
AFRICA REGIONAL CONFERENCE ON PUBLIC PRIVATE PARTNERSHIPS AND CHILD LABOUR ELIMINATION REPORT

16TH 18TH OCTOBER 2017, LIVINGSTONE, ZAMBIA.



CONFERENCE HOST:



Ministry of Labour &
Social Security

CONFERENCE CONVENERS:



Centre for Environment Justice
Lusaka -Zambia

FOREWORD



The Ministry of Labour and Social Security hosted the African Regional Conference on Public Private Partnerships (PPPs) and Child Labour in collaboration with the conveners Centre for Environment Justice (CEJ). With this conference the Ministry hoped to contribute to the discourse in coming up with a clear position paper of on the Public Private Partnerships (PPPs) and the International Labour Organisation's (ILO) Child Labour Elimination programs.

Theme "A Common Agenda towards Elimination of Child Labour through Consolidated and Structured Public Private Partnership enhanced the discussions and gave direction towards a united voice on the subject.

The conference attracted five regional African countries namely, Malawi, Mozambique, Tanzania, Zambia and Zimbabwe. The eighty (80) participants comprised the Permanent Secretaries, Directors in Government ministries, heads of Trade Unions and Employer Federations and observers from the Civil Society Organisations.

Child labour robs children of their health, their education and even their lives. It is indeed a problem with many faces and requires a diverse approach in combating the scourge. Child labour is thus a big challenge that requires concerted efforts to address it. On the other hand Public Private Partnership is very important in the development process especially the developing countries and community. Therefore, the use of PPPs to eliminate child labour is a strong and practicable solution which needs total support of all parties in the development process of African countries.

For example, the ARISE project and perhaps one of the success stories in the fight against child labour has been the collaboration between the government and the Japan Tobacco International (JTI). This is a demonstration on how PPPs can eliminate child labour. They are 7,000 small scale farmers in Chipata, Kaoma and Lusaka who are currently being supported by the ARISE project with an investment into the economy of over us\$10 million United State Dollars through JTI effort. There has been significantly reduction in child labour in these areas. It is against this background that Zambia is in support of preservation of PPPs in the ILO's Child Elimination.

The conference developed recommendations and ultimately came up with a common position paper on the ILO cooperation with the Tobacco Industry at the 331st Session of the Governing Body of the ILO in October/November 2017.

The Ministry was pleased to host this conference and wish to thank the delegates for their hard work, commitment and true spirit of cooperation. They made it a success and the outcomes are a demonstration for common development agenda of these regional countries.

Barnaby Mulenga

Permanent Secretary

Ministry of Labour and Social Security

ACKNOWLEDGEMENT

We would like to thank the staff at Centre for Environment Justice and the Ministry of Labour and Social Security for their extraordinary input and hard work in ensuring that the conference was a success.

To Hon. Joyce Nonde Simukoko-Minister, Mr. Barnaby Mulenga-Permanent Secretary and Mr. Chanda Kaziya- Labour Commissioners at the Ministry of Labour and Social Security thank you for the support rendered before and during the conference. You truly showed commitment to the process and conference even in the most difficult times.

To Mr. Boniface Mumba- Executive Director, thank you for the hard work in organising the conference even under extreme pressure - given the time in which the conference had to be done.

Special thanks to the presenters, moderator and rapportuers their work during the conference.

Finally, thank you to the delegation leaders and participants for the dedication to the process and the resolve for a common position in meeting the objectives of the conference.

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ACRONYMS AND ABBREVIATIONS

| | | |
|------|---|---|
| CEJ | – | Centre for Environment Justice |
| ILO | - | International Labour Organisations |
| PPPs | - | Public Private Partnerships |
| MLSS | - | Ministry of Labour Social Securiy |
| WHO | - | World Health Organisation |
| FCTC | - | Framework Convention on Tobacco Control |
| ZCTU | - | Zambia Congress of Trade Union |
| ZDA | - | Zambia Development Agency |
| ZFE | - | Zambia Federation of Employers |

EXECUTIVE SUMMARY

The ILO concluded 93 new public and private partnerships (PPPs) in 2012-2013, compared to 28 in 2010-2011. This significant increase means that the scope and range of areas covered by the PPPs has widened and covers all four strategic objectives and 14 outcomes (compared to only six in 2008). The ILO works with companies, foundations and other private entities and with employers, workers and their organizations to tackle important global labour market issues, enhance supply chains and resolve specific world of work challenges.

Eliminating Child Labour: A Public-Private Partnership (PPP)

The partnership in African Countries between the ILO and major multinational enterprises such as Tobacco, Coffee, Chocolate and Confectionery industry seeks to eliminate child labour, improve working conditions, ensure workforce continuity in farms by younger generations, and guarantee supply.

Against this background the Centre of Environment Justice (CEJ) convened an Africa Regional Conference on Child Labour Elimination and Public Private Partnerships (PPPs) hosted by the Zambian Ministry of Labour and Social Security. The tripartite (Government, Employers and Unions) delegates of the conference were invited from Seven (7) African Countries namely Ethiopia, Malawi, Mozambique, Tanzania, Uganda, Zambia and Zimbabwe.

Objectives of the Conference

The conference theme was **“A Common Agenda towards Elimination of Child Labour through Consolidated and Structured Public Private Partnership.”**

The main objectives of the conference were:

- i. To broaden understanding of the importance of Public Private Partnerships (PPPs) in attaining Child Labour Elimination including its worst forms.
- ii. To align the countries in order to have a common position at the forthcoming Governing Body meeting of the ILO in October/November 2017 in particular on the agenda item regarding the ILO Cooperation with the tobacco industry in the pursuit of the Organization's social mandate.

Purpose of Conference Report

This report gives an account of the conference held in Livingstone, Zambia on 16th to 18th October 2017. Therefore, the report will inform the CEJ's stakeholders and partners the outcomes of the conference.

Conference recommendations

The tripartite delegates at the conference finally unanimously resolved to a common position; to preserve the PPPs with the tobacco industry now and beyond the current project's life span to foster dialogue and social justice including in tobacco industry at all levels of the supply chain.

Boniface Mumba

Executive Director
Centre for Environment Justice

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1.0. INTRODUCTION

1.1. Conference Background

The ILO concluded 93 new public and private partnerships (PPPs) in 2012-2013, compared to 28 in 2010-2011. This significant increase means that the scope and range of areas covered by the PPPs has widened and covers all four strategic objectives and 14 outcomes (compared to only six in 2008). The ILO works with companies, foundations and other private entities and with employers, workers and their organizations to tackle important global labour market issues, enhance supply chains and resolve specific world of work challenges.

The main results of the foresaid include;

- **International labour standards and the prevention and elimination of child labour:** The ILO has supported enterprises and major buyers in supply chains to improve their performance, make them more sustainable, and align their practices with codes of conduct related to the elimination of child labour. PPPs have also allowed for an increased understanding of the situation on the ground in key sectors such as cocoa and tobacco, leading to the enhancement of child labour monitoring systems.
- **Employment:** PPPs have significantly contributed to youth employment, improved policy frameworks and institutional capacities, enabling business environments for sustainable small and medium-sized enterprises, and fostering of entrepreneurship.
- **Social dialogue and better industrial relations:** Training, tools and enhanced management and workers' cooperation, particularly in factories and supply chains, improving working conditions, productivity, and compliance with international labour standards.
- **Social protection:** mitigating the impact of HIV and AIDS in the workplace, preventing new infections, improving national policies, and extending innovative micro-insurance solutions to previously excluded people, improving workplace nutrition, protecting migrant workers, and training experts in the design and implementation of social security systems.

Eliminating Child Labour: A Public-Private Partnership (PPP)

This partnership in African Countries between the ILO and major multinational enterprises such as Tobacco, Coffee, Chocolate and Confectionery industry seeks to eliminate child labour, improve working conditions, ensure workforce continuity in farms by younger generations, and guarantee supply. **For Example, the Japan Tobacco International (JTI) has investment US\$10,114,200 under the ARISE Program** to eliminate child labour.

Unacceptable labour practices mean that large numbers of children are performing hazardous farming tasks or work, often at the expense of attending school. This is a grave violation of children's rights, which requires action throughout the supply chain.

Through this PPP company representatives are involved in strategic planning with ILO constituents and key stakeholders on the elimination of child labour in the above mentioned industries, and contribute to the implementation of National Action Plans against child labour and national Child Labour Monitoring System (CLMS) strategies. By contributing to the creation of community-based CLMS, linked with government services and enforcement mechanisms, the project serves as a sustainable model for industry that can be scaled up to make a significant contribution to the achievement of the industry's goal of a 70 per cent reduction in child labour in communities by 2020.

