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Nhampassa Tourmaline Mine: Legitimacy at risk and the imperative for a social license to operate



In recent years, Mozambique has experienced a growing wave of conflicts involving local communities, extractive companies, and the State, particularly in resource-rich regions such as Cabo Delgado, Tete, Manica, and Nampula. These disputes — driven by land expropriation, unfulfilled corporate promises, environmental degradation, and the social marginalization of local populations — have exposed persistent patterns of human rights violations and serious governance failures. The Center for Democracy and Human Rights (CDD) has consistently drawn attention to these issues, underscoring the weaknesses of extractive models based on concessions granted without meaningful consultation with affected communities and without fair

and transparent benefit-sharing mechanisms.

The case of the Nhampassa tourmaline mine in Manica province stands as a stark illustration of the structural challenges facing Mozambique's mining sector. Despite substantial investments from concession-holding companies such as Sociedade Mineira de Nhampassa (Sominha Limitada), local populations remain trapped in conditions of extreme poverty, with limited or no access to essential services including healthcare, education, and employment opportunities. The absence of tangible social and economic benefits, combined with the expropriation of communal lands for mining activities, has fueled a deep sense of injustice and exclusion. This in turn has led to episodes of resistance and community-led initiatives to reclaim



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agency over local resources — as evidenced by the creation of the Manoassaca Cooperative.

This case is neither isolated nor incidental. It reflects a broader systemic pattern that urgently demands a critical, integrated response grounded in international Business and Human Rights

standards. It also calls for an immediate reassessment of the ways in which the State and private companies operate in contexts marked by social vulnerability, to ensure that the rights, dignity, and well-being of affected communities are meaningfully protected and promoted.

Nhampassa Case: A Conflict over legitimacy

According to the Mozambican newspaper *O País*, the local population occupied the Nhampassa tourmaline mine approximately six months ago, alleging that the company had failed to honor its social commitments. Residents claim that promises to build hospitals, schools, and create employment opportunities were never fulfilled. In response, community members took the initiative to establish a mining cooperative with the aim of managing the area's resources themselves.

The company, for its part, asserts that it has un-

dertaken several community initiatives, including the construction of the Nhampassa market, the Nhadue Primary School, the rehabilitation of classrooms in Nhampassa, and the donation of ambulances to local health facilities, such as the Catandica Rural Hospital. However, the continued dissatisfaction expressed by the local population suggests that these initiatives have either been insufficient, poorly communicated, or disconnected from the community's actual needs and priorities.

The social license to operate: Between legality and legitimacy

The situation in Nhampassa exemplifies the widening gap between a company's legal license to operate, granted by the State, and its social license, which depends on the acceptance and recognition of local communities. The concept of a social license to operate has gained significant relevance in global mining governance debates, referring to the informal, yet essential, agreement between companies and communities — grounded in trust, mutual respect, and equitable benefit-sharing.

When communities witness the wealth generated from mining operations without seeing tangi-

ble improvements in their own living conditions, the legitimacy of corporate operations is inevitably challenged. In such contexts, acts of informal mine occupation, while legally irregular, become expressions of resistance and demands for the right to development — a right enshrined in the Constitution of the Republic of Mozambique and affirmed in international human rights instruments. It is, therefore, the State's responsibility to safeguard this right and ensure that economic development initiatives do not come at the cost of social justice and community well-being.

Business and Human Rights: Corporate responsibilities in the mining context

In light of the United Nations Guiding Principles on Business and Human Rights (UNGPs), the Nhampassa case underscores serious shortcomings in fulfilling the corporate responsibility to respect human rights. These principles affirm that, irrespective of State actions or omissions,

companies are obligated to avoid causing or contributing to human rights abuses and to address any adverse impacts they generate.

In the case of Nhampassa, the absence of robust human rights due diligence — including meaningful community consultations, compre-

¹ <https://opais.co.mz/populacao-invade-mina-turmalinas-e-cria-cooperativa-para-exploracao-em-manica/>

hensive risk assessments, and accessible grievance mechanisms — contributed to the breakdown of trust between the company and the local community. The suppression of traditional livelihoods, land dispossession, and the economic marginalization of local populations constitute impacts that may violate fundamental rights, including the rights to land, decent work, health, and self-determination.

