ADVOCACY PAPER
HUMAN RIGHTS SITUATION
IN CABO DELGADO
MOZAMBIQUE
Cabo Delgado, Mozambique’s northernmost province, has been the scene of major human rights violations since 2017, with the emergence of the Al-Shabaab armed group and the exploration and exploitation of natural resources. This insurgence group is often considered as a terrorist movement. The security situation has led to massive internal displacement, estimated to be over 670,000 as of August 2023.1

The conflict gained international visibility in 2020 with the capture of the port town of Mocimboa da Praia in Cabo Delgado, and later with an assault on the city of Palma. In 2021, the conflict took an international dimension through the military intervention of Rwanda and the Southern African Development Community (partly financed by the European Union) and the political support of Portugal, France, and the United Kingdom.2 In 2023, while people are progressively returning to their homes within the province, security remains a concern, as illustrated by the execution of 11 Christians, taken by the Islamic State, in the district of Mocimba da Praia on 15 September.3

The current human rights situation has three main identified causes:4

- **Historical inequalities in Mozambique’s development:** There is inequality between the north and the south of Mozambique, where the northern provinces have not benefited from the same human and economic development as the country’s other provinces.5 Therefore, Cabo Delgado’s population experiences the country’s highest illiteracy, poverty, lack of services, and worst socio-economic index.

- **The instrumentalization of Islam:** While various religious groups, including Christians and Muslims, have coexisted peacefully since Mozambique’s independence in 1975, terrorists have recently used Islam to justify their insurrection, creating strong inter-religious tensions and have increased attacks against Christian communities.6

- **The poor governance of natural resources:** The discovery and exploration in the 2000s of important gas and ruby reserves in the province by private companies have been characterized by livelihood disruptions and numerous human rights abuses by the companies, including transferring the rights of use from local communities without their free, prior, and informed consent.7
The Franciscans in Mozambique

Franciscans International works in collaboration with our members, the sisters of the Franciscans Missionaries of Mary (FMM), including the FMM community in Montepuez, located in the central part of Cabo Delgado. Since the onset of the crisis, the FMM sisters, through the local Caritas, have provided daily psychological and educational support to people living in 7 internally displaced persons (IDPs) camps in the district of Montepuez.

STRUCTURE OF THE PAPER

The following sections aims to present the human rights situation in the province of Cabo Delgado in its global dimension. After analyzing the situation of internally displaced persons (part 1), we will set out the abuses and violations linked to their displacement: the terrorist attacks (part 2) and the exploration and exploitation of natural resources (part 3).
PART 1: THE SITUATION OF INTERNALLY DISPLACED PERSONS

There are two main causes of internal displacement in Cabo Delgado. The first is related to the terrorist attacks, which started in October of 2017, most of which occurred along the province’s coast, and spilled into the neighboring provinces. Local populations were also displaced due to the exploration of gas and gem concessions. IDPs have fled inland (e.g., Montepuez region) and into the provinces of Nampula and Niassa in 221 locations.10

The management of IDP camps remains difficult, not only because of the lack of funding11 but also because of the lack of land management and local consultation when the camps were set up. This leads to numerous violations of the economic, social, and cultural rights of both displaced persons and local communities living in the vicinity of the camps. As discussed below, difficulties in accessing food,12 health care, drinking water and sanitation,13 and education14 are the main problems IDPs and local communities face.

HUMAN RIGHTS SITUATION IN IDP CAMPS IN THE DISTRICT OF MONTEPUZ (PROVINCE OF CABO DELGADO)

In August 2023, the Montepuez district hosted 11,547 families across several camps and living areas. The district receives large-scale arrivals of IDPs fleeing these attacks from the neighboring districts. For example, in January 2023, following an attack in the Nairoto district, 541 families (2,705 people) fled to the area. The District Planning and Infrastructure Service of Montepuez (SDPI) is a public authority responsible for coordinating humanitarian help within the district: the SDPI regulates IDP’s entries and exits in the districts and activities carried out by Civil Society Organizations (CSOs) and UN agencies (14 organizations).

