



VPSHR

VOLUNTARY PRINCIPLES
SECURITY
AND HUMAN RIGHTS

IN MOZAMBIQUE BULLETIN

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



<https://multimedia.europarl.europa.eu>

www.cddmoz.org

Saturday, March 15, 2025 | Ano 3, n.º 43 | Director: Prof. Adriano Nuvunga | Português

PRIVATE SECURITY IN MOZAMBIQUE

Challenges, human rights, and governance in the context of Cabo Delgado



Introduction

Private security in Mozambique, as in many African countries, plays a significant role in the public security landscape, particularly following the economic transition initiated with the liberalization movement in 1987. The increasing presence of investments in the extractive

sector and the intensification of security challenges—especially in regions like Cabo Delgado—demand a critical reflection on the role of private security companies, their implications for human rights, and the need for more effective regulation. The growing activity of these companies, linked

to rising foreign investment and escalating armed conflicts, highlights the importance of state oversight and adherence to international principles governing private security. The objective of this document is to analyze the evolution of private security in Mozambique, the emerg-

ing challenges in the sector, the impact of violence in Cabo Delgado, and the regulation of the industry in light of the Voluntary Principles on Security and Human Rights and the International Code of Conduct for Private Security Service Providers (ICoCA).

The Rise of the Private Security Sector in Mozambique: From Liberalization to Privatization

The formalization of the private security sector in Mozambique dates back to Decree No. 26/90, of November 29¹, which was enacted during the early years of the Second Republic, shortly after the economic liberalization movement began in 1987. This decree established the foundations for private security companies, aiming to assist in crime prevention and combat, which had significantly increased during the country's political and social transition. The growing rate of urban crime, coupled with an urgent need for the protection of assets and individuals, was the main driver behind this shift. Following Decree No. 26/90, private security companies were legally recognized and allowed to operate, albeit with limited functions focusing on asset protection and supporting the then People's Police of Mozambique.

In the following years, as the economic liberalization process deepened and various sectors were privatized, the number of private security companies grew considerably. This expansion became particularly evident with the enactment of Decree No. 9/2007, of April 30, which introduced clearer regulations for private security companies, strengthening their collaboration with the Ministry of Interior to ensure compliance with national laws². This new legal framework defined more specific operational limits for private security firms but did not fully address issues related to supervision and regulatory enforcement, which continue to pose challenges to the sector today.

However, the regulation of the private security sector in Mozambique has faced legal chal-

lenges, as highlighted by Constitutional Council Ruling No. 5/CC/2008, of May 8, which declared significant portions of Decree No. 9/2007 unconstitutional. The Constitutional Council ruled that paragraph (d) of article 5 (1) was formally unconstitutional, and paragraph (a) of article 5 (1) and article 6 (1) of the regulation approved under Decree No. 9/2007 were legally invalid³. This ruling necessitated a revision of the sector's legal framework, emphasizing the need for a more robust regulatory system aligned with the Constitution of the Republic of Mozambique. At the same time, the Constitutional Council rejected other claims of substantive unconstitutionality, indicating that certain aspects of the regulation could remain but required essential adjustments.

The impact of this decision reflects the complex relationship between the private sector and public security needs in Mozambique. It highlights the delicate balance between constitutional rights and operational practices within the private security industry. The sector's growth, particularly in strategic high-value areas, such as gas exploration, ruby, and graphite mining projects in Cabo Delgado, underscores the urgent need for updated regulations that keep pace with technological advancements and the increasing militarization of private security companies. These firms, often possessing superior weaponry and technology compared to public security forces, exacerbate the vulnerability of local communities and public authorities to potential abuses of power and human rights violations.

¹ You can access the Decree through this link: <https://archive.gazettes.africa/archive/mz/1990/mz-government-gazette-series-i-supplement-no-5-dated-1990-11-29-no-48.pdf>

² You can access the Decree through this link: <https://www.scribd.com/document/158658125/Decreto-9-2007>

³ You can access the Judgment through this link: <https://archive.gazettes.africa/archive/mz/2008/mz-government-gazette-series-i-supplement-dated-2008-05-08-no-19.pdf>

Therefore, it is evident that the private security sector in Mozambique, from its formalization to its current expansion, demands a more effective regulatory approach to address the challenges posed by the privatization of security. Strengthening legal

frameworks and implementing stricter oversight mechanisms are crucial to ensuring that private security companies operate within legal limits while upholding human rights and protecting both national interests and vulnerable populations.

