



*Centre for Agricultural
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HUMAN RIGHTS LAWSUIT: HOW DO TOBACCO FARMERS RESIST EXPLOITATION?

THE CASE OF MALAWIAN FARMERS

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Malawi has been exporting tobacco since 1893, and is the world's most tobacco-dependent economy.

The economy of Malawi heavily relies on tobacco, more than on other products, as tobacco contributed approx. 47% to the country's total export value in 2023.

Tobacco is predominantly produced by smallholder farmers in the central and northern regions and is largely cultivated under the tenancy system



The tenancy system is an arrangement in which tenants, along with their families, including children, are allocated a portion of land to use temporarily while working on estates or farms

Under this system, the estate owner, after granting the tenant access to the land, is also responsible for providing materials and agricultural inputs. In return, the tenant produces tobacco and sells exclusively to the estate owner

The cost of the maize, along with materials and agricultural inputs, is deducted from the tenant's annual pay. In many cases, the accumulated costs are higher than the tenants' earnings, trapping them in a cycle of debt and poverty



A tobacco tenant's house, Mzimba, MALAWI

The tobacco trade in Malawi is conducted at auction floors, which are primarily dominated by Alliance One International and Universal Corporation (Limbe Leaf Malawi)

These leaf merchants sell the tobacco to cigarette companies, also to British American Tobacco (BAT) and Imperial Brands.

Malawian tobacco farmers earn an average profit of just **\$79 per acre per annum**, significantly lower than the agricultural sector's average profit of **\$351 per acre** in Malawi, with some Malawian tobacco being purchased at some of the world's lowest prices of **< \$2 per kilogram**





In June 2018, Sarah Boseley, a health journalist at *The Guardian*, wrote an article exposing child labour, exploitation, and the shattered dreams of young children working in the tobacco fields of Malawi

-63% of children from tobacco-growing families in Malawi were involved in child labour.

-Huge economic disparity between farmers and CEOs, showing that the interviewed tenant farmers earn an average of just \$224 per year, while contract farmers make \$309.

-A CEO can earn as much as \$11 million, annually.

Leigh Day, a leading law firm based in London (UK), investigated these issues in Malawi and, in 2020, filed a lawsuit against BAT and Imperial Brands at the High Court in London.

The firm, known for addressing various injustices in areas such as human rights and environmental protection, took legal action over allegations that these companies had been negligent and had unjustly enriched themselves

Leigh Day partners, Martyn Day and Oliver Holland, are representing the **plaintiffs**

– a group of over **7,000 farmers**, including their wives and **3,000 children**, who claim to have been impoverished and trapped in a cycle of poverty due to the companies' actions to maximize profits

In 2019 alone, BAT made pre-tax profits exceeding £8.3 billion, and Imperial Brands had pre-tax earnings of £1.6 billion.

In contrast, the tenant farmers in Malawi earned roughly around \$100-200 annually, showing that tobacco farmers are being exploited

The claim alleges that the companies profited from **child labour**, **exploitation**, and **hazardous working conditions** on Malawian tobacco farms

The farmers earned incomes so low that they could not repay fertilizer loans and other inputs required, leaving them trapped in **debt**.

The details of this case point to serious violations of international human rights and ILO core labour standards in Malawi tobacco production, including Article 32 of 1989 UN Convention on the Rights of the Child; the 1999 ILO Worst Forms of Child Labour Convention; and the ILO Occupational Safety and Health Convention of 1981, among others



In March 2021, the defendants filed an application asking the High Court in London to strike out the case and argued that, among other things, incidences of child labour in the tobacco farms could not be directly linked to the defendants.

In June 2021, the High Court **dismissed the application allowing the case to proceed for trial** where the claimants will bring forth evidence to support their claims and the defendants will provide evidence in their defence against the claims.

The case is yet to be concluded, with discovery proceedings still ongoing, and a procedural hearing is scheduled for late 2024 to prepare timelines for trial in 2025.



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In 2023, interviews were conducted with Malawian tobacco farmer groups in Mzimba District, who are among those being represented by Leigh Day

They are hopeful that justice will prevail in this case and they will be compensated for years of hazardous work and exploitation.

Despite their hope, the farmers also fear an unfavourable judgement, which could create tension on the work premises



“We are eagerly awaiting the verdict on the case in London. If we are successful, the rights of women farmers like us and our children will no longer be violated. We have suffered for too long as tobacco farmers”

Thank You