The situation of women and children
Most of the displaced persons are women and children. They are particularly vulnerable to gender-based violence, including “food blackmail.” It has been observed that the food provided in the camps, when it is not distributed in a targeted manner, is trafficked and that, ultimately, women and children find themselves in situations where they do not have access to the quantity of food they need to survive. In many camps, there are no specific provisions to protect women and children from this discrimination. However, in some camps (Chimoio and Njama), vigilance committees have been set up to prevent violence against women and children.

Access to cultivable land
Access to food is a problem because cultivable land is insufficient to cover the nutritional needs of displaced populations, especially in the case of mass arrivals following an attack, and external food supply in the camps relies on international aid only. Moreover, in some camps, such as Mapupulo, there have been tensions over the management of plots of land withdrawn by the State from local communities for the benefit of IDPs: some villagers are asking to share the IDPs’ harvest from these plots, which is creating tensions.

Access to education
Access to education remains a concern in the district’s camps. While the State has been able to establish primary schools guaranteeing access for the youngest children, this is not the case for children in the secondary and vocational system, which is still largely guaranteed by civil society organizations, including Caritas, which organizes sewing and cookery courses for some young women in the district’s camps.
HUMAN RIGHTS SITUATION IN THE IDP CAMP OF CORRANE (PROVINCE OF NAMPULA)

The camp in Corrane was established in 2019. Central government authorities unilaterally decided the location based on the land available and was deemed sufficient to ensure subsistence food production. In 2020, the Government mandated NGOs, including the local Caritas, and the UN agencies (International Organization for Migration, IOM), to build more shelters. By June 2023, the camp was home to over 7,000 people and was the largest IDP camp outside the province of Cabo Delgado.

Right to food

In February 2023, only 300 families were provided plots for land cultivation (about 1,500 persons). The land provided to these family allows them to cover only up to 30% of their nutritional needs, due to its size, poor soil quality, and its alteration due to extreme weather events induced by climate change (severe droughts and flooding cyclones). We were informed that the cultivatable land provided to the IDPs was taken from the local communities without compensation.

As a result, access to food for the local population was severely impacted as they had their own farmland taken and received limited support from the NGOs, which put them at a high risk of food insecurity. The last time food was distributed was in December 2022. Since then, IOM and the World Food Programme (WFP) have claimed they do not have funds to pursue their activities. As of today, Caritas Nampula is the only entity that has been distributing food to the IDPs. At the same time, they also struggle to support the IDPs in the camp due to the World Food Programme funding shortages that impact the work of these organizations.

Right to adequate housing

The IDPs' shelters built for emergencies are progressively deteriorating. Heavy rains destroy the walls built of sand, and cyclones degrade the weak wooden structures of some houses. Since international funding stopped, the maintenance of the camp mainly relies on NGOs, especially the local Caritas.
PART 2: HUMAN RIGHTS VIOLATIONS LINKED TO TERRORISM

Since 2006, Salafist groups have been present in Cabo Delgado through the establishment of a sect locally known as Al-Shabaab. This group evolved from a religious sect to an armed movement, engaging in attacks on State institutions and civilians.¹⁵

The first attack by Al-Shabaab in Cabo Delgado happened in 2017. Since then, terrorists attacks have expanded into the other northern provinces, including the provinces of Niassa and Nampula. Indeed, the arrival of foreign troops (from Rwanda and the Southern African Development Community) brought significant changes in the power balance and forced Al-Shabaab to flee to remote zones. Their strategy changed from overwhelming villages with many fighters to using small units to terrorize communities. According to data from the Armed Conflict Location and Event Data Project, 4,693 people were killed between October 2017 and June 2023.¹⁶

This situation has led to allegations of human rights abuses and violations from the Al-Shabaab group and the Government of Mozambique through its response to the attack. Forces on both sides have been allegedly implicated in atrocities, including the killing of civilians and sexual violence, in addition to the destruction of property.

