

CFU Calling

1 October 2010

EXECUTIVE NEWS

The President's tour of visiting farmers around the country was completed on Tuesday afternoon this week and has been described as being extremely productive indeed. There is a lot of work to be done as a follow up to these meetings. The President thanks all those who organised the meetings on his behalf as well as those who were able to find the time to attend.

One of those little, but important functions at those meetings was the completion of the attendance registers by the farmers who attended the meetings. It is amazing just how many personal contact details have changed recently and the necessary adjustments have been made in our database. This is very important so that we are able to keep in constant contact with everyone.

Another exercise which assists us in this regard is the newly designed Application/Renewal forms which are now in use when paying CFU subscriptions for either farming or non-farming members.

We are currently preparing to send out invoices for payment of this year's CFU subscriptions to all farmers on email, for those who have the facility and by post for those who do not have the facility. These will be accompanied by a letter from President Deon Theron and the CEO Hendrik Olivier explaining the benefits of membership of the Union. We urge all farmers to make arrangements for payments and to encourage at least one other non member to come back into the fold.

Our aim is to get all 4000 members back on board, which if achieved would increase our 'horse-power' tremendously, and we appeal to you all for your assistance in this endeavour.

We hereby give preliminary notice of the forthcoming CFU Council meeting which will be held at 8.30am on 12 October 2010 followed by our **Open Farmers' Meeting** which will be held at CFU Headquarters at 3pm on the same afternoon.

Mr Rob Ward will be touring the country as an independent facilitator to record the views of farmers on how they see the role of your Union and of any necessary changes made to the CFU Constitution – as was discussed in the country tour by President Deon Theron.

The following centres have been confirmed and are as follows:-

Tuesday 5 October 2010 – Chinhoyi Polo Club at 14:00pm

Wednesday 6 October 2010 – Gweru CFU office at 10:00pm

Thursday 7 October 2010 – Bulawayo venue will be conveyed to you. Meeting to start at 10:00 am

Friday 8 October 2010 – Masvingo venue will be conveyed to you. Meeting to start at 10:00am

Monday 11 October 2010 – Marondera Greko Restaurant. Meeting to start at 10:00am

Tuesday 12 OCTOBER 2010 – CFU Headquarter at 14:00pm

Wednesday 13 October 2010 – Mutare at Legions club starting 10:00am

Please make every effort to attend these meetings so that Rob can have useful debate and record your views without any influence from CFU leadership.

Please would local leadership get back to us to discuss suitable venues for the meetings so that we can convey this to Rob.

Although the farm disruptions had been reasonably quiet over the past few weeks there was a definite increase in incidents again in this last week of the month. Once again, generally Police initially refused to assist only reacting belatedly.

We only heard this week of a farmer who had been evicted by the court in July 2010 and who has appealed the judgment thus suspending the execution of the eviction. This brings us to the point that farmers do need to keep us completely informed as and when any court cases, disturbances or evictions occur. Unless we are kept completely in the picture we are unable to assist when needed. We also need to keep our incident database fully updated and on this we appeal to anyone who has soft copies of incident reports right from 2000 to please make copies available to us.

Last week a farmer was in the High Court in an effort to overturn an unusual judgment handed down by a magistrate which effectively overruled Statute Law. We await the outcome of this case with great interest which attempts to overrule the alleged injustice done in a court which does not have the jurisdiction to rule on such a case.

Perhaps the matter of most importance this week was the hearing of our most recent CFU case in the Supreme Court of Zimbabwe. The arguments were heard on the morning of 30 September 2010 and the judgment has been reserved for an unknown date. The following is the Press Statement, which has been released on the case:

Press Statement

IN THE SUPREME COURT OF ZIMBABWE CASE NUMBER SC 81/2010

Today the Commercial Farmers' Union (CFU) and several of its members made application before five judges of the Constitutional Court in Harare to seek relief against a wide range of flagrant violations of their Constitutional rights.

