

Towards Consolidation of Democracy in Nigeria: The Role of Smart Card Reader

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Abstract

The study aims to examine the role and challenges of the smart card reader in the consolidation of democracy in Nigeria. Qualitative content analysis was used for the data. The paper reveals that some stakeholders in Nigeria's democratic process engage in electoral fraud which undermines the efforts at democratic consolidation; and makes the citizens to lose confidence in the democratic process thereby causing violence, insecurity and political instability. The paper also shows that the fundamental basis for the deployment of the smart card reader technology was to deepen the democratic and electoral process in Nigeria. However, this has generated controversy. The paper recommends that the constitutional and electoral framework for the card reader need to be revisited; massive campaigns and sensitization on the device should be embarked upon; electoral staff capacity building and development need to be upgraded to a contemporary global level in order for them to be abreast of the latest technology in election management and administration.

Keywords: democracy, democratic consolidation, election, electoral fraud, smart card reader

Introduction

One of the critical components of democracy is the freedom of choice of the people to elect their representative. This is very essential because elections are a means to an end, and that end is democratic governance and a democratic society (Sagay, 2008). Sadly, this constitutional right has always been breached in some democracies including Nigeria thereby making the people to lose confidence in the democratic process with the result being violence, insecurity and political instability. Indeed, the governments of some countries including Cote d' Ivoire, Peru, and Serbia all fell in the year 2000 as a result of popular rebellions against fraudulent elections. Similarly, the so called "Orange Revolution" in Ukraine in 2004 caused presidential elections to be completely re-held after extensive fraud was demonstrated (López-Pintor, 2010: 5). In Nigeria, the un-democratic behaviour of distorting the electoral process has been the subversion of the democratic process rather than its consolidation (Ibrahim, 2007). It appears the electoral fraudsters in the democratic process have mastered the art of manipulating the electoral process thereby undermining Nigeria's democratic consolidation.

In order to reduce this un-democratic attitude of election fraudsters, global attention is now being focused on the deployment of technology in the democratic and

electoral process. These technological solutions, such as electronic voting machines, polling station webcams and biometric identification equipment, offer the promise of rapid, accurate and ostensibly tamper-proof innovations that are expected to reduce fraud in the processes of registration, voting or vote count aggregation (Golden, Kramon&Ofosu, 2014). However, the use of technology in elections is not an end in itself, but assists in the various aspects of the electoral process and consolidation of democracy (ACE Project, n.d).

Worried about how to consolidate democracy and deepened the electoral process in Nigeria, the Independent National Independent Electoral Commission (INEC) adopted technologically related reforms including Biometric Register of Voters, Advanced Fingerprints Identification System, Permanent Voters Card and Smart Card Reader. Indeed, the smart card reader technology was the most controversial in the Nigeria's electoral process and consolidation of democracy. In view of this, what is the role of smart card reader in the consolidation of democracy in Nigeria? What can be done to address the challenges arising from the deployment of the card reader in Nigeria's democratic process? This study examines the role and challenges of the smart card reader in the consolidation of democracy in Nigeria. Qualitative content analysis was used for the data.

The Concept of Democratic Consolidation

Democracy is the political system in which the citizens freely elect their leaders and actively participate in the governance of the state. In other words, democracy is the effective contribution and involvement of the citizens of a state in the management of affairs of their country. Indeed, democracy entails among other things fundamental rights and basic people's freedom, equality before the law, mutual respect, dialogue, consensus, compromise, fair play, periodic, free and fair election, separation of powers, independent and impartial judiciary, accountability, majority rule, respect and safeguard of minority rights and popular citizen participation in decision making.

The advent of democracy on 29 May, 1999 in Nigeria after many years of military dictatorship came with great hope and expectations of a new dawn in the socio-economic and political existence of the populace. To Nigerians, quality service delivery, good governance, accountability etc. will no longer be a mirage in Nigeria. However, events since 1999 show that all known principles of democratic good governance have been constantly compromised and violated (Idris, 2009). In spite of the enormous human and materials resources available to Nigeria, it appears that the optimism and prospects of having a government of the people, for the people and by the people, and a government that will bring a fundamental transformation and improvement in the socio-economic and political life of its citizens had been dashed. This is in view of the enormous and overwhelming issues and challenges confronting Nigeria in its efforts towards democratic consolidation.

Democratic consolidation originally meant to mean the challenge of making new democracies secure, of extending their life expectancy beyond the short term, of making them immune against the threat of authoritarian regression, of building dams against eventual reverse waves (Schedler, 1998). In other words, democratic consolidation refers to the institutionalization of democracy, such that it becomes self-sustaining and secure from the threat of authoritarian regression (Linz & Stepan, 1996). Among the issues

confronting democratic consolidation in Nigeria are poverty and unemployment; corruption and bad governance; insecurity; inadequate social amenities; and lack of credible, free and fair elections.

