



GLM
Global Vision, Local Experience
January 2013

MOZAMBIQUE - ACCESS TO LAND FOR TOURISM DEVELOPMENT



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The Tourism Policy and Strategy for its Implementation, approved by Resolution 14/2003 of 4 April, sees tourism as an economic sector that is experiencing progressive growth all over the world¹. It also considers tourism to be one of the vehicles for the economic development of this country (generation of income for the domestic economy, employment for citizens, ecological and environmental conservation, public and private investment, expansion of public and private infrastructures, and prestige for the country that can create a good environment to attract business).

Focusing on the development of tourism in Mozambique, the Tourism Policy establishes the following general tourism objectives: (i) to develop and position Mozambique as a world class tourist destination; (ii) to contribute to the creation of employment and economic growth and to reduce poverty; (iii) to develop responsible and sustainable tourism; (iv) to play a role in the conservation and protection of biodiversity; (v) to preserve cultural values and national pride; and (vi) to improve the quality of life for Mozambicans.

Access to land² for tourism development is one of the areas considered by the Government of Mozambique to be a priority in the context of tourism development.

When it comes to access to land for development of tourism, the Tourism Policy: (i) encourages the concession for use and profit from the land for tourism purposes for projects with long term sustainability and the avoidance of short term operations; (ii) focuses on projects that are not capital-intensive and involve intensive use of natural

² All land is owned by the State and, for this reason, cannot be sold, mortgaged or pledged. Land may only be occupied and the only vehicles the law provides for such access are the DUAT (*Direito de Uso e Aproveitamento da Terra*) – Right to use and Profit from the Land – and Special Licences. Special Licences are only granted for the exercise of certain economic activities in areas of public domain (with partial or total protection). The DUAT is granted, in areas outside the public domain, to foreign or Mozambican individuals or legal entities, bearing in mind the social or economic objective. On granting the DUAT, the State recognises and protects any rights acquired by inheritance or by occupation, except where there is a legal reserve or the land has been legally attributed to another person.

The establishment, modification, transfer and extinction of the DUAT are subject to registration at the Land Registry and the National Land Record (Conservatória do Registo Predial and Cadastro Nacional de Terras). The authorisation is definitive and granted for a period of 50 years, renewable for an equal period, once the provisional authorisation period and/or plan for exploitation and interested party request have been complied with.

¹ This is referred to in the National Strategy for Tourism Development.

It should be noted that, under the terms of the said Regulation, the issuing of right to use and profit from the land, special licences or any other right of occupation of the zone should be suspended in ZITs.

resources (i.e. camp sites, caravan parks, etc.) for ecologically less vulnerable areas; (iii) projects that are non-capital-intensive and located in areas that are of great value for tourism will receive short term concessions for use and profit from the land and will be subject to periodic reviews; and (iv) adopts measures that discourage land speculation and strictly observes the terms and conditions established in the concessions.

The Tourism Policy also recognises the need to reserve land for the exclusive development of tourism projects whenever this is possible in zones that are strategic for tourism development, urban zones, and zones with great potential for tourism.

The Regulation of Zones of Interest for Tourism (ZIT), approved by Decree no. 77/2009 of 15 October in the wake of what was established in the Tourism Policy, defines principles to be followed in the process of reserving land for the purposes of exclusive development of tourism projects.

It should be noted that, under the terms of the said Regulation, the issuing of right to use and profit from the land, special licences or any other right of occupation of the zone should be suspended in ZITs. In zones that are occupied, the holder of rights of use and profit or special licences, as long as the implementation of the respective projects has not begun, must take the steps necessary to ensure that their activity or infrastructure construction project complies with the applicable rules on land use for the zone in question.

This newsletter was prepared by a multidisciplinary team made up of mozambican lawyers from GLM – Gabinete Legal Moçambique and Portuguese lawyers from PLMJ. This team was brought together under an agreement for international cooperation and membership of PLMJ International Legal Network, in strict compliance with applicable rules of professional ethics.
