



PRIVATE SECURITY COMPANIES AND HUMAN RIGHTS IN CABO DELGADO



DETAILED NOTES OF THE CONFERENCE

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I: Introduction

Northern Mozambique, specifically Cabo Delgado, has faced armed violence and conflicts that have deep roots in several factors, including economic grievances, social tensions and extremist ideologies. These challenges have resulted in human rights violations and significant threats to the well-being and safety of local communities. In such a complex environment, public security providers, including law enforcement agencies and military forces, play a crucial role in maintaining stability, safeguarding the rule of law and protecting human rights. Their responsibility extends to ensuring that security operations are conducted in a manner that respects and upholds human rights standards and principles. But while the use of force has traditionally been seen as the prerogative of state security institutions, an increasing number of private actors have been involved in the provision of security services, often employed by companies or organisations operating in Cabo Delgado. In the absence of rules regulating their actions, the excessive use of force by private security providers is likely to have a negative impact on human rights for the following reasons:

- lack of transparency and informality in the sector;
- lack of training in the use of force;
- risks associated with poor terms and conditions for private security agents;
- in addition to weak regulation, the sector presents additional risks linked to the ability of private security providers to use firearms in certain contexts and the possible overlap between public and private forces;
- lack of awareness among civil society organisations (CSOs) about the challenges linked to private security providers and their differences with public security; and
- the absence of control mechanisms for private security providers and effective complaints mechanisms for victims of human rights violations by private security agents.

Faced with these challenges, national authorities, CSOs, the industry itself and private security clients can contribute to safeguarding human rights by (1) raising awareness and promoting effective regulation of these actors at the national level; (2) holding companies accountable for their human rights record and/or that of their security providers; (3) document human rights violations committed by these actors and (4) improve access to effective reparations.

The protection and promotion of human rights in Northern Mozambique requires a collaborative and coordinated approach, bringing together actors from various sectors, including governmental entities, private security companies (PSCs), CSOs and local communities. In line with these efforts, Centre for Democracy and Human Rights (CDD) and the Ministry of Justice, Constitutional and Religious Affairs organised a conference on the topic “Private Security Companies and Human Rights in Cabo Delgado” on 27 July 2023 at the Pemba Express Hotel in the City of Pemba, Cabo Delgado.

Conference Objectives

This conference sought to promote a comprehensive understanding of private security providers operating in Cabo Delgado and the role of other stakeholders in promoting respect for human rights by private security providers. By focusing on these pressing issues, the conference aimed to identify effective strategies and practical solutions that can be implemented to promote responsible business practices and safeguard human rights in the context of security operations. The participants at this conference had the opportunity to share their experiences, perspectives and insights

into human rights challenges faced in the context of security operations. By jointly exploring these issues, we can develop a shared understanding and identify practical strategies that improve the integration of human rights considerations into security practices and promote an environment in which human rights are respected, protected and promoted, contributing to sustainable peace, development and the well-being of communities in northern Mozambique.

Participants and Methodology

The conference was conducted via two modalities: First, in person, at the Pemba Express Hotel, City of Pemba, Cabo Delgado province and was attended by 50 participants, including governmental authorities, with emphasis on representatives from the Ministry of Justice, Constitutional and Religious Affairs and the Ministry of the Interior; members of local CSOs; community members; extractive industry companies working in Cabo Delgado; PSCs; academics and researchers. At the same time, the event was broadcast live on the CDD's digital platforms.

II: Opening Session

Contextualization and Objectives

According to Professor Adriano Nuvunga, the conference was convened owing to the specific context of Cabo Delgado, in which discussing the relationship between private security companies and human rights is not only important but also urgent. Furthermore, the conference was even more important because the conference intended not only to discuss the issue of people's rights to movement and physical integrity, but because it would discuss people's economic and social rights. Within the framework of the discourse on the Voluntary Principles on Security and Human Rights (VPSHR), particularly focusing on the extractive industry, the security component assumes two important dimensions: the first concerns the quality of security and why is it necessary, and the second highlights the cost of this security for the development of communities.

The equation between business and human rights is quite complicated: Companies in the extractive sector need security to continue exploiting resources, and therefore arm themselves to protect their concession. Their relationship with the communities is always challenging, however, since communities have expectations regarding the exploitation of resources. It is in this context that the central objective of the conference was to discuss how we can have an extractive industry security sector that is based on dialogue and a constructive relationship with the community. In other words, the conference sought to help companies, communities and authorities find ways to ensure that the monetary cost of security is not as high and, therefore, does not jeopardise people's right to community development.



