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**Emerging actors in Africa:  
Impact and opportunities for EU-Africa and global relations**

**TRANSFER OF THE RIGHT TO USE AND EXPLOIT THE LAND (DUAT)  
IN RURAL AREAS OF MOZAMBIQUE**

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**Abstract of the presentation**

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The PPP by E. Chiziane presents the main findings of a study that analysed the legality and feasibility of a simplification of administrative proceedings and of requirements for the transfer of land rights between the living in rural areas aiming to stimulate economic development and alleviate poverty. The study identifies also solutions to some of the identified problems, proposing changes to the law and administrative procedures.

In the current context, legal proceedings for making such transfer of rights are long and complex, thus hampering private investment; some of the terms associated are ambiguous (e.g. “benfeitorias”); currently such a transfer is possible only in very limited cases and subject to the State’s approval, which can create barriers to a more beneficial use of the land; and differences in the legal treatment between land with and without buildings further complicate the process (procedures are less complex in the case of urban buildings).

According to the Constitution of 2004 (art. 109, n°1 and 2), land in Mozambique is State property and it is up to the State to set the conditions for its use and exploitation; DUAT’s transmission is possible, but the land can not be sold or alienated in any other form, mortgaged or subject to distraint. The Land Law of 1997 further defines the conditions under which it is possible to transfer the right to use and exploit the land: through heritage in case of death; transfer among the living of land with urban or rural building in it subject to defined conditions

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(automatic right in the first case, subject to State approval and other legal procedures in the latter).

Transferring the right to use and exploit the land in life is therefore the situation that poses the greatest problems. Clarifying ambiguities in the law should be the first step towards addressing some of the identified problems with regard to a transfer of DUAT. Procedures for such transfers should be simplified, including the administrative requirement for prior state authorization for rural buildings. That could facilitate access to the land and investments particularly by locals and nationals willing to invest in the land. In case simplification would apply also to large areas of land, prior delimitation and demarcation of the land should be required, at the initiative of the claimers who would be responsible for proving their right.