

REVIEW OF AGRICULTURAL LAWS BY THE LAW REFORM COMMISSION OF TANZANIA

Introduction

REVIEW OF AGRICULTURAL LAWS is one of the Projects the Law Reform Commission will be undertaking during 2008/2009 Financial Year. The review will lead to the preparation of appropriate law reform recommendations to the Minister of Constitutional Affairs and Justice. Members of the public are invited to write their comments, suggestions or submissions to the Commission on how best to carry forward the proposed project to review the agricultural laws of Tanzania.

This invitation is designed to involve the public in the process of law reform from the very initial stages. This invitation will be distributed widely to the Ministries and Government Departments, research institutions, lawyers, academics, organizations, individuals and the media. The invitation shall also be available on the Commission's pages on the World Wide Web: www.lrct.or.tz/

Mandate of the Law Reform Commission of Tanzania

This review of Agricultural laws of Tanzania falls within the mandate of the Commission under the Law Reform Commission of Tanzania Act, Cap. 171. The Commission is generally mandated to take and keep under review all the laws of the United Republic with a view to its systematic development and reform. The Commission is required-

- i. to review any law or branch of law and propose measures necessary for bringing that law or branch of the law into accord with current circumstances of Tanzania;
- ii. to eliminate anomalies or other defects in any law, recommend repealing of obsolete or unnecessary laws or suggesting a reduction of the number of separate enactments;
- iii. to recommend proper codification and simplification of any law or branch of law where appropriate;
- iv. to consider and advise on proposals for the adoption of new or more effective methods for the administration of the law and the dispensation of justice;

Rationale for the Review of Agricultural Laws

Law Reform Commission has prioritised this project on the Agricultural laws because of the of the potential of agriculture to the contribution to food security, creation of employment through its linkage with industry and the overall economic development of the country on similar lines as recognised by the Peoples Republic of China in its pursuit of its recent huge economic progress. Importance of Agriculture has been underscored in Tanzania's Development Vision 2025. These factors have demonstrably been signified by the following quotes from Deng Xiao Ping and the Vision 2025:

“.....We should establish the concept that agriculture is the foundation of the national economy and that industry must serve it. A major task for industry is to support agriculture and promote its modernization. Industrial regions and cities should help the surrounding rural areas to advance, develop small-scale industries and improve agricultural production, and this should be included in their plans.....

*..... Agricultural modernization is not confined to mechanization alone; it also includes the application and development of science and technology. Cities could help rural areas set up mechanized poultry or pig farms. On the one hand, this would help raise the income of the peasants; on the other it would improve the supply of non-grain foods to the cities. If our workers do not have enough meat and vegetables to eat, how can industry do well? Industry should support agriculture which, in its turn, should support industry. ”- **DENG XIAO PING OF CHINA.***

*“.....The economy has remained largely untransformed. Agriculture, the backbone of the economy, continues to be dependent mainly on rainfall and on backward technology. Thus agricultural productivity is low and erratic.-**VISION 2025 TANZANIA***

Food security is a very important result of any stable Agricultural system of a country. Food security refers to the availability and access to food. A household is considered food secure when its occupants do not live in hunger or in fear of starvation.¹ A stable agricultural system that is closely linked to local market, export and industry is the best guarantee against food insecurity.

¹ http://en.wikipedia.org/wiki/Food_security [27th August 2008]

GENERAL AREAS OF AGRICULTURE PROPOSED FOR LAW REFORM

A: Agricultural Laws of Tanzania within the Context of Regional Cooperation

Law Reform Commission intends to review relevant agricultural laws and determine-

- a) extent Agriculture in Tanzania is likely to be affected by both the membership of Tanzania in the East African Community and the national agricultural laws of other East African Partner States;
- b) statutory and other measures Tanzania needs to take to make agricultural production in Tanzania competitive enough in the EA Customs Union, impending EA Common Market, and EA Monetary Union.

