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Policy Monday: A discussion on the use of Technology in Africa's elections.

On March 6, 2023, The Lawyers Hub hosted a dynamic public discourse on the utilization of technology in African elections. The discussion was centered on the experiences of Kenya and Nigeria, offering a compelling case study for attendees from across the African continent and beyond, attesting to the importance of the topic. Beginning with a comprehensive overview of the electoral evolution of African countries since independence; particularly Kenya and Nigeria. The Lawyers Hub highlighted the significant transformation from traditional analog/manual systems to modern technology-enabled approaches.

After the highlights, an online poll was done; Majority of the participants trusted the outcome of the elections conducted using technology with a near split between those who knew where the technology used in their elections was procured from and those who did not. A minority of the participants knew how the data they provided during elections is stored with the majority yielding to the notion that technology supports democracy in Africa. During the poll, participants shared their opinions on how the use of technology affects elections in their countries. Some argued that technology has limited the number of people who can vote, while others suggested that block chain technology could help ensure fair elections. The poll results suggest that while many participants trust the outcome of elections conducted using technology, they may not fully understand how the technology works or where it comes from. The poll highlights the need for increased transparency and education about the use of technology in elections.

The guest speaker, Mr. Solomon Adekara, co-founder of the Digital Lawyers Initiative, which works on issues at the intersection of technology and human rights, including data protection, privacy and other digital rights. He gave an overview of the use of technology in African countries' electoral processes, including Nigeria, Kenya, Namibia, Ghana, and The Gambia. Noting that the use of

technology for these processes has enhanced transparency and reduced electoral inefficiencies, however its adoption is a response to malpractice during elections.

Mr. Adekara further spoke on how technology may have affected voter turnout in the Nigeria 2023 elections, with recognition that Africa countries in the recent years have had a progressive increase in voter turnout, acknowledging that it might not be the sole reason for this increase.

During the discussion, the guest speaker shed light on data protection regulations and their implementation during elections in Nigeria, stating that despite the absence of a Data Protection Act, the Nigeria Data Protection Regulation 2019 serves as a subsidiary regulation. The speaker highlighted the lack of a consistent and demonstrated commitment to protecting personal data during elections in Nigeria, despite efforts to comply with data protection principles. The issue of identifying polling units was also discussed, with the interviewer citing Kenya's IEBC capping the number of people at a particular polling station. In Nigeria, there have been cases where polling units have an inadequate number of people or an excessive number of voters, hindering voter registration and voting. The interviewer questioned Nigeria's readiness to implement technology, considering issues with connectivity and information access. Nonetheless, the speaker emphasized the importance of technology for day-to-day activities in Nigeria and emphasized the need for a demonstrated commitment to data protection principles during elections.

Arnold Ochieng Oginga, co-founder of Ideate Tech Policy Africa, joined the discussion to provide insights on the role of courts in interpreting the use of technology within African jurisdictions. He started by discussing the adoption of e-voting in African countries such as Sierra Leone, emphasizing the lack of infrastructure and digital literacy as the biggest setbacks. He also questioned the political win in going the internet way, given Africa's historical handling of elections.

Mr. Oginga highlighted the advantages of e-voting, such as cost savings, fraud reduction, increased accuracy, and speed of result tabulation, however, he noted that e-voting can limit voter disenfranchisement and improve accessibility for voters with disabilities and remote and overseas communities. He lauded Kenya's constitution for explicitly recognizing the incorporation of technology in the voting procedures.

He discussed the challenges African countries face in using technology in elections, such as digital literacy, inadequate legal frameworks, and capacity in infrastructure and noted that African countries have largely concentrated on using technology in presidential elections, raising the question of why there is so much focus on presidential elections.

The participants touched on issues such as digital literacy, credibility, trust, and judicial competence with one of the speakers noting that while technological advancements have brought benefits such as mobile banking, there have also been cases of cybercrimes, which raise concerns about the security of these systems. Another participant highlighted the use of blockchain technology in Sierra

Leone's electoral process as an example of how technology can enhance the credibility and transparency of elections. However, there were concerns about the competence of those handling the technology and the need to educate voters on how to use it.

The participants made the the following recommendations;

1. There is a need for the African governments to create more regulations to address misinformation and disinformation during elections.
2. The issue of foreign entities being involved in the storage and management of election data, raises questions about data protection and transparency. Participants suggested that African countries should develop their own transparent voting system, and that e-voting could bring progress and ease to electoral processes in Africa, but there were concerns about the protection of these systems from hacking and interference. The need for a hybrid system that combines e-voting, digital literacy, and manual operations was suggested as a solution.
3. Need to educate voters on how to use technology.
4. Participants suggested the need for more specific guidelines and timelines for uploading election results to avoid ambiguity and provide a clear legal framework.
5. There is a need for strategic targeted training of key stakeholders and involvement of stakeholders from the onset; inspection of election materials and infrastructure before elections, and compliance with court orders.

Overall, the discussion was insightful and informative with highlights of the particular challenges and possible opportunities for the use of technology in Africa's elections.