Conveners and Hosts

Against this background the Centre of Environment Justice (CEJ) convened an Africa Regional Conference on Child Labour Elimination and Public Private Partnerships (PPPs) hosted by the Zambian Ministry of Labour and Social Security. The tripartite (Government, Employers and Unions) delegates of the conference were invited from Seven (7) African Countries namely Ethiopia, Malawi, Mozambique, Tanzania, Uganda, Zambia and Zimbabwe.

The conference theme was **“A Common Agenda towards Elimination of Child Labour through Consolidated and Structured Public Private Partnership.”**

The main objectives of the conference were:

- iii. To broaden understanding of the importance of Public Private Partnerships (PPPs) in attaining Child Labour Elimination including its worst forms.
- iv. To align the countries in order to have a common position at the forthcoming Governing Body meeting of the ILO in October/November 2017 in particular on the agenda item regarding the ILO Cooperation with the tobacco industry in the pursuit of the Organization's social mandate.

1.2. Purpose of Conference Report

This report gives an account of the conference held in Livingstone, Zambia on 16th to 18th October 2017. Therefore, the report will inform the CEJ's stakeholders and partners the outcomes of the conference.

1.3. Conference Records

1.3.1. Delegates

The conference attracted eighty (80) participants from the tripartite delegates of five (5) countries namely Malawi, Mozambique, Tanzania, Zambia and Zimbabwe. The delegates comprised the government, trade unions and employer federations. In addition to the participants were the observers from the Civil Society Organisations. The governments were represented by the Permanent Secretaries, Labour Commissioners and Directors. The Trade Unions and Employers Federations were represented by senior most or head of the institutions.

(A detailed list of delegates is attached)

1.3.2. Venue

The venue for the conference was David Livingstone Hotels and was held on 16th to 18th October 2017.

1.3.3. Conference Guest of Honour

The Guest of Honour invited was Minister of Labour and Social Security Honourable Joyce Nonde Simukoko. She delegated this responsibility to the Permanent Secretary, Mr. Barnaby Mulenga who read the speech and officially opened the conference on her behalf.

1.3.4. Conference Chairperson

The Chairperson of the conference was Mr. Barnaby Mulenga, Permanent Secretary, Ministry of Labour and Social Security-Zambia

1.3.5. Moderator

The Moderator was Mr. Micheal Mulwanda, Ministry of Labour and Social Security

1.3.6. Facilitators/Presenters

Kakoma. M. Chivunda, Ministry of Labour and Social Security:- He is an experienced negotiator on Labour matter at country and international levels. He gave insight on the Conference of Parties (COP) negotiation processes. He focused on the tobacco global discussion & the negotiation process at different levels.

Edmond Kangamungazi:- An accomplished economist working for Caritas Zambia, an evidenced based advocacy organisation with a mandate of fostering and upholding human dignity through promotion of integral human development through research, advocacy, and monitoring and participation in the formulation of economic and social policies. He gave a presentation on Economic perspective of Public Private Partnership and Corporate Social Responsibility.

Mr. Gilbert Mwanza:- A lawyer working for Zambia Law Development Commission a institution mandated to is to undertake law reform and

revision. He gave a presentation on Legal Perspective on PPPs and Child Labour.

Mwiba Mwenda:- A lawyer and human rights defender working as Legal Counsel at the Zambian Human Rights Commission. The Zambian Human Rights Commission mandate is to inter alia investigate and remedy human rights violations, conduct human rights education, monitor the conditions and to monitor Government's fulfilment of international and regional human rights treaties and human rights obligations under national law. He gave a presentation on Human Rights perspective on Public Private Partnership

JOEL. L. MULEMWA:- A lawyer and investigations officer at the Zambian Human Rights Commission. He gave a presentation on the human rights perspective on Child Labour.

Dr. Beyani T. Munthali: - The Executive Director of ECAM gave a presentation on ARISE Program: Case study report and Documentary

1.3.7. Conference Programme

| Day 1: 15 October, 2017 | | Responsible |
|--|---|--|
| Arrival of Delegates in Livingstone | <ul style="list-style-type: none"> - Zambia - Zimbabwe - Malawi - Ethiopia - Mozambique - Tanzania - Uganda <p>End of Day 1</p> | CEJ Team |
| Day 2: 16 October, 2017 Regional Conference Official Opening | | Responsible |
| 08:00 – 09:00Hrs | Registration | CEJ Team |
| 09:00 – 9:30Hrs | Arrival of the Guest of Honour: Mrs. Joyce Nkonde Simkoko, Minister Of Labour and Social Security | Protocol (Government) & CEJ |
| 09:30 – 09:40 | Introductions, Conference Objectives and Expected Results – Conference Convenors | CEJ & Moderator |
| 09:40 – 10:00 | <p>Opening Remarks</p> <ul style="list-style-type: none"> • President Zambia Congress Of Trade Unions • Executive Director – Zambia Federation Of Employers • Ministry of Labour and Social Security • | Moderator |
| 10:00 - 10:15 | <p>Key Note Speech</p> <ul style="list-style-type: none"> • Guest of Honour: Mrs. Joyce Nkonde Simkoko, Minister Of Labour and Social Security | Government and CEJ |
| 10:15 - 10:40 | <p>Session 1: COP negotiation process – Lead negotiator</p> <ul style="list-style-type: none"> • Governments Zambia and Zimbabwe | <p>Moderator and CEJ Team,</p> <p>Mr. Kakoma</p> |

| | | |
|---------------|--|---|
| | | Chivunda |
| 10:40 - 11:00 | Coffee Break | Moderator and CEJ Team |
| 11:00 - 12:30 | Session 2: Economic and Legal Perspective of Public Private Partnership <u>Two Presentations</u> Economist: Economic perspective of Public Private Partnership and Corporate Social Responsibility <ul style="list-style-type: none"> • The importance of PPP in development work • Policy gaps and threats to PPP • Negative impacts to development in the absence of Public Private Partner (PPP) | Moderators and CEJ Team Edmond Kangamungazi |
| 12:00 – 12:30 | Lawyer: Legal perspective of Public Private Partnership <ul style="list-style-type: none"> - International Treaties and conventions <ul style="list-style-type: none"> • Ratification and domestication of international treaty and convention • Implications of Ratification - General Implications of Public Private Partnership (PPP) - Specific implication of withdrawing PPP in ILO work towards elimination of child labour - Legal options to pass a vote of no confidence in an attempt by WHO to push ILO withdrawing PPP <p>Questions and answers</p> | Moderator and CEJ Team Gilbert Mwanza |
| 12:30 - 14:00 | Lunch Break | Moderator /CEJ Team |
| 14:00 - 14:45 | Session 3: ARISE Program: Case study report and Documentary <u>Three presentations</u> <ul style="list-style-type: none"> • Winrock • Two of the Countries Implementing (Zambia and Malawi) beneficiaries <p>Three presentations, questions and answers:</p> | Moderator and Dr. Beyani T. Munthali |
| 14:45 - 15:20 | Session 4: Human Rights Perspective <u>Two presentations</u> Human Rights Commission: Human Rights <ul style="list-style-type: none"> - Child Labour perspective - PPP contributions towards Child Labour Elimination <p>Questions and Answers</p> | Moderator and CEJ Team Human Rights Commission |
| 15:20 - 15:45 | Coffee Break | CEJ Team |
| 15:45 - | Session 5: Sector perspectives on PPP and Child | Moderator and CEJ |

| | | |
|---|---|-------------------------|
| 17:00 | Labour, and recommendations (Group Discussions). <ul style="list-style-type: none"> - Governments - CSO – Malawi - CBOs- Zambia - Trade Unions and Federations - Employers' Associations - Human rights End of Day 2 | Team |
| Day 3: 17 October, 2017 | | Responsible |
| 08:00 - 08:30 | Registration | CEJ Team |
| 08:30 - 09:00 | Session 1: Recap of Day 1 | Rapporteur and CEJ Team |
| 09:00 - 10:50 | Session 2: Group Presentation and Reports; Sector perspectives on PPP and Child Labour, and recommendation (Group Discussions) <ul style="list-style-type: none"> • Governments • CSOs • CBOs • Trade Unions and Federations • Employers • Human rights Questions and Answers | Moderators and CEJ Team |
| 10:50 - 11:15 | Coffee break | Moderator and CEJ Team |
| 11:15 - 13:00 | Session 3: COP Negotiations Common Position (Country Group Discussions, Recommendation and Presentations) 7 <u>Country Inputs</u> <ul style="list-style-type: none"> • PPP exclusion proposal • Preservation of the PPP in ILO's Child Labour Elimination • Key messages and Recommendations | Moderator and CEJ Team |
| 13:00 - 14:00 | Lunch Break | CEJ Team |
| 15:30 - 17:00 | Session 4: Country Common Position Paper <ul style="list-style-type: none"> • Development and Presentation of Draft • Setting up a regional working group End of Day 3 | CEJ Team |
| 19:00 - 22:00 | Official Closing/Drama & Cultural Night: All Delegates | CEJ Team |
| Day 4: 18 October, 2017 | | Responsible |
| 10:00Hrs : | Tour boat-cruise / game drive | CEJ Team |
| Departure of international and local delegates as per flight itinerary | | CEJ Team |

1.3.8. Key Speech Messages

Official Opening Speech by Minister of Labour and Social Security – Honourable Joyce Nonde Simukoko



The speech was read on her behalf by the Permanent Secretary Mr. Barnaby Mulenga.

