

TOBACCO TENANTS AND ALLIED WORKERS UNION OF MALAWI (TOAWUM)



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PRESIDENT : LYPTON KAPONGOLA
GENERAL SECRETARY: RAPHAEL B. SANDRAMU

10 October 2014

Dear His Excellency Professor A. P. Mutharika, President of the Republic of Malawi,

On behalf of a broad coalition of civil society organizations and trade unions, the TOBACCO AND ALLIED WORKERS UNION OF MALAWI (TOAWUM) offers our congratulations to you on election to the post of Presidency in Malawi. TOAWUM represents 28,400 registered members in Malawi and represents the interests of Malawi's 3.7 million workers in the agriculture sector, including smallholder and tenant farmers and workers in the tobacco, cotton, paprika, cereals, horticultural and vegetable industries. As a union of farmers, we are proudly affiliated with the Malawi Congress of Trade Unions (MCTU) and the International Union of Food, Agricultural Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF), which is based in Geneva, Switzerland.

We have come together with our allies from the faith and labor communities to request an end to the exploitation of our farmers in the tobacco sector as a top priority of your Administration. As a first step, we would like to urge the Government of Malawi to take immediate action, including meaningful land reform and ratification of the Framework Convention on Tobacco Control (FCTC) to protect Malawian farmers from further victimization by global cigarette manufacturers and tobacco leaf buying companies.

Tobacco companies exploit through contract arrangement and leaf buying practices the smallholder and tenant farmers that TOAWUM represents. Living and working conditions are poor, perpetuating extreme forms of child labor and a growing problem of human trafficking. Conditions of work include low wages and salaries, low tobacco prices, the lack of written contracts, lack of collective bargaining agreements, lack of freedom of association, poor housing, poor drinking water, polluted soils, reduced protections of occupational health and safety, and lack of capital. As for smallholder farmers, they lack arable land for farming, and experience shortages of capital, high input rates, and high loan interest rates for inputs and they lack access to markets for their products.

TOAWUM has been faced with numerous challenges. The Union has been denied our full rights to freedom of association, in particular the right to organise and collective bargaining even though Malawi is a signatory to eight fundamental conventions of the International Labor Organization (ILO), including the Worst Forms of Child Labour Convention 182, the Freedom of Association and the Protection of the Right to Organise Convention 87. Wanting to address these challenges, and the difficulties faced by farmers, TOAWUM and churches in Malawi led the development of the Tenancy Labour Bill in 1995 with the support from the Ministry of Labour. Unfortunately, just as the draft Tenancy Labour Bill was to be introduced in Parliament in 2011, the Cabinet tabled the bill and Parliament never was allowed to vote. We had hope that the Bill would see its way to Parliament through the support of the Task

Force of stakeholders to the passing of the Tenancy Labour Bill in Malawi. Task Force members include TOAWUM, the Centre for Social Concern and other community and faith based organizations.

We were saddened as a Union and Task Force when we heard that the Government during Joyce Banda's regime was no longer interested in the Bill, though those people producing the “green gold” in Malawi are still being exploited and victimised by the tobacco industry. We are aware that tobacco is the main product for the Malawi’s economy, as it is the main foreign exchange earner in the country.

It is time that Malawi identifies and pursues alternative crops to tobacco. Currently, your administration is supporting reforms and we believe that the tobacco growing sector requires attention. We want a future in which tobacco farmers can grow fewer and fewer tobacco plants each year, ultimately reducing the tobacco produced in the country and increasing alternative livelihoods in food crops or less toxic crops. Malawi is ill prepared to take on this task alone. Most farmers in Malawi are smallholder and tenant farmers in virtually all of the country’s districts. Though we are hard working families, we lack basic legal protection of our rights and the land we cultivate to ensure that the fruits of our labour are plentiful and contribute to building strong, resilient communities.

We must not remain dependent on tobacco production or else we are risking our future, and our children’s future. Our voices are being drowned out by false promises of economic prosperity from cigarette makers and leaf buying companies. Smallholder and tenant farmers in Malawi do not share the same views as the tobacco industry when it comes to our future. In the short term, tobacco companies are interested in profit and the addiction to smoking by our people is in direct opposition to the long-term goal of ensuring safe, resilient livelihoods for smallholder and tenant farmers, as well as the vast majority of the people of Malawi.

The Government of Malawi must demonstrate courage and commitment to breaking our addiction to tobacco. A first step is accede to the World Health Organization Framework Convention on Tobacco Control (FCTC). At its core, FCTC is designed to protect public health by reducing consumption of tobacco products and creating a platform for farmers to choose to grow non-tobacco crops. In October 2014, countries will try to finalize protocols for the FCTC at the Conference of the Parties 6 in Moscow, Russia. By becoming a party to the treaty, the Government would potentially be able to be a leader implementing Articles 17 and 18 to address the social and environmental costs of tobacco. This will have a profound impact on tenant and smallholder farmers in Malawi, who are affected by the prices of tobacco. Key for the successful implementation of the FCTC, however, is effective implementation of Article 17 and 18 through which all countries have committed to helping farmers currently dependent on tobacco farming, including members of TOAWUM and other tenant and small holder farmers. These groups support a reduction of their dependence on tobacco farming and the creation of markets for alternative food and cash crops.

Malawi has been attending the meetings in which FCTC has been discussed since 1972 and has been tasked to find alternatives to tobacco. In 2014, no viable alternatives to tobacco have been developed and more resources are needed to support the search for a mix of non-tobacco crops. As a Union, we are pleased with the Kenya-based Green Belt Initiative and the promotion of other crops and markets for these crops. Malawi does not need to be poor. We have a variety of crops that would benefit tobacco tenants and smallholder farmers.

DEMANDS:

- 1) Commit to land reform program that will effectively address the problem of estates remaining idle and beyond the reach of tenants and smallholder farmers.
- 2) Pass the Tenancy Labour Bill, building on the momentum with the Bill created by late Professor Bingu Wa Mutharika and his cabinet members.
- 3) Work with TOAWUM and our members to end human trafficking and other serious legal abuses that persist in the country's tobacco growing sector.
- 4) Accede the World Health Organisation Framework Convention on Tobacco Control, thereby demonstrating our nation's commitment to supporting alternative food and cash crops and begin down the long, difficult road to ending Malawi's economic reliance on tobacco.
- 5) Ratify International Labor Rights Convention 184 on Occupational Health Safety and Environment in Agriculture.

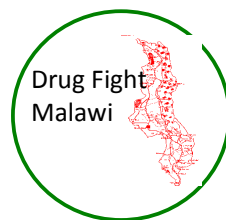
His Excellency, we are optimistic that your Government will deliver, but that can only happen if the vulnerable members of society are taken care of as you are making REFORMS in the country.

We thank very much for considering the contents of this letter

SIGNED:



Tobacco Tenants and Allied Workers Union of Malawi





AFRICAN TOBACCO CONTROL ALLIANCE
(ATCA)



Consumer Information Network, Kenya



Germany

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United States



hrtcn The Human Rights and Tobacco Control Network

United States



United States