

## CHAPTER SIX

# Surveillance as a mechanism of political control in Mozambique: The structural environments for the failing of public oversight mechanisms

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### **Introduction**

Recognising that intelligence services are crucial for preventing threats to state security, and that they must operate within principles of accountability and legitimacy – especially in a democracy – this chapter aims to examine the systematic weaknesses in the oversight mechanisms of Mozambique’s intelligence services. The chapter starts by exploring the historical context of the establishment of state intelligence services, marked by the legacy of the Portuguese colonial fascist regime, which relied on the International State Defence Police (PIDE) as its operational arm and the installation of the National Popular Security Service (SNASP). Subsequently, it discusses surveillance against those who fought authoritarianism. Furthermore, it examines the role the subsequent military conflicts played as elements in understanding the configuration, role and limitations of the current State Intelligence and Security Service (SISE), which was established in 1991 within the democratic framework (Zeca, 2021).

The central argument in this chapter is that there are low levels of oversight of the activities of the intelligence services, the SISE,

and as a result, this leads to the perpetuation of its secret operating model, including its involvement in surveillance scandals and violations of citizens' fundamental rights. This situation arises from several factors. First, the activities of the intelligence services are governed by lenient laws that lack clear definitions of SISE's accountability. Second, the Head of State has excessive powers, giving them direct control over the intelligence agency as the Commander-in-Chief of the Defence and Security Forces. Third, the ruling party, the Mozambique Liberation Front (FRELIMO), is dominant and controls parliament and other state sectors. Additionally, the judiciary has a low level of independence, and there is a decline in the freedoms of expression and civic space overall.

Mozambique has experienced several incidents of surveillance, taking as a case study, the regulations requiring the registration of Subscriber Identity Module (SIM) cards in 2010, which was updated in 2024 to biometric registration. The success of these government initiatives, which reinforce the spaces for exercising surveillance in the digital context, is only possible due to limitations, a lack of skills, and knowledge of the supervisory institutions. As a result, the success of these initiatives increasingly reinforces a state of authoritarian democracy, keeping SISE at a level where it fulfils both its statutory functions and political surveillance operations in the interests of the Head of State, who is also President of the ruling FRELIMO party.

This article is centred on the external level of intelligence oversight, considering how the three functional levels – judicial oversight carried out through the courts, legislative oversight carried out through parliament and public/civil oversight carried out through civil society and the media performance in Mozambique and how they are influenced by the political authoritarian regime on their role of overseeing intelligence (Graves, 2018; Georgiev, 2022). The chapter also addresses the fact that to better evaluate the effectiveness of oversight mechanisms, it is important to understand the level of autonomy from security agencies and the government to have a greater capacity to scrutinise and demand the purpose for which surveillance activities are carried out (Raab, 2017). The oversight mechanisms vary from state to state and are influenced by

historical, constitutional, legal and political culture factors (Bochel and Defty, 2017).

Methodologically, the chapter used a qualitative approach to data collection, relying on bibliographical and documentary research. On the documentary side, extensive use was made of the legal diplomas that regulate the intelligence service in Mozambique, from their origins in the period of the liberation struggle, through the one-party regime of the post-independence era, to the current period of multi-party democracy. Reports of the parliamentary commission of inquiry were also consulted on oversight of the defence and security sectors, including the intelligence services.

## **The effects of political authoritarianism on the oversight mechanisms of the intelligence services in Mozambique**

Despite being formally a democratic state since 1990, Mozambique exhibits a hybrid political system that combines elements of both democratic and autocratic regimes. This fusion stems from the fact that, while the country possesses a democratic constitution and regularly holds elections, FRELIMO is the same political party that consistently is declared the winner of these elections, which are regarded as highly manipulated to perpetuate the ruling party in power (Hanlon, 2021; Do Rosário and Guambe, 2023). Additionally, Mozambique has limited respect for political freedoms, political rights, human rights, participation and transparency (Nhanale, 2019). Authors such as Levitsky and Way (2002, p. 52) call these models 'electoral dictatorships', 'semi-democracies', 'virtual democracies', 'electoral democracies', 'pseudo democracies', 'illiberal democracies', 'semi dictatorships' and 'light dictatorships', highlighting the collusion of certain elements of democracy and authoritarianism in the respective regimes (Gilbert and Hohseni, 2011).

Mozambique's hybrid political system, characterised by elements of both authoritarianism and democracy can be attributed to three historical factors: the fascist colonial heritage; the 10-year national liberation struggle, which was the cradle of the Mozambican defence

and security forces, including the intelligence services; and the legacy of a one-party authoritarian regime adopted by the Mozambique Liberation Front shortly after political independence. In 1975 Mozambique became independent from Portugal, which since 1933 had been ruled by a fascist dictatorship that came to an end through a military revolution of 25 April 1974 (Furtado, 1997/1998, pp. 204–5). The use of surveillance in the former colonies through the PIDE was one of the driving forces behind its success and the longevity of Salazar's *Estado Novo* regime in Portugal (Sirrs, 2021).

