

# CFU Calling

**18 FEBRUARY 2011**

## **EXECUTIVE NEWS**

This has been quite an eventful week at the Union in many respects, some of which we would certainly like to put completely behind us. Despite all of the doom and gloom though there were also a lot of positives that came out of it. Let's hope our national cricket team can do the same in the World Cup series in India which starts today. We wish them all the best of luck.

Although not a cricket team, a meeting was held by 11 of our most experienced and extremely hard working lawyers to map out new defences to counter the apparent increased prosecutions against a large number of our remaining farmers. Without giving anything away, we can say that the meeting was very productive and would be followed up by a further meeting to be held in the not too distant future. We would suggest though, that you should rather contact your lawyer personally, who would be in a better, and confidential position to discuss the outcome of the meeting as it is not something we could discuss openly on this means.

However, despite some recent setbacks they do not believe that everything is lost and that in many cases there is still a chance of some relief through the courts in Zimbabwe.

In the words of one lawyer recently visiting from across our southern border, "We have to continue to defend our rights and every small victory gives us hope that justice will prevail in the end."

There is no doubt that there is an increased vigour in the courts against us and in light of a recent case of an arrest and incarceration of another farmer this week, we urge everyone to be extremely careful and to keep control of your emotions to avoid being victim of any similar predicament. We urge you all to be very careful in this politically charged and sensitive environment.

The farmer concerned was alleged to have sworn at a police officer, which led to his arrest and detention for several days. On a few occasions he was led away in both handcuffs and ankle chains before being found guilty of "Undermining Police Authority as defined in Section 177 of the Criminal Law (Codification and Reform) Act [*Chapter 9:23*]".

Following a delayed judgment, in which he spent another night in detention, he was finally released with a suspended sentence and a hefty fine. Although initially declined by the magistrate we believe that an appeal has been lodged against the judgment.

Although there have been a number of cases heard in the courts this week, they were mostly postponed to be heard at a later date due to an assortment of reasons. On the whole, the rest of the situation has been relatively quiet.

The Indigenisation Act continues to haunt our community and is alleged to be, like land distribution, just another tool to enrich the well connected. It now appears that we are not only disallowed to own agricultural land but are now being dispossessed of some productive mining claims as well.

The meeting of the South African Farmer's Group was very well attended this week, where South African investors in agriculture and commerce and industry were given the opportunity to put their grievances to the South African Ambassador Professor Makalima directly.

Louis Fick thanked the Ambassador for his sympathetic ear and recent assistance but expressed his disappointment that none of the invited senior officials of the South African Government were able to attend. He thanked the Union for their support and for the use of the office and facilities.

A visiting South African lawyer summed up his encouraging talk on the current ongoing litigation in South African Courts by a quotation from the Bible saying that "The Lord is the King of the Rulers" and that justice would eventually prevail. Both he and the Ambassador agreed that it would be far more productive for the

South African Government to sit down and resolve the problems being encountered by its citizens, who have invested in Zimbabwe, rather than opposing each other in the courts.

The judgment of the SADC Tribunal has been accepted in South African law but this is now being opposed by the Zimbabwean Government in a case which would be heard in April this year.

The Ambassador responded by congratulating Louis for the "sterling work" he was doing "far beyond the call of duty" and apologised on behalf of the invited South African officials saying that they were unfortunately otherwise engaged, but that he and his team were the official representatives of the Government. He praised his predecessor, saying that he had set up a direct "link-man" within the Embassy who engaged and dealt with the problems of the South African investors directly. This has been continued by Mr Imran Simmins, who works together with Mr Gary Smith who will take over from him in June, when Mr Simmins is transferred. Although he said that he felt somewhat inadequate in what they are able to achieve within their limited areas of access they did have a few, albeit short term, successes recently. He said they would never give up though and would keep on trying.

Mr Simmins said that it was important that they were kept fully informed in what problems their citizens were facing in Zimbabwe as unless they know about a problem they cannot solve it. He said he had been on leave and returned to see some 450 emails, which he appreciated.

The CFU Director Mr Hendrik Olivier gave special thanks to Mr Hannes Botha of the Zimbabwe Pensioners Support Fund. He said that Hannes was both the co-ordinator and the 'driver' who actually personally drives one of the trucks through the border to deliver the donations. Last year, he drove through the border on some 6 occasions, delivering food parcels to some 1 760 pensioners in Zimbabwe. Each time he crossed the border it was he and his team who had to personally unpack the trucks and reload them for the ZIMRA inspection at the border. Each time he had to pay between R3 000 to R4 000 duty.

