

Status of Surveillance in Nigeria:

Refocusing the Search Beams

POLICY BRIEF 009



Executive Summary

Research has revealed over times, the strong link between respect for human rights and strong democratic institutions. Equally, the need for citizens to work without looking over their shoulders is closely tied to ensuring positive socio-political and socio-economic results. *Status of Surveillance in Nigeria: Refocusing the Search Beams* is Paradigm Initiative's 9th Policy brief. It seeks to trace the likely arguments and possible justification for electronic and Internet surveillance in Nigeria and what the results have been so far. The brief also engages how these results have impacted human rights placing heavy references to the annual budgetary allocations by the Nigerian Federal Government for surveillance equipment.

Nothing so far, tracing the history of the procurements, shows that the Nigerian government is engaging in cyber-protection or ensuring national security

How the Beams Formed

When the *Jama'ah alAhlu al-Sunnah Li al-Da'wah wa al-Jihad* group also known as “Boko Haram¹” started in 2002 in the Northern part of Nigeria, little did Nigerians know that they will still continue to constitute serious threats to national security even some fifteen years after. By this period, the death toll had risen to more than 100,000 with more than two million persons displaced and maybe more². This justifiably raised the security alert in Nigeria and could be adduced as a strong argument for Nigeria's heavy investments in surveillance tools.

However, looking at the first notorious attempt of Nigerian governments in procuring these tools, none of these arguments or reasons featured. In 2013, there was a report³ by the investigative tabloid, Premium Times on Nigeria's Federal Government's unhealthy business relationship with Elbit Systems to invest some US\$40m. This followed similar research carried out by University of Toronto's Citizen Lab the same year on the government's involvement with global spyware giants, Gamma International and Blue Coat Systems⁴. Nothing so far, tracing the history of the procurements, shows that the Nigerian government is engaging in cyber-protection or ensuring national security. Evidence showed that these purchases were made for political reasons, especially by the then authorities in power to monitor their adversaries and political opponents⁵.

Understanding this background helps to shed light on how trampling on privacy rights of citizens usually has nothing to do with national interests but rather, the protection of the few rich and powerful. As a country grappling with the myopia of leadership and a constantly stumbling economy, it could be reasoned that the huge sums being expended towards personal vendetta through these surveillance procurement exercises are better utilized for more life-improving projects by the Nigerian governments. Since this first attempt gained wide reportage in Nigeria, the efforts of the Nigerian government has since doubled in ensuring yearly allocation for frivolous budgetary items to several agencies of government for procurement of these equipment.

¹<https://www.uniswa.edu.my/icic/images/Fullpaper/20 - Salisu Salisu Shuaibu.pdf> (accessed 07/08/2017)

²<http://www.premiumtimesng.com/news/headlines/223399-shocking-revelation-100000-killed-two-million-displaced-boko-haram-insurgency-borno-governor-says.html> (accessed 07/08/2017)

³<http://www.premiumtimesng.com/news/154931-u-s-spy-program-reforms-spotlight-nigerias-expanding-surveillance-program.html>

⁴<https://citizenlab.ca/storage/finfisher/final/fortheireyesonly.pdf>

⁵<http://www.premiumtimesng.com/news/131776-acn-urges-nigerians-to-resist-jonathans-evil-40million-internet-spy-contract.html>

2014

Office of the National Security Adviser

Directorate of State Security Service

National Intelligence Agency

Project Name/Item Number/Code	Allocated Cost (₦)
Purchase Of Security Equipment [23010128]	7,054,000,000
Procurement Of Security Equipment NSA01004872	837,307,610
Digital Forensic Lab NSA01004895	800,000,000
NICEP II Security Elements-Phase II NSA01004895	1,242,896,000
Enhanced And Specialized Security Equipment, Gadgets And Services NSA01004895	18,000,000,000
Purchase Of Security Equipment [23010128]	2,890,964,774
Polaris Mass Location and Wireless Tracking System DSS21006699	425,600,000
Purchase Of Static And Mobile Jammers DSS21007023	412,000,000
Acquisition Of Data Retention System DSS21007029	415,000,000
Procurement Of GSM Passive Off-The-Air Interception System DSS21007025	359,000,500
Purchase Of Security Equipment [23010128]	18,000,000
CCTV And Surveillance Equipment PAF13005594	18,000,000

TOTAL: ₦32,472,768,884

2015

National Intelligence Agency | Directorate of State Security Service | Office of the National Security Adviser

Project Name/Item Number/Code	Allocated Cost (₦)
Purchase Of Security Equipment [23010128]	11,300,000,120
Digital Forensic Lab NSA01004895	1,187,713,873
NICEP II Security Elements-Phase II NSA01004910	1,808,400,600
Purchase Of Security Equipment [23010128]	4,477,442,918
Acquisition Of Data Retention System DSS21007029	330,867,783
Purchase Of Security Equipment [23010128]	651,093,495