In addition to the fascist colonial regime, it is also important to consider the period of the war of Mozambique: a quarter of a century of war and 10 years for the national liberation struggle. These were the cradle of Mozambique's Defence and Security Forces, including the intelligence services, as they were shaped and moulded during the 10-year national liberation struggle, which was waged by FRELIMO against the Portuguese colonial state. They are, therefore, services moulded in the military context of a liberation movement that is unlikely to shed its historical origins.

Two years after its political independence, Mozambique in 1977 transitioned into an authoritarian state at the Third Congress of the FRELIMO party. At this gathering the party officially adopted a Marxist-Leninist and 'vanguard' ideological orientation, leading the country towards a single-party state (Do Rosário, 2024). The implementation of Marxism-Leninism had varied effects, particularly in terms of limited opportunities of political rights and civil liberties. These restrictions were only formally abandoned, at least, following a civil war led by the Mozambican National Resistance (RENAMO), an opposition group that vehemently opposed the state's totalitarian regime (Cabrita, 2000). The Mozambican State Intelligence Services (SNASP) was established through Decree No 21/1975. It adopted the structure that had already existed during the national liberation struggle, which included intelligence units, such as the Department of Defence and Security along, with control or accountability models (Zeca, 2021, p. 232).

Of the three objectives defined for the SNASP's mandate, the third focuses specifically on surveillance issues: 'to prevent and neutralise all espionage activities aimed at undermining the national

unity of the country'. According to article 5 of Decree 21/1975, these powers include seizing mandates and detaining individuals to be sent to re-education camps. To fulfil its role the SNASP was granted police powers and arbitrary authority to act, and reported directly to the President of the Republic and at the same time to FRELIMO. The Decree further solidified SNASP's authority by mandating to serve as the umbrella of the National Migration Services.

The political model adopted by FRELIMO, the so-called *Xiconhocas*, marked an era and a clear policy of repression and control over civic space and freedom rights, which later degenerated into mistrust and internal political protests. As Nhanale (2021) points out, to put the policy of repression into practice, through the various forms of punishment of the so-called enemies of FRELIMO's post-independence revolutionary cause, it was important to monitor permanently the possibilities and actions seen as subversive. Surveillance emerged as a clear instrument of the authoritarian regime to deal with the various protest movements that took on violent forms in the capital, Maputo, and its suburbs. Concurrently, the government conflict with RENAMO, which had the support of the Rhodesian regime through the Central Intelligence Organisation (CIO) and the Apartheid regime through South Africa's Bureau of State Security (BOSS) also inevitably accelerated the intensification of mass control-actions to better identify enemies (Machava, 2011).

Amidst the escalating external hostilities against Mozambique, particularly from the Apartheid regime and Southern Rhodesia, and with the support of the Central Intelligence Agency (CIA), the Mozambican government introduced the law on crimes against people and people's security in 1979. This law aimed to safeguard national security against imperialist attacks. It broadened the scope of internal and external targets suspected of committing crimes against state security. These amendments granted the SNASP more discretionary authority, including capturing political opponents and transferring them to the so-called 're-education camps' in Niassa Province. Additionally, some individuals were subjected to torture or tried in popular tribunals established by the same law, without oversight by the courts.

The excessive powers and abuses granted to the SNASP were

acknowledged by the Mozambican government, which initiated a campaign in 1981 to curtail these excessive powers and abuses (Sirrs, 2021; Bussotti and Nhaualeque, 2023)

Although FRELIMO decided during its fifth congress in 1989 to make a nominal change from SNASP to SISE, the process of transforming SNASP into a professional state security service only began shortly after the introduction of the 1991 Democratic Constitution (Law 20/91). SISE was created just before the 1992 General Peace Agreement between the government and RENAMO, hence its principal focus remained on war-related concerns. RENAMO, as a surveillance target, remained a priority for the security services, resulting in actions that stretched into the democratic period in an attempt to curb the group's political activity.

Despite this new structure, SISE remains under the direct control of the Head of State, operating with high levels of secrecy. Its Director General was given extra responsibilities by Decree 8/93, allowing them to chair the National Committee for the Implementation of the Norms on State Secrets, which oversees all bodies concerned in state security problems. Laws 12/2012 and 13/2012 finalised the legal framework governing state security in response to the difficulties posed by the National Defence Strategy, which was approved by Resolution 42/2006.