Last year he and his collection teams travelled some 45 000 kilometres to various collection centres around South Africa to bring in the donations which were then all packed by hand at a central point. He and his team used some 14 800 litres of fuel last year and received some R1 million worth of donations from the public.

There was a huge vote of thanks from the Union, the Ambassador and all those present at the meeting. Mr Olivier gave him a small gift in appreciation.

The meeting was then thrown open to the floor for the Ambassador and his team to record the complaints and suggestions of the affected people, which he said would be used in the fact finding exercise to help develop a strategy to find a way forward.

The Ambassador was visibly emotional and shocked when several, especially elderly, South African investors, some very emotionally, put forward their hear rendering unsustainable situations to him and his team.

Louis Fick, in closing, reminded South African citizens that on 21 and 22 February 2011, any problems re passports or other South African related documents could be discussed with Mr. Makola at the SA Embassy from 9H00 onwards. He requests that you bring your previous correspondence / receipt no's with you.

## **URGENT LABOUR AFFAIRS BULLETIN**

We have been advised by the Legal Practitioner acting for ALB that an application for review of SI 101 of 2010 has been filed at the Labour court yesterday. Please see scanned copies of the court papers on the website [www.cfuzim.org](http://www.cfuzim.org) . Alternatively we can email them to you upon request. The case number is LC/rev/H/11/11.

Those Agricultural Businesses threatened with Prosecution for failing to pay NEC dues are once again advised that whilst the matter is pending before the Labour Court (which has the equivalent status of the High Court) criminal proceedings in the Magistrates Court in terms of the Labour Act should not be instituted against them.

This coming week of **Thursday 24 February 2011** the first meeting of the new look **CFU Council** will be held and for those areas who have not yet complied with the below circular and completed the requested elections they are urgently requested to do so to ensure that we have a full house at Council.

### MEMORANDUM

#### URGENT ATTENTION: GUIDELINES FOR THE ELECTION OF REGIONAL CHAIRMEN

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Ladies and Gentlemen

It would appear there is some confusion regarding the election of Regional Chairmen onto Council. You will recall that on the 30 November 2010 an Extraordinary General Meeting was held. At this meeting it was proposed to enlarge the Regional Chairmen onto Council and the mandate was given by the farmers present.

Last week the President called for existing Chairmen to act upon this mandate. There appears to be some confusion and therefore the following guidelines are to assist current Chairmen and farmers out there.

Please note :-

- 1) The current Regional Chairmen must call upon all farmers in his region to a meeting at a time and place suitable to everybody but well before Thursday 17 March 2011.
- 2) Where there are no Chairmen elected for example Matabeleland South, North and Manicaland we will call upon individual farmers who on behalf of the Union will call farmers together and see the election of office bearers.
  - 2.1 The Union has consulted with both Mr Hammy Hamilton and past President Trevor Gifford who will call a meeting for Manicaland farmers.
  - 2.2. Matabeleland South we hope to engage Mr Pat Maughn and for Matabeleland North Mr Denis Streak.
- 3) Where there is already one Regional Chairman elected, there is need to only elect one more to make the total two Chairmen representing that region. Where there is none as per note 2.1. and 2.2. above, two elected Chairmen must be elected.
- 4) All current and non farmers in that region can participate.
- 5) Current Regional Chairmen must liaise closely with the ARAC Chairman regarding any notices to all non farming farmers either residing in that region or elsewhere.
- 6) All members participating must be paid up members of the Union. Candidates for Regional Chairmen must be fully paid up members. Actively farming that of \$600.00 and non farming that of \$100.00 or should the over 70 year old farmers wish to stand as Chairman \$20.00 respectively. Anyone nominating or seconding must also be a paid up member. The Union can assist where possible to verify these nominations. However each fully paid up member should be in a possession of a licence card with a clear expiry date of 30 September 2011 which can be called upon when necessary.
- 7) At least one of the two Chairmen must be actively farming.
- 8) Non farming farmers qualify only on the fact that they previously held a title deed in that region. In the event of a farm manger, proof thereof must be supplied.
- 9) In the event of the non farming farmer living abroad or elsewhere for eg . in Harare and he cannot make it to the meeting, his name may be put forward for nomination to the Regional Chairmen before the election on the following conditions:-
  - 9.1. He is a fully paid up member of the Union
  - 9.2. A proper nomination and duly seconded by farmers whether farming or not from that Region is made.
  - 9.3. These farmers nominating and seconding must also be paid up members of the Union.
  - 9.4. No nominating and seconding by outsiders of that region will be allowed for example nobody from Matabeleland can either nominate or second somebody in Mashonaland.
- 10) All Chairmen either newly elected or not are requested to attend the Council meeting on the 17<sup>th</sup> February 2011 commencing at 08.30 hours. During the course of the same day there will also be a meeting with the South African Ambassador to which they are invited.
- 11) The following Chairman representing the following areas and vacancies exist.
  - 11.1. Matabeleland North - Vacant position of two Chairman exist.
  - 11.2. Matabeleland South - Vacant position of two Chairmen exist.
  - 11.3. Manicaland - Vacant position of two Chairmen exist.
  - 11.4. Masvingo - Chairman Mike Clark cell no. 0712 603 427  
- Possible vacancy exists.
  - 11.5. Mashonaland East Chairman - Paul Grinham - Cell no. 0772 207 936

