

Mapping the supply of surveillance technologies to Africa

Zambia country report

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1. Introduction

This report documents the supply of surveillance technologies to Zambia. It is the most comprehensive analysis to date of the companies which supply these technologies to Zambia and of the countries the technologies come from. It also takes stock of the capacities, or actions, of local civil society to hold the Government of Zambia to account, and further examines whether the Zambian surveillance architecture raises concerns about human rights and whether it is illegal or has the potential to enhance state excesses while diminishing the ability of citizens to hold power to account.

2. Background

Zambia's civic space has over the years narrowed as the result of a combination of factors. These include government's political and legal actions on one side, and a weak civil society base on the other. In promoting a better understanding of the digital rights situation in Zambia, this report builds upon existing knowledge of the political and social dynamics in Zambia and seeks to ensure that citizens continue advocating for the expansion of local civic spaces (Phiri and Zorro 2020; Roberts 2021).

Political history

Zambia was a British protectorate from the 1800s until 1964 when it gained independence. Since then, its political and social systems have evolved exponentially. From 1964 to 1972, Zambia was a multi-party democracy with several political parties freely contending for governmental leadership. The post-independence government, to a large degree, observed and respected the rights of Zambian citizens.

However, in 1972, other political parties were proscribed, leaving the then governing party, the United National Independence Party (UNIP), under Kenneth Kaunda, as constitutionally the sole and only political party (Phiri 2006). Oppositional and dissenting voices were muted and proscribed, and the opposition went underground. Respect for human rights was suspended. The state of emergency, which had been declared on 12 March 1959 by the outgoing British authorities, was never lifted but re-enforced (Phiri 2006; Phiri 2019; Roberts, Hobson and Williams 2023). Human rights were violated at will and the status quo remained unchanged until the dramatic upheavals in the Soviet Union and Eastern Europe transcended into Africa and Zambia from 1989. Thereafter, Zambia reverted back to multi-party politics in 1990.

Since then, Zambia has remained a multi-party democracy of varying degrees and colours. However, the tradition of tight state control of citizens' lives, a lack of respect for oppositional views, controls of the media, public suspicion, political injustice, and police surveillance of citizen activities have continued, although to varying degrees.

With the emergence and popularisation of the internet and social media after 2000, the Zambian state sought new ways of controlling its citizens and for the governing class to continue retaining political power: enter the Chinese and their panoptic, surveillance smart city, facial recognition, and internet and social media interception technologies. In 2022, Zambia constructed a Chinese-built national surveillance command centre, with 36 communication towers across the country, e-government, and

radio communication and video surveillance systems at a cost of K4.2bn (US\$210m). The funds from China were to be paid to Chinese technology firm ZTE (Chisalu 2022). The project, largely based on the Chinese safe city model, is the foundation for a wide range of national security infrastructure in Zambia under the Ministry of Home Affairs and Internal Security.

It is disquieting that the safe city infrastructure, implemented with the support of communist China, betrays a pattern which seems to strengthen state control of the public through the authoritarian methods pervasive in mainland China. Further, the secretive nature of this undertaking and the potential assault on privacy that borders on illegalities mean that the data and methods of data gathering through this new infrastructure require close examination by civil society and the public. Unfortunately, civil society organisations (CSOs) are generally weak and there is an absence of, or potentially slow development of, local legal frameworks to protect citizens from the fast pace of technological developments in the surveillance realm under the control of the Zambian government (Chiumbu 2021).

Pre-digital surveillance

Zambia, now with a population of 18 million, has gone through five major political phases in the colonial and postcolonial period which influence contemporary Zambian life. It started with political control by one commercial firm, the British South Africa Company owned by Cecil John Rhodes. This was followed by direct colonial rule from London. Then, after independence in 1964, the country went through the eras of multi-party democracy, one-party rule, and then back to Western-style multi-party democracy with all its limitations (Phiri 2006). Since then, for the past 32 years, Zambia has had a relatively free and peaceful political environment, albeit with many economic and other social problems.