Prof. Adriano Nuvunga – Director of the CDD

In her speech, Graça Nhate emphasised that the Government is committed to promoting the effective implementation of the VPSHR in Mozambique. Therefore, organising the conference was of great importance in order to promote a comprehensive understanding of the role of PSCs operating in Cabo Delgado. According to Nhate, this conference also highlighted the importance of collective responsibility in protecting human rights within the private security sector and took place at a time when the Government was still drafting the National Action Plan on Business and Human Rights that will integrate the VPSHR and the United Nations (UN) Guiding Principles on Business and Human Rights.



Graça Nhate – Representative of the Ministry of Justice, Constitutional and Religious Affairs

Sifuená Anenge began by highlighting that Decree no. 9/2007 of 30 April gives the Ministry of the Interior the authority to grant licenses to private security companies. “In Cabo Delgado, there are 31 private security companies. The worrying fact is that five of these companies do not have adequate offices; they operate from outposts.” The lack of central offices makes it difficult for the Police of the Republic of Mozambique (PRM) to carry out inspections. Furthermore, Anenge expressed concern that some PSCs possess weapons that are not registered with the authorities, which constitutes a violation of applicable legislation. She revealed that her sector had discovered in July 2023 that certain companies possessed unregistered weapons, which is strictly prohibited by Decree no. 9/2007. “Responsibility for the movement of weapons is reserved only to the Defense and Security Forces. Private security companies must not have access to unauthorized weapons. In our interactions with private security companies, we consistently advise them to familiarize themselves with Decrees no. 8 and no. 9/2007, of April 30th. Mastering these regulations is crucial for them to remain informed and compliant in their actions,” emphasized Anenge.



Sifuená Anenge – Representative of the Ministry of the Interior

Challenges of Private Security Companies and Risks to Human Rights: the importance of regulating private security

In the security domain, the role of private security companies can be particularly problematic for security and human rights. We know that companies such as those in the extractive industry hire private security companies on a large scale. However, states' regulatory processes and efforts to promote responsible business conduct in the sector are rarely aligned.

Therefore, the good regulation of private security is essential for security, socioeconomic development and respect for human rights.

Why is private security regulation so important? First, the size of the sector and its customers is significant. The global private security industry is booming, representing a worldwide value of approximately \$100 to \$165 billion per year. In Africa, high levels of foreign investment, particularly in the extractive industries and privatized critical national infrastructure, have led companies to turn to private security firms to fill security gaps. Second, the growth of the private security sector has also been driven by situations of armed conflict or other situations of violence which, in some cases, have led to a lack of trust in public security. In some states, national public security institutions are overwhelmed by demand. This further increases the clientele of private security companies, which now includes humanitarian non-governmental organizations, peacekeepers and development agencies. On the African continent, private security providers significantly outnumber public security forces. The scale and scope of the sector make democratic oversight and accountability a key priority.

This also has an impact on sustainable development: The vast majority of private security companies on the continent are local companies. However, their training and professional standards are poor, creating risks to development and human rights. In cases where transnational companies hire foreign private security, this can disrupt the local economy and overtake local security providers. Even more important is the



Annie Burdzy – Programme Manager at the Geneva Centre for Security Sector Governance (DCAF)

impact on the security and human rights of communities: a large number of private sector security guards can create excessive securitization in communities where a large number of male security guards destabilizes social relations. Their uniforms may not be easily distinguishable from police uniforms. This can create confusion among people about the roles and responsibilities of private security. They may engage in gender-based violence (GBV) or harassment.

We must also remember that the provision of security services inherently includes the possible need to resort to force, without which, security cannot be guaranteed. However, the use of force carries the risk of abuse and misconduct. Certain functions that are reserved for authorities require additional training and knowledge, including how to approach and deal with a situation, as well as appropriate procedures and supervision in the event of incidents.

For example, managing risks arising from demonstrations or protests is a task for which private security personnel generally do not have adequate training. Consequently, private security companies may handle these situations in a way that escalates the situation rather than de-escalating it. Furthermore, because private security does not have broader law enforcement objectives, the use of force by private security service providers must be guided by the personal right to self-defence. However, private security personnel do not often receive training on the legal use of force. The governance implications of this fundamental shift in the security landscape receive little regulatory attention.

Across Africa, political leaders rarely address the issue of private security, national parliaments and regulatory bodies exercise limited oversight in this area, and the media and civil society are interested in the issue only in a localized and sporadic manner. When national regulations exist, their application faces many challenges. The licencing of private security companies receives more attention than the control and super-

vision of the sector. Across Africa, regulatory agencies are under-resourced, and the private security sector is not seen as needing special attention, given the priorities for regulation of other sectors. However, owing to the impact of private security companies on communities, this situation must change.