The CFU considers the abuses complained of to be so serious and of such national importance that the highest court has been urged to grant a moratorium effectively preventing any further eviction of any white farmer in occupation of farm land and further preventing the acquisition of any farm equipment and material.

In essence the court is being asked to order that the moratorium remains in force until such time as the Minister of Lands and the other Respondents in the application, namely the Minister of Justice, The Commissioner General of the Zimbabwe Republic Police, The Auditor General, The Minister of Finance, The Attorney-General and the Chairman of the Compensation Committee can satisfy the court that the relevant laws that apply in the land reform exercise are being complied with and that the constitutional rights of the CFU's members are being respected.

The broad issues raised for determination by the court include:

- 1.1 The manner in which the First Respondent allocates farming land by way of offer letters, leading to forced evictions and prosecutions of only white farmers, is not done in terms of the law as there is no statutory authority for what the First Respondent is doing, and therefore since February 2009 the implementation of land resettlement has been in contravention of section 18(1)(a) of the Constitution;
- 1.2 the continued prosecution of only white persons for contravening the Gazetted Land (Consequential Provisions) Act [*Chapter 20:28*] is racially motivated and contravenes sections 23 and 18 of the Constitution, and furthermore seeks to achieve not the

punishment for breaching the law, but the eviction order which is a consequence of such a conviction;

- 1.3 the failure to afford equal treatment to existing (or previous) occupiers of commercial farming land in the issue of offer letters and other rights of occupation of commercial farming land contravenes sections 23 and 18(1)(a) of the Constitution;
- 1.4 the seizure of farm equipment and materials with the support of Government officials is not being dealt with by the Executive in terms of existing law and this breaches the rights under section 18 of the Constitution of those from whom such farm equipment and materials are taken;
- 1.5 the resettlement of persons on State land based purely on racial considerations contravenes sections 23 and 18(1)(a) of the Constitution.

Only the Minister of Lands opposed the relief sought but does not deny that numerous acts of lawlessness permeate and prevail in the acquisition exercise. Regrettably the Minister of Lands seeks to “wash his hands” of acts of illegality and unlawfulness perpetuated by persons involved or having an interest or purporting to have an interest in the exercise including “public officers” as defined in Section 18(1)(a) of the Constitution which came into force in February 2009.

Because the other Respondents have not opposed the application they must be seen to agree with the relief sought. But what is most damaging, disturbing and regrettable to CFU and its members is that they have all blatantly ignored their constitutional duty in terms of Section 18(1)(a) which they have “towards every person in Zimbabwe to exercise his or her functions as a public officer in accordance with the law and to observe and uphold the rule of law.”

The CFU remains most hopeful that the Court will now intervene and safeguard its members’ rights by ensuring in particular that all Respondents and any other person who is a public officer involved in land matters adheres to and fulfils that duty in terms of Section 18(1)(a) of the Constitution. If public officers wash their hands of unlawfulness – even though they may not in some instances be directly involved – any hope of a restoration of law and order and the rule of law will be lost.

Deon Theron

President

Commercial Farmers’ Union

30th September 2010

Our Heads of Argument have been put on our website www.cfuzim.org however, we obviously cannot put the whole case on there as it runs into many hundreds of pages of evidence.

Last week we spoke about new vehicle regulations of which we gave a short extract from sections 52 and 53. Below are the full sections previously referred to:

Road Traffic (Construction, Equipment and Use) Regulations, 2010

ARRANGEMENT OF SECTIONS

Part III

EQUIPMENT

Special visual warning device: all motor vehicles

52. (1) No person shall drive a motor vehicle on a road unless two warning devices complying with the requirements of this section are carried in that vehicle:

Provided that, if the motor vehicle is drawing one or more trailers, two additional warning devices shall be carried in respect of each such trailer.

(2) Every warning device referred to in subsection (1) shall –

(a) be in the form of an equilateral triangle of the dimensions, materials and construction prescribed in the Sixth Schedule; and

(b) be permanently and legibly marked with the following particulars –

(i) the name of its manufacturer and a serial number;

(ii) year of its manufacture expressed numerically as for example, 1988; and

(c) be reflective on both sides; and

(d) be so designed as to stand in place not more than ten degrees from the vertical with the lower base of the triangle horizontal and not more than two hundred and fifty millimetres from the ground; and

(e) be capable of being erected in place and replaced in its container without the use of tools.