TOTAL: ₦ 19,755,518,789

2016

Project Name/Item Number/Code	Allocated Cost (₺)
Purchase Of Security Equipment [23010128]	5,470,995,994
Develop All Eye Project NSA201601016602	8,721,364,000
Construct Stravinsky Project NSA201602016609	1,004,200,000
Purchase Of Security Equipment [23010128]	4,526,872,600
Procurement Of Surveillance Equipment For The Service's Commands Across The Nation NSA201601016602	1,000,000,000
Create Intel Profiling Equipment DSSS201603016694	1,004,200,000
Purchase Of Security Equipment [23010128]	2,270,780,630
Satellite Data/Signal Intersect NIA201604016552	71,300,000
Purchase Of Security Equipment	1,300,000,000t

TOTAL : ₺29,836,509,218

2017

Office of the National Security Adviser

Project Name/Item Number/Code	Allocated Cost (₱)
Purchase Of Security Equipment 23010128	14,470,995,994
Security Equipment Systems (Stravisky Project) NSA201601016602	5,470,995,994
Stranvisky Project - 2 ONSAZ30855318	7,000,000,000
Construct Operation Defence Equipment ONSAZ93789132	7,121,364,000

Directorate of State Security Service

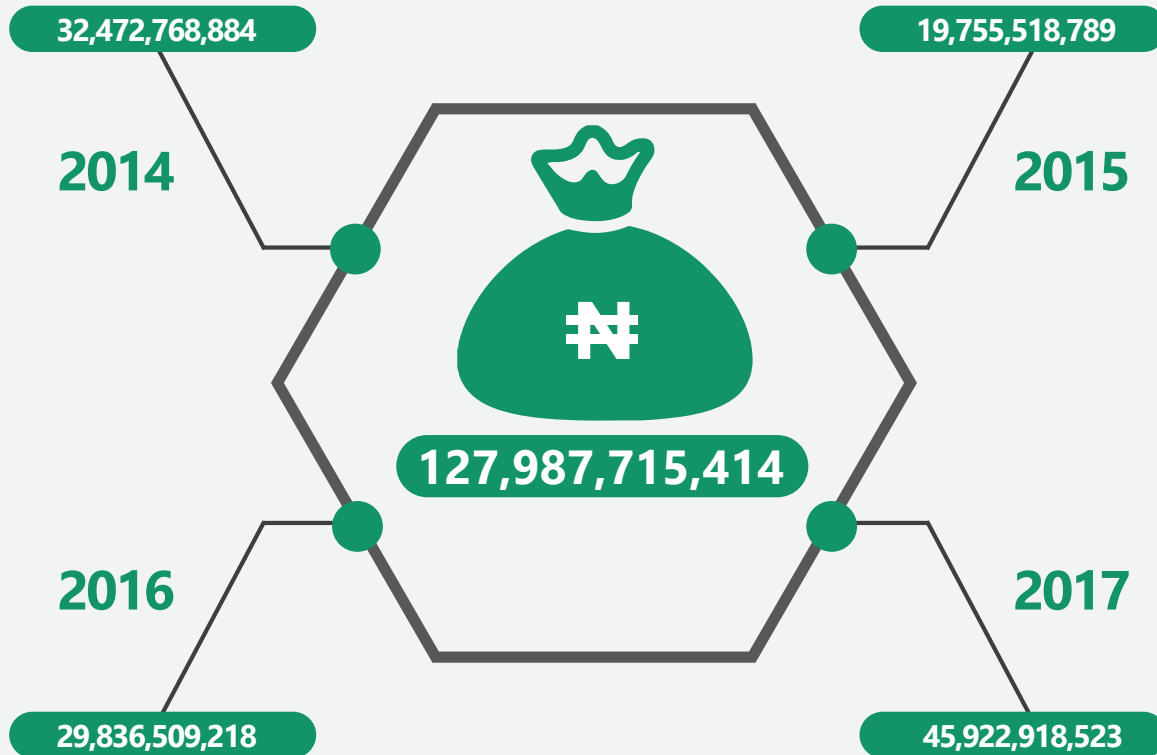
Purchase Of Security Equipment 23010128	6,642,762,535
Purchase Of Universal Forensic Extraction Devices (Ufed) DOSSS92629644	21,000,000
Purchase Of Back Pack Cellular Jammer DOSSS36277639	33,000,000
Purchase Of Digital Audio Jammer DOSSS55552166	22,000,000
Upgrade And Expansion Of DSS CCTV Surveillance Project (Phase I) DOSSS62866175	850,400,000
Purchase Of Finfisher Equipment DOSSS86693049	70,400,000

National Intelligence Agency

Purchase Of Security Equipment 23010128	4,200,000,000
Purchase Of Security Equipment 23010128	20,000,000