From a supervisory perspective, these modifications have not greatly increased accountability for SISE's activities. The Director General of SISE is only obligated to present an annual report to the State Defence and Security Committee, which is mostly made up of security industry representatives. The intelligence services of modern Mozambique are the descendants, or mere continuations, of the intelligence agencies that existed under the one-party rule throughout the Cold War and civil war:

The democratic states that have emerged in the post-Cold War international system as a result of the Third Wave of Democratisation often have intelligence and security services that are heirs or continuators of models that operated under dictatorships or one-party political regimes. These intelligence agencies' actions are inextricably related to the legacy of

political and social repression imperatives, the dynamic contingencies of the Cold War, and internal disputes (Zeca, 2021, p. 382).

Even after the 1992 General Peace Accords ended the Mozambican Civil War, the country has continued to face military conflicts that necessitate strict control and surveillance. Mozambique has fought with numerous military confrontations, including Ian Smith's invasion from Rhodesia, attacks by the Apartheid state, and a protracted armed struggle that lasted 16 years, which reappeared between 2013 and 2016 owing to electoral discord from RENAMO. This lasted until 2019 with the signing of peace agreements and the demobilisation of RENAMO forces. Additionally, since 2017, Mozambique has been combating insurgents in the provinces of Cabo Delgado and Niassa, known as armed groups linked to the Islamic State (Ngoenha et al., 2020).

The 16 years of civil war ingrained a culture of conflict within the intelligence services, which has persisted in the post-conflict period as the actors involved in the war remain the same. For example, in 2015 Lagos Lidimo, who had led military counterintelligence throughout the civil war, was appointed Director General of SISE. He was raised in a combat environment; therefore, it is doubtful he could completely transition to a democratic intelligence service mindset. Lidimo is one well-known example, but several military officers from the civil war make up the command and operational organisation of SISE today.

As observed, the institutionalisation of the intelligence services in Mozambique reflects the state's political trajectory and has consistently aligned with the interests of the authoritarian regime dominated by the FRELIMO Party, both as the single party and as the dominant party in the context of electoral democracy. It has developed into a professional intelligence agency, but as long as the President of the Republic has authority, it will always be primarily focused on monitoring journalists, civil society and political rivals. Its operations are too complex for organisations like the parliament and the courts to effectively monitor.

## **Excessive presidentialism and regulation weakening the role of parliament and the judiciary**

The legacy of authoritarian culture, FRELIMO's control of the state, and the extensive powers of the Head of State have undermined the separation of powers, resulting in a stronger executive and a diminished role for parliament and the judiciary. Legislative shortcomings in defining parliamentary and judicial monitoring systems aggravate these political issues.

According to Forquilha and Orre (2011, p. 41), FRELIMO's operation inside the dominant party system of Mozambique's multiparty era has resulted in complete control over the legislative and judicial branches, which has fostered intolerance, political exclusion and an institutional dependence on the ruling party. This has frequently had a negative impact on political involvement by leading to a lack of transparency, clientelism, corruption, electoral fraud, limited institutional legitimacy and the continuous operation of institutions based on a one-party system model (Nhanale, 2021).

Mozambique's first Constitution, enacted in 1975, stipulated that FRELIMO would direct all state entities and follow the concepts of unity of power, democratic centralism and dual subordination. The 1978 Constitutional Amendment gave the National Assembly (then known as the People's Assembly) limited legislative powers, with no authority to monitor the administration or the defence and security forces. Furthermore, pursuant to Article 47, the People's Assembly was convened and headed by the Head of State or at the request of the FRELIMO Central Committee and its Standing Committee, the members of which were elected based on FRELIMO Central Committee suggestions.

Thus, while the 1978 Constitutional Amendment gave Parliament legislative powers, it also preserved the FRELIMO Party's authority to oversee and monitor the acts of state agencies as a single party, to which the executive bodies reported.

Under the 1975 Constitution, the President of the Republic, who was also the President of FRELIMO, served as Head of State and Government, with absolute authority over the National People's Security Services, as well as the President and Vice-President of

the Supreme People's Court and the Attorney General of the Republic, through his powers of appointment, assignment and dismissal. Although Article 75 entrusted the judiciary with the responsibility of ensuring compliance with laws and legal norms, it was not independent of the executive branch. It was managed by the President through the appointment of superiors. However, under Article 69 of the 1978 Constitution, these services were subordinated to the People's Assembly.

