

Child labour and tobacco production in Malawi: Causes, Solutions, Challenges and Opportunities

Paper for the National Conference in Eliminating Child Labour in Agriculture in Malawi

Martha Mwangonde, Legal Counsel, Limbe Leaf Tobacco Company

Table of Contents

1.0 BACKGROUND	3
2.0 INTRODUCTION	4
3.0 CAUSES OF CHILD LABOUR IN MALAWI	5
3.1 POVERTY.....	5
3.2 THE TENANCY SYSTEM.....	6
3.3 CULTURAL AND TRADITIONAL BELIEFS.....	7
3.4 INADEQUATE INFORMATION ON THE EFFECTS OF CHILD LABOUR.....	7
3.5 PRIMARY EDUCATION IS NOT COMPULSORY.....	7
3.6 ACCESSIBILITY OF EDUCATION.....	7
4.0 WEAK LEGISLATION IN OTHER AREAS	8
4.1 WEAK ENFORCEMENT OF CHILD LABOUR LAWS.....	8
4.2 LACK OF INFRASTRUCTURE.....	9
5.0 EFFORTS BY THE TOBACCO INDUSTRY IN THE FIGHT TO ELIMINATE CHILD LABOUR	9
5.1 PROGRAMS FOR THE IMPROVEMENT OF WORKING CONDITIONS OF CONTRACTED TOBACCO FARMERS AIMING AT THEIR POVERTY ALLEVIATION.....	9
5.2 PROGRAMS FOR THE SUPPORT OF THE COMMUNITIES.....	11
5.3 PROGRAMS ADDRESSING SOCIO-CULTURAL ASPECTS.....	12
5.5 PROGRAMS TO IMPROVE THE REGULATORY ENVIRONMENT.....	14
6.0 CHALLENGES	14
7.0 OPPORTUNITIES	15
A) IMPROVE LEGAL FRAMEWORK.....	15
B) IMPROVE COORDINATION OF ACTIVITIES, ALSO TO ADDRESS WEAK INFRASTRUCTURE.....	15
C) IMPROVE CAPACITY BUILDING AND OWNERSHIP IN LOCAL COMMUNITIES.....	15
8.0 CONCLUSIONS	16

1.0 BACKGROUND

Malawi's economy is dependent on agriculture which in total contributes about 38% of the Gross National Product, 10% of which is tobacco.¹ According to the Multiple Cluster Indicator Survey of 2006, there was child labour prevalence of 29–37% amongst the children aged within the ages of 5 and 17 with 53.5% of these being in Agriculture.

The recent ECLT Baseline Study Report (2011) conducted in 3 tobacco growing districts of Malawi² found that tobacco growing was the biggest contributor of child labour with over 55% of all the children in these districts participating in Child Labour.

UNICEF's population statistics (2009–10) reveal that nearly 53% of the Malawi population is below the age of 18 with 13% of that being orphaned children.³ This means that there are very few adults earning incomes and providing for children, leaving a huge number of children to fend for themselves.

Child labour in tobacco farms in Malawi occurs in three forms.

- i) Children are taken away from their families by people who are not relatives and they are forced to work on the farms for their own survival. Usually the children in this situation are taken as property and are exploited.
- ii) Children voluntarily work for tobacco estate owners to support their families with extra income or indeed to simply earn more income, especially in instances where due to loss of one or both parents, children are heading families.
- iii) In a tenancy system situation, due to inadequate labour, the children are obliged to help their parents to meet their obligations on the estate.⁴

¹ Research Paper by the Centre for Tobacco Control Research and Education (CTCRE), 2006

² This survey took place in the districts of Mchinji, Ntchisi and Rumphu

³ UNICEF Country statistics, available at http://www.unicef.org/infobycountry/malawi_statistics.html#60

⁴ In the tenancy system the tenant farmers are allocated a plot by the estate owners and are required to produce a specific yield. The tenants are provided with inputs like fertilizer seeds etc on loan which are deducted from the

2.0 INTRODUCTION

Considering the social and economic impacts that child labour poses to the country and to the tobacco sector as a whole and more importantly to the children in particular, child labour remains an issue of great concern to tobacco companies. As part of their overall approach to the sustainability of tobacco production and as part of their social responsibility programs to support the Government of Malawi's efforts to eliminate child labour, tobacco companies have taken a number of measures by implementing different child labour elimination projects in the main tobacco growing districts, especially in the areas of their contract farming.

