



VPSHR

VOLUNTARY PRINCIPLES
SECURITY
AND HUMAN RIGHTS

IN CABO DELGADO BULLETIN

MULTI-STAKEHOLDER PLATFORM FOR DIALOGUE

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FIGHTING THE INSURGENCY IN CABO DELGADO

The Ministries of Defense and Justice recognize the need to respect human rights by the Armed Forces



Coronel Omar Saranga

// Preparing the context, establishing standards, responsibilities and outlining the methodology” was the theme of the inaugural webinar of the project which aims to promote and facilitate the effective

implementation of the Voluntary Principles on Security and Human Rights in Mozambique, with particular focus on Cabo Delgado province. Supported by the UK Government, the “Dialogue Platform: Business, Security



and Human Rights in Cabo Delgado”, aims at minimizing the risk of human rights abuses and security incidents in the communities and promoting transparency and good corporate social responsibility practices.

Speaking at the opening of the debate, the UK Deputy High Commissioner in Mozambique reiterated the British Government’s interest in supporting the effective implementation of the Voluntary Principles on Security and Human Rights in the country, particularly in Cabo Delgado, where there is the highest record of human rights violations since the beginning of the armed insurgency in October 2017.

Alexandra Sheppard praised the participation in the debate of the main actors for the implementation of the Voluntary Principles on Security and Human Rights, namely the Government (represented by the Ministries of National Defense and Justice), Mozambican civil society (CDD), business and human rights specialist and the Secretariat of the Voluntary Principles. “The British Government is committed to the promotion and implementation of the Voluntary Principles on Security and Human Rights and believes that the involvement of all relevant actors will be

fundamental to the success of the initiative conceived by the CDD,” the UK Deputy High Commissioner in Mozambique said.

Speaking on behalf of the Ministry of National Defense, Colonel Omar Saranga, National Director of Defense Policy, began by recognizing the complexity between security and human rights and argued that his participation in the CDD initiative demonstrates the importance that the Defense sector attaches to the Voluntary Principles on Security and Human Rights. In fact, Colonel Omar Saranga noted that the Voluntary Principles on Security and Human Rights are one of the tools of reference in the operation of the Armed Forces of Defense of Mozambique (FADM), and highlighted the institutional effort that is made for human rights to be observed and exercised in all circumstances.

“The Ministry of National Defense is aware that human rights are a constitutional imperative whose general and specific mechanisms must be adopted in order to give tools to those who fight so that they can consciously guarantee the minimum respect for individuals in an armed conflict. The National Defense sector views the Universal Declaration of Human Rights, together with other norms

of Public International Law and Humanitarian Law, as a source of inspiration for the education and conduct of its military”.

On the armed insurgency in Cabo Delgado, Colonel Omar Saranga described the situation as complex, but assured that the Defense and Security Forces (FDS) are working to resolve the problem as quickly as possible. “Ongoing oil exploration projects on the Afungi peninsula represent a particular priority in the context of national defense and security. The security environment is challenging in Cabo Delgado. We as an institution of Defense and Security are aware of our duties, what we must do and how to do it. There may be mistakes in what we want to do, that is why we are open to participate in this type of platform and others for the good of our country’s defense”.

Regarding the complaints of human rights violations by the FDS, the National Director of Defense Policy gave the following explanation: “Our forces in Cabo Delgado have been associated with human rights violations, but when we try to understand, in a clear and objective way, what really happened, we discover that there is a machine producing what I would call false videos. I said that despite the difficulties we have in training our men, our interest is to defend the populations, and the military must also defend itself”.

Still, Col. Omar Saranga admitted that the FDS are always learning in the context of implementing human rights, so they are open to continue collaborating and working with the CDD in the “Dialogue Platform: Business, Security and Human Rights in Cabo Delgado”.

Ongoing process of negotiating a binding international treaty on the Voluntary Principles

The Ministry of Justice, Constitutional and Religious Affairs was represented by the National Director of Human Rights and Citizenship, Claudio Dinis Mate. One of the responsibilities of this directorate is to promote partnership between state institutions and civil society organizations (national and international) for the protection and defense of human rights. According to Cláudio Dinis Mate, this is a demonstration of the Ministry’s openness to work for the defense, protection and promotion of human rights. Regarding the need for human rights protection in Cabo Delgado, the National Director of Human Rights and Citizenship highlighted the civil registry (granting of identification cards) and humanitarian support to people who have left their homes and lost everything due to armed conflict.