In responding to the continuous attacks from the Al-Shabaab group, the Government of Mozambique failed to comply with its international obligation to protect civilians against terrorism and to respect human rights.¹⁷

**HUMAN RIGHTS ABUSES BY AL-SHABAAB GROUP**

Right to life and right to security of the person

The district of Mocimboa da Praia is one of the districts in Cabo Delgado where the Al-Shabaab armed group staged its first attacks in October 2017. The district has long been described as the “base” of the terrorist group.

No later than on 15 September 2023, 11 civilians were killed by terrorists in the district of Mocimboa da Praia.¹⁸ Terrorists also abduct people regularly: 209 were kidnapped during the Massacre at Palma in March-April 2021.¹⁹ Children are particularly subject to kidnapping to be trained as soldiers or used as wives. It was for instance the case on 31 March 2022, were seven children were abducted by armed men, including three girls and four boys, in the village of Bangala near Palma.²⁰

Children’s rights

The human rights situation of children is also of concern. Al-Shabaab has beheaded boys as young as 11 years old, and kidnapped and used others to fight government forces²¹, violating the international prohibition on recruiting and using child soldiers. According to Human Rights Watch, the terrorists have also destroyed civilian structures, including houses, hospitals, and schools, jeopardizing children’s rights to adequate housing, health, and education²².

Women’s rights

There has been an allegation that Al-Shabaab fighters have been reported to be involved in abducting, enslaving, raping, and selling hundreds of women and girls to foreigners. The group allegedly forced younger, health-looking, and lighter-skinned women and girls in their custody to “marry” their fighters, who enslaved and sexually abused them. Others have been sold to foreign fighters for between 40,000 and 120,000 Meticais (US$600 to US$1,800). Abducted foreign women and girls have been released after their families paid ransom.²³
HUMAN RIGHTS VIOLATIONS BY THE STATE

The government of Mozambique fails to fully comply with its international obligation to protect civilians during the time of conflict. It has also failed to fulfil its recent commitments taken in the context of the Universal Periodic Review (UPR) in 2021, where it accepted to implement recommendations pertaining to Cabo Delgado.24

Women's Rights

As a State party to the UN Committee on the Elimination of Discrimination against Women (CEDAW), the Government of Mozambique is legally obligated to prevent gender-based violence, investigate abuses, and provide remedies to victims. However, the government has failed to fulfil its obligations. According to Human Right Watch, “the government has revictimized some women and girls, keeping them incommunicado for weeks or longer after rescuing them, without access to their relatives. On at least one occasion, Human Rights Watch sources witnessed some of these women being paraded in public as suspected informants or aides for the insurgents.”25

Right to Food

The army has, on several occasions, prohibited the transport of essential goods as a way to prevent terrorists from strengthening their organization and logistics. For instance, in June 2023, after banning the transport of large quantities of food for sale in the villages of the coastal area of Macomia district in Cabo Delgado, the military moved to ban26 the vehicles themselves. These bans were instituted during a food shortage in the main resettlement areas of Pangane and Pequeue.

Right to freedom of expression

The government has impeded the right to freedom of expression of its citizens concerning the attacks in northern Mozambique. Since the beginning of the conflict, there has been limited access for CSOs and media to report, especially in the province of Cabo Delgado.27 One journalist, Tom Bowker, a UK national and co-founder and editor of online news outlet Zitamar News, was expelled from the country and banned for a period of ten years for covering the subject.28

Right to freedom from torture and arbitrary detention

Military forces have been implicated in extrajudicial killings, sexual harassment, ill-treatment of detainees, and arbitrary detention, violating international human rights and humanitarian law. Most of the victims were arrested on the pretense of having links to Al-Shabaab. By September 2020, over half of the 252 people who were tried under these allegations were acquitted for lack of evidence, showcasing the extent of arbitrary detentions.29 According to Human Rights Watch, in 2022, one of the detainees was a woman arrested and detained with her eight-month-old baby for giving water to a suspected terrorist.30
PART 3: HUMAN RIGHTS VIOLATIONS LINKED TO NATURAL GAS EXPLORATION PROJECTS

Gas exploration (Liquefied Natural Gas) in the region and the granting of exploration concessions have profoundly altered the way of life of the local population. This has had serious consequences for human rights. The human rights situation can be understood in terms of the enjoyment of their right to a clean, healthy, and sustainable environment and their eviction conditions.