- 11.6. Mashonaland Central - One vacancy  
- Chairman Aiden Bruk-Jackson cell no. 0772 239 005
- 11.7 Mashonaland south West - One vacancy  
- Chairman Barry Lenton cell no. 0772 404 142 or 0772 511 204/6
- 11.8 Mashonaland North West - One vacancy  
- Chairman Zane Van der Merwe cell no. 0712 418 969
- 11.9 Midlands - One vacancy  
- Chairman Brian Pearce cell no. 0773 740 494  
- Vice Chairman Doug Anderson cell no. 0712 414 070

Both are legitimate and there is no need for further elections. However should any of the offices become vacant a replacement must be found.

12. The ARAC Chairman is currently Pete Steyl and he can be contacted on cell no. 0712 631 738.
13. A mandate was given that nominations and seconding of Chairmen can be done by proxy, on condition that the above measures are correctly followed.

Thank you for your co-operation on this very urgent matter.

**DEON THERON**  
PRESIDENT  
COMMERCIAL FARMERS UNION OF ZIMBABWE

The CFU website is taking on a new look and we are very pleased to inform you that our video on The Way Forward has been upgraded and can now be viewed both internationally and within Zimbabwe. We encourage you to have a look on our website [www.cfuzim.org](http://www.cfuzim.org) as we need to advertise it and this film as widely as possible.

There is still the need for your assistance to slot together all the information on farm invasions and disruptions like a jigsaw puzzle to make the recording exercise accurate, credible and worthwhile. Any information, including court dates, should please be sent in to Mike Clark at the Union or [mashc@cfuzim.org](mailto:mashc@cfuzim.org) Every little scrap of information will be very useful.

Every now and again there are still farmers being violently evicted from their properties and we need to be in a position to identify **suitable accommodation** for them as soon as possible. Harare seems to be the destination of choice due to the medical facilities but the very high rentals are generally out of reach of many of the farmers whose income has been severely curtailed over the last few years.

Please let us know, through ARAC of any suitable properties which may be available immediately and affordable by affected farmers and their families.

The dates for the **Open Farmers' Meeting** for next few months are as follows;

**9 March 2011**  
**6 April 2011**  
**11 May 2011**  
**8 June 2011**  
**6 July 2011**

Please remember that our doors are always open for you to come in and discuss your situation with us and we also encourage you to come with any suggestions or solutions you may have to propose to us.

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

Local as at 18 February 2011 R7.20 - US\$

Commodity	GMB	Agrifoods	Intergrain	Staywell	Croplink
White Maize	275	275	255	255	270
Yellow Maize	275	275	255	255	270
Maize Bran	150	165			170
Soyabeans	300	700	580	650	700
Soyabean Meal		750		750	750

Wheat	466		440@30 Days 400@7 Days	470	440  (imported)
Wheat Bran		155		(130 Buy)	170
Groundnuts	470 (unshelled)		(shelled)	700 (shelled)	(shelled)

South African Foreign Exchange (SAFEX) as at 17 February 2011

Commodity	Rand/Tonne	US\$/Tonne	Import Parity Rand/Tonne	Import Parity US\$/Tonne
White Maize	1655	230	1815	252
Yellow Maize	1715	238	1875	260
Wheat	3391	471	3551	493
Soyabeans	4135	574	4295	597
Sunflowers	4835	672	4995	694

International Gulf

Commodity	US\$/Tonne			Import Parity US\$/Tonne
Wheat	355			528
Maize	274			452
Soyabeans	540			698

Source: South African Grain Information Service (SAGIS)

BUSINESS SECTION (from the desk of Richard Taylor)

Discounters club is up and running hard. We now have just over 100 companies as partners offering varying discounts with more and more companies interested. If you are interested in joining the discounters club as a member and benefit from these discounts then please come on board. For more info on the discounters club, contact myself or Shayne in the ARAC office. The application forms will be with Shayne.