Tobacco companies recognize that the issue of child labor has many root causes and realizes that the solution is not simply to remove children from work but to address the underlying causes that allow child labour to exist. These differ depending on the economic, cultural and regulatory conditions of the community and to the geographical location where tobacco is grown.

Tobacco companies' approach in helping to eradicate child labor in Malawi focuses on the implementation of programs and projects that are based on four main pillars:

- **Improvement of working conditions of contracted tobacco farmers aiming at their poverty alleviation:** these initiatives aim to improve income earning potential and long-term livelihoods of the farmers, their families and their communities in order to reduce poverty which is a key underlying cause of child labour. This involves helping farmers to improve agricultural productivity, crop quality and working conditions, by providing extension services
- **Appropriate training and acting as guarantors for loans from banking institutions.** These measures are related to tobacco and agricultural production and also include monitoring of child labour on farms where tobacco companies have contracts.

future profits .In this case children work as part of the tenant family to help fulfill the required quota which cannot be fulfilled without their hand.

- **Support to the communities:** through broader social responsibility programs, in order to support Government's efforts to improve the living conditions of communities where they operate, the tobacco companies have implemented projects to increase and strengthen the education infrastructure, to improve health and sanitation, to support medical facilities and to help broader communities with alternative income generating activities.
- **Socio-cultural aspects:** Working with traditional communities, which have a strong cultural heritage of children working alongside adults, to raise awareness of the detrimental effects of child labor and understand the difference between child work and child labour. This includes helping change damaging cultural habits, increasing acceptance of the schooling system and general civic education.
- **Regulatory environment:** Proactively cooperating with Government and international organizations to help improve legal and regulatory frameworks. Efforts are aimed towards tailored and effective laws, which address child labor issues and help achieve greater transparency in the market structure and supply chains, thereby supporting regulatory enforcement.

This paper will outline the causes of child labour in Malawi and the efforts by tobacco companies towards its elimination. It will further highlight the challenges being faced and it will propose recommendations that can be explored for further improvement to ensure more effective impact.

3.0 CAUSES OF CHILD LABOUR IN MALAWI.

3.1 Poverty

Poverty is the main cause of child labour. Due to economic difficulties parents are forced to send their children to work on farms to increase their income. The Integrated Household Survey of 2004/05 had shown that 52.4% of the population lives below poverty line.⁵ However the National Statistics Office early this year produced different figures showing that as of 2010 only 39% of the population is living below poverty line.⁶ The fact however remains that there is a

⁵ Malawi Second Integrated Household Survey (HIS-2), 2004-2005, http://siteresources.worldbank.org/INTLSMS/Resources/3358986-1181743055198/3877319-1181928149600/IHS2_Basic_Information2.pdf

⁶ Nation Newspaper of 12 January 2012

large proportion of Malawians who are living in dire poverty and having exhausted all other means of survival resort to the use of child labour.

In many cases poverty of tobacco farmers is compounded by the fact that they grow tobacco without receiving any technical assistance to help them produce tobacco of the right quality for the market and in line with optimum yields. The national agriculture sector is weak in terms of providing enough technical expertise and support to farmers. Poverty could be reduced through the introduction of stronger relationships between government, farmers and buyers where a cycle of understanding by the use of technical and financial support driven by a culture of training and education within those relationships will result in a higher level of efficiencies and thus better yields and quality, culminating in improved returns.

3.2 The tenancy system

Under this system a tenant farmer agrees to grow tobacco on the land provided by the estate owner and agrees to sell the tobacco to the estate owner. A tenant farmer receives seeds, tools, and food supplies from a landlord, who deducts the expenses from the sale price of the tobacco.