Throughout these periods, whether pre-independence or after, what has remained constant is the powerful position occupied by the executive wing of government over all other sectors, including parliament, the judiciary, the media, and civil society. This has especially been so since 1964. Zambia has essentially been governed by an authoritative, patrimonial, and almost imperial presidency, which in this instance is ably reinforced by a governing party and looms large across all sections of society. This is despite Zambia having had three different constitutions and two additional major constitutional amendments, in 1964, 1969, 1973, 1991, and 1996 respectively (ZIS 1991; Chinyere and Hamauswa 2016). However, the basics of the winner-takes-all one-party-rule paradigm have remained unchanged.

This history has impacted Zambia's human rights ethos and resulted in a weak participative culture in civic activities (Phiri and Zorro 2020).

The challenge from human rights defenders has been weak too. For example, an overview of Zambia by CIVICUS states that civil society's challenges include limited capacity for networking and high dependency on external resources (CIVICUS 2017). It therefore stands to reason that in addition to the more general challenges civil society is facing, the additional test of state surveillance and the threat of authoritarianism which comes with it promises to bring yet more challenges.

3. Supply of surveillance technology

As indicated above, China is one of the known countries supplying surveillance equipment to Zambia. Further, Privacy International, which monitors surveillance technology supply chains, has identified the entry of other forms of equipment to Zambia in addition to equipment intended for the safe city initiative.¹ This section documents five types of surveillance technologies used in Zambia.

Internet interception

The Zambian government, through its Financial Intelligence Centre (FIC), reportedly received services from the Israeli surveillance technology company Cyberbit in 2017 (Lungu 2021). The FIC was established in November 2010 by the Financial Intelligence Centre Act, No. 46 of 2010. It is the sole designated national agency legally mandated to receive, request, analyse, disseminate and disclose information about money laundering, terrorist financing, and other serious offences to competent authorities for investigations.

A revealing question was raised in parliament by Imanga Wamunyima MP who, in September 2021, asked the Minister of Technology and Science, Felix Mutati, whether the government was aware that citizens' phones, WhatsApp, Skype calls, and Short Message Service (SMS) were tapped by the FIC. Wamunyima also wanted to know whether such surveillance was an infringement of citizens' right to privacy as enshrined in the constitution and whether there were any measures taken to ensure that citizens' rights to privacy were protected (National Assembly of Zambia 2021). Minister Mutati responded that the government was not aware that any citizen's phone, WhatsApp, Skype calls, or SMS were tapped by the FIC, adding that the FIC operates within the confines of the law. But in contrast, in 2013, the then president, Michael Sata, told an opposition chief that as president, he was aware of what happened in the chief's bedroom. More specifically, President Sata said, '*A Jumbe lekani nimiuzeko* [Let me warn you (Chief Jumbe)], every day, 24 hours, I know what you say and I know what goes on in your bedroom... [asking that] why have I mentioned you and why have I not mentioned any other chief?' Further, Sata threatened to dethrone Chief Jumbe (*Daily Nation* 2013) if he did not stop opposing him.

1 Privacy International internal document.

Mobile interception

There is recorded use of Circles surveillance technology in Zambia in 2018. Circles Technologies is a surveillance firm that reportedly exploits weaknesses in the global mobile phone system to surveil calls, texts, and the location of phones around the globe. Circles is affiliated with the Israeli NSO Group, which developed the oft-abused Pegasus spyware. Circles, whose products work without hacking the phone itself, says they sell their technologies only to states. Investigation of the extent of use of this technology and the cost is required to establish the full extent of its impact on laws and citizens. According to leaked documents, Circles customers can purchase systems that connect to local telecommunications companies' infrastructure, or can use another separate system called the 'Circles Cloud'. This interconnects with telecommunications companies around the world. 'We identified what appears to be a single Circles system in Zambia, operated by an unknown agency', states a report by University of Toronto's Citizen Lab (Marczak et al. 2020). However, it is yet to be established whether the Circles technology deployed is state-sponsored mobile phone surveillance of citizens.