As we know, the Province of Cabo Delgado has abundant natural resources that have attracted important foreign investments and raised many hopes of improving the socioeconomic conditions of the population of the region and the country as a whole. However, the economic benefits of resource extraction projects have not yet materialised, and the emergence in 2017 of armed violence stemming from several factors, including economic grievances, social tensions and extremist ideologies, has further complicated the landscape of security and human rights. In this context, good regulation and monitoring of the private security sector becomes even more relevant so that the province can aim for inclusive socioeconomic development that respects human rights.

This conference shed light on the challenges of the private security industry in Cabo Delgado and provided an overview of good practices, tools and mechanisms that can help prevent human rights issues. The aim is to reduce risks, solve problems before they arise, and contribute to sustainable development and respect for human rights in communities in which these companies are operating.

III: Panels

Panel I – Private Security Providers and Human Rights Challenges in Cabo Delgado

Around the world, private security companies are often promoted as a key component on the path to security. At the same time, growing dependence on private security services has prompted human rights concerns. This session discussed the potential impact of private security on human rights in Cabo Delgado to enable comprehensive coordination in addressing such challenges.



Stavros Yiannakis, GardaWorld Mozambique, Private Security Company

Stavros Yiannakis addressed risk management for human rights in private security companies. For Stavros, as a security provider, GardaWorld Mozambique needs to satisfy the moral principles of its customers, so everything they do is documented, as is everything they say they do. For example, transporting weapons from Maputo to Cabo Delgado or other provinces is done through a background record. As a company, they look for all potential risks for their workers: potential for snakebite, access to adequate hygienic facilities, licence to use weapons, and so forth, following VPSHR, International Code of Conduct Association (ICoCA), and the UN Sustainable Development Goals (SDGs).

In this sense, it is important to maintain close relationships with local communities to ensure comprehensive and inclusive risk assessment, and understanding in case of human rights violations. The company also has a complaints mechanism in every location in which it works and, if local communities are afraid to speak up, it provides a reporting hotline. Therefore, if someone is not satisfied with an issue and does not feel comfortable speaking directly to a GardaWorld employee directly, they may call the hotline. GardaWorld hired the company MSS Global as an auditor for its human rights component.

Case study: Montepuez

GardaWorld has taken on a contract at a mine in Montepuez with life support facilities. The standards expected by GardaWorld were not evident during senior staff's visit to the site, including the use of generators, the risk of contamination of crops and the environment of the neighbouring community by the mine, unsafe electrical devices, unsanitary living conditions, and so forth. Therefore, it was important to change these working conditions for GardaWorld workers, otherwise it would put great pressure on the client.

Mitigate intangible risks for the customers

GardaWorld works with communities; Total and Gemfields have programmes to work with communities. In its interaction with communities, the company chooses low-cost options with great impact. However, the biggest instrument to mitigate risks has been training.

Private Security Challenges in Human Rights at Montepuez Ruby Mining (MRM)

From Gemfields' perspective, the context in the province of Cabo Delgado represents a huge security challenge at all levels. The conference aimed to explore the potential impact of private security on human rights.

Frank Bruyns began by pointing out that the absence of regulation is a significant challenge, as it can lead to the misuse of force or violations of human rights. At the same time, there is a lack of training on human rights and other training sessions, which Gemfields takes very seriously in Mozambique. He further questioned: If the staff are not adequately trained, how can we hold them accountable for the violations they may commit?

He also pointed out in the introductory notes the need for the population to have access to justice. If people do not have access to justice, the risks to local communities increase.

Another point explored by MRM has to do with the potential positive contributions of private security to human rights. For MRM, if managed correctly, private security can also have a positive impact on security, for example, by providing employment, greater security and respect for the human rights of communities. For example, collaboration between public and private security to improve the security and human rights of local communities.

However, to generate positive impacts, the following are necessary: training courses, adoption of complaints mechanisms, and highlighting that MRM strives to be a leader in implementing good security practices, and respecting human rights.

To achieve this, MRM understands that:

- It is essential to have policies in place to ensure that all stakeholders understand and correctly apply the VPSHR. The only way to eradicate human rights violations is a zero-tolerance policy and to report incidents;
- MRM should implement the VPSHR good practices in their security operations;
- MRM hires a third-party auditor (Anuera) to ensure that Gemfields remains in line with VPSHR principles;
- One must also make sure that one hires the right private security. For example, GardaWorld has the same human rights requirements as Gemfields.
- One should invite the company's partners to travel to Montepuez and carry out their own security and human rights audits.

Potential impacts of private security on human rights in Cabo Delgado.