After the harvest, the estate owner or manager grades the tobacco and determines the value of the crop produced by a tenant, from which the cost of the inputs is deducted. The tenant very often receives a compensation which is far below the price the tobacco he produced is paid to the estate owner at the auction floors, and the tenant has no protection against the agreement the estate owner forces him to accept. In some cases, tenants are unable to cover the debts that they have incurred with the estate owners and are forced to stay on for another season.⁷ Furthermore, although not contractually required, tenants are under severe pressure to produce and children within the household are used to render assistance to help reach the set targets. This is further worsened by the fact that often there are no schools nearby for the children to

⁷ Nsiku. Nelson; Willings, Botha (2007) Tobacco Revenue Management: Malawi case study. The University of Malawi – The Polytechnic. Manitoba: International Institute for Sustainable Development (IISD)

attend and, even if there are, the family is too poor to buy basic school materials like books and pencils for the children. Estates are considered private property and unless the estate owner has created a school at his own expenses, the Government has no power to establish one on estate property. According to the Tobacco Control Commission there are over 10,000 estates in Malawi, which could mean at least 200,000 children involved in child labour without any protection.

3.3 Cultural and traditional beliefs

There is a strong belief that children have to work for them to be properly integrated in their rural society. Accordingly many children of tobacco farmers are actually forced to abandon school and learn tobacco farming in order for them to become farmers as well.

3.4 Inadequate information on the effects of child labour

There is limited knowledge of the effects of child labour and hence the people do not have strong view to enable them defend its prohibition. Furthermore cultural pressures too can undermine perception of the long term value of education for girls. A study by the Malawi Human Rights Commission showed more girl child school dropout than boy child school dropout as parents were seen to prefer sending boys girls to school, as the belief is that boys will assist parents even after marriage, whilst a girl will marry and join her husband's family .⁸

3.5 Primary education is not compulsory

While primary education is free, it is not compulsory in Malawi. Therefore parents or guardians are not even under the obligation to send children to school.

3.6 Accessibility of education

⁸ Malawi Human Rights Report on Cultural Practices and their Impact on the Enjoyment of Human Rights, Particularly the Rights of Women and Children in Malawi

In most areas where child labour in tobacco is rampant children have to travel long distances to get to school, leading to high dropout rates. The schools themselves lack basic physical facilities like classrooms and toilets which end up discouraging children especially girls from going to school. This is all in addition to a lack of learning materials like text books which parents are supposed to provide but due to poverty, they are unable to, resulting in the children dropping out of school. The very limited number of secondary schools is also a disincentive to finish primary education, and as most prospective employers require an MSCE (secondary) leaving school certificate, there is the perception of little hope for a better future.

4.0 Weak legislation in other areas

The enactment of the National Registration Act in November 2009⁹ goes a long way in proving identification of children which on its own has been an obstacle in the fight against child labour.¹⁰ However being a new law it is yet to be seen how it will operate on the ground. The issue of remoteness of tobacco estates from registration points coupled with the requirement of payment of a prescribed fee for late registration of births has the potential of discouraging underprivileged tenants from registering their children.¹¹ In addition to this, the law recognizes marriages of young children aged 15¹², and according to UNICEF, 10% of girls marry even before the age of 15.¹³ Both issues are compounded by the very high number of orphaned children who are often left without proper care, since the national legal system and the weak infrastructure can hardly take care of them.

4.1 Weak enforcement of child labour laws

⁹ It was assented to by the President on 8th January, 2010

¹⁰ Before this law it was very difficult to prove the age of many people including young children thereby making them more vulnerable to child labour.

¹¹ Under section 25 of the Act, any registration of birth after 6 weeks will not be allowed until a prescribed fee is paid.

¹² Section 22(7) of the Malawi Constitution. The Government, in 2009 proposed an amendment to increase the minimum age of marriage to 16 and the amendment was passed in parliament however due to the public uproar that 16 was still a young age the President did not assent to the amendment.

