

CDD SUPPORTS CONFERENCE ON ACCESS TO JUSTICE AND HUMAN RIGHTS

Filipe Nyusi recognises challenges in protecting human rights in the context of fighting violent extremism in Cabo Delgado

- The President of the Republic yesterday addressed the opening ceremony of the IV National Conference on Access to Justice and Human Rights, an event organized by the Ministry of Justice, Constitutional and Religious Affairs, with the support of the Centre for Democracy and Development (CDD). In addition to members of the Government, judicial and prosecutorial magistrates, technicians from the Instituto de Patrocínio e Assistência Jurídica (IAPJ), the IV Conference on Access to Justice was attended by representatives of civil society and cooperation partners.



- Filipe Nyusi said that the commitment that Mozambique made to adhere to the United Nations Guiding Principles on Business and Human Rights and the Voluntary Principles on Security and Human Rights was based on the challenges that the country faces in promoting and protecting human rights, particularly in the context of fighting violent extremism in Cabo Delgado. “These challenges are met in the framework of the corporate social responsibility of multinational companies of natural resources exploitation with the communities and the national business sector”.



The President of the Republic argued yesterday that Mozambique has committed to adhere to the United Nations Guiding Principles on Business and Human Rights and the Voluntary Principles on Security and Human Rights. This commitment was made following the recommendations that Mozambique received after submitting, in May 2021, the report of the third cycle of universal periodic review to the working group of the United Nations Human Rights Council.

The decision to adhere to the guiding principles was based on the challenges the country faces in promoting and protecting human rights, particularly in the context of fighting against violent extremism in Cabo Delgado. “These

challenges are felt in the framework of the corporate social responsibility of multinational companies of natural resources exploitation with the communities and in the national business sector,” said the President of the Republic.

According to him, the Voluntary Principles are intended to minimise the risk of human rights abuses and security-related incidents in communities. “This minimisation is done through the establishment of guided relationships based on the principle of publicity, transparency and accountability in the terms agreed between companies and public and private security providers, requiring these actors to work on civic education and awareness of communities.”

In the words of Filipe Nyusi, it was in view of this reality that Mozambique joined, in 2009, the Iniciativa de Transparência na Indústria Extractiva (EITI) and more recently (2021) the Kimberley Process in order to promote open and responsible management of natural resources. “Since then, we have been successively disclosing information about the extractive industry value chain, from the extraction stage to how revenues are collected by the Government and how they benefit citizens.”

Mozambique joined the EITI as a way to enhance the already existing internal tools to promote good governance, including transparency and corruption prevention. “It also emerged as a way to ensure that payments



Helena Kida, Minister of Justice, Constitutional and Religious Affairs,



António Supeia, Secretary of State for the province of Cabo Delgado



and receipts from the extractive industry are in the public domain.”

Worldwide, only 10 states have joined and become members of the Voluntary Principles Initiative, namely Argentina, Australia, Canada, Colombia, Ghana, the Netherlands, Norway, Switzerland, the United Kingdom and the United States of America (USA). In addition to States, the list includes other members, namely 33 international companies, 14

non-governmental organisations and nine (9) observers (mostly international bodies).

At least six multinationals operating in Mozambique have already joined the Voluntary Principles, namely ExxonMobil, Galp, TotalEnergies, Shell, BP, Vale and BHP Billiton. The Italian Eni and the British Gemfields are in the process of joining the principles as corporate members.

In another approach, the President of the

Republic said that the judicial network does not cover the entire country, so in 2021 he launched the initiative “One district, one decent court building”, which provides for the construction of 61 new courts by 2023. In addition to this, Nyusi noted that a system of justice administration based on open and participatory governance is a fundamental tool for consolidating democracy and the rule of law, as well as guaranteeing the cons-

titutional rights and freedoms of the people.

“It is in our interest to ensure greater integration and synchrony between the different institutions of the administration of justice in order to consolidate a system that protects

the human rights of the population, defends the legal order and the observance of the law, guarantees the rights and freedoms of citizens, ensures the swift administration of justice, guarantees public safety and order

and establishes a common platform between the Government, multinational extractive companies and civil society organisations to provide guidance on tangible measures to respect human rights.

UK reiterates support to the implementation of the Voluntary Principles in Mozambique through the SHRIM initiative

The British High Commission in Mozambique highlighted its work in promoting the Voluntary Principles in the country and pointed out, as examples, the visit in 2019 of the UK Human Rights Ambassador, Rita French, where she met with companies in the extractive sector working on the implementation of that initiative; the realization, through the partnership with Chatham House of a study entitled “Mozambique and the Voluntary Principles on Security and Human Rights: Incentives for engagement and implementation”. The results of this study were presented in December 2021 in Maputo.

Also in 2021, the British High Commission in Mozambique supported project consisted of a series of multi-stakeholder workshops and webinars to raise awareness of the Voluntary Principles, share international best practice and outline steps that parties can take to strengthen their implementation in Cabo Delgado.

These events involved the Government of Mozambique, international partners, oil industry operating companies and subcontractors and Voluntary Principles experts. “The formal establishment of the Voluntary Principles Working Group in Mozambique resulted from the recommendations of the pilot phase we referred to above,” said Alex from the British High Commission in Mozambique.

The UK’s commitment to the Voluntary Principles through its active participation in the Steering Committee of that Principles Initiative and through its engagement and cooperation with partner governments in different countries, including Mozambique.