She highlighted that the conference comes against a backdrop of the World Health Organisation (WHO) Framework Convention on Tobacco control which was developed in response to the globalization of the tobacco related health concerns, hence the WHO's

campaign to reduce tobacco use by advocating for the complete ban of all forms of advertising, promotion and sponsorship. The treaty was adopted in 2003 and now has 176 parties, covering about 88% of the world's population. The treaty compels parties to help tobacco farmers to find alternative livelihoods.

She further stated that although Zambia is part to this treaty, it is aware of health risks associated with tobacco and it supports efforts by partners like Japan Tobacco International (JTI) to promote safe ways of handling tobacco by growers, particularly its effort at addressing child labour in the tobacco sub sector.

The prevalence of forced labour globally is very worrisome as close to 21.5 million people are victims of forced labour worldwide, of which 11.4 million are women and girls and 9.5 million men and boys. In Zambia, there are over five hundred and ninety five thousand (595,000) child workers in various economic sectors of these, 58% are 14 years or young and, thus, ineligible for any form of employment under the employment children and young persons' act cap 274 of the laws of Zambia. Previously, according to the 2012 labour force survey, the estimated total number involved in child labour, aged 5-14, was around 1.2 million.

Child labour robs children of their health, their education and even their lives. It is indeed a problem with many faces and requires a diverse approach in combating the scourge. Child labour is thus a big challenge that requires concerted efforts to address it. If this is not done, child labour can lead to increased social vulnerability and social marginalization, and can permanently impair the attainment of personal and productive potential, in turn influencing lifetime patterns

of employment and earnings, and generating important constraints to national development goals.

On public private partnerships, she cited the ARISE project and said perhaps one of the success stories in the fight against child labour has been the collaboration between the government and the Japan Tobacco International (JTI). She stressed the importance of sustaining a public private partnership in the fight to eliminate child labour. They are 7,000 small scale farmers in Chipata, Kaoma and Lusaka are currently being supported by the ARISE project with an investment into the economy of over us\$10 million United State Dollars through JTI effort. There has been a consideration reduction in child labour in the areas supported by JTI. It is against this background that Zambia still supports the involvement of JTI and other public private partnership initiatives towards to fight against child labour.

She emphatically gave the position for Zambia regarding the PPPs and different sectors (citing the tobacco industry) that the Zambian government's position on public private partnerships such as the one being implementing with Japan Tobacco International on the elimination of child labour in the tobacco sub sector is on solid ground and should continue with clear affirmation.

In affirming to the position, she stated that tobacco has continued to be one of the few cash and export-oriented crops in Zambia along with cotton, tea, coffee and more recently maize. Citing the 7th National Development Plan to justify the importance of tobacco sector, its revenue and why it is a priority investment industry, she stated that tobacco production it is 7.5 times more profitable per hectare than maize and 14 times more profitable than cotton.

She concluded by emphasizing that Public Private Partnership is very important in the development process especially the developing countries and community. She implored other countries through the delegates to stand with Zambia on this important matter.

The conference was then officially opened.

Zambia Congress of Trade Union (ZCTU)- President Nkole Chishimba

The president of Zambia Congress of Trade Union (ZCTU) Mr. Nkole Chishimba acknowledged the importance of the conference and the need to deliberate in an open and frank manner which will result in meeting the objectives of the conference.

He noted that labour movement had in the past made concerted efforts to curb the endemic problem of child labour which has been a problem for a long time, seemingly growing without concerted efforts to address it. However it was pleasing to note that new initiatives were being devised to encourage the active participation of all stakeholders in promoting proactive action against child labour, initiatives such as PPPs.

He further stated that child labour perpetuates poverty. In areas where child labour is prevalent, wages remain low and there is less work for adults, however a world without child labour is possible if all are willing to work together. He emphasised that enhancing the transfer of knowledge on combating child labour to the communities would enhance participatory opportunities at the grassroots level for addressing child labour.

He acknowledged that it was imperative that linkages be developed between the public sector as well as the private sector in order to promote consistency in approach and prevent duplication of efforts to ensure rational usage of resources. Public Private Partnerships (PPPs) play an important role in creating development in poor countries and that the partnerships can be used to eliminate child labour. The solutions to eliminate child labour should be a collective process making the public private partnership a real deal to resolving this challenge. He affirmed to ZCTU's support to PPPs.

He concluded by citing the ARISE program as an example on how PPPs can foster the elimination of child labour.

Zambia Federation of Employers (ZFE) – Executive Director, Mr. Harrington Chibanda

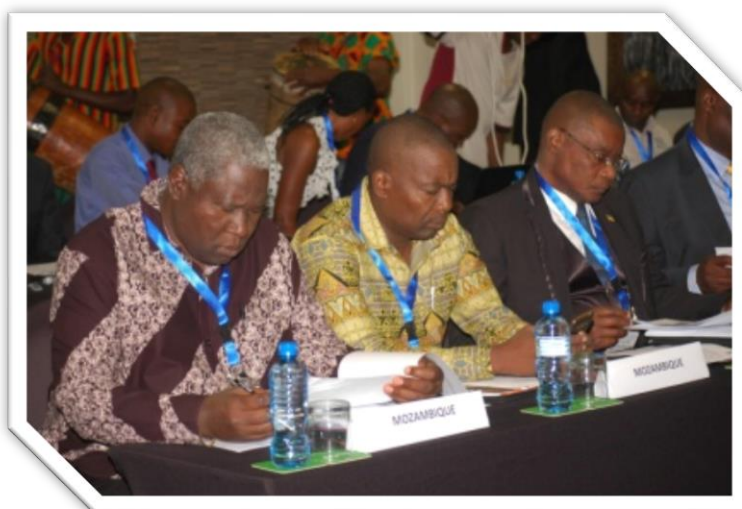
On behalf of Zambia Federation of Employers, the Executive Director, Mr. Harrington Chibanda congratulated the organisers of the conference emphasising on the need for collaborative efforts towards Public Private Partnerships and how to eliminate Child labour through strategic programmes.

He encouraged the delegates to pay attention to the agenda of the forthcoming ILO governing body meeting in Geneva with a call to consider discussing matters of employers in terms of employment creation rather than making the people redundant due to hidden agendas that kill industry with huge employment and revenue base such as the Tobacco sector.

He emphasized the need for alternatives or measures for sectors that might not be in conformity with the global agenda on sustainability. He noted that No smoking campaigners seem not to understand the repercussion of cutting partnerships with Tobacco companies especially in Africa. He called the cutting of partnerships with Tobacco companies as Economic Genocide for the third world countries considering that the sector contribute significantly to these countries revenue for their development.

He also concluded by citing ARISE project and how that is clearly linked to Sustainable Development Goal eight (8). He urged delegates to also discuss the issues of the conference with special regard to SDG 8 as a big deal.

Remarks from Other Countries Representatives (Delegates from Other Countries) present;



Governments from invited countries were invited to share their position on the matter at hand; The commonality in the statements of all country representatives from invited countries present was that; their position was to continue to

support PPPs between the ILO and tobacco companies as they were important in the development process and tobacco production as strategic and vital to their economies.

Zimbabwe: The country is the largest producer of tobacco in Africa hence making the product a major forex earner. The country produced over 195 million kilograms of tobacco in 2016. The country also looked forward to the elimination of child labour through PPPs with the tobacco sector while maintaining its production.

Malawi: Tobacco remained one of the country's main cash crop and 77% of the country's GDP depending on tobacco and it was the country's main forex earner ; this making tobacco a strategic crop for inclusive growth and sustainable development. It was further mentioned that while they were at the conference to share knowledge, they encouraged PPPs with the ILO and tobacco industry. Having already ratified article 138 and 132 of the ILO international standard conventions; the clear position of the Malawi government was to PPPs between ILO and Tobacco industries so that they continue working together to eliminate child labour in the tobacco industry.

