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Zimbabwean opposition leader Tendai Biti claims asylum in Zambia but Zambian authorities deport him on 9 August. Biti reportedly faced charges of inciting post-election violence after Zimbabwe's presidential election. Government spokesperson Dora Siliya announces government plans to introduce a 30 ngwee (\$0.03) per day tariff on Internet phone calls. President Edgar Lungu (2015-present) concludes talks with Turkish President Recep Tayyip Erdogan (2014-present) and announces that a Turkish firm is interested in refinancing Zambia's \$750m Eurobond.

Zambia refuses asylum bid of Zimbabwe opposition leader Tendai Biti

Zambian authorities deported Zimbabwean opposition leader **Tendai Biti** on 9 August despite Biti's asylum claim in Zambia.¹ Biti reportedly faced charges of inciting post-election violence after Zimbabwe's presidential election on 30 July.² Biti's lawyer, **Gilbert Phiri**, confirmed that Zambian authorities handed Biti over to the **Zimbabwe Republic Police (ZRP)** early on 9 August.³ Biti is a former finance minister and a founder and high-ranking member of the opposition **Movement for Democratic Change (MDC)**.⁴ He supported opposition coalition **MDC-Alliance (MDC-A)** leader **Nelson Chamisa** in his presidential bid in the July elections.⁵

After the **Zimbabwe Election Commission (ZEC)** announced that President **Emmerson Mnangagwa** (2017-present) and the ruling **Zimbabwe African National Union (Zanu-PF)** won the election, Biti stated that

*"...the fascists are trying to steal this election, but we won't accept it."*⁶

Prior to the ZEC announcement, there were several violent protests in Zimbabwe's capital, **Harare**, in the delay after the vote and before the ZEC announcement. During this time, Biti also stated that vice-president General **Constantino Chiwenga** was behind an assassination plot to kill Biti and Chamisa, though Biti did not provide any concrete evidence.⁷ Government officials charged Biti as the mastermind of the post-election violence during the delayed results.⁸ The government may have had grounds to do so, considering Biti stated on 27 July that if Zanu-PF did "steal" the elections, the MDC-A would make Zimbabwe "ungovernable".⁹

Biti and several other MDC-A activists, including **Zachariah Godi**, **Tawanda Chitekwe**, **Kudakwashe Simbaneuta** and **Clever Rambanepasi**, fled to the **Chirundu** border post on the Zambian side of the border on the morning of 8 August and claimed political asylum.¹⁰ Zimbabwean police officers and **Central Intelligence Organisation** officials reportedly tried to stop Biti from crossing the border, but

¹ News24, 9 Aug 2018.

² News24, 9 Aug 2018.

³ Telegraph, 9 Aug 2018.

⁴ Mail & Guardian, 31 Jul 2018.

⁵ Mail & Guardian, 31 Jul 2018.

⁶ Mail & Guardian, 1 Aug 2018.

⁷ Mail & Guardian, 31 Jul 2018.

⁸ VOA, 9 Aug 2018.

⁹ Daily Maverick, 27 Jul 2018.

¹⁰ Times Live, 8 Aug 2018.

armed Zambian paramilitary troops helped Biti enter Zambia.¹¹ However, Zambian foreign minister **Joe Malanji** stated shortly after Biti cross the border on the morning of 8 August that

*"...[Biti] wanted to seek asylum but his grounds are not meritorious. As it is, we are just keeping him for safe custody before he heads back to Harare. It is not up to us to tell when he's going back; it's up to the Zimbabwean authorities."*¹²

Zambia appears to have rejected Biti's asylum application from the outset despite allowing Biti to enter Zambia. Zambian government spokesperson **Dora Siliya** said that Biti's asylum claim

*"...was denied on the basis that in this country there is no breakdown in the rule of law."*¹³

However, Biti filed a legal challenge immediately after this initial denial to keep him in Zambia until his case was reviewed.¹⁴ A **Lusaka** high court judge reportedly granted the order late on 8 August, but Siliya stated that