(3) When not in use, the warning devices shall be carried in terms of subsection (1) in an opaque protective container or secured in a light-tight, enclosed and easily accessible compartment in the motor vehicle or trailer concerned.

(4) Whenever a motor vehicle or trailer is stationary on any road, except in a place set aside for the stopping of vehicles, the driver shall place one warning device referred to in subsection (1) at the front of the vehicle or trailer and another such device at the rear, so that –

(a) both warning devices are on the same side of the carriageway as the vehicle or trailer; and

(b) the front of each warning device faces away from the vehicle or trailer and towards oncoming traffic; and

(c) each warning device is not less than thirty metres and not more than fifty metres from the nearest point of the vehicle or trailer.

(5) The warning device may incorporate a battery operated flashing red light in such a way that, when the device is placed in position, the flashing red light is at the topmost corner of the device.

(6) In the case of a vehicle carrying hazardous materials or substances as defined in the first schedule of statutory instrument 262 of 1984, the warning device shall incorporate a battery operated flashing red light in such a way that when the device is placed in position, the flashing red light is at the topmost corner of the device.

Spare wheel, tools and fire extinguisher: all vehicles

53. (1) No person shall drive a motor vehicle, other than a motor cycle on any road unless the vehicle is equipped with –

- (a) a serviceable spare wheel; and
 - (b) an efficient jack; and
 - (c) a wheel-brace or wheel-spanner capable of undoing the vehicle's wheel-nuts; and
 - (d) in the case of –
 - (i) a light motor vehicle, a serviceable fire extinguisher of a commercially known as zero comma seven five kilograms; or
 - (ii) a heavy vehicle, a serviceable fire extinguisher of a size commercially known as one comma five kilograms.
- (2) Every fire extinguisher referred to in paragraph (d) of subsection (1) shall be –
- (a) of a type and make approved by the Standards Association of Zimbabwe, which approval shall be visibly marked on the fire extinguisher; and
 - (b) secured at an easily accessible and visible position within the cab of such vehicle:

Provided that a public service vehicle shall be equipped with a fire extinguisher or fire extinguishers as provided for in the Public Service Vehicle Regulations, statutory instrument;

- (c) where a vehicle is drawing a trailer on any road, the driver shall ensure that equipment specified in subsection (1)(a), (b) and (c) is carried and is capable of being fitted to or used on the trailer.

Notice from Econet

Econet Wireless is changing its prefix number from **091** to **077**, with effect from **October 2**. This change is in line with global regulations on numbering set by the International Telecommunications Union (ITU).

Only the first three digits of the current number will change - from 091 to 077. The other seven digits remain the same.

To allow a smooth changeover to the new 077 number, our customers will be able to make calls to Econet numbers using both the current 091 and new 077 codes until November 2. However, after this period, a call to an Econet number will only be possible by using the new 077 prefix.

It is important to note that the changes are part of worldwide changes being led by the ITU, the agency of the UN which regulates ICTs. The changes will set new standards in numbering.

Over the next few weeks, we will be running a media campaign to alert our customers to the changes. You can contribute to this by informing your own acquaintances as to this new plan.

Labour Regulations Update *From the desks of Marc Carrie-Wilson and Tongai Marodza*

We would like to begin this update by strongly encouraging members to contact us if they are faced with proceedings at the NEC. It is very important that all cases are handled properly in order that precedents are not set which jeopardize the entire industry. If in doubt please contact us.

SI 155 of 2010

This month we have noted in the Government Gazette that the Collective Bargaining Agreements and Arbitral award applying to last year (2009) have been registered in terms of section 70 of the Labour Act and published as a Statutory Instrument (SI 155 of 2010).