Mozambique: The importance of tobacco was equally reiterated and the position was to continue with PPPs between ILO and Tobacco companies.

1.3.9. Conference Expectations from Delegates

ZIMBABWE

- (a) To have broader understanding of Tobacco industry in relationship to child labour given that Zimbabwe is one of the biggest producers of Tobacco in Africa.
- (b) To learn and understand how other countries are engaging in Public Private Partnerships (PPPs).

TANZANIA

- (c) To learn on how important Tobacco in Tanzania can have an inclusive growth for sustainable development.
- (d) To advocate and strengthen the Tobacco sector as one of the major sources of employment in Africa.
- (e) To come up with a position that encourages PPPs with the Tobacco industry
- (f) To collaborate and create a strong voice for African countries producing tobacco and a revenue earner for development

Malawi

- (g) To create links of collaboration for the tobacco industry given that Tobacco contributes 7% to the country's GDP.
- (h) To join hands with like minded countries in advocating for continued PPPs between ILO Tobacco companies
- (i) To share some experiences on how tobacco can be used to develop the welfare of rural communities
- (j) To acquire addition information on the other ways of eliminating child labour and on how best to use PPPs for development

MOZAMBIQUE

- (k) To join hands with African countries on how to combat child labour using PPPs
- (l) Learn on how PPPs are working in other countries
- (m) Offer solidarity to a common position on the proposal to elimination PPPs from ILO

ZAMBIA

- (n) To consider and understand the PPPs relating to Child Labour elimination and how tobacco industry impact the processes
- (o) To understand the economic benefit of PPPs as it relates to Tobacco industry
- (p) To support a common position of the delegates
- (q) To be part of an African voice in having a common position regards the proposal to eliminate PPPs from ILO
- (r) To stand up for the poor and vulnerable farmer who are at risk of losing a livelihood if the tobacco industry was to fall.



2.0. CONFERENCE RESULTS

2.1. Presentations

2.1.1. The tobacco global discussion & the negotiation process at different levels- Kakoma Chivunda

In his presentation, he highlighted the Conference of Party negotiation process, historical background and the debate within ILO on tobacco industry and its partnership.

In 2003 ILO organized a tripartite meeting on the future of employment in the tobacco sector – (24th to 28th of February 2003). The meeting highlighted the importance of timely information in order to monitor significant changes in employment trends and working conditions. ILO was called upon to undertake research to keep the ILO constituents informed about emerging changes affecting the labor market.

At the Governing Body meeting session 307 of the ILO in 2010, the employers' group referred to the tripartite meeting on the future of employment in the tobacco sector, held in February 2003, in which the relevance of this sector for the employment of about 40 million people had been highlighted and tasked the office to provide information on the actions taken by the ILO to give effect to the resolutions, herein, the ILO gave an update including the collaboration with the World Health Organization.

In 2014, ILO published an updated statistical briefing on employment data (years 2000 – 2013), covering 64 countries for the tobacco sector. Tobacco is produced in 124 countries, 60 million people are involved in tobacco growing and leaf processing worldwide amongst the Brazil employed 462,800 in

2000 to 342,200 in 2009, Argentina 32,300 in 2000 to 58,400 in 2010, Malawi 1,800,000, Mozambique 140,000, Tanzania 1,450,000 employed Zambia 6800 in 2000 – to 500,000 currently, Zimbabwe 8,500 in 2000 to 56,900 in 2011 currently 2,000,000 in the tobacco value chain.

In Malawi among tobacco growing families, 63 per cent of children were engaged in child labour which was a similar trend in the SADC region.

International Debate

In an effort to eliminate child labour & ensure safety and health at work, the ILO has entered into Public Private Partnership (PPP) with tobacco organizations namely Japan Tobacco International (JTI)- (*Funding of US\$10,114,200 to Brazil, Malawi, Tanzania and Zambia, and throughout its supply chain*) and the Eliminating Child Labour in Tobacco growing foundation (ECLT), in Switzerland (*Funding of US\$5,332,835 to date*).

WHO – ILO work on Tobacco

The ILO has maintained active cooperation with the world health organization framework convention on tobacco control (WHO FCTC) Secretariat since its establishment in 2003

In October 2016 the United Nations Interagency Task Force (UNITAF) on the prevention and control of non-communicable diseases of which ILO is a member considered a **Model policy**. The ILO's engagement with the tobacco sector may be seen to be inconsistent with some elements of the **Model policy**

Model policy requires that UNITAF members “should reject partnerships, joint programs, non-binding or non-enforceable agreements and any other voluntary arrangements with the tobacco industry”, & “exclude any person employed by or providing consultancy or other services to the tobacco industry to be a member of any committee, advisory or expert group or governing board delegation”

The ILO responded that it would consult with its tripartite (Workers, Employers and Government) constituents on the scope and implications of the *model policy* before expressing its position on it.

Governing Body (GB) decision on the sixth item on the agenda in March 2017: ILO cooperation with the tobacco industry in the pursuit of the organization's social mandate.

The Governing Body:

- (a) took note of the report contained in document GB.329/POL/6;
- (b) decided to defer consideration of this issue until its 331st Session (November 2017);
- (c) requested the Director-General to provide additional information to that session, taking full account of the issues raised in the Governing Body, in the context of the ILO mandate and constitutional obligations.

The 331ST GB session November 2017

Part of the Agenda

ILO cooperation with the tobacco industry in the pursuit of the organization's social mandate tripartite negotiations will take place.

Note: The publication has delayed in order to take into account the outcomes of consultations held in September 2017. We wait for the decision of the GB for the ILO constituents.

Conclusion

Tripartite consultation on the current tobacco debate is vital for sustainable development. There is need for the promotion of social dialogue among all stakeholders need not be overemphasized. In times of economic challenges that our global village faces, achieving consensus on such debates is more important than ever.

Responses to the presentation

ILOs PPPs with the tobacco sector need not be questioned because of its tripartite mandate to hence its need to work with tobacco companies who are also part of "the employers".

The Model policy was done by the WHO, which is a specialized agency hence, neglected issues pertaining to child labor. Therefore, there is a need to address the gaps.

2.1.2. Economical perspective of public private partnership and corporate social responsibility – Mr. Edmond Kangamungazi

The presentation highlight Public-Private partnerships (PPPs) and that these were also promoted by the World Bank, UN leaders, and a number of influential governments, as the innovative policy of the New Millennium. As such, international civil servants and UN member states were being encouraged to engage in one way or another in various PPPs

The presentation defined Public-Private Partnerships as a contractual agreement formed between public and private sector partners which allow more private sector participation than is traditional. For example the *Zambian PPP 2009 Act* defines them as: "investment through private participation in an infrastructure project or infrastructure facility".

According to the Zambia Development Agency (ZDA), through this process, the Government retains a significant role in the partnership as the main purchaser of services or the main enabler of the project

It was highlighted that Developing countries invested a combined US\$95 billion in 178 PPPs in 2005. Although the majority of PPP projects fell into the energy sector, the greatest amount of investment occurring in the telecom sector. It was further pointed out that evidence suggested that the more PPP projects launched in a nation, the higher the rate of GDP growth. Notably, countries with 70 or more PPP infrastructure projects demonstrated a 25 percent GDP growth rate between 1990 and 2003. For Zambia , in 2009, the then Minister of Finance stated that the PPPs will contribute up to 10 percent of the country's GDP within the next five years (2009 to 2013) through increased investment opportunities

Examples of PPPs where highlighted to include; i) the Zambia and Dr Congo One stop border stop, ii) N4 Toll Road from South Africa to Mozambique, a contract was worth R3 billion and a Multi-Utility Provision in Gabon for the provision of both water and electricity services

It was pointed out that although PPPs can free up government resources for other public priorities, they will not necessarily influence the economy without the right blend of factors in policy and legislation and the integrity of parties involved as they would take years to complete. This considering the risk that the private sector party will become insolvent or make large profits during the course of the project leading to political problems.

Investment in the PPPs by ILO

— Michael Schneider, Manager, Africa Agriculture and Trade Investment Fund



ILO Partnership

Who we've partnered with
(2008-2015):

56.4%



PPPs with private companies

16.8%



PPPs with foundations

13.2%



PPPs with public institutions

9.2%



PPPs with other non-state actors

4.4%



PPPs with social partners

How PPP improves quality and standard of living (some examples)

N4 Toll Road from South Africa to Mozambique In 1996 the governments of South Africa and Mozambique signed a 30-year concession for a private consortium. After the 30-year period, control and management of the road reverts to the governments. The contract was worth R3 billion (at 1996 estimates).