The 1990 Constitution and its 2004 amendment established the principles of democratic rule of law, multi-party politics, fundamental liberties for citizens and the separation of state powers – executive, legislative and judicial. From the point of view of the state bodies, the President of the Republic, although elected, continued to have a series of powers, as Head of State, Head of Government, and Commander-in-Chief of the Security Forces and Defences and, on the other hand, still has the power to appoint the Presidents of the Bodies of the Justice's Administration (Supreme Court, Administrative Court, Public Prosecutor's Office and the Constitutional Council). In addition to the respective, the Assembly of the Republic, which is made up of 250 elected members, has general oversight rights under Article 173, including the ability to request and collect information from the administration, as well as raise questions and interpellate the government. The Assembly of the Republic in the first instance has legislative authority over defence and security policy.

The SISE members are assigned a nonparty Statute. Article 20 of the SISE Members' Statute and Article 3 of the Regulation of Law 12/2012 of 2012 established the notion of nonpartisanship. However, Article 266 of the 1990 Constitution states that the defence forces and state security services owe special loyalty to the President of the Republic in his capacity as Commander-in-Chief, who is also the leader of the ruling party, FRELIMO. The figures of the Ombudsman and the National Defence and Security Council are introduced by the 1990 Constitution; however, both are unclear on questions of monitoring of the defence and security forces.

Decree 54/1975 and Law 20/91, the principles of the SISE's

subordination and the services it provides directly to the President of the Republic have been far removed from the laws that founded it, and they are upheld by Law 12/2012 and its regulations.

Although Article 4(3) of the regulation generally establishes the competences of 'detecting in time signs of crimes against state security or of a transnational nature and activities that constitute a threat or potential threat to state security', Article 1 of the SISE regulation objectively establishes that the purpose of the scope of the services provided by the institution is to produce useful and strategic information for the President of the Republic on matters of national security. Given the political climate and the Head of State's party interests, this provision is problematic and can lead to political surveillance.

Another awkward aspect is that the concept of 'state security' in Mozambique has been hotly debated, particularly because Law 19/91, which defines it, is ambiguous, stating in Article 22 that defamation of the Head of State, ministers, Supreme Court judges, and even General Secretaries of political parties is considered a crime against state security, punishable by one to two years in prison. This means that, in the name of 'state security', regular individuals' communications might be demanded by state intelligence services when they criticise individuals protected by the aforementioned national security standard.

According to its regulations and governing law, SISE is required to work with the criminal investigation police, the Attorney General's Office and the courts to investigate criminal charges. The collaboration is facilitated by its authority to collect information and intercept communications. However, this poses various significant issues, particularly with regard to the regulation that provides SISE unrestricted access to citizens' data via network operators and service providers, as described in Article 8 of its regulation, namely clauses a) and b) as quoted below:

Network operators and service providers have a duty to cooperate during the interception process required by SISE, and to this end, they must: a) make available interfaces and/or specific equivalent equipment enabling the interception of

communications; b) allow the installation of devices and/or equipment defined by SISE for the purpose of carrying out the interception of communications.

This provision contradicts Law No. 4/2016, which, in Article 66, requires all telecommunications carriers to establish an effective and efficient system for intercepting communications for criminal investigation reasons, but only with the approval of a criminal investigating court. Two years before this law was passed, the government adopted Regulation 75/2014 on telecommunications traffic regulation. Similarly, the provision in Article 8 of the SISE regulation contradicts Law No. 03/2017, Article 14, which requires intermediate providers of data-transmission services to maintain the secrecy and confidentiality of all communications, prohibiting their disclosure without a judicial or administrative decision.

The same considerations apply to phone tapping. Article 222 of Law No. 25/2019, which adopts the new Code of Criminal Procedure, provides for the interception and recording of suspects' telephone calls or other electronic methods as evidence. This provision reinforces SERNIC's key role under Law No. 02/2017, which says in Article 21(a) that interception and recording of communications must be performed as part of a criminal investigation into suspects and must be authorised by the relevant judicial authority.

As can be seen, the constitutional and legal framework, as well as the institutional structure, severely constrain the courts' and parliament's ability to oversee SISE. To begin with, while there are general definitions of parliaments' and courts' oversight functions, these definitions are not specific to SISE's activities, nor does Law No. 12/2012, which created SISE, clearly specify accountability standards. Furthermore, the legal rules allow intelligence services to conduct intrusive activities with no obvious limits.

In the defence and security sectors, only the Ministers of the Interior and National Defence are held accountable by Parliament. At no point is the Head of SISE required to publicly answer to parliament.

Even though MPs have the authority to criticise the performance of the state sector and there is a parliamentary committee dealing

with defence and security concerns, meetings with SISE to clarify pertinent concerns have never been made public.