General Agricultural Wages

The so called agreement of April 2010 applying to the General Agricultural Sector (imposing 7 months back pay) is yet to be registered by the Ministry and published in terms of the Labour Act. This agreement is invalid for the following reasons:

- This agreement was not ratified by the full National Employment Council as required by the NEC Constitution before being forwarded to Ministry for registration.
- Requests for minutes signed by the participants of the negotiations leading to the agreement have been ignored.
- In order for an agreement to be binding it must be registered in terms of the Labour Act.

The agreement is also very negative for the following reasons:

- Back payments in a multi currency environment are totally contrary to economic recovery and growth. No business can budget for this.
- Wage increases should have some reference to the size of our GDP, and the rate of our inflation. It is again contrary to economic growth and viability of agricultural production to have wage increase of 30 to 40% when inflation is less than 7%.

The problem is that NEC (who is supposed to be structured as an impartial umpire to resolve disputes, and facilitate negotiations, between employers and employees) has taken the position that the Agreement is valid and together with Workers representative Unions has created the expectation within Work forces that they are entitled to the back pay.

Agro and Horticulture Wages

Likewise the so called agreement of June 2010 applying to the Agro and Horticulture sectors has many of the same features. This agreement has been challenged in the Courts by both the ALB and the HPC both members of the NEC. The matter is still *sub judice*. Further to that the agreement has not been registered and published as a statutory instrument and was also not ratified by the full NEC. The agreement is therefore not binding on members.

Other General News

A meeting was held yesterday between all the main employer organizations in the Agricultural Industry at the offices of HPC. Members are to please note the following resolutions of interest were adopted by the representatives present at that meeting:

- No new wage negotiations will be entertained until the outstanding issues have been adequately resolved. The Labour Act allows an agreement to continue after it has expired if there is no new agreement in its place.
- Wage negotiations and any resulting increases will be made in line with inflation.

- Back pay will not be entertained in a multi currency environment.

ARAC UPDATE No 30.....01/10/10

Dear Farmer,

This week has been a busy one for us and has also ended on a sad note with the death of Shayne Wells' father, Tim Field. Tim was a fine man and friend to many of us, as well as a farmer all too familiar with the trauma we have gone through these past ten years. We at ARAC and CFU extend our sincere condolences to Shayne and all the family at this time of sadness.

On Thursday we hosted a meeting for the Applicants in the Mike Campbell case which has been heard at the SADC tribunal. I am sure most farmers are aware of the case and the relief sought, as well as the judgment. The failure on behalf of the Government of Zimbabwe to comply with the ruling has resulted in considerable losses to the applicants.

The legal team who are driving the case are anxious to proceed and ARAC has agreed to support the applicants to prepare standardised loss claims which can be used in court. We believe that there is much to be gained and we will learn a considerable amount to further the process of seeking compensation for all farmers who have suffered loss as a result of the fast track resettlement process.

Wynand Hart took us through a presentation on the essentials for compensation. It is a process with a number of steps which must answer three questions, namely: WHY, HOW, and WHAT?

Sequentially, the process involves the following:

1. The loss,
2. The documentation,
3. The valuation,
4. The litigation,
5. The negotiation,
6. The agreement and finally,
7. The implementation.

ARAC will assist the applicants to compile a document that contains: proof of ownership, right to claim, date of effect, and lists of losses that can be claimed based on the principles laid down in international law and the value of the above. At the meeting we were able to take an initial group of farmers through the process of claim preparation and aim to have standardised loss claim documents available to the legal team by the end of November. This work will be done in full collaboration with the Valuation consortium or other professional valuer as required by the individual farmer. Thereafter the documents will be used by the legal team to present the case in court; as the legal process is already well advanced we believe that valuable lessons and information can be gained that will assist in obtaining compensation for all farmers.

Best regards,

Ben Giplin

NATIONAL ASSOCIATION OF DAIRY FARMERS

Vaccine application continue to be processed by Debbie Mylroie and Marilyn Taylor and Five have just received a large stock consignment of Quarter Evil, so remember to fill out your application form for your 2010 requirements as this programme is ongoing until December 2010.

