

Mozambique Coast of Cabo Delgado: Stop Gassing Africa. Leave Fossil Fuel in the Ground

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In 2006, one of the world's largest deposits of liquefied natural gas was discovered in the Rovuma Basin off the coast of Cabo Delgado. Social unrest led to a new war, destabilising the country and spreading to the southern parts of Cabo Delgado and Nampula Province. Local populations were driven off their land to make way for prospectors and multinational corporations. To analysts and victims of the conflicts, clearly, the war is about control of land and mineral resources.

Until 2015, Mozambique experienced stable economic growth. But growing inequalities affected the centre-north of the country where most natural resources are found. New grassroots and solidarity movements, often led by spiritual and religious leadership, emerged, reclaiming secure land titles and livelihoods that they see surrendered to the interests of the mining and fossil industry. Local analysts understand the dynamics and the complexity of the local context with a multitude of vested interests of domestic and external resource-driven actors fuelling the conflict. By contrast, the national and international media is biased and persistently portrays the conflict as an Islamist insurgency driven by Jihadists and ISIS.

A Colonial Past

During Mozambique's colonial period, parts of the north and centre of the country were leased to external commercial enterprises, so-called concession companies with a primary interest to exploit the country's natural resources. With national independence in 1975, rival elites and the 'uneducated' peasantry were marginalised, considered backward and unfit for modernisation. The centralised state apparatus became the privileged actor in transforming Mozambican society, developing a separate administrative entity, sidelining faith-based actors and traditional leadership. From the 1990s onwards, immense deposits of natural resources of gold, rubies, graphite, and natural gas were discovered, causing a real boom within the mining industry.

Land is state-owned in Mozambique. Residents hold a 'DUAT' permission to occupy and use land. This implies that any absence of 6 months or longer may entitle the state to reassign the land to another entity. Maps reveal that the entire coast and all of Cabo Delgado have been licensed by the state for mineral prospecting, providing concessions to different companies. This would imply displacement of the entire rural population of Cabo Delgado and most of Nampula Province. The acceleration of land confiscation, whether legal or illegal, is spreading the conflict to other areas in the country. Local and tribal communities live in fear of riots, militia attacks, and evictions from their land.

Gas companies' presence exacerbates the risks of attacks. ENI, Total, and ExxonMobil investments in gas and oil extraction are fuelling the violent conflicts. Combat between military forces, rebel groups, and foreign mercenaries has led to over 800,000 Internally Displaced People. African and EU interventions, and international assistance are further militarising the conflict, exposing the local population to violence and insecurity. The strategy of military appeasement ignores the root causes of insecure land titles and fails to address the dire socio-economic situation. This exclusion is both the cause and the effect of terrorist acts in communities.

The Mozambique Mining Law 20/2014

The Mozambique Mining Law includes the legal requirement of the right to free, prior, and informed consent for resident communities. The law stipulates that a mining contract should contain a memorandum of understanding between the government, the company, and the community. A

contract must include a dispute settlement mechanism, provisions for arbitration, and clearly describe the way affected communities benefit from the development.

The Law instructs the government to ensure that revenues generated through mining action are channelled through the annual state budget and allocated to the development of the communities.

The Law also foresees compensation for damage and/or loss. Any removals and replacements must involve resettlement in dignified homes, payments, support to livelihoods and food security, and preservation of their historic, cultural, and symbolic heritage.

The Law contains specific requirements for companies to secure employment and technical training for citizens who live in the concession area. This includes the obligation to create local employment opportunities, give preference to local people, and provide incentives for local processing in the value chain of minerals.

Yet, affected communities were neither informed nor consulted. They have not received any compensation. Communities have not benefited from the revenues generated through mining actions. Mining companies are negligent in their obligations towards their workers and contractors. Local job opportunities have not been created.

In the Palma Massacre in March 2021, TotalEnergies failed to take adequate measures to protect civilians, which resulted in more than 1,200 deaths. The company ignored properly assessing the risk, and adequately mitigating them in the event of an insurgent attack.

Recommendations on the UN Binding Treaty

The international community can help to adopt strong, binding rules for companies at the international level and support the UN binding treaty on transnational corporations and human rights. This comes in support of existing advocacy efforts at the national level to implement and enforce progressive laws.

States, parliamentarians, civil society organisations from Europe should proactively support the process towards a strong and effective UN binding treaty to regulate the activities of transnational corporations regarding human rights.

This important initiative is being pushed by committed States from the global South and social movements from across the globe. The process aims to stop the impunity of transnational corporations, who are often able and allowed to violate human rights and destroy the environment and evade accountability, using complex global value chains and legal loopholes to their advantage.

To guarantee the full protection of human rights, the future treaty must cover all activities along the value chains of Transnational Companies, including the subsidiaries, contractors, subcontractors, and of course, the mother companies.

Strong provisions on access to justice and the centrality of the voices of people affected by the activities of TNCs must be at the centre of the process of negotiation and implementation of the treaty.

Accountability must also be applied upwards, so that investors, shareholders, holdings, economic conglomerates, banks, and pension funds that finance TNCs can be held responsible for human rights violations committed by the companies they financially support. Investors and financiers must not support, under any circumstance, projects that result in forceful land expropriation, intimidation of human rights defenders and community members, environmental degradation, or violence and militarization.