GEMFIELDS

- **Unavailability of Access to Justice:** Private security personnel may enjoy certain levels of impunity, as they may operate outside the traditional legal framework or escape accountability due to the influence of their employers. This lack of access to justice can discourage victims from reporting abuses and perpetuate a culture of fear and silence, further exacerbating human rights issues.
- **Discrimination and Marginalization:** In some cases, private security personnel might exhibit discriminatory behavior towards certain ethnic or marginalized groups. This can lead to increased tension and hostility between different communities and exacerbate existing social divisions.
- **Impact on Vulnerable Communities:** Private security measures can disproportionately affect vulnerable communities in Cabo Delgado, such as displaced populations or minority groups. Encounters with security personnel may lead to discrimination, harassment, or restricted access to basic services, further exacerbating existing human rights challenges.



In a subsequent point, Bruyns discussed the use of technology to ensure human rights compliance. This process is carried out as follows, and with the following considerations:

- teams of drones operating 24 hours a day, with a general recording of what is happening on the ground;
- body cameras, to record all personal actions, which are also analysed by external auditors; and
- car tracking (and on-board cameras to record front and rear), CCTV, 24-hour voice recording; all installations with 24/7 reporting.
- When the insurgents approached the MRM facilities, public (military) security was present, and MRM provided them with training in VPSHR.
- Although they can train public security providers and private security providers on VPSHR, as there is no control over these actors, it is not always easy to effectively guarantee they are applying these good practices on the ground.
- MRM encourages all extractive companies in Cabo Delgado to use all these technologies.

Finally, he pointed out that illegal mining has a tremendous impact on human rights, despite MRM's continued efforts.



Frank Bruyns, Head of the Protection Services Department at Montepuez Ruby Mining (MRM), Gemfields Group



Plenary session

Relevant comments or observations:
Are the agents working in the field locals or coming from elsewhere?

- GardaWorld: Owing to sensitive resources (such as precious stones, for example, which are very valuable and easy to steal), we hire agents from Cabo Delgado but also from the closest provinces, but normally not from the local area, as we do not want collaboration between miners and security agents.

Counter-terrorism specialist: *Have you ever come across unfair competition from other security service providers who would undermine your work for their own benefit?*

- Gardaworld: Our goal is to do things right. Our staff are adequately trained, and so forth. There may be unhealthy competition, but I leave that to the other companies and wish them the best. All I praise is healthy competition.
- MRM: MRM's perspective on security is a mix of public, private and internal security working together to mitigate problems.

Counter-terrorism expert: *In terms of public–private partnerships, how can we ensure accountability?*

- GardaWorld: All weapons and cartridges belonging to Gardaworld are registered and accounted for. Whenever a weapon is discharged (mistakes happen), a thorough investigation is carried out. No weapon leaves storage facilities without being registered and assigned to a person. Everyone (any private security company) is welcome to see how we manage this. This is not a company secret; it is the law.

Gabrielle, DCAF: *(1) To the two speakers: How do you organise yourself when there is public and private security? How is the division done? (2) What we saw elsewhere: Gardaworld doesn't recruit from the specific area (just neighbouring towns), but I wonder if the community ever felt like they weren't included? (3) Regarding the telephone numbers relating to the complaints mechanism, are there people using it?*

- GardaWorld: we recruit in the region, but not in the exact location (Namanhumbire).
- MRM: Same, because otherwise it would be a problem.
- MRM: Regarding Question 1: in all vehicles, there are both types of security, and everything is controlled/registered.
- MRM: [Regarding Question 3] I don't have exact numbers, but we can provide them.

To what extent do private security agents who use weapons receive training in the use of firearms?

- GardaWorld: All agents who use weapons are trained, have a licence, and all weapons are registered. There is also collaboration between the client and GardaWorld.

Panel 2 – Legal Framework and Regulatory Measures for Private Security Providers

The provision of security, by definition, includes a possible need to use force. However, without clear rules and oversight to ensure the rules are respected, there is a significant risk of abuse and misconduct. This has the potential to have a severe impact on the human rights of those affected and threatens to undermine security more broadly. There is an urgent need for improvements in national regulatory frameworks to ensure that private military and security companies (PMSCs) promote an internal culture of human rights and, ultimately, respect human rights principles. This session had two main objectives: (1) Raise awareness of existing international standards and good practices and national legislation, policies and best practices, and (2) provide guidance to regulators and other relevant stakeholders to develop or update national legislation relating to private security providers, following international legal obligations and taking into account good practice.

– *Gabrielle Priklopilova, DCAF*

- Key point 1: Three different documents

Gabrielle Priklopilova presented three different but important documents that address good practices in business and human rights:

1. Montreux Document

The Montreux Document does not create new rules but recalls existing rules and recalls what they are. PMSCs do not operate in a legal vacuum, but their behaviour is regulated by international humanitarian law (IHL) and international human rights law (IHRL).

