

Memorandum to Cabinet by the  
Honourable Minister of Commonwealth and Foreign Affairs  
and the  
Honourable Minister of Labour, Employment and Welfare

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RECOMMENDATION ADOPTED BY THE  
INTERNATIONAL LABOUR CONFERENCE - JUNE 1968

At its 52nd Session in June 1968, the International Labour Conference adopted a new International Labour Instrument - Recommendation 132 - concerning the improvement of conditions of life and work of tenants, share-croppers and similar categories of agricultural workers.

The Recommendation lays down standards to safeguard the rights of tenant farmers and share-croppers in their relations with owners of the land they cultivate.

Government policy in regard to agricultural workers agrees to a large extent with the principles enunciated in the Recommendation, and law and practice in Malta conform in the main with the provisions of the Recommendation.

Honourable Ministers are invited to accept the Recommendation as a policy guideline before it is laid on the table of the House in terms of Article 19 of the Constitution of the International Labour Organisation.

18th July, 1969.

INTERNATIONAL LABOUR CONFERENCE

Recommendation 132

RECOMMENDATION CONCERNING THE IMPROVEMENT OF  
CONDITIONS OF LIFE AND WORK OF TENANTS, SHARE-  
CROPPERS AND SIMILAR CATEGORIES OF AGRICULTURAL  
WORKERS.

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the  
International Labour Office, and having met in its Fifty-  
second Session on 5 June 1968, and

Having decided upon the adoption of certain proposals with  
regard to improvement of conditions of life and work of  
tenants, share-croppers and similar categories of agricultural  
workers, which is the fourth item on the agenda of the session,  
and

Having determined that these proposals shall take the form of  
a Recommendation, and

Considering that these proposals constitute only one aspect of  
the problem of agrarian reform, and must be placed in that  
wider framework, and

Noting that the United Nations and the specialised agencies, in  
particular the International Labour Organisation and the Food and  
Agriculture Organisation of the United Nations, have been  
called upon in resolutions of the Economic and Social Council  
of the United Nations to devote greater attention to all  
aspects of land reform, and

Noting further that, for the success of action relating to the  
very varied aspects of agrarian reform, it is essential that  
close co-operation be maintained in their respective fields  
between the United Nations and the specialised agencies, and  
especially the Food and Agriculture Organisation of the United  
Nations, whose major role regarding land reform has been  
recognised by the Economic and Social Council of the United  
Nations, and

Noting that the following standards have accordingly been framed  
in co-operation with the United Nations and the Food and Agri-  
culture Organisation of the United Nations and that, with a  
view to avoiding duplication and to ensuring appropriate co-  
ordination, there will be continuing co-operation in promoting  
and securing the application of the standards, and

Noting in particular that any reports submitted by Members in  
pursuance of article 19 of the Constitution of the International  
Labour Organisation would be made available to the United  
Nations and the Food and Agriculture Organisation of the United  
Nations to enable them to take account of such reports in their  
own work regarding land reform and for any reports on progress  
of land reform requested by the Economic and Social Council of  
the United Nations,

adopts/...

adopts this twenty-fifth day of June of the year one thousand nine hundred and sixty-eight the following Recommendation, which may be cited as the Tenants and Share-croppers Recommendation, 1968:

### I. Scope

1. (1) This Recommendation applies to agricultural workers -

- (a) who pay a fixed rent in cash, in kind, in labour, or in a combination of these,
- (b) who pay rent in kind consisting of an agreed share of the produce,
- (c) who are remunerated by a share of the produce, in so far as they are not covered by laws or regulations applicable to wage earners,

when they work the land themselves or with the help of their family, or when they engage outside help within limits prescribed by national laws or regulations.

(2) These workers are hereinafter referred to as "tenants, share-croppers and similar categories of agricultural workers".

2. This Recommendation does not apply to employment relationships in which work is remunerated by a fixed wage.

3. The provisions of this Recommendation which refer to "land-owners" apply to any person with whom a worker covered thereby enters into a tenancy, share-cropping or similar arrangement, whether this person is the owner of the land, a representative of the owner of the land or any other person having the authority to enter into the contracts in question.

### II. Objectives

4. It should be an objective of social and economic policy to promote a progressive and continuing increase in the well-being of tenants, share-croppers and similar categories of agricultural workers and to assure them the greatest possible degree of stability and security of work and livelihood, account being taken of the need to follow good farming techniques and to make efficient use of natural and economic resources, and regard being had to the financial capacity of the country concerned.

5. Members should, without prejudice to the essential rights of landowners, take appropriate measures so that tenants, share-croppers and similar categories of agricultural workers may themselves have the main responsibility for managing their holding; they should give them necessary assistance to that end while ensuring that the resources are used to the greatest advantage and are properly maintained.

6. In conformity with the general principle that agricultural workers of all categories should have access to land, measures should be taken, where appropriate to economic and social development, to facilitate the access of tenants, share-croppers and similar categories of agricultural workers to land.