The AgriZim Magazine grows from strength the strength and has improved on a monthly basis. One of our problems here is getting these out to our members so we will have to come up with a plan for this. Look out for the Feb edition as it is the best to date. If you have an agribusiness that is interested in advertising in the magazine, they can contact me.

**Win a trip for two nights at Kariba on the Zambezi Trader:**

Winner will receive 2 nights free whole ship use for up to 44pax. Including everything except drinks (cash bar) cruising up to Elephant Point. Departing Marineland on Sat 30th April and returning Mon 2<sup>nd</sup> May at 12h00 (long weekend Workers day 1<sup>st</sup> May).

The Zambezi Trader is currently the largest ship on Zimbabwe Waters. She has carried up to 170 people on a day cruise and has a cabin capacity of 52 people. The cabins range from 16 x Twin cabins, 2 x 4 sleeper bunk cabins, 4 x Double suites, 1 x King suite and 1 x Honeymoon suite. All cabins, dining room, conference and games rooms are air conditioned.

Money raised by this raffle will go to elderly welfare. The draw date will be 30<sup>th</sup> March 2011  
Raffle Tickets are available at the CFU Offices. See Shayne to buy yours and stand the chance of winning what should be a memorable trip for yourselves, family and friends.

The below items are now available through the Radzim Agri-Power, CFU scheme. Please get hold of me at CFU [rtaylor@cfuzim.org](mailto: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

<b>Item</b>	<b>Price US\$</b>	<b>Months</b>
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.

### **NATIONAL ASSOCIATION OF DAIRY FARMERS**

Our first Executive Meeting for 2011 is planned for 22<sup>nd</sup> February. Should you have any queries or concerns, please bring these to the attention of your Regional Chairman so that these issues can be discussed at this meeting. A proposed programme of events, forums and meetings will be discussed at this first Executive Meeting so we urge you to attend your regional meetings to "*stay in the loop*" of what is planned for 2011.

We can now confirm that the Dairy Cost of Production Model has been updated and will be discussed at the next Executive Meeting to review any changes that may be necessary.

Arrangements for getting the Dairy Mail booklets up from South Africa went off the track, but hopefully this will be remedied over the next two weeks.

Dr Rachel Stewart's employment by the NADF terminated on 31<sup>st</sup> December 2010, however, an agreement has been reached between Dr Stewart and the NADF whereby she will hire a vehicle from us and we can still use her services for our Dairy Forums/Workshops etc. She is still available to members in her private capacity.

### **STABEX '95 VACCINE PROGRAMME**

***As this programme is now officially closed, we urge all farmers who applied for and were granted vaccines under the Vaccine Programme to please collect your outstanding Vaccine***

**Draw Down Authorisation Forms from NADF and also your vaccine orders from Fivet, Harare and Front Line Farming, Bulawayo URGENTLY.**

**Both Fivet, Harare and Front Line Farming, Bulawayo desperately need their cooler room space.**

**FURTHER, FOR THOSE FARMERS WHO HAVE APPLIED FOR AND BEEN GRANTED VACCINES, BUT HAVE FAILED TO COLLECT THESE FROM FIVET ANIMAL HEALTH AND FRONTLINE FARMING, WE ARE NO LONGER ABLE TO GUARANTEE YOUR FULL ALLOCATION OF VACCINES WILL BE AVAILABLE, AS VACCINES ARE NOW BEING ISSUED ON A "FIRST COME – FIRST SERVED" BASIS.**

### **LIVESTOCK INFORMATION**

We have in stock and available at our offices at present :

**Animal Foods of Central Africa Technical Handbook @ US\$10,00 each**

**Stock Registers @ US\$5,00 each**

**Daily Milk Records of Individual Cows @ US\$5,00 each**

**Recommended Guide to Good Dairy Farming Practices @ \$2.00 each**

**Dairy Handbooks @ US\$40,00 each**

**Cattle Producers' Association Beef Production Manual @ US\$40,00 each**

**Go Green Mastitis Mint @ US\$10,00 each**

Should you be interested in purchasing any of the above items, please call at Commercial Farmers Union, Agriculture House and see Debbie Mylroie.

