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Implementing the Voluntary Principles on Security and Human Rights in Cabo Delgado, Mozambique

**Preliminary Findings of a Baseline
Study for discussion by Voluntary
Principles Working Group members
and partners**

1. Introduction

Mozambique's Province of Cabo Delgado is home to an abundance of mineral resources that has attracted massive foreign investments. The multinational mega-projects that seek to extract these resources are potential economic game-changers for Mozambique and its people. However, an evolving violent conflict with both domestic and international influences poses increasing security and human rights threats. Marginalized politically and socio-economically, and facing acute humanitarian distress, a large percentage of the population have suffered, not benefitted, from their natural resources. Mozambican national security responses have been unable to contain the conflict, resulting in external military assistance, notably from the Southern African Development Community (SADC) and Rwanda. Given this complex picture, there is a need to improve security in order to enable economic development while minimising the risk of human rights abuses and security related incidents on communities.

The Voluntary Principles on Security and Human Rights (VPs) are the leading global standard for companies in the extractives sector to identify and address security and human rights risks. The VPs are also a multistakeholder global initiative made up of representatives from the three pillars of governments, the private sector, and civil society committed to promoting dialogue and joint problem-solving to improve the security and human rights situation related to corporate investments. In Cabo Delgado, major international companies have established security arrangements with national security forces and some with private security providers. Agreements between companies and security providers are undertaken with the intention of mitigating security and human rights risks, consistent with the VPs. Yet current efforts to implement the VPs remain ad hoc and isolated from broader national security sector reform and rule of law agendas. There is therefore

therefore a clear need to apply a holistic, multistakeholder approach to VPs implementation, which is also likely to have a positive impact on security, human rights and economic development prospects.

Since 2020, the Mozambican civil society organisation, the Centre for Democracy and Development (CDD) has worked to identify opportunities and entry points for promoting the VPs in Mozambique. Since 2021, CDD has partnered with DCAF – the Geneva Centre for Security Sector Governance – to reinforce this process through technical support and applying comparative experience of security and human rights good practices from other contexts of VPs implementation. As committed Voluntary Principles Initiative (VPI) member governments, the UK and Switzerland are providing support to this process.

For its part, the Mozambican government has announced its intention to adhere to the VPs alongside the United Nations Guiding Principles on Business and Human Rights. The Ministry of Justice, Constitutional, and Religious Affairs of Mozambique has since launched a VPs Working Group at the national level in Maputo, with CDD serving as Secretariat. The Ministry of Justice has also agreed to launch a regional Cabo Delgado Working Group in Pemba with support from the Ministry of Defence and again with CDD serving as Secretariat.

Following international good practice on establishing multistakeholder Working Groups and structures for dialogue, CDD and DCAF commissioned a baseline study on VPs implementation in relation to stakeholder and issue mapping specifically for Cabo Delgado. The preliminary findings contained in this document are intended to provide food for thought and a basis for discussion among VPs Working Group members and partners.

2. Security and Human Rights Challenges

2.1 A Complex Security Environment with Active Conflict in Parts of Cabo Delgado

- Cabo Delgado has been the theatre of a violent and destructive conflict since 2017. The population has been caught in an escalating conflict between a violent extremist organization that seeks to secure increased socio-economic benefits (through legal and illicit trade), religious participation, and inclusion in the governance of the territories they have influenced and the government (with support from regional allies), that has sought to maintain its control in a province geographically, politically, and economically remote from the rest of the country.
- The population has suffered greatly from the conflict, leading to over 800,000 internally displaced persons (IDP), mostly southward into Cabo Delgado Province away from the Afungi peninsula. This has resulted in a rapid rise and deployment of massive international assistance to respond to acute humanitarian needs in Cabo Delgado Province and address socio-political questions on preventing and addressing violent extremism.
- The conflict in Cabo Delgado has been internationalized since 2021 through the deployment of the SADC Mission in Mozambique (SAMIM), as well as a separate intervention of Rwandan Defence Force (RDF) and Rwandan National Police (RNP).
- The conflict in Cabo Delgado has also resulted in increased international military assistance to the Mozambican government through the European Union Training Mission and significant bilateral defence support from the United States. The United Nations Office of the High Commissioner for Human Rights has also been in contact with the government regarding support for human rights training.
- The actions of violent extremist insurgents as well as Mozambican national security forces have generated allegations of human rights abuses on both sides. Furthermore, the government of Mozambique called on the intervention and support from a range of private military and security companies in the past that have also been the author of alleged violations of human rights and international humanitarian law.
- As a result of the ongoing conflict, the economy of the province has suffered, thus undermining the already limited socio-economic opportunities available for the people of the province as well as the Cabo Delgado business community.