*"...the court order only came after [Biti] was handed back to the Zimbabwe authorities."*¹⁵

Siliya appears to be incorrect in her statement. While some media reported that the order granting Biti a stay of deportation was granted late on 8 August, court documents show that the order was granted at 04h00 on 9 August.¹⁶ Biti was in Zambia at this time and the authorities reportedly intentionally ignored the court order and forced him back to Zimbabwe at 06h00 on 9 August.¹⁷ International law states that in the event that an asylum seeker is denied entry, the country must send him or her where he or she feels safe.¹⁸ The ZRP denied on 18 August that it was responsible for taking Biti from the border, instead blaming immigration officials for taking Biti without a deportation certificate.¹⁹

Once back in Zimbabwe, authorities charged Biti with inciting public violence and being in possession of dangerous weapons and subversive materials.²⁰ If Biti is found guilty, he could face 10 years in prison and/or a cash fine.²¹ Biti was released on \$5,000 bail and had to surrender his title deed to his house and his passport.²² He is banned from address political rallies or media until the case is concluded.²³ The case continues in Harare.

International human rights groups and governments condemned Zambia's refusal to grant Biti asylum. The **United Nations High Commission for Refugees (UNHCR)** said it was *"gravely concerned about reports of a forced return"*,

*"... [and] forcibly returning refugees and asylum-seekers to their country of origin is a serious violation of international refugee law."*²⁴

The assistant secretary for the **United States (US)** bureau of African affairs, **Tibor Nagy**, said the US strongly urged Zambia to allow Biti to remain in Zambia until his asylum request could be appropriately evaluated,

"...or allow him safe passage to another country, consistent with its international obligations".²⁵

¹¹ Times Live, 8 Aug 2018.

¹² Times Live, 8 Aug 2018.

¹³ Telegraph, 9 Aug 2018.

¹⁴ Telegraph, 9 Aug 2018.

¹⁵ Telegraph, 9 Aug 2018.

¹⁶ www.twitter.com

¹⁷ www.twitter.com

¹⁸ VOA, 9 Aug 2018.

¹⁹ Newsday, 18 Aug 2018.

²⁰ Al Jazeera, 10 Aug 2018.

²¹ Al Jazeera, 10 Aug 2018.

²² Al Jazeera, 10 Aug 2018.

²³ Al Jazeera, 10 Aug 2018.

²⁴ Telegraph, 9 Aug 2018.

Zambian opposition parties were concerned that the US would cut aid to Zambia due to the deportation.²⁶ US President **Donald Trump** (2017-present) was reportedly “*reviewing certain aspects*” of the aid package. The US recalled both its Zimbabwean and Zambian ambassadors to “*register [their] gravest concerns*”.²⁷ Zambia responded that the UN and the US had condemned Zambia prematurely for Biti’s deportation.²⁸

According to Zambian political analysts, President **Edgar Lungu** (2015-present) ordered Biti’s deportation as payback for Biti’s support of Zambian opposition leader **Hakainde Hichilema** during Hichilema’s treason trial in 2017.²⁹ However, Zambia’s decision to deport Biti probably had less to do with Biti’s claim than with its need to maintain good relations with Zimbabwe’s new president and government. Lungu, if involved, may also be looking to the 2021 elections and hoping that Mnangagwa will remember the support if there is a replay of events involving Lungu and his opponent, Hichilema. The media uproar over the deportation is likely to decrease and US sanctions are unlikely.

Zambia plans to tax internet calls to protect telecommunications firms

Government spokesperson Dora Siliya stated on 20 August that the government plans to introduce a 30 ngwee (\$0.03) per day tariff on internet phone calls.³⁰ The cabinet approved the new tariff on 13 August but the policy has yet to become law.³¹ The tariff applies to internet telephony services such as **Whatsapp, Viber** and **Skype**. Mobile phone operators and internet providers will be responsible for collecting the tariff, which the government states is solely for economic decisions because of lost income.³² Siliya claimed internet telephony services threaten the telecommunications industry and jobs in companies such as **Zamtel, Airtel** and **MTN**.³³ The government claims that 80% of the eight million active mobile subscribers make use of internet phone calls,³⁴ which has led to repeated complaints from telecommunication operators to curb the use of these services.