Social media monitoring

In March 2020, the Zambian government warned social media and internet 'abusers' that it had installed equipment that enables the information and communication technology (ICT) regulator, ZICTA, and other law enforcement agencies such as the police, to track down suspects (Lwizi 2020). ZICTA Director-General Patrick Mutimushi later confirmed that there were indeed circumstances that permitted ZICTA to intercept people's communication:

I really think that some pieces of legislation that deal with privacy, don't [allow us to] tap into people's phones. We don't tap into people's messages but within the ICT Act, there is lawful interception and there is a whole section on how this can apply and we follow what the law says. (Sakala 2020)

In 2022, the UK *Guardian* newspaper made startling revelations that Zambia's current government had received assistance to win general elections from a mining lobby firm called the CT Group. The revelations raised concerns about the implications of state capture arising from the control of government by business interests who are interested in the nation's mineral resources. The CT Group, which has deep ties to the UK Conservative party, helped the United Party for National Development (UPND) win elections in exchange for millions of pounds from a mining company, said the article. According to *The Guardian*, CT Group, co-owned by Lynton Crosby, a veteran Conservative strategist, planned secretive African campaigns on

behalf of First Quantum Minerals in Zambia and the Democratic Republic of Congo. The files suggest CT Group also worked under the radar on a political influencing campaign in Zambia on behalf of mining interests while working on a campaign to oust the country's president (Waterson and Davies 2022).

Smart city/safe city

In 2022, the Zambian government, under the Chinese government-supported safe city project, completed the construction of a national surveillance command centre, 36 communication towers, and radio communication and video surveillance systems costing some US\$210m (K42bn). These funds were obtained from China and paid to Chinese technology firm ZTE. The infrastructure, fashioned on the smart city and safe city initiatives, is implemented by Huawei and ZTE.

Smart cities rely heavily on collecting enormous amounts of citizen data. Seemingly, to augment the deployment of the safe city programme, there is a framework for developing state capacity to implement biometric systems through a smart Zambia project. This will integrate biometric data into the national registration citizenship system, the electoral system, and the health-care system. The system, known as the Integrated National Registration Information System (INRIS), will be implemented at an approximate cost of US\$54.8m (K1bn) (National Assembly of Zambia 2021).

Stakeholders have already raised concern about the national SIM registration requirement, which compulsorily collects biometric data of users. Such a system is considered a way of silencing and targeting potential dissent (Chiumbu 2021). Additionally, citizens' free speech is threatened on platforms such as social media networks, with arrests for basic offences such as bringing the name of the president into disrepute (*Lusaka Times* 2022).

On 3 March 2023, the Road Transport and Safety Agency in a press statement informed the public that it was undertaking road transport enforcement through surveillance cameras. The function of the agency includes reducing traffic violations and road traffic accidents. The cameras are installed on major roads and in city centres and are connected to the safe city system. The statement further stated that the use of the cameras is part of the Smart Enforcement Initiative. This little known initiative was only announced through the statement, which included the information that the system was in the initial testing phase (*Zambian Observer* 2023).

Biometric ID

In 2022, it was clear that Zambia was taking strides towards the implementation of citizen biometric identification systems. Internal Security Minister Jack Mwiimbu told parliament that the country would invest K1.1bn in biometrics. According to Mwiimbu, this would ensure enhanced security systems through proper identification of citizens (Lusaka Times 2022).

The biometric system would be under the umbrella of INRIS, which would be the national and civil registration management system affecting all citizens. Thus, Zambians would have biometric-enabled national registration cards (NRCs), birth and death certificates, and passport and citizenship registrations (National Assembly of Zambia 2022a). This new venture would replace the current system in which Zambians get laminated paper NRCs which they use to access public and social services.

Mwiimbu averred that when the new system was in place, citizens could not easily change their identity, especially repeat offenders. He further claimed that the new system would contribute towards the promotion of good governance, it would strengthen and broaden tax administration and national health insurance, reduce the cost of voter registration, minimise wasteful expenditure by ministries, provinces, and other state spending agencies, and contribute towards the financial inclusion of the unbanked population.

Meanwhile, the Electoral Commission of Zambia (ECZ) has also implemented a robust biometric voter registration system based on Smartmatic equipment, supplied by the UK, at a cost of US\$16m (K301m). The biometric voter registration and verification system primes a digital reconciliation process as well as ensuring fast processing of voters.