¹ Referred to locally as Al-Shabaab (AS), though not be confused with the Somali terrorist group of the same name.

2.2 Ad Hoc Voluntary Principles Implementation Efforts to Date

- There are four major extractives resources attracting multinational investment that have the greatest influence and impact on communities in Cabo Delgado Province: development of onshore and offshore extraction of liquified natural gas (LNG); mining of gemstones, in particular rubies; mining of graphite; and projected industrial development of mining of gold.
- Of the involved companies, only a handful are members – or “engaged members” – of the VPI. In pursuing implementation of the VPs with the view to strengthening the security and human rights situation linked to business investments in Cabo Delgado, it will be important to ensure a level playing field among all economic operators to improve implementation and standards for all companies.
- To date, TotalEnergies and Gemfields have been the most advanced with their business operations, developing community-facing programmes alongside significant VPs related programming to improve the security and human rights standards related to their arrangements with public and private security providers. These efforts have included providing human rights training for both public and private security forces deployed to their operations, the establishment of mechanisms for monitoring and oversight of security forces deployed to their operations, as well as the creation of operational reporting or grievance mechanisms to receive and address complaints of potential abuses. Furthermore, both companies have established various approaches to improving community relations, for example through employment schemes.
- Despite existing efforts, there remain allegations of heavy-handed human rights responses of public security forces in relation to securing multinational investments.

2.3 Impact of Cabo Delgado Conflict on Multinational Operations and Community Relations

- A major attack on the town of Palma on 24 March 2021 led TotalEnergies to evacuate and suspend construction activities at their LNG site on the Afungi peninsula of Cabo Delgado, declaring force majeure on 26 April 2021.
- As a result of the conflict focused around the Afungi peninsula, there have been significant reductions of corporate staff in Maputo and no permanent staff in Cabo Delgado. Contracts for site activities have been suspended. Some contractor agreements are likely to be terminated depending on how long project is delayed.
- Only one Mozambican company contractor, True North Limited, remains operational on the Afungi LNG site, engaged in keeping essential services operating on behalf of the government of Mozambique, including logistics to the “Joint Task Force” of national military and police forces assigned to protect the site.

2.4 Governance Deficits of the Public Security Sector and Effectiveness of the Justice System

- Given the expansive size of Cabo Delgado Province, active conflict and the humanitarian impact of internal displacement has been somewhat contained to the Afungi peninsula and areas in the northeast of the province where LNG investment is focused.
- In Cabo Delgado's complex security environment, it is important to distinguish between allegations of human rights, or international humanitarian law, violations committed by Mozambican security forces in the general context of armed conflict in Cabo Delgado Province, or routine deployment of public security forces, and the narrower set of security and human rights issues that arise from security forces that are assigned to protect multinational investments.
- That said, weaknesses in security sector governance – effective training, equipment, oversight and accountability of army and police – raise common challenges for companies that contract with national security forces throughout the province, affecting all investments.
- There are further weaknesses in access to justice due in part to challenges relating to independence of the judiciary and the absence of essential rule of law structures throughout Cabo Delgado that create an environment of ongoing lack of accountability of security forces that must be overcome.
- By law, individuals or organizations may seek civil remedies for human rights abuses through domestic courts or file complaints through the Office of the Ombudsman, the National Commission on Human Rights (CNDH), and the Mozambican Bar Association to seek cessation of human rights abuses, damages for abuses, or both. Pursuing complaints through this system, however, remains challenging.
- The CNDH lacks authority to prosecute abuses and must refer cases to the judiciary. Commission members are chosen by political parties, civil society, the prime minister, and the Mozambican Bar Association. Although the CNDH is an active human rights advocate and its presence is to be expanded in Cabo Delgado, its lack of resources and formal staff training in human rights hinders its effectiveness.

