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VOLUNTARY PRINCIPLES
SECURITY
AND HUMAN RIGHTS

IN MOZAMBIQUE *BULLETIN*

PLATFORM FOR DIALOGUE ON BUSINESS, SECURITY AND HUMAN RIGHTS IN CABO DELGADO

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High-level Delegation and partners reiterate their support for Mozambique's adherence to the Voluntary Principles Initiative

A high-level delegation from the Voluntary Principles Initiative (VPI) visited Mozambique from 7 to 11 November, with the aim of continuing the dialogue and providing the necessary support to the Government to implement the Voluntary Principles on Security and Human Rights in the country. The mission included representatives from Switzerland, the UK and international organizations members of VPI.



On Tuesday 8 November, a high-level event was held to raise awareness on the Voluntary Principles, and to continue the dialogue with the Government of Mozambique on the implementation of the Voluntary Principles. In addition, the event also aimed to share information on further initiatives linked to business, security and human rights.

The event was attended by several high-level representatives, such as Elone Chichava – representing the Ministry of Justice, Constitutional and Religious Affairs; H.E. Helen Lewis – British High Commissioner in Mozambique; Laila Sheikh Rüttimann – Deputy Head of the Swiss Embassy and Head of the Swiss Cooperation in Mozambique; Annie McGee – Head of the Conflict Minerals and Private Security Standards Team of the UK Foreign, Commonwealth and Development Office; Frédéric Chenais – Department of Foreign Affairs of Switzerland; Dr Alan Bryden – Head of the Business and Security Division at DCAF, Geneva Centre for Security Sector Governance; Dr Alex Vines – Director of the Africa Program at Chatham House; Jamie Williamson – Executive Director of the International Code of Conduct Association for Private Security Providers (ICoCA).

Prof. Adriano Nuvunga, Executive Director of CDD, gave a brief welcoming speech and contextualisation of the event, and highlighted that the

violent extremism that has plagued Cabo Delgado since October 2017 continues to impede the development of natural gas projects in the Rovuma Basin and, in recent weeks, has increased insecurity around ruby extraction projects.

“Hence the strategic importance of the Voluntary Principles as a platform that can bring business, government and civil society to dialogue and find an in-depth understanding of the nature of conflict and better ways to address the issues, so that everyone can feel part of the process.”

CDD’s Executive Director noted that the exploitation of natural resources around the world, particularly in African countries where democratic systems are still fragile, requires the presence of public and private security. “But the best security strategy for a region with extractives companies is one that includes the participation of the communities. It is not the quantity of weapons that matters, but how we involve communities and ensure their right to development is respected.”

The implementation of the Voluntary Principles in Mozambique is an initiative led by the Ministry of Justice, Constitutional and Religious Affairs, with CDD working as the secretariat and technical support from DCAF – Geneva Centre for Security Sector Governance. The initiative is supported by the Governments of the United Kingdom and Switzerland.

“Our work has shown significant progress in the implementation of the Voluntary Principles in Cabo Delgado”, Elone Chichava, Ministry of Justice

Speaking on behalf of the Ministry of Justice, Elone Chichava noted that the Government started the dialogue on the Voluntary Principles in full awareness of the challenges the country faces in terms of human rights protection and promotion, particularly in the framework of social and corporate responsibility of extractives companies towards local communities. “But our work has shown significant progress in the implementation of the Voluntary Principles in Cabo Delgado, through the creation of a Technical Working Group in March 2022.”

The Ministry of Justice representative recalled that the high-level event on the Voluntary Principles takes place in a context where Mozambique was elected Non-Permanent Mem-



ber of the United Nations Security Council, with peace and security as a priority. “As a way of showing commitment in the defence and promotion of human rights, the Government of Mozambique created the Inter-Ministerial

Committee for Human Rights and International Humanitarian Law, a body that will make the implementation of human rights more flexible, breaking with the lethargy that existed in the past.”

“Commitment from Government, civil society and the private sector is important to increase awareness and corporate social responsibility”, H.E. Helen Lewis, British High Commissioner in Mozambique

The British High Commissioner to Mozambique, H.E. Helen Lewis, highlighted that the United Kingdom is one of the founding members of this Voluntary Principles Initiative. “We recognise the value and importance of this initiative in bringing together governments, businesses and non-governmental organisations to work constructively to minimise the risks of human rights abuses and security-related incidents with communities, as well as promoting transparency and corporate good practices,” she said.

As a multi-stakeholder initiative, the Voluntary Principles bring benefits to their members as they are well aligned with government policy objectives of human rights protection, development promotion, and conflict prevention and reduction. They help the private sector reduce security-related impacts on communities and contribute to operational stability, which is good for business, and they also create opportunities for non-governmental organisations to promote a culture of transparency and accountability.

Some companies in Mozambique already implement the Voluntary Principles, but the British High Commissioner stresses the importance of having a comprehensive framework involving Government and civil society, as it helps to ensure a universal application in a sustainable way. “Let’s not forget that communities are often unaware



of their human rights, especially when related to businesses. Therefore, education and engagement from Government, civil society and the private sector are important to increase awareness and corporate social responsibility.”