STABEX '95 MARKETING PROGRAMME

Sue and Linda presented reports for both Programmes to the Stabex Steering Committee at a meeting held at Mont Claire Hotel, Nyanga from Wednesday to Friday last week. During the meeting reports were heard from all of the programmes under Stabex '95. NADF's reports were well received and not many issues were raised. Assurances were given at the meeting that our replenishment payments are imminent and so we wait in hope

Farai Tinarwo awaits the funding to launch another mass vaccination in the Matabeleland area at the end of this week.

STABEX '95 VACCINATION PROGRAMME

The Stabex Committee was taken on field visits of Sangano Milk Collection Centre and Tsonzo MCC under the Marketing Programme. This consisted of a tour of the centres, Sangano on Wednesday and Tsonzo on Friday, followed by discussions with the Executive Committees at each Centre.

This week beginning Monday 27th September Judging of the area winners for the Small Scale Dairy Farmer of the Year competition starts in Gokwe. A National Winner's Dinner is planned to be held in Harare on Saturday 23rd October 2010. Stakeholders who would like to be a part of reviving this Annual function by showering us with generous donations are welcome to contact Linda Nielsen 0913 478943 or Sue Bell 0912 239996 with your pledges which we will graciously accept

Our grateful thanks to the judges of this competition; Gideon Zenasi from AgLabs/Dairy Services, Dai Harvey and Christine Smith from Land O Lakes Zimbabwe.

Simultaneous to the Judging we are also running Farmer Training in; An Introduction to AI, Introduction to the Accounting Bureau System, Managing Illnesses common in HIV/AIDS patients, Calf Rearing and Preparation for Demonstration Plots. This starts off with Gokwe and will be continued over the next 3 weeks country-wide at the 7 Centres. Gokwe had a positive attendance of approx. 40 farmers. Our next training and judging will be held on Wednesday in Esigodini for the Umzingwane farmer members. We look forward to increasing the attendance at each session. More from us next week!

ZIMBABWE CROP PRODUCERS' ASSOCIATION (from the desk of Richard Taylor)

R6.95 to the \$

Local as at 01 October 2010 US\$

Commodity	GMB	Agrifoods	Intergrain	Staywell	Croplink
White Maize	275	240	220	230	220-240
Yellow Maize	275	240	220	230	230
Maize Bran	150	150		150	165
Soyabeans	300	380	400	415	425
Soyabean Meal		500		490	480-520
Wheat	466 (to confirm)		440	435	440 (imported)
Wheat Bran		150		140(sellin g)	155

Groundnuts	450 (unshelled)		(shelled)	700 (shelled)	650 (shelled)
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South African Foreign Exchange (SAFEX) as at 28 September 2010

Commodity	Rand/Tonne	US\$/Tonne	Import Parity Rand/Tonne	Import Parity US\$/Tonne
White Maize	1281	184	1441	207
Yellow Maize	1358	195	1518	218
Wheat	2710	390	2870	413
Soyabeans	3255	468	3415	491
Sunflowers	4275	615	4436	638

International Gulf

Commodity	US\$/Tonne			Import Parity US\$/Tonne
Wheat	302			452
Maize	239			389
Soyabeans	456			606

Source: South African Grain Information Service (SAGIS)

The below items are now available through the Radzim Agri-Power, CFU scheme. Please get hold of me at CFU rtaylor@cfuzim.org or contact Radzim directly: Sean Bell 0912 515 920; Keith Lowe 0912 515 919; Office 744 759, otherwise pop in to Radium Africa, 17 Pichanick Drive, Alex Park, Harare for a chat with Sean or Keith.