¹³ UNICEF, « Malawi, Monitoring the situation of children and women, 2006 »

There are a number of pieces of legislation which should be able to deal with the issue of child labour in Malawi. However enforcement of these laws is hindered by low levels of resources amongst the law enforcement agencies.¹⁴

4.2 *Lack of infrastructure*

Malawi's limited national grid of water and electricity hardly extends to rural areas, resulting in children being used to collect water and wood from relatively distant, forests, water courses and wells. Wood is also used as a source for building materials. In rural areas, roads are often poor and in the rainy season become impassable, making it very difficult for children to walk long distances to attend school and often they stay home and end up working to help their family.

5.0 EFFORTS BY THE TOBACCO INDUSTRY IN THE FIGHT TO ELIMINATE CHILD LABOUR

The tobacco companies in Malawi have chartered a number of interventions aimed at complementing Government's efforts to curb child labour in Malawi.

5.1 Programs for the improvement of working conditions of contracted tobacco farmers aiming at their poverty alleviation

Tobacco companies provide training on good agricultural practices and new technologies relevant to tobacco growing to their contracted farmers. History has shown that contract tobacco sells at a more consistent higher average price than auction, due to better quality and yield average. This automatically improves household income thereby enabling farmers to employ proper labour rather than using their children.¹⁵

Tobacco companies have taken the issue of tobacco curing very seriously. Previously Virginia tobacco farmers used a variety of curing barns which would require a lot of wood. With the initial introduction of improved furnaces and later Rocket Barns, the amount of wood used is progressively reducing and

¹⁴ National Action Plan (2009-2016) p v

¹⁵ This has been the trend for the past 2 growing seasons.

smaller sticks can be used instead of bigger logs. The introduction of Permanent Live Barns, unlike the traditional barns which have to be constructed annually, maximizes efficiency of tobacco curing through improved air circulation, reduction of construction time and remarkable reduction of use of wood. With these two modern technologies, children in tobacco farms are spending fewer hours collecting wood for fuel. Secondly, there is reduced deforestation that significantly mitigates the major socio-economic and environmental costs of soil erosion, river siltation, increased flooding vulnerability and sinking water tables which aggravate rural household drinking water access.

Reforestation programs aiming to make tobacco farmers totally self-sufficient in their wood needs also ensure that their source of wood is right on the farms rather than forcing family members to walk long distances to collect it.

The provision of technology in the form of drip irrigation kits also allows tobacco farmers to increase their yield and quality of product. A simple mobile 250-litre water tank is linked to a set of pipes to allow drip irrigation allowing watering of the surface of a vegetable patch of 200 square meters each time. During the rainy season water can be harvested from farmer's tin roofs, stored in these tanks and can also be collected directly in the mobile water tank itself. When the supply of rain water is over, the water collected is distributed to the villages with a container. With this new technology farmers are also able to grow high value vegetables during the dry season which not only considerably improves their diet and health but also provides farmers with additional income from the sale of these products.

Another labour saving technology introduced is the Oxenisation programme.¹⁶ This programme consists of providing each farmer with a pair of working oxen, an ox drawn plough and a ridger. This has resulted in reduced use of child labour during the period of land preparation as well as later during the crop cycle, since oxen can also be used to draw carts and transport other heavy loads

¹⁶ This was specifically introduced by LLTC with the support of their buyers in 2010/11 growing season .It started with targeting 20selected farmers identified as model farmers.

normally managed manually. This equipment can also be hired out to other farmers as a source of income. Having reduced the time needed in other operations farmers can concentrate on other income generating activities including food crops production.

Companies also enforce child labour monitoring programmes with their contracted farmers. Their leaf extension officers make unannounced visits to farmers to control the presence of child labour, report any negative finding to the labour authorities and take remedial measures.

Most farmers in Malawi do not benefit from the general social security schemes available in developed countries resulting in hardships to family during illnesses or emergencies such as funerals. In 2010 an insurance package was devised by an insurance broker, specialized in farming issues, to support farmers and offered this to a group of 1000 farmers based on performance. Through this package farmers are no longer forced to sell tobacco to intermediaries, before the auctions, in order to realize quick money to pay for illnesses or funerals. Moreover it enhances farmer's performance as it is provided on a performance basis.