B: Review of Agricultural Laws for the Stability of Agriculture in Tanzania

Law Reform Commission intends to review relevant laws and explore the possibility of having a framework agricultural legislation designed to promote and maintain a stable agriculture in Tanzania by-

- (i) identifying, designating, demarcating and protecting specific areas of land to be “agricultural lands;”
- (ii) stimulating the development of identified agricultural lands in accordance with accepted practices of good land management and good husbandry;
- (iii) providing appropriate linkages with existing laws that make provisions for- *agricultural inputs; movement of agricultural products; agricultural mechanization; fertilizers; new plant varieties; seeds; and warehouse receipts;*
- (iv) declaration of “essential crops,” “special crops” for purposes of active promotion;
- (v) providing guaranteed minimum returns to production of essential crops and special crops as a means of promoting agriculture in Tanzania;
- (vi) issuing of “Agricultural land development orders” to compel development of agricultural lands;
- (vii) issuing of “Agricultural land preservation orders” and “Agricultural soil conservation orders” to protect and preserve agricultural lands;
- (viii) declaration of “large scale farms” for purposes of promotion of agricultural production;

- (ix) establishment of Central Agricultural Board to advise the Minister on all matters of national agricultural policy, food security and coordination of agricultural lands situate in various regions and areas of local government areas of the United Republic of Tanzania; and
- (x) titling of Agricultural lands.

C: Review of Agricultural Laws that Link Agriculture to Industry, add value to Agricultural Produce for the market and for export:

- (i) Review Agricultural laws of other jurisdictions that make provision on the grading and inspection of agricultural produce for internal market in Tanzania and for export, and generally for the better standardisation of the preparation and manufacture of agricultural produce for export;
- (ii) Review of laws making provision for the marketing of agricultural produce generally or through various Agricultural Produce Marketing Boards;
- (iii) Review of laws relating to agricultural canning industry concerned in the canning of certain crops, and
- (iv) Review of laws on the branding and standardization of agricultural produce to improve the competitiveness of agricultural produce of Tanzania.

C: Review of laws governing Agricultural Financing:

- I. Review of agricultural financing laws of Partner States of the East African Community and recommend changes on the laws of Tanzania to improve the competitiveness of agriculture in Tanzania.

AGRICULTURAL LAWS OF TANZANIA

Coffee Industry Act, 2001 {CAP. 347 R.E. 2002};

Cotton Industry Act, 2001- ACT NO.2 of 2001;

Tanzania Cotton Marketing Board Act, 1984-

Tanzania Pyrethrum Board Act, 1997-

Tea Act, 1997-

Agricultural Irrigation Development Fund (Establishment Management) Act, 1984 {CAP. 199 R.E. 2002};

Agricultural Inputs Trust Fund Act, 1994 {CAP. 401 R.E. 2002};

Centre for Agricultural Mechanization and Rural Technology Act, 1981- {CAP. 181 R.E. 2002};

Production Development Funds (Establishment and Management) Act, 1974- {CAP. 125 R.E. 2002};

Sisal Industry Act, 1997;

Tanzania Cashew nut Marketing Board Act, 1984- {CAP. 203, RE 2002};

Sugar Industry Act, 2001;

Seeds Act, 2003 (Act No. 18/2003) - {CAP. 308, RE 2002};

Agricultural Products (Control of Movement) Act, 1965 {CAP. 78 R.E. 2002};

Fertilizers and Animal Foodstuffs Act, 1962. - {CAP. 378, RE 2002}

Warehouse Receipts Act, 2005;

Wattle Bark Industry Act-{CAP. 158, RE 2002};

Food Security Act, 1991-{CAP. 249, RE 2002};

Protection of New Plant Varieties (Plant Breeders' Rights) Act, 2002 - (Act No. 22) - {CAP. 344, RE 2002};

Produce Export Act, {CAP. 137 R.E. 2002}