THE RIGHT TO CLEAN, HEALTHY AND SUSTAINABLE ENVIRONMENT

Environmental degradation
Liquefied Natural Gas (LNG) projects are putting the environment of local communities at risk. According to the Rainforest Action Network: “Not only will it destroy fishing grounds, but it also threatens the Quirimbas National Park, a UNESCO biosphere reserve that includes areas of pristine coral reefs, mangroves, and seagrass beds.” This threatens several substantive elements of the right to a clean, healthy, and sustainable environment, including a safe climate and healthy ecosystems and biodiversity.

The Environmental Impact Assessment (EIA) plan for these projects calls for multiple mitigating measures, but they do not prevent the damage entirely. Also, while the various EIAs only mitigate environmental damage, for issues such as dredging-induced marine ecosystem degradation or massive carbon emissions, either the mitigating strategy is not effective, or no strategy has been found whatsoever.

Carbon emissions
Research shows that, when completed, the three gas extraction projects in Cabo Delgado have the potential to result in an enormous release of greenhouse gas emissions, which could increase the whole of Mozambique’s emissions by 14%. The burning of the gas, estimated to be around 116 metric tons of carbon dioxide-equivalent (MtCO2e) per year, is equivalent to the total emissions from the aviation sector for all EU member states combined.

Mozambique is extremely vulnerable to climate change and is already struggling with the severe impacts of drought, flooding, and extreme weather. Combined with poverty and weak institutional development, extreme weather events have a devastating impact on the population, especially along the densely populated coasts. For example, in February and March 2023, tropical hurricane Freddy affected over 1.3 million people in Mozambique, with over 184,000 people displaced.

Renewable sources of energy
According to the Netherlands Enterprise Agency, Mozambique possesses a significant renewable energy potential, but the development of renewables has been hindered by the country’s dependency on fossil fuels.

This means that not only do LNG projects further exacerbate climate change, but they also undermine the country’s transition to more sustainable energies.

ILLEGAL RELOCATIONS TO EXPLORE GAS CONCESSIONS

Right to adequate housing
The development of gas extraction projects has a significant impact on the right to housing of local communities since it leads to mass displacements. For example, 557 households in Cabo Delgado are in the process of being relocated for the development of the Mozambique LNG Project and the Area 4 Rovuma LNG Project.
Violation of relocation procedures and livelihood disruptions

Mozambique’s legal framework for mining activities is found in the Mining Law (Law 20/2014 of 18 August 2014) and Mining Law regulations (decree 31/2015 of 31 December 2015). It establishes clear procedural rules such as prior and informed consultation on mining projects, community development agreements, and a procedure for compensation with temporary or permanent resettlement.\(^{39}\)

A study requested by TotalEnergies\(^ {40}\) and other CSO’s studies\(^ {41}\) shows that these expulsions go against the law often. Clear and informed consent is all the more important when the communities concerned are disadvantaged rural communities with limited access to information about what they can or cannot accept, which is the case in the province of Cabo Delgado: they often lack the ability to follow the above-mentioned procedures due to inadequate education and financial means.\(^ {39}\)

According to the rules in force, the populations concerned must receive a draft deed and the final text of the relocation agreement in a language they can read, as well as financial compensation within 90 days of the agreement. However, the above-mentioned studies found that these procedures were not effectively implemented. Without timely compensation, it was also impossible for many to access their new homes or land. In the meantime, they were also forbidden from working from their current homes, which put them in precarious situations.\(^ {42}\)

The legal basis defined by resettlement plans can also be criticized as it did not consider the distance between the relocated populations’ new homes and their workplace. For many, their allocated farming plots are not only small but also far. This is a major problem, as many families are afraid to travel the distance because of attacks by terrorists. As for displaced fisherfolk, the study found that they were moved from living meters from the sea to many kilometres away in a relocation village called Quitunda, where they have no direct access to the ocean.
RECOMMENDATIONS

- Facilitate human rights monitoring, media coverage as well as humanitarian access and funding in Cabo Delgado and neighbouring provinces.