Prison Contracts in South Africa - Facing a significant shortage of prison space, South Africa's departments of Correctional Services and Public Works imported a model of privately-built and operated prisons from the UK and called for bids from the private sector for the design and construction of 11 maximum security prisons. (25yrs contract The facilities hold approximately 3,000 inmates each and were fully operational less than two years after contract signature at a cost of R1.7 billion/ \$245 million (Bloemfontein) and R1.8 billion/ \$259 million (Louis Trichardt) respectively)

Conclusion of the Presentation

It was then recommended that there was need to hold a public review and debate on the benefits, risks and costs of the different global public-private interactions in compared to alternatives; hence formulating an overall institutional policy for public-private interactions based on the review of existing knowledge in all relevant areas.

Responses to presentation;

Adding to this presentation a representative of the Director of PPPs at statehouse reaffirmed the importance of PPPs and national development in reference to contractual agreements entered into with government, parastatal agencies or even local authorities.

It was recommended that the integration of labour issues in PPPs feasibility need to be undertaken as well as potential sources of challenges such as infringement of the values of the locals had to be assessed. As such the contracting authority needed to make a feasibility study a requirement.

Performance compliance needed be monitored too because PPPs where there to stay considering their much needed finance innovation and technology.

2.1.3. ARISE program Presentation

The ARISE programme was highlighted to have a couple of success stories over the years in a bid to eliminate child labour. Amongst the successes are scaling up of the mainstreaming of child labour issues at community level enhanced collaboration with government partner, Replication of best practices among different ARISE groups/communities and non- ARISE communities. The Arise project was demonstrated with two community testimonies a video and a presentation

Testimony from young male beneficiary:

A young male named Mackinishi Pondela- beneficiary testified how his life has changed through ARISE program supported by JTI. The program has given him an opportunity to be in school at Sefula Secondary where he is doing grade 9.

He mentioned that through the ILO and JTI, the ARISE project had benefited 150 boys and girls who can showcase and have a clear understanding of child labour related issues.

He mentioned that child labour spoils the future of children hence everyone should be involved, as children's rights need to

be respected by all in society. He commended efforts by Winrock and JTI to fight child labour.

Testimony from Melan Mbango female beneficiary;

She mentioned she was from a village in Kaoma where they first came in contact with the project in 2008. During the period of contact, there has been a lot of awareness raising on issues of child labour practice.

She also mentioned that through the project they have a successful Village Savings and Lending Association. Their capacities on this, were built through information gathered from an economic needs assessment programme.

She shared that their VSLA was worth K 34,000 and the association would soon be sharing their profit.

She also mentioned that the project had helped mothers come up with family support plans to ensure their children are protected from child labour.

Video on ARISE programme

A video depicting an interview with a female victim of child labour in Zambia revealed that she was pushed into child labour by her grandfather who asked to assist raising school fees through trading. Unfortunately her school fees had not being paid despite contributing to household income.

The video also highlighted; that 160 million children worldwide are involved in child labour which proved to affect the mental, physical and social aspects of the children's growth negatively. The video suggested 1/5 children in some countries are economically active.

Sharing of ARISE Project in Malawi- By Dr. Beyani T. Munthali

It was noted that the development objective of the project was to accelerate progress in the elimination of child labor in tobacco-growing communities in 28 targeted communities of Ntcheu, Lilongwe and Dowa Districts. As such the intermediate objectives included; a. Child labor is reduction through improvements in education opportunity and awareness, b. increased economic empowerment in targeted tobacco growing communities and promoting an improved regulatory framework for the reduction of child labor.

Amongst the success stories recorded by the project included; 1680 children supported through formal education support,

1433 Number of children accessing CBCC services, 465 youths in Youth Producer Clubs (YPCs), 200 Youths/Children to participate in the MFS course in Dowa District, 316 children participating in anti-child labor clubs, 3218 children attending ECD education in ARISE supported CBCCs, 840 women in Women Agribusiness Groups (WAGs), 357 adults participating in REFLECT circles, 600 women participating in NRBES, 34,770 Number of people sensitized on child labor issues and 84 members of local theater groups trained.

2.1.4. Legal Perspective on Public Private Partnership and Child Labour – Gilbert Mwanza- Zambia Law Development Commission

The presentation highlighted the steps that had to be taken in the signing, ratification and/or accession of international instruments, these including a plethora of ILO Labour Conventions which are guided by the Vienna Convention on the Law of Treaties 1969. It was pointed out that all the states involved need to first conduct negotiations and once they reach agreement, the treaty is signed. If negotiations have to involve parliament the Vienna Convention on the Law of Treaties 1969 provides for the signing of treaties. However, Art.12 (2) (b), provides for signature "ad referendum", whereby a representative may sign a treaty under the condition that the signature is confirmed by his State.

The presentation made mention that the negotiations that precede a treaty are conducted by delegations representing each of the states involved. Together they agree on the terms that will bind the signatory states. By signing a treaty, a state expresses the intention to comply with the treaty. This expression of intent in itself is not binding. However ratification as provided for under Arts.2 (1) (b), 14 (1) and 16, of the Vienna Convention on the Law of Treaties 1969 defines the international act whereby a state indicates its consent to be bound to a treaty if the parties intended to show their consent by such an act. Ratification grants states the necessary time-frame to seek the required approval for the treaty on the domestic level and to enact the necessary legislation to give domestic effect to that treaty

It was stated that while this characterization remains contested, the approach a country adopts has great significance for the effectiveness and application of international law within the domestic legal system. Dualist legal systems (e.g Zambia): international law provisions must be specifically incorporated into the domestic law before they can be applied. States may also be responsible for private acts (human rights violations by non-state actors)

Some the ILO conventions were stated to include; Minimum Age Convention (No. 138), Worst Forms of Child Labour Convention (No. 182), Medical Examination of Young Persons (Underground Work) Convention, 1965 (No. 124), Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64), Contracts of Employment (Indigenous Workers) Convention, 1947 (No. 86), Protection of Wages Convention, 1949 (No. 95)

In the Zambian context the presentation guided that in December 2008 the Government approved a policy framework for the implementation of PPPs in Zambia. This sets out Government strategic objectives to facilitate the provision of infrastructure and effective delivery of social services using PPP arrangements in order to ensure that economic growth is attained through enhanced productivity, improved competitiveness and wealth creation. Following the policy pronouncement by Government, Parliament in August 2009 passed the PPP Act No. 14 of 2009 which aims to promote and facilitate the implementation of privately-financed public infrastructure projects in Zambia.

2.1.5. A human rights perspective on child labour- Joel Mulemwa Zambia Human Rights Commission

The presentation defined human rights as universal legal guarantees or claims which every human being is entitled to enjoy as of right by virtue of ones humanity. It quoted Art 1 (UDHR) stating that; "all human beings are born free and equal in dignity and rights"

The presentation acknowledged that child labour remains one of the major issues faced by many countries in Africa and the world at large and since become both a Human Rights issue and a social - economic issue with various negative effects that impede on the social economic growth of the country. This also causes physical and mental harm to child development.

There myriad effects that result from child labour were said to include, deprivation of a Childs proper Childhood, physical and mental torture, cycle of poverty, deamination the human dignity of the Child and overall impeding on national sustainable development.

Article 3 of the UNCRC was also highlighted as calling for the recognition of the "best interests of the child" as the primary consideration in all actions concerning children undertaken by public or private social welfare institutions, administrative authorities among others. Hence such a principle would entail elimination of forced compulsory labour and the abolishment of child labour among others.

It was further emphasized that the protection of children from child labour largely depends on the realisation of interrelated

rights such as the right to education, food, shelter among others. Enhance the need for a framework and standards to enhance the promotion and protection of children's rights in relation to child labor. Further a comprehensive approach towards addressing child labour through acknowledgment of equal worth, dignity and empowerment of the most vulnerable

Key principles underpinning the convention on child labour included non-discrimination, best interest of the child, life survival and development among others which have a bearing on the protection of children from child labour. Art.32 of the UNCRC guarantees the protection of children from exploitative practices.

It was noted that while positive strides have been made towards the elimination of child labour, there is need for an integrated approach that addresses the divergent circumstances compelling children into child labour calling for a multi- sectorial approach.

2.1.6. PPPs contribution towards elimination of child labour- Mwiba Mwenda

The session justified as to why both the public and private sector need to make use of PPPs to address their joint responsibility to support the elimination of child labour, In doing so the session also establish the link between Business and Human Rights (B&HR) principles and elimination of child labour.