7. The/...

7. The establishment and development, on a voluntary basis, of organisations representing the interests of tenants, share-croppers and similar categories of agricultural workers and of organisations representing the interests of landowners should be encouraged and every facility provided to that end.

8. It should be recognised that all the measures provided for in this Recommendation with a view to attaining the objectives set out in Paragraph 4 to 7 would be more effective if they were integrated in a comprehensive national agrarian reform plan.

### III. Methods of Implementation

9. Where the foregoing objectives of policy, and in particular those set forth in Paragraph 4, cannot be adequately attained on the basis of existing tenancy or labour legislation, such legislation should be amended or special laws or regulations should be adopted, after consultation with the organisations concerned or, where they do not exist, with representatives of those concerned.

10. Steps should be taken and procedures appropriate to national conditions established with a view to -

- (a) ensuring that rent is at a level which -
  - (i) permits a standard of living for the occupant which is compatible with human dignity;
  - (ii) gives each of the parties concerned a just and equitable return;
  - (iii) promotes progressive husbandry;
- (b) determining the minimum share of the produce to which the persons referred to in Paragraph 1, subparagraph (1) (c), are entitled;
- (c) making rent adjustments in certain circumstances such as substantial changes in yield, prices and value of land;
- (d) postponing the payment of rent and, where circumstances so require, reducing it in case of crop failure or other disasters affecting the holding, due to natural causes which the tenant, share-cropper or agricultural worker in a similar category could not foresee or control.

11. Appropriate provision should be made for the protection of tenants, share-croppers and similar categories of agricultural workers against the imposition on them by landowners of the obligation to perform general services in any form, paid or unpaid, and any attempts at such imposition should be subject to an appropriate penalty determined by the competent authority.

12. There should be appropriate machinery suited to national conditions for -

- (a) the enforcement of laws, regulations, contracts and customary arrangements which promote the well-being, encourage the spirit of initiative and ensure the protection of tenants, share-croppers and similar categories of agricultural workers;
- (b) the speedy settlement, with minimum expense, of disputes between landowners, on the one hand, and tenants, share-croppers and similar categories of agricultural workers, on the other.

13. Organisations/...

13. Organisations representing the interests of tenants, share-croppers and similar categories of agricultural workers and organisations representing the interests of landowners or, where they do not exist, representatives of those concerned should be associated with the working of the procedures and machinery referred to in Paragraphs 10 and 12 and with the consideration of contracts referred to in Paragraph 10, subparagraph (1) (a), and Paragraph 15.

14. (1) Contracts governing the relationship between landowners, on one hand, and tenants, share-croppers and similar categories of agricultural workers, on the other-

- (a) should preferably be in writing or should conform to a model contract established by the competent authority;
- (b) should be agreed to in a prescribed manner and, in order to ensure that the tenant, share-cropper or agricultural worker in a similar category has fully understood the terms of the contract, under conditions which ensure adequate supervision by the competent authority;
- (c) should be of such duration, with such provision for automatic renewal, as to provide security of tenure and to encourage good agricultural practices.

(2) The requirement by the landowner of any special fees or gifts, or of any other contribution, for the granting or the renewal of the contract should be prohibited and any attempt at such requirement should be subject to an appropriate penalty determined by the competent authority.

15. (1) Every contract should contain all such particulars as may be necessary in conjunction with relevant laws or regulations to define the rights and obligations of the parties.

(2) The particulars to be contained in the contract should in all cases include the following:

- (a) the names of the contracting parties and any other particulars necessary for their identification;
- (b) the description of the holding together with an inventory;
- (c) the rent to be paid for the holding or the remuneration due for the labour of the occupant and the form of payment in either case.

(3) The particulars to be contained in the contract should also include the following, to the extent that they are not sufficiently provided for in national laws or regulations:

- (a) the duration of the contract and the method of calculating this duration;
- (b) provisions concerning the renewal and the termination of the contract and, as appropriate, the assignment of the contract, and subcontracts;
- (c) determination of the types of repairs for which each of the parties concerned would be responsible;
- (d) the respective rights and obligations of the parties concerning the costs of production and the produce of the holding and its disposal;
- (e) the right to compensation for improvements made by the occupant during the currency of the contract, as envisaged in Paragraph 17;
- (f) the right to compensation for disturbance in the case of termination of the contract by the landowner before its expiry, as envisaged in Paragraph 16, subparagraph 4;

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- (g) the respective rights and obligations of the parties concerning damage to buildings and equipment;
- (h) procedures for settlement of disputes;
- (i) provision concerning the case of the death of the occupant;
- (j) provision to protect the respective rights of the parties relating to minerals, water and other resources connected with the holding.

(4) where appropriate, contracts should also contain the following particulars:

- (a) the methods of husbandry to be used to ensure the proper maintenance of the holding and its resources;
- (b) the facilities to be provided by the landowner, such as housing and other amenities;
- (c) the insurance to be carried against agricultural and other risks, and responsibility for the cost of such insurance.