Moreover, isolated social investments, while valuable, are no substitute for structured, participatory, and sustained engagement. The responsibility of companies to remedy harm cannot be reduced to philanthropy or sporadic, disconnected initiatives. It demands transparent, effective, and community-centered redress mechanisms, as emphasized by the third pillar of the UNGPs.

Failure to address negative impacts not only generates reputational and operational risks but also raises profound ethical concerns about the legitimacy of business models based on wealth extraction without fair and equitable benefit-sharing. Respecting the right to Free, Prior, and Informed Consent (FPIC), ensuring community participation in decision-making processes, and establishing participatory monitoring systems are essential steps for safeguarding human rights in extractive contexts.

Under the UN Guiding Principles, corporate responsibility extends beyond preventing harm to

providing effective remedies when business activities lead to human rights violations or adverse impacts. In the Nhampassa case, the absence of accessible grievance mechanisms and structured dialogue between the company and the affected community exacerbated perceptions of injustice and contributed to the escalation of conflict. The lack of channels for active listening, impartial complaint resolution, and interest mediation deprived the community of peaceful means to voice grievances and seek redress — a critical element of effective human rights due diligence.

Companies operating in fragile social and institutional contexts must establish legitimate, predictable, transparent, and rights-based grievance mechanisms, as recommended by the UNGPs. These mechanisms should be designed with community participation, adapted to local cultural and linguistic realities, and avoid unilateral, formalistic approaches.

Additionally, when negative impacts occur — such as forced displacement, loss of land, or the destruction of traditional livelihoods — companies must guarantee fair and proportionate remedies. These may include financial compensation, land restitution, livelihood restoration programs, and public apologies. Importantly, remediation should not be viewed as an act of goodwill but as a core, non-negotiable component of corporate human rights responsibility.

State responsibility and the crisis of governance

The conflict in Nhampassa also reveals serious shortcomings in the State's role as a regulator and mediator. Mozambican law stipulates that pre-existing rights to land use and benefit can only be extinguished through fair compensation. However, persistent reports indicate that many companies obtain mining concessions without respecting this principle, contributing to land disputes and social conflicts. In several cases, the State has acted more as a facilitator of corporate interests than as a guarantor of the rights of its population.

This type of state omission has fueled a cycle of criminalization against artisanal and informal mining, while failing to address the structural conditions that force thousands of Mozambicans to rely on small-scale mining for survival. The absence of effective, inclusive dialogue between the State, companies, and communities creates fertile ground for mistrust, instability, and the escalation of conflicts.

Consequences for business and sustainable development

The absence of a social license to operate not only threatens social cohesion but also jeopardizes the economic objectives of mining companies. Community conflicts frequently result in operational disruptions, damage to property, increased security costs, and reputational harm — consequences that can deter investors and undermine the long-term viability of mining

projects.

Investing in strong, equitable relationships with communities is not simply an ethical obligation; it is a strategic approach to risk mitigation and sustainable value creation. Mining can only meaningfully contribute to sustainable development if conducted responsibly, with respect for human rights, environmental standards, and social justice.

Proposals and possible pathways

- Resolving conflicts like the one in Nhampassa requires a multidimensional, participatory approach based on open and continuous dialogue. Key recommendations include:
- Recognizing the social license to operate as an essential requirement in the process of granting and renewing mining licenses;
- Establishing community monitoring councils with deliberative authority to oversee the implementation of corporate social commitments;
- Revising compensation frameworks and prior consultation processes, ensuring genuine community participation and adherence to the principle of Free, Prior, and Informed Consent (FPIC);
- Strengthening state oversight mechanisms and holding companies accountable for abusive or negligent practices;
- Supporting the formalization of artisanal and small-scale mining, providing technical training, access to regulated mining zones, and financial incentives.

Conclusion

The situation at the Nhampassa tourmaline mine reflects broader structural weaknesses in Mozambique's extractive industry governance model. The absence of participatory and inclusive approaches undermines community rights, fuels conflict, and destabilizes mining operations. Securing a social license to operate should no longer be treated as a secondary concern, but rather as a fundamental requirement for the legitimacy and viability of any extractive project.

Only through genuine coordination between the State, companies, and communities — guided by the principles of human rights, corporate responsibility, and social justice — will it be possible to build a mining sector that contributes fairly, responsibly, and sustainably to Mozambique's development.



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