In fulfilling this mandate the session highlighted various conventions consensus agreed to by states to include; the Convention on the Rights of the Child; African Charter on the Rights and Welfare of the Child; ILO Convention No. 138 on Minimum age and the ILO Convention No. 182 on Worst Forms of Child Labour. As such there was obligation to respect, protect and fulfill the child's right to life, survival and development in general and protection from child labour in particular, although not self-executing hence requiring governments to take necessary steps.

As such; this makes the elimination of child labour, including child labour in the supply chain, a collective responsibility for Public and Private actors through PPPs. Furthermore, envisaged under a human rights based approach to sustainable development and a dictate of Business and Human Rights (B&HR) Principles, hence making sustainable eradication of child labour to require the commitment and action from Public and Private sector economic actors and other stakeholders.

In linking this to the guiding principles on human rights, it was noted that the Guiding Principles are grounded in three pillars comprising the recognition of: (a) The States' existing obligations to respect, protect and fulfill human rights and fundamental freedoms; (b) The role of business enterprises as specialized

organs of society performing specialized functions, required to comply with all applicable laws and to respect human rights; and (c) The need for rights and obligations to be matched to appropriate and effective remedies when breached.

It was then cautioned that states needed domesticate B&HR Principles and other human rights standards/instruments by adopting adequate legislation, policies and other measures to hold those involved in the supply chain accountable; in doing so, Public-Private Partnership Agreements aimed at eliminating child labour needed to be encouraged between Government and the private sector.

Furthermore, it was emphasized that there was need to understanding corporate responsibility and how it applies to all business activities, its business relationships; linked to its operations, products and services including the supply chains. As such corporate commitment to support human rights businesses must be encouraged to voluntarily take actions that seek to eradicate child labour, through core business activities, strategic social investments and advocacy and public policy engagement.

A call was made that time had come for Public and Private actors to reaffirm their strong commitment to the elimination of child labour. This was only to be possible through continuous collaborative work between government, social partners, private sector, CSOs and other stakeholders. Further governments needed to acknowledge the important role the private sector play and encourage public-private partnerships to address child labour and respect for the rights of the child in value chains.



2.2. Conference Groups Discussion

The delegates were split into groups consisting the Government, Unions (workers) and Employers Federation (Employers) to discuss the following:

1. Preservation of the PPP in ILO's Child Labour Elimination
2. Key messages and Recommendations
(Group Discussion attached as Annex 1)

2.2.1. Tripartite Common Resolve and Conclusion

(i) Declaration and resolve

The tripartite delegates and stakeholders at the Africa Regional Conference on Child Labour Elimination and Public Private Partnerships (hereinafter referred to as "**The Conference**") held in Livingstone, Zambia from 16th to 18th October 2017, unanimously agreed that the ILO should preserve the Public-Private Partnership (PPPs) with the Tobacco industry.

The meeting was attended by tripartite delegations (Government, Trade Union and Employer Federation) and other stakeholders (CSOs and CBOs) from **Malawi, Mozambique, Tanzania, Zambia and Zimbabwe**.

Recognisant of the guiding principles of the Model Policy for UN agencies on preventing tobacco industry interference concluded in October 2016 by the United Nations Interagency Task Force on the Prevention and Control of None Communicable Diseases (UNIATF) and the work of the World Health Organisation Framework Convention on

Tobacco Control (WHO FCTC) to which ILO is part;¹ the delegates welcome ILO Office's decision to put for discussion the issue of its association with tobacco industry at its 331st session to be held in November 2017.

(ii) Acknowledgement and Key Messages

The delegates noted the guiding principles of the Model Policy for United Nations (UN) agencies on preventing tobacco industry interference which was concluded in October 2016 by the United Nations Interagency Task Force on the Prevention and Control of Non-communicable Diseases (UNIATF) to which ILO is a party. The Policy, among others, urges members of the Task Force to reject partnerships, joint programmes, non-binding or enforceable agreements and any other voluntary arrangements with tobacco industry for the effective implementation of the World Health Organisation Framework Convention on Tobacco Control (WHO FCTC);

That child labour is still rampant in many countries including in Sub-Saharan Africa;

That the mandate of ILO, which amongst others, is devoted to advancing opportunities for women and men to obtain decent and productive work and sustainable enterprises in conditions of freedom, equity, security and human dignity. The ILO is a specialized agency of the United Nations whose mandate includes all aspects of the world of work. It is therefore imperative that it takes a holistic and flexible approach acceptable within the framework of the UN to work with concerned and interested parties;

That ILO has a tripartite structure, comprising Government, Employers and Workers and that it has an obligation to interact and engage with all employers including the tobacco industry to promote social dialogue, tripartism and debate on matters of labour standards, employment creation and social policy;

That there is continued need to eliminate child labour including its worst forms as enshrined in International Labour Conventions, United Nations Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child; and the United Nations Sustainable Development goals, in particular Goal 8 to promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all and Goal No. 8.7 to end child labour, forced labour, modern slavery and human trafficking;

¹ GB329-POL_6_[GOVER-170131-1]-En.docx p.1

That there is economic potential of Public-Private-Partnerships (PPPs) to provide public benefit through long term contracts, recognized as a successful model including the pivotal role in the fight against child labour. For instance, PPPs project such as Achieving Reduction of Child Labour in Support of Education (ARISE) has contributed to achieving universal primary education and the attainment of Sustainable Development Goals;

That the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being;

That the fact that tobacco growing is a source of income and as such it functions as a safety net which safeguards livelihoods for millions of people in tobacco growing economies who for the most part belong to vulnerable social groups;

That tobacco continues to be one of the important cash and export-oriented crops in sub-Saharan Africa along with cotton, tea and coffee and that it contributes substantially to the Gross Domestic Product (GDP) of the tobacco growing countries and as such, tobacco production has been prioritized in the National Development Plans of tobacco growing countries in Sub-Saharan Africa;

That some ILO member states have not ratified the WHO FCTC, as such, they are not bound by the provisions of the treaty;

That the PPPs entered into between the ILO and tobacco producing companies are in no way promoting consumption or production of tobacco but rather creation of decent work, elimination of child labour and promotion of sustainable enterprises. Furthermore, PPPs can be used to promote research and development in ways of making tobacco less harmful to both primary and secondary markets as well as finding other viable uses of tobacco other than smoking;

That tobacco and its production remains a legal and economic activity. PPPs form a basis of inclusive growth through generation of income for improved livelihoods in the entire value chain especially rural areas for poverty alleviation;

That there is a presence of enabling legal and regulatory frameworks on PPPs in most of the countries.

Therefore, the recommendations and submission that:

- i. The ILO should preserve the PPPs with the tobacco industry now and beyond the current project's life span to foster dialogue and social justice including in tobacco industry at all levels of the supply chain; and

- ii. The ILO should consider withdrawing its membership to the UN Interagency Task Force on Prevention and Control of Non-communicable diseases as its membership directly conflicts with its primary mandate of advancing decent and productive work in conditions of freedom, equity, security and human dignity with regard to elimination of child labour including in the Tobacco Sector. The issue of tobacco control can ably be pursued by other actors whose mandates are not in conflict with the model Policy of the UNIATF.

2.2.2. Way Forward

The position as agreed to preserve the Public-Private Partnership (PPPs) with the Tobacco industry should officially be communicated to ILO.

That an African Delegation be constituted to travel to Geneva for consensus.

That this position be made known to the Ministers of SADC feeding into the African Union so as to consolidate the support as stated.

Create a strong relationship with Civil Society Organisations (CSO) in the lobby process for the position made.

Develop a financing mechanism for consensus activities.

Create a specific Regional Cooperation Team with a strategy for continued dialogue and lobby on the position as agreed.

ANNEX 1: TRIPARTITE GROUP RESOLVE- GROUP DISCUSSIONS

GOVERNMENTS' (GROUP) POSITIONS ON THE SECTOR PERSPECTIVE ON PUBLIC-PRIVATE PARTNERSHIPS AND CHILD LABOUR WITH REGARDS TO

1. Preservation of the PPP in ILO's Child Labour Elimination
2. Key messages and Recommendations

The governments:

- i. Acknowledges that child labour is still rampant in many countries including in Sub-Saharan Africa;
- ii. Note the mandate of ILO, which amongst others, is devoted to advancing opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity;
- iii. Recognizes the need to eliminate child labour as enshrined in International Labour Conventions , United Nations Convention on the Rights of Child, the African Charter on the Rights and Welfare of the Child ;and the United Nations Sustainable Development goals, in particular Goal 8 to promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all and Goal 8.7 to end child labour, forced labour, modern slavery and human trafficking;
- iv. Takes into account the economic potential of Public Private Partnerships to provide public benefit through long term contracts, recognised as a successful model including the pivotal role in the fight against child labour;
- v. With full knowledge of ILO's Membership to the United Nations Interagency Task Force on non communicable diseases and its model policy, which amongst others urges Members of the Task Force to reject partnerships, joint programmes, non-binding or non-enforceable agreements and any other voluntary arrangements with tobacco industry;
- vi. Aware that the ILO Governing Body will at its 331st Session will discuss the agenda item on the ILO cooperation with the tobacco industry in the pursuit of the Organization's social mandate and having noted the detrimental effects of either of the draft decision points contained in the document **POL.329/6** on child labour elimination efforts through PPP programmes being implemented now and in future, especially that alternative sources of funds are not readily available for child labour;

do hereby unanimously agree that the ILO should preserve the Public-Private Partnership (PPPs) with tobacco industry, taking due consideration of the following:

- a. The **ILO** being a **tripartite** structure, comprising Government, Employers and Workers has an obligation to interact with employers including the tobacco industry to promote social dialogue, tripartism, free interaction and debate on matters of standards and social policy.