The Montreux Document reaffirms the current obligations of states under international law. This document is divided into two parts:

- Part I recalls the relevant legal obligations of States towards PMS.
- Part II contains a description of good practices that aim to provide guidance and assistance to states in regulating PMSCs.

Responsibilities of three main types of state:

1. Contracting States (countries that hire private security),
2. Territorial States (countries in which the private security company operates), and
3. Home States (countries in which the private security companies have their headquarters or are headquartered).

Currently, the document is supported by 58 States and three international organisations. The Montreux Document Forum is co-chaired by Switzerland and the International Committee of the Red Cross (ICRC). The Montreux Document is a document that is applicable to states.

2. VPSHR

The VPSHR applies to the commodity sector (extraction companies) and has three main elements:

- Risk assessment: the importance of including multiple stakeholders and communicating with all stakeholders to inform the *modus operandi*.
- Company relationship with private security providers:
 - Private security relationships before = type of security required, due diligence and staff composition.
 - During = type of security required, proportional and strictly necessary use of force, sharing of information, management of misconduct.

DCAF/ICRC toolkit for extractive companies.

- The company's relationship with public security service providers.

The VPSHR applies to the commodity sector.

3. ICoCA

Code of conduct for private security companies.

Another common problem is the fact that many former police officers/soldiers are hired for private security and tend to behave in the same way as in their previous employment.

Use of force

The use of force by private security is fundamentally different from the use of force by police forces (public security): The use of force by PSCs must be guided by the personal right to self-defence, as would apply to any other citizen. PSCs do not have a general mandate to guarantee public security beyond the objectives established in the private security contract, even when the State is the client contracting these services. Private security functions do not enjoy the legitimacy, control and accountability mechanisms applicable to the State's public security.

Use-of-force scenarios:

- Self-defence: In case of necessity (imminent threat of death or serious bodily harm).
- Defence of property: In no case may a private security service provider use

- lethal force to protect property.
- Mass control: PSCs are not substitutes for public forces to act in self-defence and property protection.
- Sometimes PSCs are in a situation in which they must think quickly and do not necessarily know what the appropriate threat level is.
- Even if private security is not suitable for mass control work (compared to public security), it is important to train PSCs for mass control, as they may find themselves in a similar situation, for example, if there are elections and they have to face masses while working in a certain place (a store, for example).

Highlights and conclusions: online modules

- [Online module](#) on the use of force by private security providers.
- [Guidance](#) for States (Regulation of the use of force by private security providers).

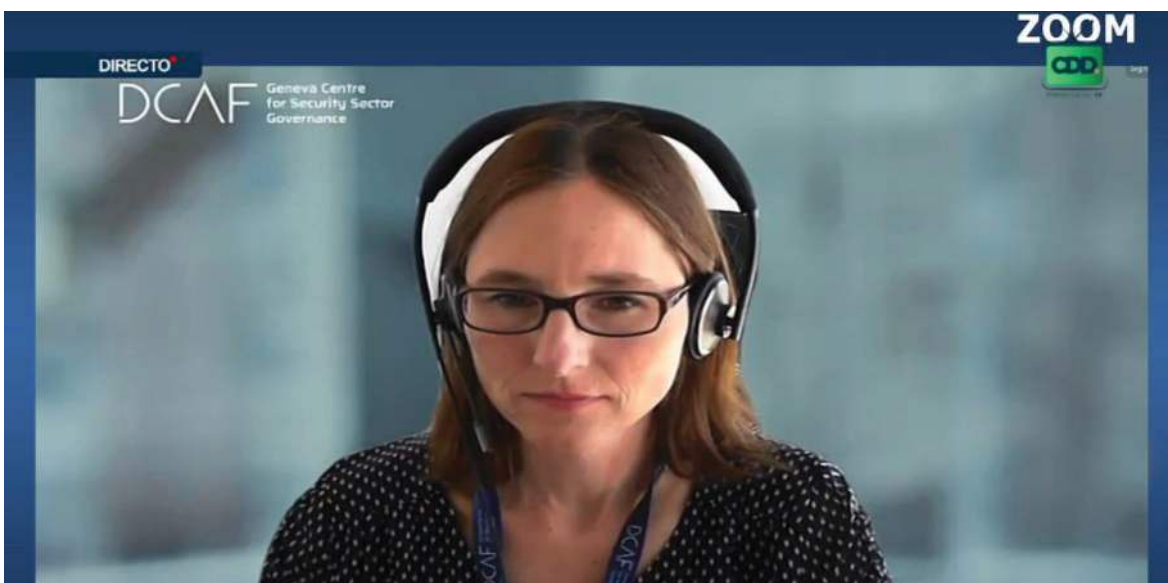
Group Exercise: Use of force

The community members organised a protest in front of a mining extraction site; they carried tree branches and appeared very angry. A small group of protesters attempted to force entry into the site. The private security guards assigned to the extraction site pushed them back using tactical expandable batons. **What do international standards and good practices say about the use of force?**

First speaker: You need more information about the context: Was it a concession? Was the protest legal/authorised?