5.2 Programs for the support of the communities

In addition to the above programs which strictly relate to tobacco-growing, tobacco companies have also helped farmers to improve their health by introducing modern, fuel efficient, cleaner and safer cooking stoves to replace the traditional 3-stone open fires normally used in Malawi. This has the advantage of reducing acute respiratory infections in both infants and adults and it also has significant effect on reducing poverty and environmental degradation as it reduces dependency on purchased wood fuel, households save income.

Further to this about 1000 households in the same year were provided with an improved version of mosquito nets which have helped in easing the worry of treating malaria. An indirect benefit on child labour is that since malaria

infections are more frequent during the peak tobacco production period, children are not forced to replace the work of adults who have been infected by malaria.

Accessibility of good and clean drinking water is one of the most pressing issues in tobacco growing areas. Many children are involved in fetching water and often have to travel a long distance carrying the heavy water containers, which on its own is child labour. In view of this the tobacco companies have seriously undertaken the provision of boreholes and shallow wells. They have also taught the farmers how to maintain and repair them to ensure their sustainability. In 2011 a total of 40 boreholes were provided by Alliance One (AOI) alone. On the other hand in 2010 Limbe Leaf Tobacco Company (LLTC) provided 120 boreholes which were drilled in 40 villages where clubs attain or exceed production targets and repaid loans in time. Access to safe drinking water also reduces the spread of gastro-intestinal diseases. Children not having to spend long periods of time fetching water are in a better position to attend school and do their homework. Women can also spend their time in more productive activities, such as working in vegetable gardens.

5.3 Programs addressing socio-cultural aspects

The tobacco companies are strongly committed to support Government in improving access to education. In almost all their areas of operation there has been construction of new school blocks or refurbishment of the existing ones. Between April 2011 and November 2011 Alliance One has refurbished a total of 8 schools.¹⁷ In their 2009 –2010 farmer package, Limbe Leaf Tobacco Company constructed two blocks of classrooms in Mzimba District and rehabilitated an entire school in Lilongwe. Considering that the provision of school rooms alone is not enough, Limbe Leaf provides school kits comprising of a bag, pencils, erasers and books whilst Premium Tama will this year distribute ‘Premium Tama’ patented exercise books in almost 15 schools in tobacco growing districts. In addition to this, JTI’s Company Sustainability Programme which

¹⁷ These are Chiwanga in Chitipa, Ntchuka in Rumphi, Kaulankhunthu in Mzimba, Lisandwa in Kasungu, Kalonga in Lilongwe, Mitowe in Ntcheu and Mgodu in Machinga.

among other programmes comprises of ARISE (Achieving Reduction of Child Labour In Support of Education), offers mentoring and access to technical and vocational training to older children via Model Farm Schools and professional skills courses. With this kind of training children gain the knowledge and skills to achieve food security and a decent livelihood within agriculture and the rural community. Family Support Scholarships provide not only educational materials for targeted children, but also entrepreneurship training and conditional capital investments for their mothers or guardians to help them remove their children from child labor and keep them in school.

In these areas of intervention, there has been clear improvement in enrollment and attendance of schools. For instance in one refurbished school in Mponela there was a recorded increase in enrollment from 530 to 1500 pupils within a 2-month period. This can be attributed to the now improved learning conditions. Moreover, in these schools, there are child labour committees who follow up on the attendance of pupils who are considered as vulnerable or have been involved in child labour activities. They establish reasons for absence and make necessary interventions where necessary.

Despite the fact that there has been a lot of sensitization about child labour over the years, there is still weak knowledge and appreciation of the negative consequences of child labour and ignorance of the difference between child labour and child work due to high illiteracy levels.¹⁸ Whilst child work is allowed as it contributes to children development and ensures that family culture is not lost; child labour poses serious health threats to children as children find themselves in direct contact of harmful chemicals which are used in tobacco production. Moreover child labour results in high rates of school drop outs and or absenteeism resulting in an uneducated population. Without education and training, children cannot gain the skills necessary for them to engage and succeed in better work and as such there is no break to the poverty cycle.