- b. Despite the known health risks associated with tobacco, the tobacco industry as it stands at present is investing a legal crop, which is still on the market globally and is offering jobs to many people, as such the ILO should not engage in unwarranted discrimination against the tobacco industry and should not be part of breaking ILO principles on promoting the decent work agenda including freedom of association.
- c. The tobacco industry provides financial resources to the ILO to help Member States fight child Labour. The ILO is the specialised agency with technical expertise on labour matters including child labour, hence the ILO cannot abdicate its duties of providing technical assistance to Member Countries on the premise that the finances are coming from the tobacco industry. In fact the tobacco industry has a duty as employers to ensure that their workplaces are safe and without risk to health and safety of workers due to hazardous exposures and they also have a duty that children are not exposed to such hazards. The tobacco industry is justified to participate in child labour elimination efforts. This is not a trick to interfere with tobacco control policies as it is known that child labour exists and evidence based positive outcomes have been registered in prevention and withdrawal of children from child labour in many countries including **Malawi, Mozambique, Tanzania, Zambia and Zimbabwe.**
- d. Despite known risks associated with tobacco and that growing of tobacco is not criminalised, tobacco still remains a source of livelihood and income in the entire value chain especially rural areas and hence plays a critical role in poverty alleviation and inclusive growth.
- e. PPP programmes promote job creation, decent work and ILO's mandate in fostering social justice within which multinational corporations operate.
- f. PPPs projects such as Achieving Reduction of Child Labour in Support of Education (ARISE) have contributed to achieving universal primary education and the attainment of Sustainable Development Goals.
- g. PPP can promote research to explore ways of making tobacco less harmful to both the primary and passive smokers as well as finding other viable uses of tobacco other than smoking.
- h. Tobacco continues to be one of the few cash and export-oriented crops in sub-Saharan Africa along with cotton, tea and coffee, and consequently prioritised in the National Development Plans. In terms of contribution to the economy, tobacco contributes between 25 % to 45 % to Gross Domestic Product in Malawi, Mozambique, Tanzania, Zambia and Zimbabwe.
- i. Some ILO member states have not ratified the World Health Organisation (WHO) Framework Convention on Tobacco Control. As such they are not bound by the provisions of the treaty.

GOVERNMENTS RECOMMENDATIONS

Based on the resolutions, the conference recommends that:

1. The ILO should continue interacting with the tobacco industry now and beyond the current project's life span to foster dialogue and social justice including in tobacco industry at all levels of the supply chain.
2. The ILO should consider withdrawing its membership to the UN Interagency Task Force on Prevention and Control of Communicable diseases as its membership directly conflicts with its primary mandate of advancing decent and productive work in conditions of freedom, equity, security and human dignity with regard to elimination of child labour including in the Tobacco Sector. The issue of tobacco control can ably be pursued by other actors whose mandates are not conflict with the model Policy of the UNIATF.

TRADE UNIONS POSITIONS ON THE SECTOR PERSPECTIVE ON PUBLIC-PRIVATE PARTNERSHIPS AND CHILD LABOUR

The representatives of workers from Zambia, Zimbabwe, Tanzania, Mozambique and Malawi attending the Africa regional conference on a common agenda towards the elimination of child Labour through consolidated structured public private partnership in Livingstone Zambia on 16th to 18th October 2017 at David Livingstone hotel,

Asserting interest in the public private partnership (PPP) models and realizing the benefits of the public private partnership,

Do hereby affirm the preservation of public private partnership in the tobacco industry with the international Labour organization.

Among the benefits are:

- a. PPPs are a major contributor to the national gross domestic product, henceforth helping in the growth and stability of the economies.
- b. They have contributed greatly to increasing levels of employment in these countries.
- c. Through the PPPs there have been a lot of jobs created in the tobacco industry.
- d. The tobacco industry has a mile further in its social responsibility as can be attested by the ARISE project which has helped a lot of vulnerable people in the communities. The project has supported education, women empowerment and innovative farming.
- e. There is transfer of knowledge of enhanced farming methods to the local farmers from the cooperation between ILO and JTI.
- f. Through the various projects that are been embarked on by the PPPs government has been supplemented greatly in its efforts in trying to improve the living standards of the general populous.
- g. Cancellation of the PPP can be very catastrophic to the economy of the nations due to the facts that the government alone cannot manage to

sustain and manage most of the activities that PPP has done and as the testimonies of the ARISE project in the countries present affirms there is strength in contributing to the nation.

KEY MESSAGES

- i. While acknowledging the issues of health associated with smoking, the team appreciates that tobacco production is not outlawed like other narcotic drugs. Therefore the workers group affirms to support the PPPs.
- ii. The PPP will be an entry point by WHO to deal with related diseases.
- iii. Labour unions acknowledged the existence of child Labour in the tobacco industry and emphasized the PPP and ILO has played a great part in the reduction and mitigating of child Labour.
- iv. Labour unions must be involved from the very beginning of the PPP, this will help in protecting the rights of workers and this is also one of the areas that help in the eradication of child Labour.

RECOMMENDATIONS

Having looked at the above issues we recommend the following recommendations:

1. Government should ensure that all the PPPs contracts signed include clauses on decent work provisions and this include:
 - The right to join trade unions.
 - Social protection.
 - Social dialogue.
 - The right to employment.
2. ILO has the mandate of safe guarding decent employment hence it should not disassociate itself from the PPPs. and therefore it should not give away this opportunity.

EMPLOYERS POSITIONS ON THE SECTOR PERSPECTIVE ON PUBLIC-PRIVATE PARTNERSHIPS AND CHILD LABOUR ELIMINATION WITH REGARDS TO

1. Preservation of the PPP in ILO's Child Labour Elimination
2. Key messages and Recommendations

The tobacco industry subscribes to the fundamental principles of rights at work. In addition to this the industry also is cognizant of the importance of inclusive business of which corporate social responsibility is a part of. The involvement of the PPP's in supporting the elimination of Child Labour is aligned to realising enterprises that are sustainable amongst the small and medium scale enterprises. A sustainable enterprise is one that combines the legitimate quest for profit, the respect of human rights, promotes a sustainable environment and decent work. It is therefore imperative that supply chains and value chains echo this combination. In this vein PPP's are balanced as they support employers, workers and the overall policy goals of Governments. This collaboration is aimed at supporting the realization of

fundamental principles and rights at work in tobacco growing communities.² Through this collaboration the office:

has supported the application of the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), towards the elimination of child labour, which is widespread in many tobacco growing communities, while striving to increase opportunities to secure decent work and improved incomes for adults who depend on the sector for their livelihoods.³

It should be borne in mind that in countries such as Malawi, there are few substitutes for tobacco. The importance of tobacco production is that it is more profitable than maize and 14 times more profitable than cotton. In Malawi, tobacco accounts for over 70% of foreign exchange earnings and contributes to 10% of the GDP.⁴ It is still the source of the bulk of the small-holders revenue. From this it is evident that an approach that includes players in the sector as well as from a technical perspective is well founded.⁵ With 69% of children in Malawi in child labour in agriculture, the call for collaborative action cannot be overemphasised.

In 2015, Zambia tobacco production contributed 0.4% GDP. This is substantial when one considers that contribution to GDP of other products is Maize 1.5, coffee 0.7%, tea 0.01%. In the same year Zambia produced a total of 34,000 tonnes of tobacco valued at \$98,000,000 (ninety eight million dollars) On the other hand total output of maize was 2.9 million tonnes, cotton 260,000 tonnes, coffee 6,500 and 900 tonnes for tea. The value of production of maize, cotton, coffee and tea in 2012 was respectively \$390,000,000 (three hundred and nineteen million dollars), \$180,000,000 (one hundred and eighty million dollars) \$17,000,000 (one hundred and seventy million dollars) and \$200, 000 (two hundred thousand dollars) respectively (write in words as well). In 2012 there was an estimated 10,000 small and medium scale farmers that grew tobacco.