Opposition parties have criticised the policy as it may stifle freedom of expression online.³⁵ The tax is in addition to plans the government announced on 5 July to introduce stricter regulations for social media usage, though it has not yet introduced a bill to regulate this.³⁶ The new tax and laws come as opposition parties claim that President Lungu is becoming increasingly authoritarian and may use these proposed bills to decrease communication avenues amongst opposition activists.³⁷ Whatsapp messages, for example, are secured with end-to-end encryption, which makes it impossible for government to monitor communications, unlike traditional mobile telecommunications, such as Zamtel.

Turkey-based firm wants to refinance Zambia’s \$750m Eurobond

President Lungu stated on 28 July that a **Turkish** firm is interested in refinancing Zambia’s \$750m Eurobond. Lungu made the announcement shortly after concluding talks with Turkish President **Recep Tayyip Erdogan** (2014-present) (see *ARC Briefing Zambia July 2018*).³⁸ Lungu stated that the

²⁵ Lusaka Times, 9 Aug 2018.

²⁶ Bulawayo24, 13 Aug 2018.

²⁷ IOL, 10 Aug 2018.

²⁸ The Zimbabwe Mail, 14 Aug 2018.

²⁹ Bulawayo224, 20 Aug 2018.

³⁰ Business Day, 20 Aug 2018.

³¹ Africanews, 14 Aug 2018.

³² Business Day, 20 Aug 2018.

³³ Business Day, 20 Aug 2018.

³⁴ Africanews, 14 Aug 2018.

³⁵ Business Day, 20 Aug 2018.

³⁶ Quartz, 6 Jul 2018.

³⁷ Quartz, 6 Jul 2018.

³⁸ EWN, 29 Jul 2018.

Turkish firm would send representatives in September to discuss the refinancing details.³⁹ Zambia has struggled to repay the 2022 Eurobond and has been unable to secure an **International Monetary Fund** bailout to help its balance of payments issue (see *ARC Briefing Zambia November 2017*). US-based ratings agency **Moody's** further downgraded Zambia's long-term debt on 27 July from B3 to Caa1 due to the increasing debt burden.⁴⁰

In addition to the promise of refinancing, Lungu and Erdogan signed 12 agreements covering agriculture, fishery, tourism, investment, sports and diplomacy.⁴¹ Erdogan pressed for the implementation of these agreements as soon as possible during a luncheon with Zambian vice-president **Inonge Wina** in **Ankara** on 19 August.⁴² The memorandum of understanding for forestry between Turkey and Zambia was implemented on 20 August.⁴³ Turkey will help Zambia with its capacity building in its forestry department by sending technocrats to Zambia to help prepare structures to ensure there is enough tree planting at the beginning of the rainy season and prevent deforestation.⁴⁴

Turkey has increased its economic activities in **Africa** since Erdogan's initial tenure as Turkish prime minister in 2003.⁴⁵ There are two possible reasons for Turkey's haste to increase bilateral ties with Zambia. First, Turkish industry may wish to increase its imports of copper and copper products from Zambia, which made up 75% of Turkey's \$21.8m imports from Zambia in 2017.⁴⁶ Second, Turkey is likely to press Zambia to remove any individuals or entities associated with **Muhammed Fethullah Gülen**, who was reportedly behind the 2016 coup attempt in Turkey. There are reportedly Gülen followers in Zambia⁴⁷ who should be concerned, as Lungu is likely to listen to Turkey's request, particularly if doing so is tied to debt refinancing.

