the A2 model and/or permits of occupation and use under the A1 model. The provisions of the 99-year lease, with defined land sizes are yet to be granted acceptance of the provision on transferability between government and financial institutions. The land

sizes of each property will need to be specified for all parties with interests. There are multiple dimensions to this problem. First, for any leasehold grant to satisfy the requirements of the law, the farms to which it relates will need to be subdivided, surveyed and certified by the Surveyor-General's office. This requires precise triangulations and beaconing in order to satisfy registration requirements. Under current law, compliance with these requirements can take many years even in the best of circumstances. The upgrading of the land-tenure systems would require the commitment of more substantial resources to land surveys and registration (and not titling).

The offer of a lease and leasehold agreement for A2-model settlement at this moment does not constitute a firm offer. This is because the provisions are that it may be cancelled at the discretion of the Minister. Although the letter contains an option for long lease holding, this is by no means a guarantee to the rights land. According to the letter of offer, the conditions governing the exercise of the option "shall be reviewed by the Minister from time to time". This therefore mean that irrespective of the farm size of the farms given, one must expect substantial insecurity of tenure in the A2 model in particular, where these regulations are clearly specified than any other tenurial regime. Apart from discouraging investment on the land, the rights ascribed by the state are still too strong, and it has in addition to the compulsory land acquisition, tools that it can use to force redistribution.

The A1 farms are widely regarded as being on 6 hectares plots as a standard measure, yet they have more land which is within their potential as they largely depend on family labour and animal based traction. In the absence of a mechanization strategy, they are severely limited in the amount of land they can crop. There is though scope to re-examine the livestock farm sizes and their sharing arrangements among groups of beneficiaries especially in natural regions 4 and 5. In the A2 model, the issue of mechanization is critical and over the 2 decades, there has been sporadic investment in mechanization that has not changed the production levels. For this reason, and in the immediate the farm size regulations could help re-optimizing the farm units. However, the need for increasing the sizes is also compelling, as this model of commercial production is critically needed in the country.

Farm sizes regulations are part of a raft of statutory instruments that guides implementation of the land reform programme, but more importantly being a management and monitoring tool to ensure the following:

- Equitable distribution of the land
- Efficient use of the land
- Economic growth
- Peace and stability

These objectives are implied in all forms of land management, though meeting the objectives in practice is circumstantial, as the objectives need to logically connect. In the case of Zimbabwe, it has not been possible, given that much of the implementation of the land reform programme, has not followed a logical sequence. The government has been

reactive and clarified policies such as the Farm Size Regulations (2020), and the Joint Venture and Land subletting (2019).

Indeed at this moment, the state has interest to see through improved production on the land but has been hesitant for unknown reasons why it would allow land underutilisation. There is definitely political pressure that discourages radical actions for those underutilising. This is one of the reasons, why on June 28, 2019 it evoked and allowed Joint Venture and Land Subletting (Matondi, 2019) to release pressure on the land beneficiaries to get investment. However, given the limited prospects of increasing land utilisation, the government has promulgated the new farm size regulations to provide it with legal possibilities to re-demarcate or consolidate holding with this new legal provision available for use by the land authorities in the FTLRP farms. To mitigate the concern over continued underutilisation of land, there is a need to put a cost to the holding of land. Discussions on land taxation should commence so that the state can depressurize itself from the high costs accompanied by underutilization of high quality land capable to offset food deficits and contribute to the economy. The lease fees, infrastructure fees and local unit taxes should be maintained, while there should be adequate services and maintenance of public infrastructure in the commercial farms.

The maximum farm size policy should apply across the board to include land that has not been acquired for resettlement under the Fast Track Land Reform Programme. However the implementation of the Maximum Farm Size policy should not be rigid, but be applied on a case-by-case basis as some land contains mountainous terrain not suitable for agricultural activities. Equally there is a need to downsize all farms exceeding the maximum farm sizes regulations including BIPPA and reallocate to other beneficiaries. Again the current use is a major determinant of potential for either downsizing or consolidating to meet the food needs and products essential in the agriculture sector. Those with serious own resources, or have proven themselves consistently in production in the last five years from their date of occupation, should be prioritized in the land allocation after land recovery from enforcement of the farm size regulations.

6.0 Conclusions

The FTLRP has not been a straightforward affair and has been contested on the ground. It is for this reasons that statutory instruments that are used without reference to parliament have been used administratively. Just as in 2000, there has been a raft of instruments to facilitate administrative capacity, while creating a serious vacuum to monitor progress with the land redistribution programme. The state and its local structures, committees and task forces have faced numerous challenges with respect to enforcing statutory provisions. In fact, the whole gamut of land acquisition, the placement of people on plots and the subsequent reaction of people who had occupied the farms from 2000 created a complex system, hard to untangle politically. There were various administrative problems, and there is little sign that such problems have been entirely rectified. The inability to completely have clearly implemented policy on farm sizes has been lacking. The few revisions done with SI on farms sizes in March 2020, will not disrupt production, which for all purposes remains weak. If the instrument is applied in a fair

manner for all properties and with an objective of agricultural recovery, then there is justification for the replanning. The actions of government will be popular or unpopular depending on how it is used. Replanning often involved the removal of beneficiaries, taking parts of their land, and/or the consolidation of the farms based on specific intended agriculture value chains. In each instance, there should clarity on the reasons for the actions to prevent speculations in a sector that is highly sensitive and perhaps has been the most singular reason for lack of economic growth and progress due to insecurities in the land sector.

In terms of land acquisition and allocation, government has been trying to follow the laid down legal and policy procedures on farm sizes, but this has not always been smooth. There is certainly a disjoint in farm sizes from small against the practices (e.g. beef production in regions 2 and 3, while there are also large sized holdings beyond the prescribed within the same regions. The importance of the revised farm size, is not its creation of all equal sized farms, but rather to use the instrument towards agricultural recovery. More awareness, on the intention of the instrument must be done in the country, so that the tool is appreciated for its intended purpose and limitations of its potential to disrupt productive farm entities.

The changes of the past two decades have seen the end of the extreme dualism of Zimbabwe's agricultural sector and reaffirmation that the land redistribution programme is irreversible, but require a stronger approach towards systematically supporting agricultural recovery in an agrarian structure that is dominated by smaller farms than before. A more strategic discussion of the options for a diverse and economically vibrant rural sector is required, looking to the future rather than the past. This will require fundamental rethink of rural infrastructure, services, and the way credit in particular is offered, moving beyond the requirement for freehold title as collateral to new forms of credit guarantees led by financial institutions with the support of state. Consideration of a range of land tenure options for securing land rights and encouraging investment, including permits, leases and other mechanisms require to be done and concluded, once key matters that have slowed progress are dealt with comprehensively and led by Zimbabwe. A redesign of infrastructural and technological support, again moving beyond the assumption that certain types of scale-specific infrastructural investments in irrigation facilities, production, processing equipment, etc. The view that size is the only marker for satisfying beneficiaries needs to be changed to focus on production on the land. The revision of the farm sizes is appropriate to the present context, but eventually the matters will turn to matters of labour provision, high level of agricultural management and technology being more critical to driving agriculture into the future.

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