In addition to supporting the launch of the National and Cabo Delgado Working Groups on the Voluntary Principles, the UK funded a Chatham House report on the Voluntary Principles and their relevance for Mozambique, the baseline study on the situation of business, security and human rights in Cabo Delgado, and finally the training of 300 officers from the Defence Armed Forces in Cabo Delgado.

“In joining this initiative, Mozambique is sending a strong message to the world”, Laila Sheikh Rüttimann, Deputy Head of the Swiss Embassy

Laila Sheikh Rüttimann, Deputy Head of the Swiss Embassy and Head of the Swiss Cooperation in Mozambique, spoke about the excellent cooperation between CDD, DCAF and the Ministry of Justice: “In just 18 months, this group of dedicated actors managed to create a national platform. In addition, a local research base has been initiated by CDD and DCAF, analysing entry points to address security and human rights in Cabo Delgado”.

The Deputy Head of the Swiss Embassy noted that the expression of interest made by the President of the Republic, Filipe Nyusi, for Mozambique to join the Voluntary Principles Initiative is a major boost. “In joining this initiative, Mozambique is sending a strong message to the world, making it clear to all actors that all companies on this soil must adhere to human rights standards, and this is non-negotiable. Switzerland, together with its partners, will be present to warmly welcome the Government of Mozambique in joining the Voluntary Principles Initiative”.

Laila Sheikh Rüttimann warned that while legislation is important and encourages companies to create systems to manage security and human rights risks, life on the ground shows a different reality. “When we talk about concrete problems,



we need a framework, we need a basis we can all agree on, and we need a network of people. The Voluntary Principles set a standard for how companies should manage their security operations”.

Together with the United Kingdom, Norway and the Netherlands, Switzerland contributes to a multi-donor trust fund on security and human rights. “This fund enables a joint and coordinated approach to security and human rights issues and we would very much welcome other government to join and strengthen this movement”.

“Mozambique has yet to take ownership of the UN Guiding Principles on Business and Human Rights”, Luís Bitone, President of the National Commission for Human Rights

The President of the National Commission for Human Rights (CNDH), Luís Bitone, began by recalling that Mozambique participated in the approval and adoption of the United Nations Guiding Principles on Business and Human Rights. At this moment, the government, through the Ministry of Justice, is working to ensure Mozambique’s adherence to the Voluntary Principles Initiative. “But adopting international standards is not enough. It is necessary to create appropriate institutions and develop a human rights culture. It is important to have the commitment of the State. In relation to what happens with other human rights instruments, the Mozambican State makes



commitments, but then makes little progress”.

Speaking about the experience of monitoring the implementation of international instruments adopted by the Mozambican State, Luís Bitone said that after the adoption of the UN Guiding Principles, Mozambique did not take ownership of this international instrument. “We are talking about incorporating those principles into various national normative systems. For example, there is no instrument in Mozambique that says that when a company is constituted on the national territory it should observe the UN Guiding Principles. It could be stated in the Commercial Code or the Register of Legal Entities, but it never appears. This means there was no reform to incorporate the UN Guiding Principles”.

As a solution, the President of the CNDH signals the approval of a strategy or implementation plan of the UN Guiding Principles. But he recognizes that this would be difficult to achieve, since Mozambique has not even approved its national plan on human rights and its respective strategy.

“Our Constitution says that human rights protection and promotion are objectives of the State. Consequently, we have to have a strategy with clear goals and indicators. We have been drafting a national human rights plan for quite some time, but to date it has not been approved. It is necessary to operationalize these instruments in our legislation”.

In addition to the adoption of international instruments, Luís Bitone advocates for strong specialised institutions with technical, financial, material and human capacity to follow up on matters related to business and human rights. “Right now, the institutions we have are diffuse, in the sense that we don’t have specialised institutions on business, security and human rights. What happens is that each institution, in a disorganised way, acts in its own area. For example, the Ministry of Justice is responsible to coordinate human rights issues, but what we feel is that some Ministries work on human rights without necessarily aligning with the Ministry of Justice”.

“Experiences from Mozambique during the 16-year war have fuelled some of the issues we are discussing today at the Voluntary Principles Initiative”, Dr Alex Vines, Director of the Africa Programme at Chatham House

“When we started, we wanted something that could help companies operate in conflict zones, and there were no global standards at the time. Therefore, we decided to start crafting something thinking about how to respond to the crises in Nigeria, Colombia, Ghana, etc. That’s how the Voluntary Principles Initiative were created, by governments like the United Kingdom and the United States, by people like me. That’s how the Voluntary Principles were born and over the decades some things have changed. Some NGOs came in, some left, some companies came in, some left, but the initiative is evolving,” explained Dr Alex Vines, from Chatham House.

The researcher considers Mozambique’s adherence to the Voluntary Principles Initiative to be important, recalling that the Mozambican context also played a role in shaping the Voluntary Principles. “I was here during the 16-year war and accompanied the private security companies that were active at that time. We would observe and discuss how they ensure that human rights are not violated. This means that experiences from



Mozambique were feeding into some of the issues we are discussing today at the Voluntary Principles Initiative. In 2015, there was a boost with the establishment of the Ministry of Justice, Constitutional and Religious Affairs and now we are moving towards Mozambique joining the Voluntary Principles Initiative”.