### **CATTLE PRODUCERS ASSOCIATION**

GRADE	AVERAGE PER KG/LIVE WEIGHT PRICES			
	HARARE	GWERU	BULAWAYO	PLUMTREE
SUPER		-	2.00	2.26
COMMERCIAL		1.60	1.50	1.53
CHOICE		-	1.75	1.90
ECONOMY		1.32	1.18	1.20
COMMERCIAL ECONOMY		-	1.38	1.35
MANUFACTURING		1.06	0.88	0.80
BULLS		-	1.38	1.37
WEANER HEIFERS		2.21	-	1.63
BULLING HEIFERS		1.77	-	-
LONG WEANER HEIFERS		1.53	-	-
COW & CALF		-	-	-
WEANER STEERS		1.70	-	-
LONG WEANER STEERS		1.88	-	-
FEEDER STEERS		1.76	-	1.62
COMMERCIAL WEANER HEIFERS		-	-	-
BREEDING COWS		-	-	-
BREEDING BULLS		-	-	-
STANDARD MUTTON		-	-	-

### **ARAC Update #4/2011**

EXPLANATORY NOTE: "COMPENSATION INITIATIVE UPDATE".

We have had a large number of responses to last week's update, titled 'Compensation Initiative Update.' I believe some further information will assist as we are aware this may have caused some degree of anxiety or confusion.

Some have asked: "Must I do all the documentation over again?" Others have expressed an interest in participating in the programme. Yet others have enquired: "I am not a SADC applicant; do I have to do this kind of documentation?" or "What is the value of a loss claim document?"

I hope that this letter will clarify the situation for all and put to rest any concern that we are not working closely with the appropriate stakeholders, Valcon in particular.

## BACKGROUND:

At its inception, ARAC was tasked with looking into the long debated issue of CONSEQUENTIAL LOSSES. We have taken this seriously. Fundamental to doing this and the production of valid models is the capture of validated information. Whilst I was away I asked Wynand Hart to send out a report of his work that covers the preparation a full spectrum of models for consequential losses and specific documentation for claimants in the Mike Campbell SADC case.

Last week's letter outlines in detail the standard procedure laid out by Jeremy Gauntlet who is lead counsel in the SADC case. For the vast majority that applied to the Tribunal the relief sought was for protection to continue farming; most have since been forced to discontinue their farming operations and have as a result experienced considerable losses.

Those losses mirror the experiences of most that have gone through the process of eviction from their homes and the destruction of their businesses. ARAC has been able to facilitate the compilation of these Loss Claim Documents on behalf of SADC claimants in on a limited cost recovery basis. The information gained will:

1. Assist us in producing the required models for consequential losses,
2. Ensure regional precedent is established in law as regards the principle of full and fair compensation.

**For those that have given mandates to professional bodies such as Valcon and its participating partners, clearly these bodies have the ability to handle your claim.** The onus is on you to ensure that they have the necessary information to complete that process. Valcon have reassured us that they are able to meet their clients' full requirements in this regard.

For those who would like to participate in the ARAC programme to produce working models on consequential losses, they will be able to do this on the same basis as those who have already participated in the SADC group. You will get a document that is specifically drawn up for you that would be suitable for use in the SADC tribunal/international arena. We will gain useful information to verify the models on consequential losses and considerable valuable information on the relative values of various components in comprehensive claims. This information will be available to all stakeholders and will prove valuable in any negotiated settlement.

It is important to note that Zimbabwean Law seeks to: limit GOZ liability to paying for improvements and to transfer liability for payment for land to Britain. Local law aims to completely avoid the issue of disturbance losses. Thus, domestic law clearly seeks to avoid full and fair compensation as a Government of Zimbabwe responsibility. Clearly if reasonable levels of payment were assured, some may feel satisfied to extinguish their rights to full payment. That must be a matter for personal decision. The structure and content of claims therefore clearly vary with the forum in which they are presented.

Ultimately the choice is yours...however **DON'T DO NOTHING!!! There are still around 3 out of 10 farmers who have not registered with the Valuation consortium...**we trust that they have made suitable professional arrangements elsewhere. If they or you require further assistance or advice we are happy to assist.

We are happy to report that resources have been mobilized to continue this work at both Valcon and ARAC for a further period of six months.

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.org](mailto:dir@cfuzim.org)Disclaimer: 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](mailto: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).