TOTAL: ₱45,922,918,523

TOTAL ALLOCATED COST



<http://www.budgetoffice.gov.ng/>

The agencies of government whose allocations were analyzed are not the only security outfits with budgetary allocations for procurement of these equipment. It is also important to note that these items do not show the total allocations for security equipment, the ones highlighted in this brief were those fact-checked to be of special interest and needed to be flagged. For example, looking closely at these items for where the purpose for projects are not concealed like “Purchase of Finfisher” which is related to the notorious spyware giants Gamma International, the astronomical figures allocated to these equipment show the utmost dedication the Nigerian government has given to national security, especially surveillance. With project names like “Stranvisky” “Develop All Eye” shrouded to conceal intents and purpose, citizens can fittingly assume that they are intended for a different purpose other than national security.

These obvious attempts by governments to monitor citizens’ activities can be justified by worthier reasons other than the well-worn argument of national security. Mounting surveillance as a state actor obligated to do so is not mutually exclusive of equally ensuring transparency. It is convenient, at this point to safely assume the Nigerian government is committing espionage against its own citizens by amassing these equipment. Even though the Nigeria Constitution protects privacy of citizens’ communication, it has not been able to factor in contemporary means of communication made possible by technology and the Internet. Taking advantage of hi-tech equipment in enhancing national security will never be a balanced act until it is matched with the citizens’ right to privacy of communication and life.

Section 10 of the Digital Rights and Freedom bill (HB.490) aptly provides for how surveillance can be achieved alongside transparency. The legislative document is a draft bill currently in Nigeria's lower federal legislature which seeks to protect the rights of Nigerian online. It is the first of its kind in Africa.

Where Should the Beams Be?

In providing social sustainability, security ranks as one of the most important needs. When provision of sustainability is the key motivating factor in providing security, it will not be difficult in establishing longer-lasting policy foundation. This primarily involves ensuring that providing security is more of an inclusive social responsibility which involves the government and the citizens. Usually, it is seen as the sole responsibility of the government, reason why many citizens are paranoid of governments' actions. Security must include everyone. It is easier to understand why a whopping N127billion is allocated to procuring surveillance/security equipment by the country in less than five years.

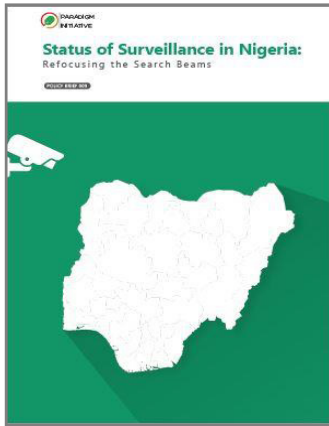
Human rights and national security are not mutually exclusive when assessed critically, one without the other, especially national security without respect for human rights hurts everyone including the government. This is more underscored by the fact that when spying on citizens and to nab criminal elements in the society, the government needs to be lucky every single time which is humanly impossible. However, the criminal suspect in question needs to be lucky just once. Authorities need to accommodate the notion that transparency can co-exist with national security and lawful surveillance, within the ambit of laws that are truly representative of citizens' rights are possible.

With issues as critical as human rights at risk, the government either the legislature or executive needs to set up a committee to look into the use and adoption of surveillance equipment in Nigeria. The composition of the committee should be such that it has representatives from all stakeholders in the society to contribute to a nationally adoptable guideline in the use and monitoring of surveillance equipment in Nigeria to encourage transparent practices.

Section 10 of the Digital Rights and Freedom bill (HB.490) aptly provides for how surveillance can be achieved alongside transparency. The legislative document is a draft bill currently in Nigeria's lower federal legislature which seeks to protect the rights of Nigerian online. It is the first of its kind in Africa. This particular section goes further to highlight the possibilities of when government needs to carry out its functions when circumstances do not permit for immediate transparency of surveillance activities. This includes when it has to do with national interests and a human life is at stake and so on. The provisions in this section recognized the tough tasks the government has to perform when it comes to protecting the lives and properties while also making it practically achievable to carry out surveillance with transparency.

Refocusing the Beams

Nothing in the actions of the Nigerian governments over the years has shown that they are committed to protecting the rights of citizens online. When this is noticeable in the back-breaking bureaucracies geared at frustrating human rights, it is noticed in the annual allocation of tax-payers funds to procurement of surveillance equipment. The government of Nigeria can turn this tide by ensuring that policies that encourage respect for human rights are encouraged. Allocations should henceforth be made detailed as much as possible so as not to leave public governance to assumptions. Lastly, the Federal Government must ensure that the Digital Rights and Freedom bill (HB. 490) becomes law in no time in order to lend legislative backing to efforts to be made in ensuring that human rights online in Nigeria are respected and that surveillance is carried out along with transparency.



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