

## **Legal and Policy Aspects of UA in Tanzania**

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Urban agriculture (UA) in Tanzania is practised in a generally favourable political and legal context. At the national level, during the 1970s and 1980s, the government, faced with a poor economy, issued policies encouraging people to undertake urban agriculture. This was for urban dwellers to attain food self-sufficiency, to grow food in order to offset sky-rocketing inflation. Government and political leaders time and again told urban dwellers to raise livestock and produce their food in their backyards and other open space. Policies behind this included *Siasa in Kilimo* (Politics is Agriculture) of 1972 and *Kilimo cha Umwagiliaji* (Irrigated Agriculture) of 1974, *Kilimo cha Kufa na Kupona* (Agriculture for Life and Death) of 1974/75 and *Mvua za Kwanza ni Zakupandia* (First Rains are for Planting) of 1974/75. Others included the National Economic Survival Programme (NESP) of 1981/82, the National Food Strategy of 1982, the National Livestock Policy (NLP) of 1983, the National Agricultural Policy (NAP) of 1983, and the National Economic Recovery Programme (ERP) of 1986-1990.

At the ministerial level, urban agriculture has been partly encouraged by agricultural extension officers who offer non-formal education to urban dwellers. In a bid to encourage urban dwellers to produce own food, the government set up an urban agriculture extension service in the 1970s under the Ministry of Agriculture and Food Security (MAFS). Currently, MAFS uses its urban-based Agriculture/Livestock Extension Agents (ALEAs) who work in towns to promote the raising of livestock and growing of crops. ALEAs visit urban dwellers and impart modern skills and knowledge (non-formal education) about agriculture so that the farmers' production will increase.

It was in the early 1980s when government policies of encouraging urban agriculture, especially livestock keeping, started to have negative effects on the operations of most urban councils and the physical urban environment. So it was time to review the existing municipal bylaws regarding farming in town. The first urban bylaws regulating the growing of crops and raising of livestock in urban centres were enacted by the British colonial

authorities in 1928 under Rule 16 CAP. 101 (Bylaws for Regulation of Cultivation and Keeping of Animals in Urban Areas). These bylaws had three main objectives: (1) to prohibit people of African descent to grow crops and raise livestock in urban areas; (2) to prevent urban agricultural activities in urban areas, because it was thought to increase the presence of malaria-causing mosquitoes, especially crops taller than one metre; and (3) to maintain a cleaner urban environment and sustain urban aesthetics by preventing people of African descent from growing crops in most of the towns' open spaces. After independence in 1961, most of these bylaws became moribund. Later, however, most towns and municipal councils found it necessary to revive the bylaws so as to regulate urban agriculture for the smooth running of towns. The essence of these bylaws is that growing crops or raising animals is allowed, be it under certain conditions.

In Tanzanian towns, bylaws on crop cultivation make a distinction between areas where growing crops is completely prohibited and where it is permitted. Growing crops is also not permitted within a distance of fourteen metres from road banks. As for the river valley, however, crop cultivation is not allowed within a distance of fifteen metres from the river banks. The cultivation of annual crops is unrestrictedly allowed in these areas. For permanent crops, however, a written permission from the Municipal Director is needed. Other bylaws regulate the proper ways in which crops have to be cultivated, including for instance use of machinery, planting time, use of inputs, weeding, use of certified seeds, planting on slopes, as well as how to act in case of plant pests or diseases. Other bylaws stipulate the penalties on not adhering to these regulations, including fines, imprisonment and destruction of crops.

However, although these bylaws exist and clearly stipulate the penalties for defaulters, they are rarely implemented. For instance, it is common to see crops of all varieties planted in all municipal administrative wards, road reserves, riverbanks, public open spaces including children playgrounds, and surveyed plots, rendering the bylaws 'toothless.'

In towns, bylaws on livestock keeping define "animals" as cattle, donkeys, goats, horses, mules, pigs and sheep. In other words, small livestock like improved chicken, local chicken, ducks, rabbits and turkeys, most of which are now raised in urban areas, are left out. Most town Councils' bylaws stipulates that they "shall earmark certain areas

to be known as “specified areas” within the Urban area for the purpose of keeping animals [and] along which to move an animal or animals and permits shall be issued by the Councils in respect of animals authorized in the Urban Areas”. Yet, the bylaws do not specify the numbers and types of animals that urban dwellers are allowed to raise in different density areas. Bylaws forbid keeping animals outside “a building, structure or enclosure”; hence, keeping animals in free range is prohibited. Moreover, according to bylaws do not allow animals to be kept “in a building or part of such building that is used for human habitation”. Yet, people do keep improved chicken, goats, sheep, local chicken in their houses. On the other hand, chicken (local and improved) are not defined as “animals” in these bylaws. Animals can only be moved with special permission from the Council. Most urban dwellers keep animals without having a permit. Bylaws which require urban dwellers to remove manure, liquid filth, and other animal waste are never enforced. The fact that there are many senior government and ruling party officials among the livestock keepers who break the bylaws with impunity, is probably the best assurance for most other livestock keepers that they will not be punished whenever they break the law.

The National Human Settlements Development Policy of 2000 of the Ministry of Lands and Human Settlement Development<sup>1</sup> says the following regarding Urban Agriculture:

**Urban agriculture** exists in most urban areas both in the developed and developing countries. As an economic activity, it provides income and employment opportunities to the urban populations, and a reliable supplementary source of food supply to urban dwellers at affordable prices. As a land use, well-planned urban agriculture creates a pleasant greenery scene.

#### **Issue**

Although urban agriculture is considered an important component in sustainable development, improperly practiced urban agriculture conflicts with other urban land uses and leads to land degradation, water pollution, and is a threat to health and safety.

#### **Policy statement**

The government shall:

- i. Designate special areas within planning areas whereby people will be granted legal rights to engage themselves in agricultural activities;
- ii. continue to regulate and research on the conduct of urban agriculture and will ensure that it does not disrupt planned urban development;
- iii. review existing laws to facilitate planned urban agriculture; and
- iv. facilitate the construction of appropriate infrastructure to mitigate/prevent land degradation, water pollution, and health and safety hazards in areas whereby urban agriculture is permitted (p. 48).

The legal context is somewhat confusing for the urban farmers. The national government pursued a generally favourable policy and even tried to encourage people during periods of severe economic recession. Even, though farming in town is generally accepted, the bylaws at the local level pose many restrictions to the practice. Many urban farmers appear not to know what is allowed and what is not. On the other hand, despite these regulations, enforcement is sparingly done and discriminatory in nature (the elite are less affected), councils lack funds and personnel to reach sprawling and sometimes unplanned urban areas.

<sup>1</sup>Source: United Republic of Tanzania. (2000). *National Human Settlements Development Policy*. Ministry of Lands and Human Settlements Development. Dar es Salaam: Government Printers. p. 48.