In most democratic countries, parliaments are characterised as the legislative framework for intelligence supervision, in which Members of Parliament monitor the activities of security agencies. This exemplifies how elected authorities, who represent citizens, aim to ensure more accountability. Behind parliament, security organisations can be held more accountable for their operations, preventing autocratic use of surveillance laws while also creating legal parameters for security issues and ensuring a balance between security and fundamental freedoms (Born and Fluri, 2004). According to Born (2004, p. 136), 'Parliament plays an important role in safeguarding the democratic element of overseeing the security sector.'

In Mozambique, FRELIMO's parliamentary dominance undermines its function for effective oversight, because, as previously stated, SISE is an important body not only for state security but also for providing surveillance services to the Head of State, who has political interests as President of the FRELIMO Party. This is a domineering effect, reducing the body's ability to exercise supervisory functions over SISE.

One typical instance is the 'hidden debts' scandal that topped off in 2016, the country's most significant secret debt scandal, involving projects related to the defence and security sectors, under which Armando Guebuza's government is said to have incurred debts of approximately 1.5 billion United States dollars for investments in the maritime security sector and in companies related to mineral resource exploitation (Nhanale, 2019). These debts, contracted without consulting or informing parliament, were viewed as a violation of democratic institutions and resulted in the arrest, trial and conviction of senior SISE figures, including the Director of Economic Intelligence Services and the Director General.

Mozambique's undue secrecy scandal exemplifies the degree to which the culture of secrecy is ingrained in public administration, as well as the consequences of controlling supervisory institutions and the Head of State's disproportionate powers over the government and the defence and security services. This secrecy has also been linked to mistrust and the belief that RENAMO, as an opposition

group, is still an adversary to be defeated. For, according to the former President of the Republic, Armando Guebuza, as he testified in court, the process was not subject to parliamentary oversight, because the purpose of the project that was going to be financed was state security, and, in parliament, RENAMO was an enemy of the state, especially at a time when its leader, Afonso Dhlakama, was in the Gorongosa forests, in the centre of Mozambique, leading a military insurrection in claiming the previous election result.

## **Weak public oversight through the media and civil society**

Civil society advocates for accountability and strategic litigation, and the media acts as a watchdog, investigating excesses and abuses by intelligence organisations (Bochel and Defty, 2017). As Georgiev (2022, p. 31) points out, civic oversight mechanisms can be 'implemented through the activity and exercise of rights (access to information, complaints and signals, requests, opinions and proposals, expression) by citizens, media, and NGOs is an important mechanism implemented in several democratic countries with the aim of promoting greater efficiency and citizen participation, both in legal and institutional reforms, as well as in education, information and the production of knowledge about the relevance of democratic approaches to intelligence sectors' (Caparini, 2004).

When considering the role of civil society (non-governmental organisations (NGOs) and the media), two key elements are critical for understanding their role in overseeing intelligence services: first, the extent to which these freedoms are exercised, both legally and practically; and second, the technical capacity for research, knowledge production, monitoring and advocacy for public policies.

This analysis of civil society organisations and the media's role in intelligence oversight takes these two components into account. It demonstrates that, while laws allow for the exercise of free expression, press freedom and the operation of civil society organisations significant legal limits limit their efficacy as supervisors of government institutions on a variety of topics. This includes the

government's proclivity to enact policies that limit civic space. Furthermore, it argues that effective monitoring of intelligence services necessitates a high level of technical expertise and specialisation. While some civil society organisations pursue similar activities, their efforts are frequently hampered by a lack of specialisation and technical expertise.

## **Authoritarian culture and restrictions on civic space**

With the advent of democracy, the 1990 Constitution allowed for the introduction of civil and political freedoms, as regulated by the Press Law (Law 18/91), the Political Parties Law (Law 07/91), the Associations Law (Law 08/91), the Freedom of Assembly and Demonstration Law (Law 9/91), and the Right to Information Law (Law 34/2014). This legal framework formalises the establishment of a democratic public sphere in Mozambique.

Despite the fact that these principles provide a democratic public sphere in which the media and civil society can operate, they have several restrictions. Low levels of development, poverty and illiteracy all have an impact on literacy rates and, consequently, access to information. These factors have contributed to what scholars such as Shenga and Mattes (2009) refer to as an 'uncritical citizenship culture', which is defined by high levels of citizen trust in leaders, even when institutions demonstrate little commitment to democracy.

Even in this limited climate, the media, civic society and individuals have expressed a desire for transparency and improved public services. This is especially visible in major cities like Maputo, where high levels of urban poverty, persistent corruption and a lack of inclusive public policies that serve individuals' needs have resulted in widespread unhappiness. In other cases, this unhappiness has resulted in violent protests and popular opposition to government policy (Pereira and Nhanale, 2014, pp. 3–5).