- Ensure the protection of civilians in the context of terrorist attacks in Cabo Delgado.

- Take concrete and specific measures to address the situation of women and children by ensuring their safety and their economic, social, and cultural rights.

- Ensure that the military immediately ends all extrajudicial killings, acts of torture, arbitrary detention, and violence against civilians, especially women.

- Investigate, hold accountable, and deter security forces who repeatedly violate journalists’ rights, especially those covering elections and the insurrection in the North.

- Prosecute those responsible of human rights abuses, including by government officials and their agents, according to international fair trial standards.

- Ensure an immediate, just phase-out of all LNG projects in Cabo Delgado.

- Monitor the application of mining law regulations by businesses, especially regarding transparency and the clear and informed consent of affected communities.

- Make reparations, including prompt financial compensation, for the impact of gas exploration projects on communities based on the demands of affected people.

The Government of Rwanda, at the request of the government of Mozambique, deployed a contingent of the Rwanda Defence Force and the Rwanda National Police to Cabo Delgado in July 2021. On July 15th, 2021, the Government of Mozambique approved the deployment of 2,000 troops from eight SADC nations to Cabo Delgado.

The UK has taken a leading role as co-chair of the international task force in the insurgency in the province of Cabo Delgado. It has provided over 22 million pounds in humanitarian support. Portugal provided humanitarian support through an emergency fund set up at 1.3 million euros. France recently contributed 1 million euros to support WFP’s emergency nutrition response and the State Army through military cooperation.


Note the specific feature of the land tenure system in Mozambique: all land in Mozambique belongs to the State, and the latter issues a right to occupy plots (called DUAT), which can be withdrawn at any time. This exacerbates land management and access to land fields for local communities in the context of mineral exploration (see map in part 3 of the paper).


“There is a considerable gap between food aid and livelihood intervention, which have attained 10% of their target due to underfunding; since April 2022, half rations have been distributed, except for December 2022 and January 2023 – to cover a larger caseload” : see OCHA, Humanitarian Response Dashboard August 2023, published 4 October 2023, available at: https://reliefweb.int/report/mozambique-humanitarian-response-dashboard-august-2023 (Last access 17 October 2023).

According to the UN health cluster, 1.1 million people need health assistance or lack coverage. See UNITED NATIONS HEALTH CLUSTER, Humanitarian Response Northern Mozambique, Health Cluster Bulletin No.05, July 2023 (Last access 17 October 2023). Regarding access to drinkable water and sanitation, a cholera outbreak in July 2023, illustrates the lack of sanitation. See IFRC & Cruz Vermelha de Mozambique, Operational update, Cholera Outbreak, July 2023 (Last access 17 October 2023).

IDP’s rights to education is compromised by their displacement. 546,896 children are in need of education, according to OCHA. See UNITED NATIONS, UNOCHA, Humanitarian Response Plan Mozambique, February 2023, p. 27. Available at: https://reliefweb.int/report/mozambique/2023-mozambique-humanitarian-response-plan-february-2023 (Last access 17 October 2023).


18 “When the insurgents got there, they called a meeting, but the village people did not know that they were terrorists. Then, they began to separate Christians from Muslims, based on their names. After that, they opened fire on the Christians” : see RADIO RENASCENÇA, Estado Islâmico diz ter executado onze cristãos em Moçambique, September 2023, available at: https://rr.sapo.pt/noticia/mundo/2023/09/17/estado-islamico-diz-ter-executado-onze-cristaos-em-mocambique/347048 (Last access 11 October 2023).


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