Table 3.1 Supply chains of surveillance technology

Contract	Description (contract date, buyer/user)	Kwacha (K)	US\$
Internet interception			
Cyberbit (Israel)	Cyber-surveillance	200m	10m
Mobile interception			
NSO Group (Israel)	Surveillance systems, including Pegasus spyware	Unknown	Unknown
Social media monitoring			
No evidence of surveillance technology			
Safe cities			
Huawei (China)	CCTVs and command & control centre	4,200m	210m
Biometric ID			
INRIS (Zambia)	Biometric identification	1,100m	55m
Smartmatic (UK)	Voter registration biometrics	320m	16m
Total		5,820m	291m

Source: Authors' own. Created using data from *Zambian Observer* (2021), Marczak *et al.* (2018), National Assembly of Zambia (2022a, 2022b), *Lusaka Times* (2022).

4. Impacts

Chiumbu (2021) states that Chinese digital infrastructure, smart cities, and surveillance systems in Zambia exist without suitable legal architecture that would fence off human rights against ever-encroaching surveillance practices. In Chiumbu's view, smart cities are surveilled settlements where enormous amounts of citizen data are collected. Moreover, digital rights organisations have observed that CCTV cameras installed under the smart city initiative were mounted in the absence of guidelines for surveillance camera systems in public spaces. Such systems are expected to balance privacy rights, public safety, and security imperatives. It is noteworthy that although the Zambian cabinet approved in 2019 the introduction of a bill in parliament to control the use of CCTV in private and public premises, this bill has stalled and has yet to be gazetted (*ibid.*).

5. Solutions

The use of surveillance technologies to protect citizens against the most serious criminals is a legitimate function of government and public service. To balance this power of the state, citizens have a legitimate right to know what surveillance technologies are being imported and by whom, to protect their constitutional right to privacy. This report set out to increase knowledge in this regard.

A lack of existing research and limited government transparency about surveillance technologies procurement in Zambia serve as a limitation to this report. In many cases, there is evidence that surveillance is taking place but no public information on the contracts. Despite these limitations, this report succeeds in advancing our understanding by producing the most comprehensive record to date of which companies, from which countries, are supplying which technologies to conduct surveillance on Zambian citizens. Further research is necessary to adequately inform citizens about how public resources are being expended on this government function. Without adequate transparency it is impossible for civil society to hold elected officials and civil servants accountable as required in an open democracy. At this stage, actors who stand up for citizens' rights may already have been compromised or weakened, paving the way for the establishment of a pervasive surveillance architecture that needs to be checked.

Massive expenditure into surveillance technology should not be a priority for highly indebted, poor countries such as Zambia. At least Zambia's new government agrees. As the new Internal Security Minister Mwiimbu said in 2022, the safe city surveillance programme, worth US\$210m, which was initiated by the previous Patriotic Front government, was too expensive and unnecessary. Had it not been for the new UPND, they would never have signed it. He said:

If at the time this contract was being considered for award and that the UPND government was the one in place, we would have not gone for such a contract considering the level of financial depression in this country and the levels of development... this was a missed priority by those who were in government at that time.

(National Assembly of Zambia 2022b)

However, the prying infrastructure is in place. Surveillance itself may already be in full swing while the question as to whom or what institution is checking on the surveillance system itself lingers.

Apart from seeking to unveil who supplies these technologies, our study wishes, in the first instance, to understand what these technologies are now used for in Zambia. Could the system be shut down? Moreover, what is the legal basis for safe surveillance activities, or the intended INRIS in Zambia? In other words, we seek to know who 'bells' the cat; or in plain language, who monitors the surveillers? Do CSOs have the countervailing capacity to hold government to account?

6. Surveillance stories

There are records of arrests of journalists following state surveillance on citizens such as the case of Thomas Zgambo and Clayson Hamasaka who were arrested after raids by the police and the Drug Enforcement Commission. The agency said they were looking for drugs and seditious material and accused the duo of publishing stories for the *Zambian Watchdog* – a Zambian online news blog (CPJ 2013). On 9 July 2013, they were charged with sedition. Hamasaka is now media director in the presidency at State House after the assumption to power of the UPND government which was in opposition at the time of his arrest.

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