“What makes a difference is when communities, government, businesses and the civil society work together to prevent conflict in the extractives sector”, Dr Alan Bryden, Head of Business and Security Division at DCAF

DCAF – Geneva Centre for Security Sector Governance has supported the implementation of the Voluntary Principles on Security and Human Rights for over a decade. At the high-level event, DCAF was represented by Alan Bryden, also a member of the high-level delegation of the Voluntary Principles Initiative that visited Mozambique. “We all know that if we are going to address challenging security and human rights problems faced by countries and people, we need to bring together all actors involved, and this initiative rightly aims to bring all actors to the table: governments, civil society, private sector and communities”.

Dr Alan Bryden highlighted the importance and power of the Voluntary Principles as it is an international initiative focused on local action. “This initiative focuses directly on issues of security and human rights, on public and private security, on community safety issues and governance and transparency issues. The Voluntary Principles provide a framework for companies of the extractives sector to maintain the security of their operations while respecting the human rights of communities. This is important because it is the right thing to do, because it is part of what a company needs to do to have the social license to operate, and it is also important for companies, because if you do not have security, as we see here in Mozambique, business operations cannot function effectively.

The DCAF representative also highlighted the importance of the creation of the National and Cabo Delgado Working Groups, the latter focused more on technical issues. Still, he warned



that it is not the creation of working groups that makes the difference. “What makes the difference is when you start seeing communities, the government, companies and the civil society trying to find ways to work together to prevent conflicts around the extractives sector”.

In Conclusion, Dr Alan Bryden spoke about the political will of the Mozambican Government to join the Voluntary Principles Initiative. “We have seen a growing level of commitment in Mozambique towards the Voluntary Principles Initiative and this has been manifested not only by the Ministry of Justice, but by the President of the Republic himself, who has expressed his support earlier this year. We also noted in the meetings we had with the Minister of National Defence a strong commitment to move forward”.

“The extractives industry in Africa has been involved in several cases of human rights abuses through its private security providers”, Jamie Williamson, Executive Director of ICoCA

Also joining the high-level delegation of the VPI was the Executive Director of the International Code of Conduct Association for Private Security Providers (ICoCA), Jamie Williamson. ICoCA is an international organisation that brings together governments, civil society organisations, private security companies and observers to ensure that the International Code of Conduct on Human Rights and International Humanitarian Law, specifically aimed at private security companies, is being respected. ICoCA is based in Geneva and comprises 120 private security companies operating in about 40 countries, including Mozambique.

“The International Code of Conduct is often seen as an implementation mechanism of the UN Guiding Principles on Business and Human Rights, or a tool for companies seeking to implement the Voluntary Principles, with regards to their obligations to private security companies. We work through a combination of processes, between visits and follow-ups to serve clients and other entities”.

Jamie Williamson explained that private securi-



ty for the extractives industry is a global concern as their actions can negatively impact companies. “The extractives industry in Africa has been involved in several cases of human rights abuses through its private security providers, and this had consequences for the accountability, trust and finances of companies in the extractives sector.”

“Thanks to our efforts there are companies that are becoming human rights champions”, Paul Turner, Director of the NGO Fund for Peace

“I am happy to see that, because of our efforts, some companies are becoming human rights champions, and there is more cooperation between human rights organisations, the private sector and civil society. There is a unique opportunity for all three pillars to come together in this space”, said Paul Turner, Executive Director of the NGO Fund for Peace. Paul Turner explained that Fund for Peace is also the secretariat of the Working Group on the Voluntary Principles in Ghana, and that the experience is very different to that reported from the Democratic Republic of Congo and Nigeria.

“I think it is an opportunity for a foreign organisation like Fund for Peace to help in the process of implementing the Voluntary Principles in Mozambique and share the success stories as well as some of the challenges that these working



groups face. This can help the Mozambican Working Groups to coordinate and function more effectively”.

“Working Groups on the ground provide a mechanism for accountability and trust building among stakeholders”, Joel Bisina, Director of the Nigerian NGO LITE-Africa

“Prof. Adriano Nuvunga said that Mozambique is very rich in natural resources. So, if there are resources, whether we like it or not, they will be exploited and communities will be affected, positively or negatively. The question is how we facilitate the process that meets the interests and needs of the various stakeholders. This is where the Voluntary Principles become critical. Signing the membership papers is all very well, but it is the working groups on the ground that provide the mechanism for accountability and trust building among stakeholders”, explained Joel Bisina, Director of the Nigerian NGO Lite-Africa (Leadership Initiative for Transformation and Empowerment), which is also the secretariat of the Voluntary Principles Working Group in Ghana.

For Joel Bisina, in an environment where there are resources to be exploited there is always mutual suspicion. Consequently, the implementation of the Voluntary Principles on the ground through the mechanism of the working groups



opens space for stakeholders to sit down and build trust. “It is good to see CDD leading the working groups with the support of the Mozambican government. Without the support of the government, there is very little that the civil society can achieve”.





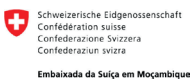
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