The concept of uncritical citizenship dominates Mozambique's civic culture, especially when examining the historical forces that influenced participation and freedoms in the state-building process.

Examples include the political and cultural attitudes of subjugation fostered during the colonial era, the culture of fear instilled throughout the 16-year war and the one-party political system implemented following national independence. These characteristics have helped to create an uncritical culture (Shenga and Mattes, 2009). The authoritarian political culture founded in FRELIMO's historical vision of state and party control as faithful interpreters of citizens' interests severely limits the scope for supervisory activity by the media and civil society (Macamo, 2014).

The shrinking of spaces for freedoms, along with pressure to use these freedoms in monitoring the executive's actions, has resulted in the perpetuation of authoritarian methods such as the surveillance of journalists and civil society activists. This surveillance is a crucial tool of political intolerance, persecution and physical violence against journalists and opinion makers criticising FRELIMO's rule (Sirrs, 2021; Bussotti and Nhaueleque, 2023).

This surveillance serves as a technique for controlling public opinion within institutionalised settings, particularly the main public media, as well as impeding the functioning of civil society organisations that may question government policy. Monitoring data on freedom of speech and the press in Mozambique demonstrates that journalists continue to face violations, including arbitrary arrests, kidnappings and even murders, throughout the democratic process. Furthermore, the country has seen legislative initiatives aimed at limiting civic space and introducing more surveillance mechanisms, such as proposed changes to the Media Law, the Law on Civil Society Organisations and the Law on Combating Terrorism and Money Laundering (MISA-Mozambique, 2021–3; Nhanale and Cossa, 2024).

These measures supplement existing laws that have been identified as restrictive to civic space, including the State Secrecy Law (Law No. 12/79), which has not been repealed and imposes excessive limitations on the definition of secrecy, contradicting freedoms of expression, and the Penal Code (approved through Law No. 35/2014, of 31 December), which criminalises defamation of senior state figures and political leaders as a crime against state security (FES and MISA, 2018).

## Low capacity and expertise of the media and NGOs in oversight

While the media and civil society organisations benefiting from constitutionally protected freedoms conduct significant oversight activities, their efforts remain very limited in the defence and security sectors, and almost non-existent in the intelligence sector, in particular. These constraints are related to a lack of institutional capacity and experience required for effective control, notably in the security industry.

Mozambique's civil society organisations have made significant contributions to government monitoring in social and economic sectors, such as health, education, natural-resource management, land and public finance (Forquilha and Gonçalves, 2022, pp. 25–6). However, civil society supervision has not focused on the governance of the defence and security sectors as a whole, particularly the intelligence sector. This is mostly due to two important considerations. First, the closed nature of this sector, whose acts are not in the public domain or, in cases where they are known to the public, are not thought to be those of the secret services, and second, civil society organisations' lack of knowledge in national security problems.

Mozambique's civil society organisations are frequently thematic, focusing on areas such as health, education, women and children, disabilities, democracy, human rights, media and natural-resource management. However, there is a distinct lack of organisations focused on the defence and security sector, particularly the intelligence sector.

The discovery of natural resources in Cabo Delgado, combined with the advent of violent armed conflict in the same province, spurred the government to expand security efforts in Cabo Delgado and dedicate more budgetary resources in response to the conflict. Some civil society organisations have started providing public consulting services in the defence and security sectors.

Since 2020, the Centre for Democracy and Human Rights (CDD) has been implementing a programme named 'The Voluntary Principles on Security and Human Rights in Mozambique'. The

initiative, which works with the Geneva Centre for Security Sector Governance (DCAF), promotes communication and collaborative problem-solving to improve security and human-rights conditions for corporate investments in Cabo Delgado province. This programme has facilitated agreements between companies and security providers to reduce security and human-rights concerns, in line with the Voluntary Principles (VPs) (CDD, 2022, p. 2).

Although CDD's Voluntary Principles programme brought together leaders from the defence and security sectors, security-service providers and multinational corporations based in Cabo Delgado, this activity does not constitute public oversight of the defence and security sector or intelligence services. Instead, it is mainly focused on monitoring human-rights violations by private security-service providers engaged by multinational corporations that exploit natural resources.

The Centre for Public Integrity (CIP), a Mozambican civil society organisation that monitors government and combats corruption, has overseen the entire defence and security sector. Since the onset of the conflict in Cabo Delgado, CIP has undertaken various studies to monitor the defence and security sector, although these are primarily econometric analyses aimed at examining defence and security spending during the conflict, the accountability of such spending, rather than the sector's operational issues and respect for individual liberties.