16. (1) The right of the landowner to terminate the contract before its expiry, after giving due notice, should be limited to cases prescribed by laws or regulations, such as bad husbandry on the part of the occupant or resumption of the occupancy of the holding for justifiable purposes determined by the competent authority.

(2) Where a contract is so terminated, tenants, share-croppers and similar categories of agricultural workers should be given sufficient time to gather in their crops or be adequately compensated therefor, at their option.

(3) Tenants, share-croppers and similar categories of agricultural workers should be given notice in writing, sufficiently in advance, in the case of sale by the landowner; where they have satisfactorily cultivated the holding which they occupy for a prescribed number of years, they should have the right of pre-emption over that holding.

(4) Tenants, share-croppers and similar categories of agricultural workers should be entitled to compensation for disturbance in the case of termination of the contract by the landowner before its expiry for reasons other than failure to meet agreed commitments.

17. Tenants, share-croppers and similar categories of agricultural workers should have the right to make such improvements as may be necessary on the holding which they occupy, and should, if they obtain the prior approval of the landowner or of the competent authority to make such improvements, or in cases where these are authorised by law, be entitled to compensation for the unexhausted added value of such improvements on giving up the holding.

18. Where it is customary or necessary for the tenants, share-croppers and similar categories of agricultural workers to live on the holding, landowners should be encouraged to provide them with adequate housing conforming to standards compatible with human dignity with respect to such matters as protection against natural elements, provision of drinking-water, sanitary installations and separate accommodation for animals. The competent authority should take such measures as may be appropriate and practicable to assist the landowners in this responsibility.

19. Where/....

19. Where appropriate, and in so far as this is not inherent in the nature of the contractual arrangement, tenants, share-croppers and similar categories of agricultural workers should be authorized to use some land for producing food for themselves and their families.

20. Appropriate steps should be taken within the framework of systems of public registration properly to record the rights of tenants, share-croppers and similar categories of agricultural workers, free of charge, and to maintain relevant entries up to date.

IV Complementary Measures

21. Where appropriate, the competent authorities, in collaboration in so far as possible with the organisations concerned, should encourage, and give instruction in, the organisation by tenants, share-croppers and similar categories of agricultural workers of co-operative institutions, such as production co-operatives, co-operatives for the processing of agricultural produce, credit co-operative, marketing co-operatives and purchasing co-operatives, and the strengthening of such institutions where they already exist.

22. (1) Measures should be taken in the light of available national resources and conditions prevailing in the country to make adequate low-cost credit in cash and kind available to tenants, share-croppers and similar categories of agricultural workers so as, in particular, to -

- (a) contribute to raising levels of production and consumption;
- (b) promote access to land;
- (c) increase the effectiveness of agrarian reform and of land settlement projects.

(2) So far as practicable, the provision of such credit should be associated with approved and supervised farm development and management schemes.

(3) Special consideration should be given in the light of national conditions to a class of -

- (a) low-cost co-operative credit;
- (b) supervised credit;
- (c) low-cost bank credit;
- (d) interest-free government loans.

(4) Tenants, share-croppers and similar categories of agricultural workers should not be required to obtain the authorisation of landowners to obtain credit to be used for improving their holding.

23. (1) The competent authorities and bodies should take appropriate measures to ensure that general education as well as programmes of agricultural education and vocational training in agriculture are effectively available to tenants, share-croppers and similar categories of agricultural workers and their dependants.

(2) Where such persons are covered by agrarian reform or land settlement projects, special programmes of education and training should be developed to enable them to benefit fully therefrom.

(3) representatives/...

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(3) Representatives of agricultural organisations concerned should be associated with the work of governmental bodies responsible for the application of the provisions of this Paragraph.

24. Particular attention should be paid by the competent authorities to integrated programmes for rural employment promotion so as to -

- (a) give tenants, share-croppers and similar categories of agricultural workers, as well as their families, every opportunity of making fuller use of their capacity for work;
- (b) provide permanent non-agricultural employment for those unable to obtain employment in agriculture.

25. The competent authorities should ensure that tenants, share-croppers and similar categories of agricultural workers -

- (a) are covered in so far as practicable by appropriate and adequate social security schemes; and
- (b) benefit from programmes for rural development concerned with matters such as education, public health, housing and social services, including cultural and recreational activities, and, in particular, from the extension of community development programmes to them.

26. (1) Tenants, share-croppers and similar categories of agricultural workers should be protected as far as possible and practicable against risks of loss in income resulting from natural calamities such as drought, floods, hail, fire and animal and plant diseases.

(2) Where appropriate and practicable, the competent authorities, after taking into account the situation in the country, should introduce or encourage insurance schemes to cover these workers against such risks and play a prominent role in financing them.

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the International Labour Organisation during its Fifty-second Session which was held at Geneva and declared closed the twenty-fifth day of June 1968.

IN FAITH WHEREOF we have appended our signatures this twenty-fifth day of June 1968.

The President of the Conference,  
R. G. San Sebastian

The Director-General of the International  
Labour Office

David A. Morse