

Legal Aspects of Production and Marketing of Coffee and Cotton in Tanzania Up to 1992

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(1993)

Abstract

This study was on legal aspects of production and marketing of coffee and cotton in Tanzania up to 1992. The primary aim of this study was to investigate the motives behind and reasons of using law in the regulation of the production and the marketing of cash crops generally, and of coffee and cotton in particular.

The study investigated two hypotheses. The first and the main one, which ran throughout the work was that legal regulation of the production and marketing of coffee and cotton was not for the benefit or interests of the small holder peasant farmers, but rather for the interests of the government. The peasants had only been peripheral beneficiaries. The second hypothesis, a subsidiary one, was that law was an instrument of the government with a primary objective of protecting the government interests.

This study employed both library and field research. The library research was mainly conducted at the University of Dar es Salaam library. The main aim of conducting library research was to generally get an insight of how the problem under investigation had been probed in order to determine gaps What had not been probed yet.

The field research covered mainly two regions - Kilimanjaro and Shinyanga. In these regions, visits were made to a few primary co-operative societies, co-operative department offices, co-operative unions, and the marketing boards for coffee and cotton. During these visits, interviews were made various peasants, co-operative members and officers, and officials of the marketing boards. Observations were also made at various buying posts (for coffee and cotton). These observations were particularly on how the produce from the peasants was weighed, graded and stored.

In tracing the reasons behind the introduction of cash crops in Tanganyika and the need to use law to regulate production and marketing of these crops, the study found out that the main objective was geared towards satisfying the imperialists' requirements for raw materials, on one hand, and generation of surplus from the export of the cash crops for the government use, on the other. It was observed that both the colonial and independence governments used law extensively to regulate and control virtually all aspects of production and marketing of the crops under study.

The study demonstrated the dominance of legal regulations and controls over the small-holder peasant farmers. The dominant position of the government vis a vis the peasants was seen through the powers which had been given to various statutory crop marketing institutions and to various public officials. Through various legal regulations and controls, the peasants were forced to adopt new methods of agriculture. They were instructed on what crops could profitably be grown, how to grow them, and where to sell the produce thereof. As such, there was no popular participation by the peasants in the planning of their cash crop production and marketing.

The business relationship between the peasants as the producers and crop marketing institutions as purchasers had been imposed by the laws. This meant that the rights, duties and liabilities of the parties had not been the result of a consensus between the parties, but had rather been dictated to them by the government. Under such circumstances, the peasants had to transact solely with the government-controlled marketing agencies. All other potential marketing channels had been eliminated. Producer prices were dictated to the peasants by the Government, and various taxes, levies and other deductions were imposed on the incomes of the peasants unilaterally without involving them.

Generally, the study observed that the government had been interested in controlling the production and marketing of coffee and cotton in order to generate revenue for its own use and for investment in some economic and social development programmes. Incidentally, there was no legal provision limiting this motive. The study concluded that so long as the agricultural surplus continued to constitute the economic basis of the ruling class, the interests of the peasants would continue to be marginalised. The peasants' rights had never been expressly defined in the laws. The crop marketing institutions had been empowered to determine the rights of the growers even without involving them.

From the foregoing observations, It was therefore clear that the operations of the laws proved the hypothesis that the laws had been designed to serve and protect Government interests, and not those of the peasants.

Consequently, the study recommended that there was need for popular participation of the peasants in decisions relating to the production and marketing of the crops under study. For instance, representation of the coffee and cotton growers in national and international forums should be by people appointed by the peasants themselves, and not by Government officials.

It was also suggested that there was need to change the pricing system for the crops under study. Peasants ought to be paid prices then prevailing in the world market at the time when crops were being sold, instead of prices being fixed by marketing boards.

Other recommendations included: that peasants ought to be allowed to grow any other crop which they considered more profitable, the need to establish savings and credit schemes and a co-operative bank, repealing restrictive laws, as well as dissolving the existing crop marketing boards.