Speaking about the Voluntary Principles on Security and Human Rights, Claudio Dinis Mate recalled that in October 2016 the Ministry of Justice, in partnership with the Mozambican Human Rights League, and with support from international partners, launched



Cláudio Dinis Mate, Director Nacional de Direitos Humanos e Cidadania

the first National Report on Business and Human Rights. “This report was prepared looking at the challenges facing the country and encompassed two instruments, namely the Voluntary Principles on Security and Human Rights and Guiding Principles on Business and Human Rights”.

The National Director of Human Rights and Citizenship explained that the process has not stopped, as there is pressure at the international level for the adoption of a binding legal instrument. “At the moment, the Voluntary Principles on Security and Human Rights are not binding but recommended. But a pro-

cess of negotiation of a binding international treaty is underway. Despite the challenges in their implementation, the Voluntary Principles on Security and Human Rights have always been a concern of the Mozambican State”. About the “Platform for Dialogue: Business, Security and Human Rights in Cabo Delgado”, Cláudio Dinis Mate argues that the success of the initiative will depend on the involvement of all stakeholders. “We are talking about Government, companies, civil society. It is also necessary that the guiding principles on business and human rights are disseminated”.

Jonathan Drimmer, advisor to the Secretariat of the Voluntary Principles on Security and Human Rights, explained that security and human rights concerns present challenging issues that, in the context of the Voluntary Principles, are discussed from various perspectives by stakeholders with different types of information. For example, governments have diplomatic information related to the security sector; multinational companies know about the challenges of working with local security providers; and civil society organizations have access to information on the impact of companies’ actions on local communities. “Working together, stakeholders are well equipped to address concerns collectively. Jonathan Drimmer argues that companies have a responsibility to avoid harming communities affected by extractive industry projects.

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Jonathan Drimmer, Advisor to the Secretariat on Voluntary Principles on Security and Human Rights

For his part, European Business and Human Rights expert Anton Mifsud-Bonnici looks at the Voluntary Principles on Security and Human Rights as an initiative that prevents and remedies human rights violations, protects communities so they can benefit from development. "Putting the community first when delineating security is at the heart of the Voluntary Principles on Security and Human Rights. This platform exists to include communities in the concept of security and to get them to participate. When communities are not included, security systems become unsafe".



Anton Mifsud-Bonnici, European Business and Human Rights Expert

Cármen Munhequete, from CDD, defended the need to observe the International Human Rights Law and International Humanitarian Law in all FDS interventions in the conflict in Cabo Delgado. She spoke of the principles that should guide the action of the FDS, such as the need to distinguish between combatants and civilians. "There are difficulties in distinguishing between combatants and civilians, especially in an environment where we have civilians mixed with insurgents. This brings many challenges for the Defense and Security Forces fighting in Cabo Delgado".

Other important principles have to do with proportionality and military necessity: FDS interventions should always avoid targeting civilians and any exaggeration in the application of the force to react to any situation is prohibited under International Human Rights Law. Good faith, both in conflict and in negotiations, is another principle to be taken into account. "The principle of humane treatment requires that prisoners of war, regardless of their role in the conflict, must be treated humanely.



Cármen Munhequete, CDD

The Director of the CDD, Adriano Nuvunga, recalled that International Humanitarian Law regulates the behavior of the parties involved in the conflict, regardless of the reasons for the conflict and which of the parties initiated the hostilities. "It is also designed to protect the victims of the conflict, regardless of their loyalties, and to protect the displaced. In Cabo Delgado we have a large number of displaced people in need of protection".

For Adriano Nuvunga, the situation in Cabo Delgado satisfies the concept of conflict, where there is prolonged armed violence between the state and an organized armed group. "Although this is a non-international conflict (it does not involve other states), the armed forces are operating against an armed insurgency group. It is a complex and misunderstood conflict because it includes insurgent, terrorist, ethnic, ideological, and even criminal narratives.

Adriano Nuvunga, Director of the CDD



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