Planner

22 Aug 2018 **(Zambia) Bank of Zambia** (central bank) Monetary Policy announcement;
 19-20 Nov 2018 **(Zambia) Bank of Zambia** (central bank) Monetary Policy meeting;
 21 Nov 2018 **(Zambia) Bank of Zambia** (central bank) Monetary Policy announcement;
 2021 **(Zambia)** Scheduled presidential elections;

Chronology

20 Aug 2018 **Addis Ababa (Ethiopia)** *Reuters*. State-owned **Ethiopian Airlines** signs a shareholding agreement with **Zambia's Industrial Development Corporation** to revive **Zambia Airways**;
 17 Aug 2018 **Lusaka (Zambia)** *Mining MX*. **United Kingdom**-based mining company **Gemfields** claims **Zambia Revenue Authority** officials raided its **Lusaka**-based subsidiary, **Kagem Mining**, offices over reported tax evasion;
 16 Aug 2018 **Lusaka (Zambia)** *IOL*. Chief justice **Irene Mambilima** may charge opposition leader **Hakainde Hichilema** with contempt after he accused several constitutional court judges of corruption at the end of 2017;

³⁹ EWN, 29 Jul 2018.

⁴⁰ Moody's, 27 Jul 2018.

⁴¹ Anadolu Agency, 28 Jul 2018.

⁴² Lusaka Times, 20 Aug 2018.

⁴³ Lusaka Times, 20 Aug 2018.

⁴⁴ Lusaka Times, 20 Aug 2018.

⁴⁵ NPR, 8 Mar 2018.

⁴⁶ www.mfa.gov.tr

⁴⁷ Deutsche Welles, 25 Jan 2017.

- 15 Aug 2018 **Lusaka (Zambia)** *Lusaka Times*. **Zambia's** visa abolition agreement with **Angola** comes into effect allowing visa-free travel for citizens of both countries;
- 13 Aug 2018 **Lusaka (Zambia)** *The Zimbabwe Mail*. Presidential spokesman **Amos Chanda** states that the US and **United Nations** statements condemning **Zambia's** refusal to admit **Zimbabwean** politician, **Tendai Biti**, were “*issued too quickly*”;
- 13 Aug 2018 **Lusaka (Zambia)** *Lusaka Times*. The government introduces a 30 ngwee (\$0.03) per day tariff on internet-based phone calls, such as from **Whatsapp**;
- 10 Aug 2018 **Lusaka (Zambia)** *Town Press*. President **Edgar Lungu** meets with South Africa's President **Cyril Ramaphosa** to discuss the situations in the **DRC** and **Zimbabwe**;
- 10 Aug 2018 **Lusaka (Zambia)** *Lusaka Times*. The **United States (US)** may withdraw aid to Zambia after the forced deportation of **Zimbabwe** opposition politician **Tendai Biti**;
- 8 Aug 2018 **Lusaka (Zambia)** *Newsday*. Zambia denies asylum to Zimbabwe opposition politician **Tendai Biti**;
- 6 Aug 2018 **Lusaka (Zambia)** *Shares*. UK-based **Jubilee Metals Group** becomes the sole operator of the **Kabwe** lead, zinc and vanadium project;
- 3 Aug 2018 **Ndola (Zambia)** *Reuters*. Authorities refuse entry of DRC opposition leader **Moïse Katumbi** into the DRC from **Zambia** at **Kasumbalesa** border post;
- 2 Aug 2018 **Lusaka (Zambia)** *Proactive Investors*. The mines ministry validates **Canada**-based mining company **Maxtech Ventures Inc's** exploration licences in **Mukumbala** and **Kabamba** manganese mines;
- 30 Jul 2018 **Lusaka (Zambia)** *Ahval*. **Zambia** signs 12 agreements covering agriculture, fishery, investment and tourism with **Turkey** during President **Recep Tayyip Erdogan's** visit;
- 30 Jul 2018 **Lusaka (Zambia)** *Bloomberg*. Finance minister **Margaret Mwanakatwe** states that Zambia is committed to meeting repayment obligations in full and on time;