Second speaker: Firstly, we have to look at security agents as protectors, to protect human rights: it is necessary to give explanations to the protesters, otherwise the use of force will only bring more confusion.

Gabrielle: I agree with the second answer. The ICC says that the use of force should only be used when strictly necessary and that the security officer should try to de-escalate the situation as much as possible. But, unfortunately, these skills (communication skills) are not always the ones most taught to security agents. Regarding the first answer (need to know the context, the situation, etc.), it is often difficult to know everything and all that can be done first is training. Keywords = training, training, training.



Gabrielle Priklopilova, DCAF

Panel 3 – How can other stakeholders contribute to the accountability of human rights in private security?

CSOs play a fundamental role in building democratic societies based on respect for the rule of law, meeting people's needs and demonstrating responsibility and transparency to the population. As the private security sector grows in importance across the world, engaged and capable CSOs must be actively involved in ensuring good governance in this sector. Furthermore, CSOs can help fill important knowledge gaps by identifying and evaluating ways to tackle ineffective or inadequate governance of the private security sector. By developing in-depth contextual analyses, CSOs identify broader issues related to the delivery, management and oversight of security services, determining how to effectively and sustainably promote good private security governance. This session aimed to explain how civil society and other monitoring actors, such as parliaments, national human rights institutions and industry associations, can strengthen sector oversight and promote accountability.

– *Chris Galvin, ICoCA*

Introduction to the Code of Conduct (ICoCA)

- Based on international standards, this is nothing new.
- The first three elements are of minimal use: use of force, detention, and seizure.
- Elements 4–9 are of no use under any circumstances: torture, GBV, human trafficking, modern slavery, child labour, discrimination, and identification.

Membership:

- Three pillars: government, companies (private security and extractive companies are joining the VPSHR) and CSOs.
- Only seven members of the government are members of the government pillar of ICoCA, and there is hope of having Mozambique at some point.
- Only two companies present in Mozambique are members of ICoCA.
- There are three categories of companies involved with ICoCA: certified members, involved members and members planning to join ICoCA.
- 51 CSOs are members of ICoCA, but none in Mozambique. The CDD is in the process of becoming a member.
- There is also a fourth group – observers – a group made up of academics, clients, individuals who support private security, etc.

What ICoCA does for its members:

- Member capacity building: Providing detailed guidance on ICoCA principles, and online training on various modules, including in Portuguese and Swahili. ICoCA benefits from shared practices, from PSCs in different contexts.
- Help with monitoring: When a company joins ICoCA, it agrees to open its doors to monitoring its activities.
- ICoCA goes into the field and meets with members.
- Provision of certification: There are different international certifications, and PSC members of ICoCA need to acquire one before being certified by ICoCA.
- Complaint handling: One of the requirements for PSCs to join ICoCA is to have a complaints mechanism. ICoCA also has a mechanism to handle complaints about ICoCA member companies.

Who is using ICoCA PSPs?

- Governments, land client companies, maritime client companies, private individuals, and others (UN, humanitarian companies).

Work conditions:

- When there is a human rights crisis, for example, workers get injured during a protest by private security companies, what one sees in the news header is not the PSC, but one's client.
- There are several cases of companies that employ PSCs that are not certified

- by ICoCA and that have become involved in scandals. One case: The Football World Cup in Qatar, which shed light on the work of private security personnel.
- Guard work is often considered very bad: several shifts in a row, seven days a week, low pay, etc., and the tendency is for people who are treated badly to also treat others badly, i.e. violations of human rights.

Recommendations for Private Security Companies

- Respect the International Code of Conduct, ILO labor standards, domestic law, and international norms protecting personnel and civilians
- Implement ethical recruitment practice
- Diversify the workforce, at all levels
- Provide required training, and focus on the quality of training provided
- Provide fair wages, suitable accommodations, breaks, social benefits, reasonable hours, access to facilities, proper uniforms and protection and access toward mental health resources
- Seek feedback from personnel and integrate that feedback into operations
- Implement accessible reporting mechanisms for gender-based discrimination, racial discrimination etc. whether experienced by personnel or civilians

Recommendations for Users of Private Security

- Recommend that hired PSCs be ICoCA certified
- Pay prices that allow PSCs to implement positive working conditions and carry out responsible security provision
- Apply your own standards to subcontractors
- Carry out due diligence regarding respect for human rights and labor law
- Build training into contractual requirements and provide site specific training for personnel
- Like PSCs, clamp down on abuses and implement accessible grievances to supplement those of PSCs