These prices include interest and insurance. You will be required to pay a 30% deposit and then equal monthly instalments. As security for these loans Radzim will require:

1. Personal Guarantees from the directors
2. Facility letter from their bankers and/or Tobacco company
3. For the 12 month deals, Radzim will require a pledge of title deed or by negotiation
4. CR14 (confirmation of directors), Certificate of Incorporation
5. Introduction letter by CFU and recommendation

Item	Price US\$	Months
Harrow 18 disc	12000	6
Harrow 24 disc	15225	6
Harrow 28disc	17350	6
Planter 4 row	20900	12
Planter 6 row	31000	12
Planter 7 row on 4 row frame	36000	12
Spreader Fert and Lime Single Disc	3015	3
Spreader Twin Disc 12001	6850	6
Spreader Fert and Lime Trailed 4.3m	16000	12
Spreader Lime attachment 6m boom	6750	12
Spreader Manure and Lime 6m3	23100	12
3 Furrow Plough Hydraulic	5800	6
Single Row Silage Machine	11050	6
Double Row Silage Machine Trailed	29500	12
Double Row Silage Machine Mounted	23700	12
4 Wheel Metal Trailer with Sides	8000	6
Radium Unigrader	8000	6
Electric Maize Mills with Cyclone	TBA	3
Montana Boom Sprayer 6001 10m	6300	6

Montana Boom Sprayer 6001 12m	6500	6
Montana Canon Sprayer 4001	6700	6

The above scheme varies in time span according to price.

We have a 12mth facility for 2 x 40hp 4x4 tractors; 2 x 45hp 2x4 tractors and 2 x 45hp 4x4 tractors at present but are negotiating for more and bigger HP tractors. These are of Chinaman manufacture but based on the ford engine (\$ 12,000 each with a small admin fee. 25% deposit with 11 equal instalments). Please note that I will be away from Tuesday next week and will be back in the office on the 11th October. For details on these tractors for those who are interested please contact me on the R Taylor e mail address or phone 04 309862 / 0912 311 704

Please note the below.

Amazone Equipment - Precision farming field day

Hosted by Tarrys and Falcon equipment SA

Venue; Art Farm

Date; Wednesday 6th October.

Time: 13 00 hrs

Arrive and have a finger lunch and drinks followed by a talk /slide show by Ruben van der Merwe of Amazone SA, followed by a field demonstration. Tea and discussion after.

We have a 3000 litre towed sprayer (24m boom) and 3 tonne fertilizer spreader which will be demonstrated. This is high tech equipment which uses an AMATRON + on-board COMPUTER to control and monitor all functions .The equipment is very user friendly and will save you considerably with extremely precise applications of Ferts and Chemicals avoiding any wastage and boosting yields with timeous and accurate applications.

With the escalating costs of inputs and the squeeze on margins we believe this is the future of farming.

We look forward to hosting you and would appreciate if you could advise us if you do plan to attend.

gbennett@tarrys.co.zw or mcharteris@tarrys.co.zw

Regards the - Tarrys Team

COMMENTS AND VIEWS

Please let us know your comments and views on items contained within this issue or any other issues of CFU Calling by sending an email to us on dir@cfuzim.orgDisclaimer: This email and files transmitted with it contain confidential and privileged information and are intended solely for the use of the individual or entity to which they are addressed. If you have received this email in error please -- do not read, disseminate, distribute, copy or take action in reliance on this email and- delete it immediately and arrange for the deletion thereof on your server, and- notify the administrator immediately. Any unauthorised, use duplication or interception of this e-mail or any files transmitted with it is expressly and strictly prohibited. No representation, guarantee or undertaking (expressed or implied) is made or given- As to the confidentiality or security of the e-mail system' or as to the accuracy of the information in this email and any files transmitted with it is virus-free. No responsibility or liability is accepted for: the proper, complete transmission of the information contained in this email or any files transmitted with it or any delay in its receipt; or rising from or as a result of the use of or reliance on the content of this email or any files transmitted with it. Any views expressed in this email or any files transmitted with it are not necessarily the views of the Commercial Farmers' Union. Queries regarding this email or any files transmitted with it should be directed to dir@cfuzim.org. This disclaimer forms part of the content of this e-mail for purposes of section 11 of the Electronic Communications and Transactions Act 2002 (Act No. 25 of 2002).