In Mozambique there is a policy that creates an environment for PPP's with the tobacco sector. The tobacco companies train small scale farmers that have a hectare or more to produce tobacco on one half of their land and on the other, agricultural products that satisfy their food security. For example the tobacco companies provide seed such as beans, maize and other horticultural products. To complete the cycle, they buy the tobacco from the farmers. This is a clear example of inclusive business that supports sustainable enterprises. In 1999 the produce of tobacco was about 3000 tonnes per year and this figure had gone up to 70, 000 tonnes in 1999. In 2011 the export value of tobacco had gone up to \$217, 000,000. (two hundred and seventeen million dollars) accounting for 40.5% of the export value of agricultural products. In the same year 6,000 people with around 12 dependants were employed. This suggests that the socio-economic impact is wider.

At national level it is imperative to note that the majority of interested countries have a legal and regulatory environment for Public Private Partnerships these include; PPP Act of 2011 in Malawi, PPP Act 15 of 2011 in Mozambique, the PPP Act of 2009 in Zambia, PPP Act of 2015 in Uganda and the PPP Act of 2010 in Tanzania. At international level, the PPP programmes have been channelled through a public

² ibid

³ ibid

⁴ ibid p.4

⁵ ibid

private partnership signed by the ILO and the ECLT. The 'ECLT is also a member of the Child Labour Platform (CLP) of the UN Global Compact Human Rights and Labour Working Group, for which the Office provides the secretariat'.⁶

The other PPP has been entered into by the office and JTI which is also a member of the CLP.⁷ ECLT and JTI have contributed US\$5,332,835 and US\$10,114,200 respectively. Both these PPP's have been selected through a standard setting vetting process employed by the Governing Body.⁸ In as far as substantive reasons to maintain these PPP's, it is evident that they promote the fundamental principles of rights at work and sustainable enterprises. In as far as procedural elements, the PPP's, promote adherence to international standards as well as national laws and business practices.

In conclusion we urge constituents from tobacco growing communities such as the United Republic of Tanzania, Malawi, Uganda and Zambia to strongly oppose any disassociation of the ILO office with tobacco companies at the upcoming Governing Body meeting of the ILO. At the heart of our CSR policies are two pillars creation of decent work and the promotion of sustainable enterprises.

Key Messages and Recommendations

- i. We agree that the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being.
- ii. Tobacco growing still functions as a safety valve which safeguards livelihoods for millions of people from tobacco growing economies who for the most part belong to vulnerable social groups.
- iii. The ILO is a specialised agency of the United Nations whose mandate includes all aspects of the world of work. It is therefore imperative that it takes a holistic and flexible approach acceptable within the framework of the UN to work with concerned and interested parties.
- iv. Tobacco is not only grown for commercial purposes, but it is also being used for food security to support other crops and enterprise growth in small scale farmers.
- v. The PPP's entered into between the ILO and Tobacco producing companies are in no way promoting consumption or production of tobacco. They can be used to promote research and development in ways of making tobacco less harmful to both primary and secondary markets as well as finding other viable uses of tobacco other than smoking.
- vi. Tobacco production remains legal agricultural crop.
- vii. There is an enabling legal and regulatory framework on PPP's in most of the concerned countries.

COMMON POSITION AND CONCLUSION

⁶ ibid p.4

⁷ ibid

⁸ ibid

The conference and the tripartite delegates and stakeholders unanimously affirm and agree to a common position that the ILO should preserve the Public-Private Partnership (PPPs) with the Tobacco industry. The discussions and resolutions from all parties show and justify the conclusion as such.

**ANNEX 2: TRIPARTITE STATEMENT BY MALAWI, MOZAMBIQUE, TANZANIA, ZAMBIA AND ZIMBABWE ON THE INTERNATIONAL LABOUR ORGANISATION (ILO) COOPERATION WITH THE TOBACCO INDUSTRY AT THE 331ST SESSION OF GOVERNING BODY OF THE ILO IN OCTOBER/NOVEMBER 2017
17TH OCTOBER, 2017, LIVINGSTONE, ZAMBIA**

1. We, tripartite representatives from **Malawi, Mozambique, Tanzania, Zambia and Zimbabwe**, met from 16th to 18th October 2017 in Livingstone, Zambia with the following main objectives:
 - v. To broaden Understanding of the Importance of Public Private Partnerships (PPPs) in attaining Child Labour Elimination including its worst forms.
 - vi. To align the countries in order to have a common position at the forthcoming Governing Body meeting of the ILO in October/November 2017 in particular on the agenda item regarding the ILO Cooperation with the tobacco industry in the pursuit of the Organization's social mandate.
2. **THE TRIPARTITE REPRESENTATIVES** recognize as follows:
 - i. We take note of the guiding principles of the Model Policy for United Nations (UN) agencies on preventing tobacco industry interference which was concluded in October 2016 by the United Nations Interagency Task Force on the Prevention and Control of Non-communicable Diseases (UNIATF) to which ILO is a party. The Policy, among others, urges members of the Task Force to reject partnerships, joint programmes, non-binding or enforceable agreements and any other voluntary arrangements with tobacco industry for the effective implementation of the World Health Organisation Framework Convention on Tobacco Control (WHO FCTC);
 - ii. We acknowledge that child labour is still rampant in many countries including in Sub-Saharan Africa;
 - iii. We acknowledge the mandate of ILO, which amongst others, is devoted to advancing opportunities for women and men to obtain decent and productive work and sustainable enterprises in conditions of freedom, equity, security and human dignity. The ILO is a specialized agency of the United Nations whose mandate includes all aspects of the world of work. It is therefore imperative that it takes a holistic and flexible approach acceptable within the framework of the UN to work with concerned and interested parties;

- iv. We take note of the ILO tripartite structure, comprising Government, Employers and Workers and that it has an obligation to interact and engage with all employers including the tobacco industry to promote social dialogue, tripartism and debate on matters of labour standards, employment creation and social policy;
- v. We recognize the continued need to eliminate child labour including its worst forms as enshrined in International Labour Conventions, United Nations Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child; and the United Nations Sustainable Development goals, in particular Goal 8 to promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all and Goal No. 8.7 to end child labour, forced labour, modern slavery and human trafficking;
- vi. We are aware of the economic potential of Public-Private-Partnerships (PPPs) to provide public benefit through long term contracts, recognized as a successful model including the pivotal role in the fight against child labour. For instance, PPPs project such as Achieving Reduction of Child Labour in Support of Education (ARISE) has contributed to achieving universal primary education and the attainment of Sustainable Development Goals;
- vii. We agree that the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being;
- viii. We are cognizant of the fact that tobacco growing is a source of income and as such it functions as a safety net which safeguards livelihoods for millions of people in tobacco growing economies who for the most part belong to vulnerable social groups;
- ix. We acknowledge that tobacco continues to be one of the important cash and export-oriented crops in sub-Saharan Africa along with cotton, tea and coffee and that it contributes substantially to the Gross Domestic Product (GDP) of the tobacco growing countries and as such, tobacco production has been prioritized in the National Development Plans of tobacco growing countries in Sub-Saharan Africa;
- x. We recognize that some ILO member states have not ratified the WHO FCTC, as such, they are not bound by the provisions of the treaty;
- xi. We are aware that the PPPs entered into between the ILO and tobacco producing companies are in no way promoting consumption or production of tobacco but rather creation of decent work, elimination of child labour and promotion of sustainable enterprises. Furthermore, PPPs can be used to promote research and development in ways of making tobacco less harmful to both primary and secondary markets as well as finding other viable uses of tobacco other than smoking;

- xii. We are aware that tobacco and its production remains a legal and economic activity. PPPs form a basis of inclusive growth through generation of income for improved livelihoods in the entire value chain especially rural areas for poverty alleviation;
- xiii. We acknowledge the presence of enabling legal and regulatory frameworks on PPP's in most of our countries.

3. **NOW THEREFORE**, in light of the above facts, we hereby submit that:

- iii. The ILO should preserve the PPPs with the tobacco industry now and beyond the current project's life span to foster dialogue and social justice including in tobacco industry at all levels of the supply chain; and
- iv. The ILO should consider withdrawing its membership to the UN Interagency Task Force on Prevention and Control of Non-communicable diseases as its membership directly conflicts with its primary mandate of advancing decent and productive work in conditions of freedom, equity, security and human dignity with regard to elimination of child labour including in the Tobacco Sector. The issue of tobacco control can ably be pursued by other actors whose mandates are not in conflict with the model Policy of the UNIATF.