Chris Galvin – ICoCA

Civil Society Platform for Extractive Industry in Palma

Topics covered:

- Paradox: Why should we talk about insecurity? Many people in the Palma region have trauma and don't understand who is who – they mix public and private security.
- The Total report mentions the suggestion that Mozambican forces should stop working in Afungi and be replaced by Rwandan forces. But the population needs the Mozambique Defence Armed Forces (FADM), because it is their role to enforce the rule of law, and there is a perception that the Rwandan armed forces are there only to protect businesses.
- GBV: Between 2018 and 2020, eight PSCs in Palma, mostly from South Africa, were involved in GBV cases, because when guards are away from their country/family, they adopt more inappropriate behavior.
- Plagued by many other issues: Low wages, sometimes no uniform, guards involved in illegal activities, etc.
- Not all companies must have a licence to operate.
- There is a need for more justice mechanisms and constant advocacy for human rights, and awareness of GBV committed by private security companies.



Júlio Bichehe, Coordinator of the Civil Society Platform for Extractive Industry in Palma



Activist Marta Licuco speaking during the conference

Plenary Session

Relevant comments or observations:

Aquinaldo Mandlate (TotalEnergies): *You need to understand the subject well, and these discussion spaces are for discussing and exchanging ideas. We cannot confuse what the report of the independent consultant hired by TotalEnergies says (on the recommendation to replace the FADM with the Rwandan armed forces) and the position of TotalEnergies. The report was commissioned by Total, but what is there is not Total's position. For example, regarding the presence of Rwandan forces/FADM in Palma, the report recommends the use of the Rwandan armed forces instead of the FADM, but this is not Total's position. Total is also preparing a report on humanitarian aid and human resources.*

Gabrielle Priklopilova (DCAF): *How difficult is it for the population to distinguish between public and private security?*

Júlio Bichehe: The problem is that there are many different types of actors: Rwandans, SADC, FADM, private security, and they don't understand who exactly does what. Likewise, concerning Aquinaldo's intervention, Júlio gave the example of when the Executive Director of TotalEnergies, Patrick Pouyanne, went to Cabo Delgado, he was escorted by the Rwandan forces, not the FADM.

What mechanisms exist in Palma and in Mozambique in general to mitigate cases of human rights violations by private security?

Júlio Bichehe: There are many justice mechanisms, but even when the population tries to follow them to the letter, there is a feeling of impunity.

Marta Licuco: *Who are the instructors of training courses for private security? Do they have a solid knowledge of human rights?*

Chris Galvin (ICoCA): Human rights can be quite abstract concepts and pose several challenges: (1) educational level of guards (many are illiterate); (2) challenge of the quality of trainers, which depends from company to company; (3) challenge of simplifying the content, while still being comprehensive; and (4) in some places, private security is the biggest source of employment.

IV: Conference Summary and Main Recommendations

The conference on Private Security Companies and Human Rights in Cabo Delgado sought to promote a comprehensive understanding of private security providers operating in Cabo Delgado and the role of other stakeholders in promoting respect for human rights by private security providers.

It was shown that the discussion on private security and human rights in the province of Cabo Delgado is crucial for two central reasons: first, due to the specific context that the province has experienced in recent years, characterized by significant investments in the extractive industry of natural resources such as gas, rubies, gold, graphite, and others; and second, due to the violent extremism that has plagued the province since 2017. This scenario demands increased security for extractive companies, which primarily resort to private security firms that often lack adequate training and professional standards, creating risks for the development of communities and human rights.

In this complex context, companies in the extractive sector and communities tend to have a challenging relationship because the general cost of security can jeopardize community development. Therefore, it is important to establish a security sector in the extractive industry that is built on dialogue and a constructive relationship with the community. The complexity of the private security sector not only affects its relationship with communities but also impacts the Mozambican state, which lacks monitoring capacity due to the precariousness of some security companies that lack offices, furthermore some companies possess and use unregistered weapons not authorized by the authorities and exclusive to the Defense and Security Forces, violating current legislation (Decree no. 9/2007 of 30 April).