“A good example of this commitment is our co-funding of the Security and Human Rights Implementation Mechanism, known as SHRIM, with other member governments



Representative of the Britanicom High Commission in Mozambique.

and in partnership with the Geneva Centre for Security Sector Governance, known as DCAF, whose representatives are present at this conference.”

Over the last four years, SHRIM has supported projects in Colombia, Peru, Kenya, Nigeria and the Democratic Republic of Congo

through national working groups on Voluntary Principles and other mechanisms for engagement on business and human rights policies. “That is why the UK is working with DCAF, CDD and other partners to support the implementation of the Voluntary Principles in the Mozambican context.”

Government leadership is paramount to derive benefits from the Voluntary Principles Implementation

Academic Alex Vines led research on the incentives for engagement and implementation of the Voluntary Principles in Mozambique conducted by Chatham House, in partnership with the UK Government. At the conference this Thursday, he reiterated that unilateral adherence by companies to the Voluntary Principles can bring benefits such as improved safety management and social licence of operations, but without comprehensive Government leadership these benefits are likely to remain small-scale and inconsistent. “The Government’s commitment to the Voluntary Principles and its engagement as a member of this Initiative allows for cooperation and coordination between stakeholders, as well as access to lessons learned and the experiences and support of a transnational network.”

The researcher argued that monitoring and accountability among parties is paramount to support adherence to the Voluntary Principles. “This will require openness with regard to free reporting and critical journalism, transparency in decision making and improved domestic oversight mechanisms.” Alex Vines acknowledged that, while necessary, the Government’s adherence to the initiative is not enough to change the path of the extractive sector in Mozambique.

“Adherence (by Mozambique) will need to be complemented by a broader national effort, led by the Government, to improve the human rights environment, including prioritising human rights education for the population, state institutions and security forces, and implementing national training programmes to fight against entrenched patterns of corruption and abuse. The effective implementation of the Voluntary Principles will not be easy. It will not be a one-time event, but rather a process. A process that requires sustained focus and a willingness to seek greater transparency and dialogue between Government, the business sector and civil society.”

The General Director of Instituto de Patrocínio e Assistência Jurídica (IPAJ), Justino Tonela, also addressed the issue of the Voluntary Principles in Mozambique. And he reminded that besides the commitment to adhere to the United Nations Guiding Principles on Business and Human Rights and to the Voluntary Principles, Mozambique committed itself to elaborate and adopt the National Action Plan on Business and Human Rights. Mozambique also made a commitment to raise awareness among the populations living in natural resource areas about the existing potential and their transparent management, based on the observance of the Voluntary Principles and national legislation.

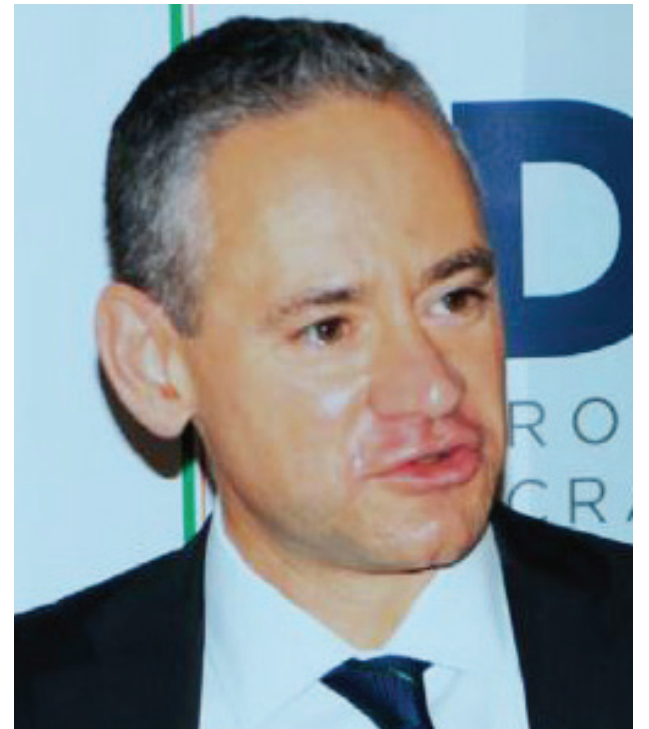
The General Director of IPAJ also spoke of



Alex Vines



Justino Ernesto Tonela, Director General of IPAJ



Alan Bryden, DCAF

the principles that guide the private security services in their interaction with companies in the extractive sector: Acting in accordance with the law and international guidelines; adopting policies on the appropriate conduct and use of force; investigating and monitoring allegations of human rights abuses; investigating and reporting incidents where physical force is used.

The interaction between extractive sector companies and security is also guided by some principles, such as the need for companies to hold consultations with government and communities on the impact of their security arrangements; use of force only when necessary; companies should provide human rights training; and allegations of human rights abuses should be investigated and reported.

Who also participated in the fourth conference on access to justice in Mozambique is Alan Bryden, from DCAF, an international foundation committed to good governance of the security sector that has supported the Voluntary Principles initiative for over 10 years. In his speech, Alan Bryden highlighted the need to train government forces as well as corporate security forces in Voluntary Principles on Security and Human Rights.


“Monitoring is a very important tool in the implementation of the Voluntary Principles. It is important to link progress at the national level on the implementation of these Voluntary Principles with concrete actions on the ground. This is a trust-building process. The socialization and capacity building process should be replicated at many levels,” said Alan Bryden.



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