¹⁸Usually in child work, children work alongside their family on the family small hold normally under their parents' supervision and after school hours. This ensures acquisition of skills and experience that would help them to become productive members of the society during their adult life.

As a way of addressing this problem, tobacco companies have extensively invested in sensitizing the farmers, mainly those on contracts, on the evils of child labour and how it differs from child work. Specialized non-governmental organizations which have the technical know-how to communicate in a culturally appropriate way are involved.¹⁹ Further to this Limbe Leaf engages with the Ministry of Labour through the District Labour Offices to conduct Child Labour meetings with their contracted growers in all the areas of operation.

The involvement of officials from Ministry of Labour further legitimizes the process but also helps farmers to gain a deeper understanding of the issues. Moreover through its Good Agricultural Practices (GAP) monthly meetings and trainings coordinated by GAP Managers, LLTC and AOI field officers hold farmer meetings and field demonstrations complementing government's efforts in sensitizing farmers on the negative effects of child labour, whilst Premium Tama makes financial contributions to MCTU to carry out field days on child labor. JTI trains its entire front line staff in order to report incidences of child labour and report any incidents of child labour where appropriate

5.5 Programs to improve the regulatory environment

Almost all the tobacco companies in Malawi form part of the Child Labour Network which comprises of a number of stakeholders involved in the fight against child labour and regularly meet to discuss progress being made at various levels towards the elimination of child labour. The tobacco industry has been in the forefront in urging government to conclude the process of drawing list of hazardous work and also the passing of the Tenancy Bill both of which have a direct impact on reducing Child labour in Malawi.

6.0 CHALLENGES

According to the current market organizations in Malawi, tobacco companies can have direct contracts with a limited number of farmers. All other farmers

¹⁹ In 2010 LLTC contracted Livingstonia Synod Church and Society in the North, Kabwafu FCV and Mzuzu DFC farmers whilst CRECOM was contracted in the Central districts of Dowa, Ntchisi (DFC Farmers) and Kasungu (FCV Farmers)

have to sell their tobacco directly through the auctions floors. This prevents tobacco companies to extend support to improve quality of tobacco to match real market needs and yields of farmers, and to monitor labour practices in the largest amount of farms.

The general legal infrastructure creates several loopholes and makes it difficult to enforce a proper respect of the labour laws.

7.0 OPPORTUNITIES

a) Improve legal framework

A window of opportunity is offered by this National Multi-Stakeholder Conference on Child Labour in Agriculture to allow Government identify the legal weaknesses which need to be addressed to improve the child labour situation and fight it effectively.

b) Improve coordination of activities, also to address weak infrastructure

A window of opportunity is offered by this National Multi-Stakeholder Conference on Child Labour in Agriculture to allow Government devote more efforts in coordinating activities in rural communities, also to address weak infrastructure. Moreover all the tobacco companies work individually in their areas of operation. If they could coordinate and put all their resources together and implement sustainability and Social Responsibility Programs at a much bigger scale these efforts would have a much bigger impact and could be showcased at a much bigger platform. Until that happens notwithstanding any amount of money being spent on them, these programs will always be showcased on a small scale.

c) Improve capacity building and ownership in local communities

All programs described above are implemented to ensure a higher standard of living for their beneficiaries. There is a sense of ownership of the programs by the beneficiary communities brought about by capacity building and community

empowerment at grassroots level. This can spark further development in communities.

8.0 CONCLUSIONS

This National Multi-Stakeholder Conference is a good step forward to ensure that the several gaps clearly identified in systems and infrastructure are addressed in order to achieve effective progressive elimination of child labour in Malawi. There is a lot that needs to be done but this paper has shown that if the number of interventions that have been introduced by the tobacco companies can be replicated at a larger scale with better coordination with Government and other stake holders they could have a much greater impact in eliminating Child labour in Malawi.