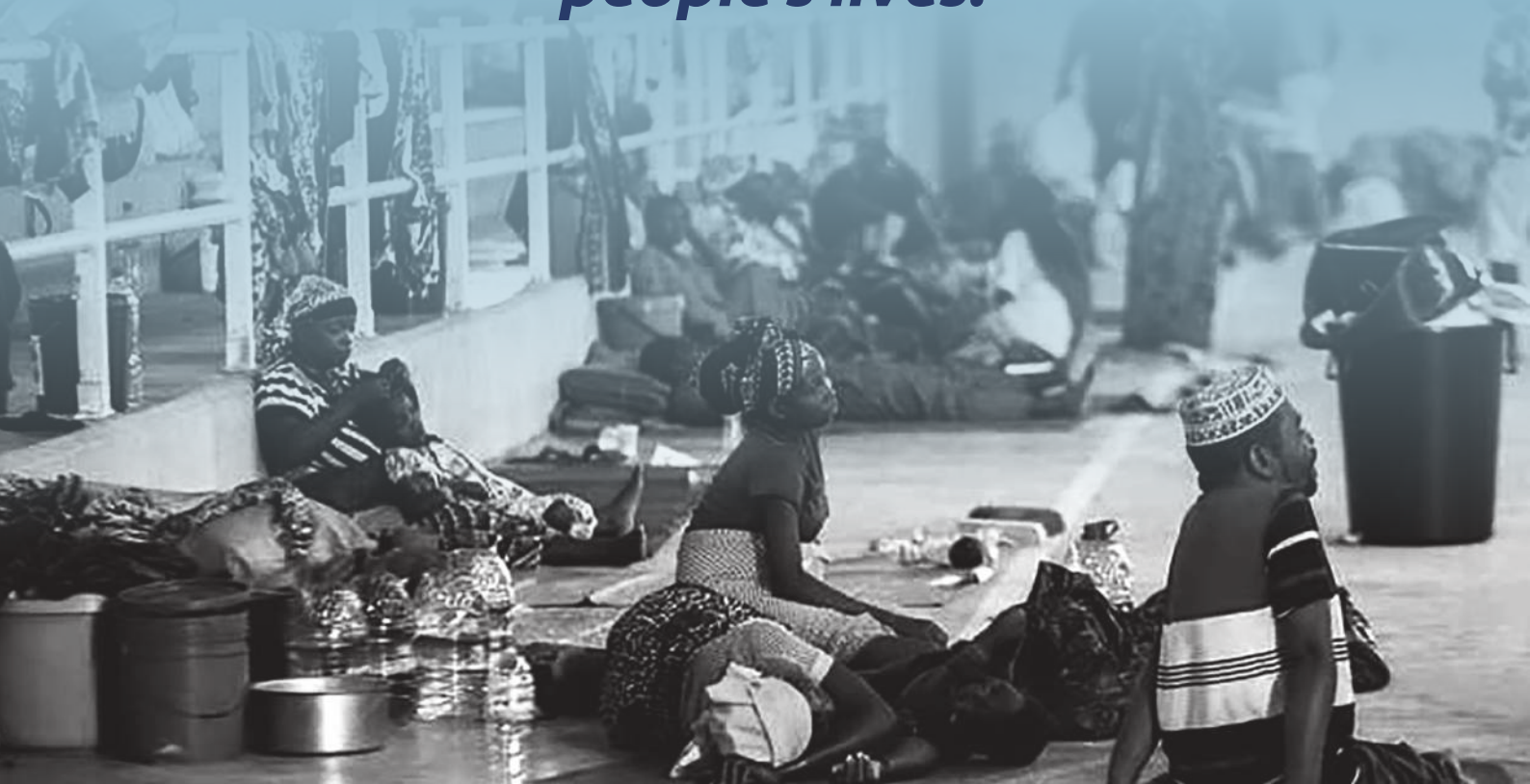
The examples of challenges faced by companies such as Gemfields through its concessionaire MRM, due to illegal mining in its concession area, led to an increasing reliance on private security services, raising concerns about human rights. Despite extractive-industry companies adhering to international mechanisms such as the VPSHR, ICoCA, and the Montreux Document, among other principles, challenges on the ground tend to undermine the effective achievement of human rights protection. Therefore, it is necessary in contexts such as the one in Cabo Delgado for CSOs to be engaged and capable of actively participating in ensuring good governance in the private security sector. In pursuing their role in strengthening the democratic rule of law, as formally demonstrated by Mozambique, they should help fill important knowledge gaps by identifying and assessing ways to address the ineffective or inadequate governance of the private security sector. This role of CSOs also includes the development of in-depth contextual analyses; identifying broader issues related to the delivery, management, and supervision of security services; and determining how to promote good governance of private security effectively and sustainably.

Main Recommendations

- Strengthen legislation pertaining to private military companies in Mozambique.
- Provide training to the Mozambican government, specifically the Ministries of the Interior and Defense and the Assembly of the Republic, on the Montreux Document.
- Conduct training sessions on the Montreux Document for civil society in Maputo and Cabo Delgado.
- Strengthen the monitoring capacity of private military company activities in Mozambique, with a focus on actors, operations (including procurement), and areas/sectors of intervention.



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