Contemporary Challenges: The Growth of the Extractive Industry and the Demand for Private Security

In recent years, the expansion of the extractive industry in Mozambique, particularly in the north of the country, in Cabo Delgado, has significantly increased the demand for private security services. Multinational companies operating in gas and oil exploration, graphite, and ruby extraction have begun hiring private security firms to protect their infrastructure. However, these companies often operate in high-risk environments, such as Cabo Delgado, where armed groups have been fueling conflict since 2017. Despite its growing importance, the private security sector in Mozambique faces numerous challenges, including a lack of specialized training for security personnel, weak government oversight, and an absence of clear regulations regarding the responsibilities of private secu-

rity firms. Studies conducted by international organizations such as the International Labour Organization (ILO) indicate that private security companies operating in conflict zones can be directly involved in human rights violations, particularly in cases where the excessive use of force and civil rights violations are frequent⁴. Weak regulation and limited resources for monitoring and enforcement have created an environment where human rights abuses can thrive, particularly in areas with minimal government control, such as Mozambique's northern provinces. The lack of oversight in the private security sector has exacerbated violence in Cabo Delgado, where there have been reports of physical aggression, illegal detentions, and excessive use of force by private security personnel against local communities⁵.

Cabo Delgado: The Impact of the Insurgency and Human Rights Violations in the Private Security Sector

Since 2017, Cabo Delgado has been at the center of an armed insurgency characterized by violent attacks on civilians and Mozambican security forces. The conflict has resulted in the forced displacement of over one million people and the destruction of key infrastructure. The presence of private security companies in the region has raised concerns, particularly regarding the risk of human rights violations and the treatment of vulnerable communities.

A detailed analysis of private security operations in Cabo Delgado reveals significant shortcomings, as many of these companies lack adequate human rights training and clear operational guidelines for dealing with violence and social

conflict. The excessive use of force, coupled with a lack of accountability and oversight, has raised serious concerns about abuses against local populations.

For example, during security operations at the Afungi gas project in Cabo Delgado, Total contracted private security firms whose agents were accused of physical assaults and abuses against civilians following the attacks in Palma. These abuses occurred in an environment of community isolation and a lack of government oversight, highlighting the urgent need to improve training and regulation in the private security sector. Given these concerns, adherence to international standards is more critical than ever. The Vol-

⁴ <https://cddmoz.org/wp-content/uploads/2020/07/SEGURANCA-PRIVADA-E-DIREITOS-HUMANOS-EM-CABO-DELGADO.pdf>

⁵ https://cddmoz.org/wp-content/uploads/2020/07/Licenciamento-de-empresas-de-seguranca-privada-recebe-mais-atencao-do-que-o-controlo-e-a-supervisao-do-sector_.pdf

untary Principles on Security and Human Rights, adopted in 2000 by governments, corporations, and NGOs, establish guidelines for ensuring that private security firms operate within a human rights framework and that the use of force is legal and proportional. Additionally, the ICoCA Code of Conduct (International Code of Conduct for Private Security Service Providers) provides clear principles and guidelines for private secu-

rity companies, promoting accountability, transparency, and respect for human rights in their operations.

Addressing these challenges will require stronger regulatory frameworks, better enforcement mechanisms, and improved oversight to ensure that private security companies in Mozambique operate responsibly and in alignment with international human rights norms.

Redesigning the Role of the State: Strengthening the Regulation and Oversight of the Private Security Sector

The growing presence of private security companies in Mozambique, particularly in strategic regions such as Cabo Delgado, necessitates a reconfiguration of the State's role in the regulation, supervision, and control of these services. Initially viewed as a complement to public security, the private security sector has gained increasing power, especially in areas with a strong presence of multinational companies, such as the extractive industry. These companies not only provide security services but also operate with advanced technologies and heavy weaponry, creating a power imbalance in relation to public security forces, which often struggle with limited resources. This scenario underscores the urgent need for regulatory reforms to ensure law and order and protect the rights of local communities.

Given this context, the Mozambican government must adopt a more effective and rigorous approach to supervising the private security sector to prevent abuses of power and ensure the protection of human rights. The sector's expansion, particularly in natural resource extraction zones, raises critical questions about state sovereignty and the extent to which private companies can influence or even control security dynamics in areas where government oversight is weak. The military and technological superiority of these companies—sometimes exceeding that of public security forces—poses a risk to national security, particularly in vulnerable regions like Cabo Delgado.

The regulation of private security in Mozambique is still evolving and requires improvements to address the challenges posed by the growing presence of multinational corporations, particularly in the extractive industry. The cur-

rent legal framework, exemplified by Decree No. 9/2007, needs revision to reflect new security demands and to adapt to the increasing use of advanced technology by private security firms. The lack of efficient oversight and adequate material resources limits the government's ability to monitor these companies, potentially leading to abuses, such as excessive use of force, particularly in high-investment zones like the natural gas projects in Afungi.

To address these challenges, the Mozambican government must take decisive action in revising and updating the laws and regulations governing the sector. One effective measure would be the creation of an independent regulatory agency with the power to audit private security operations and conduct regular inspections. Additionally, all private security companies should be mandated to submit regular reports and undergo independent external audits, ensuring greater transparency and accountability.