CIP's 2021 study, 'External Control of Defence and Security Expenditure: How Much Does the State Spend on the War in Cabo Delgado and How Does It Spend It?' concluded that the war in Cabo Delgado had cost more than 64.77 billion meticaais (\$1.1 billion) over three years (2017–19), with official security and defence spending tripling from 21 billion meticaais to 62 billion meticaais annually. The analysis identified a lack of accountability in military spending during the Cabo Delgado conflict (Bande and Constantino, 2021, p. 8).

In 2023, CIP undertook another analysis to examine the financial impact of the Cabo Delgado battle, discovering a significant rise in national-security expenditures from 2018 to 2022, totalling an estimated 106.8 billion MZN (1.69 billion USD) (CIP, 2023).

The CIP's studies appear to be primarily related to the ongoing

war in Cabo Delgado and so are not the outcome of normal monitoring of state security services. Although these studies monitor the defence and security sectors as a whole, including the State Intelligence and Security Service, their concentration is on budget utilisation rather than an overall assessment of the agency.

Beyond the CDD and CIP's activity, nothing is known regarding civil society's public examination of state security services. This lack of information is not owing to a lack of issues to monitor, but rather to two major factors: the undemocratic atmosphere, which limits security-service monitoring and the media's and civil society organisations' inadequate skill in conducting such audits.

One of the key factors contributing to the limited expertise of the media and civil society organisations in overseeing the intelligence services in Mozambique is the legal framework that makes intelligence activities exclusively the domain of the state. This means that anyone who has legitimately conducted intelligence work has done so in the service of the state. Furthermore, the law states that intelligence officers do not retire; after completing their mission, they are placed on reserve but remain legally tied to the intelligence services. This legal linkage makes it difficult for them to establish civil society organisations or media groups to scrutinise the very state they have served or continue to serve.

## **The impact of weak oversight bodies and surveillance incidents**

As previously discussed, Mozambique's intelligence agencies have a history of abusive surveillance, owing mostly to the absence or weakness of control procedures. Numerous scandals have been documented throughout history, including frequent human-rights violations, political persecution that resulted in arbitrary incarceration, torture and murder in the 1980s (Amnesty International, 1985). These crimes were followed by attacks on political opposition members, as well as surveillance and wiretapping of civil society activists and journalists throughout the next decade (Sirrs, 2021; Bussotti and Nhaueleque, 2023).

In recent years, Mozambique has seen tremendous investment in surveillance technology. In 2014, ZTE Corporation, a telecommunications company, launched a project to install a system that would improve the ability to intercept and monitor citizens' communications by constantly reading messages (SMS, emails, WhatsApp and Viber), tapping phones and monitoring social networks and websites. This project involved the installation of 450 high-definition cameras and real-time data transmission for public surveillance on important roadways in Maputo and Matola, as well as parts of National Road 1 (Tsandzana, 2016; Caldeira, 2018).

In 2016, an investigative magazine published documents suggesting that ZTE Corporation, a telecommunications company, launched a project to install a system that would improve the ability to intercept and monitor citizens' communications. According to the report, ZTE told government officials that the system was capable of reading messages (SMS, emails, WhatsApp and Viber), tapping phones and monitoring social networks and websites.

One instance that deserves special emphasis in this research is the regulation of SIM-card registration in Mozambique, which was implemented in 2010 through Ministerial Diploma 153/2010. This approach required SIM-card holders to register, and unregistered numbers were prohibited. According to the government, the goal of this rule was to encourage responsible SIM-card use while also contributing to the maintenance of public order and tranquillity.

This measure is being implemented 13 years after the launch of mobile-phone services in Mozambique. The controversy surrounding this legislation originates from the fact that it comes after three successive civic rallies held by national residents, primarily in Maputo, in protest of living conditions, particularly rising food and fuel prices. There was a consensus that mobile phones and SMS played a major part in publicising the Maputo demonstrations in February 2008, September 2010 and November 2013.

As the demonstrations constituted a clear affront to an authoritarian government and, in the context of new technologies, the government, to allow greater surveillance and control of citizens, introduced the regulation for the registration of SIM cards. The Council of Ministers issued Decree 18/2015 in December 2015, which

regulates the registration and activation of SIM cards. It was justified by Mozambique's telecommunications regulating authority, citing the need to defend national-security interests and combat crime. However, there were reasons for political control, collective monitoring and improper individual wiretaps (INCM, 2017).

As part of the developments in technology, these decrees were updated and improved. In 2023, the government revoked the previous decree on SIM-card registration, introducing Decree 13/2023 of 11 April, which regulates the registration process of telecommunications service subscribers to be observed by service operators, their distribution agents and/or resellers, public entities, private entities and individuals who own and use communication devices based on telecommunications services.