2.5 Limited Access to Communities

- In Cabo Delgado, access is limited for consultations and engagement with communities and local populations (due to conflict displacement).
- Other challenges persist to obtain meaningful consultation with women, children, and vulnerable groups to understand their experiences and needs.

3. Opportunities for Voluntary Principles Implementation in Cabo Delgado

3.1 A Multistakeholder Platform for Dialogue on the VPs That Addresses Business, Security, and Human Rights Provides an Important Opportunity to Identify, Prevent, and Address Security and Human Rights Concerns Through the VPs Framework

- CDD's prior stakeholder outreach and engagement and active participation in multistakeholder dialogue relating to VPs by the Ministry of Justice, Ministry of Defence, Mozambican police (PRM), provincial authorities (governor and district administrators), multinational companies, local business community, and CSOs provides a solid baseline to set up a provincial level VPs Working Group at the earliest opportunity.
- A permanent presence in Pemba is required to facilitate regular stakeholder consultations to build trust and confidence in both the process and Working Group conveners.
- Dialogue should include a wide range of actors. For example, active participation of the agency for development in the north (ADIN), as the lead national agency responsible for humanitarian will be important to achieve coherence and sustainability of solutions.
- Further stakeholder participation should be considered carefully. An approach that would focus on community engagement and problem-solving in particular districts where multinational investments are present (i.e. Montepuez and Palma) to relay concerns to the provincial capital in Pemba, and subsequently to the national level in Maputo should be considered.

3.2 Several Thematic Priorities for a Regional Working Group on the VPs in Cabo Delgado Can Already Be Identified

- Capacity building support to enable an increase in targeted human rights monitoring and mapping should be focused on initially, particularly as multiple complementary conflict management / resolution programmes are likely to be initiated in the next 3-6 months. This monitoring will allow for the identification of more specific trends that can further guide thematic interventions.
- Human rights training for public security forces deployed both to protect multinational business operations as well as security forces deployed in the context of quelling violent conflict in Cabo Delgado should be further harmonized to achieve sustainable improvements in troop behaviour. Similar harmonization and raising standards of trainings for private security actors employed by companies should also be considered.
- Additional focus on creating linkages between operational grievance mechanisms and the creation of independent governmental human rights institutions to better identify, with the view to better address and redress, patterns of human rights challenges is needed.

- Share lessons learned from wider VPs implementation experience in other contexts on issues such as conflict-sensitive community-facing dialogue and the

varied models of operational grievance mechanisms currently deployed by multinational companies.

3.3 Complementarity Between the VPs and Other Processes Must Be Promoted and Will Contribute to Donor Coherence and Sustainability of Development and Social Investments and Efforts

- There are opportunities to cooperate/ collaborate with complementary processes: resolution dialogue, energy transition dialogue, bilateral / multilateral social cohesion projects, and P/CVE initiatives. This initiative must be seen to complement these approaches not impede them.
- The VPs should be linked to other efforts of donors, national government, provincial authorities and civil society to find integrated solutions and improvements to security, development and human rights in Cabo Delgado.

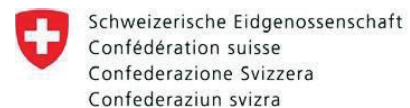
3.4 Close Linkages Must Be Maintained Between the National Voluntary Principles Working Group and the Technical Working Group in Cabo Delgado

- Many entry points and opportunities to promote security and human rights in Cabo Delgado through the VPs will only be realised through the political will and practical effort of VPs stakeholders at the national level. The promotion of consistent sustainable human rights training of public security forces is only one such example.



Mozambique's in-country implementation process of the Voluntary Principles on Security and Human Rights is focused on the work of two Working Groups: a National Working Group addressing strategic issues at the intersection of the security sector and Human Rights within the extractives sector, and a Technical Working Group in the Province of Cabo Delgado, addressing the same issues in their operational dimension. Both Working Groups are chaired by the Mozambican Ministry of Justice, with CDD (Centre for Democracy and Development) serving as secretariat and technical advice from DCAF – Geneva Centre for Security Sector Governance. Activities of the two Working Groups have received generous support from the United Kingdom Foreign, Commonwealth & Development Office, and Switzerland's Federal Department of Foreign Affairs.

Partners:



Embaixada da Suíça em Moçambique