Adhering to international frameworks, such as the Voluntary Principles on Security and Human Rights and the ICoCA Code of Conduct, is another crucial step in ensuring that private security companies operate ethically and in compliance with human rights standards. These frameworks provide clear guidelines on the proportional use of force, prevention of abuses, and proper training for security personnel. By integrating these principles into national regulations, Mozambique can not only improve the governance of the private security sector but also align its practices with international standards, ensuring the protection of local communities' rights while maintaining public security and stability.

Therefore, strengthening the role of the State in regulating and supervising the private securi-

ty sector in Mozambique is essential to ensure that private security companies do not merely serve the interests of multinationals but also contribute to maintaining public order and protecting local communities. Updating legislation,

implementing effective oversight mechanisms, and adhering to international norms are critical steps towards responsible, transparent governance that prioritizes human rights and public security.

The Strategic Role of CDD in Addressing Private Security and Human Rights Challenges in Cabo Delgado

On July 27, 2023, the Centre for Democracy and Human Rights (CDD), in partnership with the Ministry of Justice, Constitutional and Religious Affairs (MJACR) and with technical support from the Geneva Centre for Security Sector Governance (DCAF), hosted a conference on private security and human rights in Pemba, Cabo Delgado. The event was part of the implementation of the Voluntary Principles on Security and Human Rights in Mozambique, a set of best practices aimed at ensuring that activities in the extractive sector are conducted safely and with full respect for human rights.

The conference aimed to promote a comprehensive understanding of the private security providers operating in Cabo Delgado and the role of key stakeholders in advancing human rights compliance. By focusing on these issues, the event sought to identify effective strategies and practical solutions that could be implemented to promote responsible business practices and protect human rights in the context of security operations. Participants had the opportunity to share their experiences, perspectives, and insights on the challenges related to human rights compliance in private security activities.

As an active member of the International Code of Conduct Association (ICoCA), CDD has been deepening its work in this sector, aiming to strengthen norms and practices related to private security, ensuring that operations in Mo-

zambique align with the highest human rights standards.

During the July 27, 2023 conference, Sifuenza Anenge, representing the Ministry of the Interior, highlighted the importance of Decree No. 9/2007 of April 30, which grants the Ministry authority to issue licenses to private security companies. According to Anenge, there are currently 31 private security companies operating in Cabo Delgado, five of which do not have proper offices and operate from field posts. The lack of adequate facilities makes it difficult for the Mozambique Republic Police (PRM) to carry out inspections and oversight. Additionally, she expressed concern over the fact that some private security companies possess unregistered weapons, which constitutes a violation of existing regulations⁶.

Meanwhile, Frank Bruyns, a representative of Gemfields, noted during the event that the private security industry in Cabo Delgado lacks adequate regulation, which jeopardizes human rights compliance. The absence of clear guidelines and specific regulatory standards creates loopholes that can lead to human rights abuses, negatively impacting local communities. Frank Bruyns emphasized the urgent need for stricter regulations to ensure that private security operations adhere to human rights principles, fostering a safer and more just environment for all citizens in Cabo Delgado⁷.

⁶ <https://cddmoz.org/wp-content/uploads/2020/07/Conferencia-sobre-empresas-de-seguranca-privada-e-direitos-humanos-em-Cabo-Delgado.pdf>

⁷ *Idem*.

Towards Effective Governance: Pathways for Responsible Oversight in the Private Security Sector

The private security sector in Mozambique has expanded significantly in recent years, driven by economic liberalization, rising crime rates, and increased foreign investment. However, challenges related to lack of regulation, inadequate training, and insufficient oversight have created an environment where human rights abuses, particularly in regions like Cabo Delgado, can occur with ease.

To ensure good governance in the private security sector, it is crucial that the State takes a more active role in monitoring and regulating security companies, fostering close collaboration with private security firms, civil society, and international organizations. The implementation of best practices, adherence to the Voluntary Principles on Security and Human Rights, and compliance with the ICoCA Code of Conduct are essential steps in ensuring that the sector operates ethically and with full respect for human rights.

Ultimately, effective regulation and accountability of private security companies are key to ensuring that the sector contributes positively to public security and sustainable development, without compromising the rights and dignity of local communities.



MISSÃO:

Inspirar e impulsionar ações para proteger os direitos humanos, fortalecer a democracia e promover a justiça.

MISSION:

Inspiring and driving actions to protect human rights, strengthen democracy, and promote justice.

EDITORIAL INFORMATION

Property: CDD – Democracia e Direitos Humanos
Director: Prof. Adriano Nuvunga
Author: Abdul Tavares
Layout: CDD

Address:
Rua Dar-Ès-Salaam Nº 279, Bairro da Sommerschild, Cidade de Maputo.
Telephone: +258 21 085 797

 CDD_moz
E-mail: info@cddmoz.org
Website: http://www.cddmoz.org

FINANCING PARTNERS