The Mozambican National Institute of Telecommunication (INCM), as cited by *Jornal O Pais Online* on 22 May 2023, stated that the effects of these surveillance adjustments were as follows:

We want to ensure that every individual using a service on the country's telecommunications network is identifiable, that we are able to track them, and that we are certain the operation is being conducted by the correct person. Under the old regulation, we only registered the SIM cards, but now we register the subscriber themselves, the card, the device the subscriber will use, and the agent themselves (Nhanale, 2024, p. 12).

This intention is clearly concerning from the standpoint of its effects on undue surveillance, in a context where the laws do not establish any mechanism for data protection and oversight over data holders. The country's lack of a personal data-protection law, as well as laws that allow for the abusive use of surveillance, such as Laws 12/2012 and 13/2013; Articles 18 and 9 of the new Telecommunications Law (Law number 4/2016), as well as Article 14, number 4 of the same law; and Article 15 of the Communications Regulatory Authority's Law (No. 4/2021), are critical factors in these instruments' ability to reinforce surveillance.

This means that the data to be collected in biometric form will not be protected and will not be subject to oversight by bodies such

as the courts, parliament, civic organisations and the media, all of which have flaws. Furthermore, the legal structure that established the INCM, which places it under the government's control in an authoritarian atmosphere, indicates the immediate risks of these policies.

These measures are not only concerning because of the risks they pose in facilitating undue digital surveillance, but also because of the lack of transparency with which they were implemented, as matters limiting fundamental rights were approved without prior consultation, whether through citizen participation or even parliamentary consultation. This is a measure that uses the potential of new technologies to expand the logic of control and restriction of civic space within political authoritarianism, while also exploiting the legislative permissiveness of wiretap policies to increase the capacity for abusive surveillance of citizens, journalists and activists.

Even though CIP attempted to advocate for the government's measure in 2010 and MISA Mozambique is currently doing some advocacy work on biometric regulation, these activities have had little impact owing to the organisations' limitations in terms of expertise and continuity of work. Furthermore, these government projects receive little media coverage and parliamentary oversight (CIP, 2010; MISA, 2024).

## Conclusion

Throughout the chapter, it has been demonstrated that Mozambique has been ruled by an authoritarian regime since its independence, with restrictions limiting political freedoms in place. This implied the implementation of strict surveillance methods, not just for criminal concerns, but also for the control of persons deemed to be opponents of the Party-State.

Even in a democratic framework, Mozambique has encountered a number of security challenges, ranging from post-election political instabilities that prompted RENAMO to strive to transmit its claims through armed conflict to the current jihadist violent extremism in Cabo Delgado province. Even if they required the legitimate use of

surveillance, these episodes, in the context of the country's political authoritarianism, have reinforced the culture of excessive surveillance, in a context where the adversary was defined not only in terms of the risks of military conflicts, but also political ones.

The authoritarian histories of Mozambique's institutionalisation of security agencies have left a legacy of poor transparency and accountability for their operations. Even though they operate in a democratic context, their institutional arrangement, which places their response and dependence on the Head of State, combined with excessive powers over their operations and the lack of clear legal mechanisms of accountability, makes their operations even more secretive, putting privacy and the use of technologies for abusive surveillance at risk. This effect is exacerbated by the existence of laws or sections of laws that violate freedom principles, as well as the lack of data-protection legislation, which allows law proposals that encourage abusive surveillance activities to be more successful.

These components demonstrate that democracy in Mozambique is primarily about formal or procedural matters, rather than establishing itself via the effectiveness of practices, particularly given that it remains a state with institutions that perpetuate an authoritarian ethos. The same party that led during the single-party rule continues to lead, relying on the same practices and leadership expectations, rendering institutions resistant to democratisation. One of the key issues that persists in Mozambique's democratisation discussion is the need not only for change, but also for state institutions to become more professional and freer of the single-party ethos.

The ongoing legal-reform process, instead of professionalising and reducing spaces for abusive surveillance, due to the fragility of oversight institutions – the parliament, judiciary, civil society and media – has been stimulating a reverse path, increasingly reinforcing surveillance spaces. The SIM-card registration regulation effectively grants regulatory authorities and telecommunications firms complete authority to gather citizens' data in bulk, with no control mechanism in place.

The lack of oversight is due, on the one hand, to the absence of an enabling environment for non-state entities to oversee intelligence-service activities and, on the other hand, to a lack of expertise on

the part of the media and civil society organisations to oversee intelligence services, which stems largely from the past and authoritarian culture legacy.

The analysis produced throughout the chapter allows us to conclude that the suspected and upheld surveillance activities carried out by SISE in Mozambique, beyond the goals of safeguarding state security, may be used many times for political purposes and to restrict fundamental freedoms.

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