The issue of credible, free and fair election is very important to the consolidation of democracy. Indeed, without election there cannot be democracy. This is because election is a critical component of the democratic process. It is through election that the relationship between the leaders and the people are established. Unfortunately, since the advent of democracy in 1999, Nigeria has not organised any credible, free and fair election to the complete satisfaction of the people and the international community.

Elections in Nigeria were characterised by serious and blatant cases of electoral fraud such as stuffing of ballot boxes, over bloated voting registers, special treatment of voters and election officials, disappearance or destruction of ballot boxes, distortion of results, grand standing of political sponsors (or god-fathers), intimidation of voters and political opponents by law enforcement agents and thugs (Inokoba&Kumokor, 2011). The implication of electoral fraud and the inability to conduct a credible, free and fair election posed a serious challenge to the consolidation of democracy by making it impossible for the people to elect their true representatives who could be questioned on their actions and activities.

Electoral Fraud in Nigeria's Fourth Republic: A Conceptual Analysis

One of the major threats to democratic consolidation is electoral fraud. Electoral fraud has led to lower voters' participation in the electoral process, mass protest and violence. Indeed, the effects of electoral fraud can be especially devastating in new democracies since serious fraud is likely to result in instability and an immediate erosion of the new government's tenuous credibility (López-Pintor, 2010). What therefore is electoral fraud?

Electoral fraud can be defined as any purposeful action taken to tamper with electoral activities and election-related materials in order to affect the results of an election, which may interfere with or thwart the will of the voters. In other words, electoral fraud refers to deceptive or negligent interference with the electoral process that intends to prevent the outcome from reflecting the will of the people (López-Pintor, 2010). Okolie (2005) refers to electoral fraud as encompassing all forms of electoral malpractices, irregularities and rigging, which have underlying criminal intents and purposes. He further argued that electoral fraud connotes criminal and illegal electoral acts, which unduly sway electoral victory to the desired particular unpopular direction. He concluded that electoral fraud connotes all forms of illegal activities perpetrated by fiercely-interest driven actors within the entire environment of electoral processes.

Electoral fraud is the most serious form of electoral malpractice, which is almost any wrongdoing affecting election procedures and materials, especially by government officials and political party and candidate agents. However, not all malpractice rises to the level of fraud. The most frequent types of malpractice take the form of irregularities, deficiencies, or flaws in electoral management at different levels during the electoral process, which can be addressed and corrected if good will exists (López-Pintor, 2010). Election fraud has become an issue for democracies in the world. However, most elections that experience any significant level of fraud are in poor or middle income countries or in countries with incomplete, new or unstable democratic institutions

(Golden, Kramon&Ofosu, 2014). Indeed, electoral fraud has been in existence since the advent of modern democratic development in the mid and late 19th century and still occasionally an issue in some well-established democracies (López-Pintor, 2010). Successive elections in Nigeria since the colonial period lacked the essential ingredients of democratic electoral process: transparency, fairness and freeness. This failure is due to several factors: manipulation of the decisions and activities at the various stages of electoral process by the governments and politicians; corruption of officials and electorates, violence during campaigns, polling and collation; rigging through the stuffing, snatching and destruction of ballot boxes (Alemika&Omotosho, 2008). In other words, electoral fraud has been part of Nigeria's democratic process even before her independence from the British colonialist.

Sadly, the electoral fraud did not abate even after independence. Indeed, since the inception of the fourth republic, series of general elections have been conducted with large scale electoral frauds and malpractices. In actual fact, the Nigerian electoral process has been crises-ridden. It seems each successive election since 1999 (except for 2011 and 2015) has been worse than earlier ones. The implication of this is that governments have always have issues with legitimacy.

The 1999 and 2003 general elections in Nigeria were marred by serious allegations of massive electoral frauds. Although, the 1999 general elections could be referred to as a transition election, as such, the massive electoral frauds were understandable, in that the military conducted the elections after many years of being in power. The 2003 general elections were very important to Nigeria because that was the first transition elections from one civilian government to another. The electoral frauds perpetrated in 1999 and 2003 general elections led to serious incidents of violence which left so many people dead and many others seriously injured. In fact, both the local and international elections observers adjudged the 1999 and 2003 general elections to be massively flawed with electoral frauds and malpractices

Nigerians were of the opinion that the first two general elections in the fourth republic would have brought a lot of lessons for the improvement of the democratic and electoral process. However, it appears no lesson was learnt considering the massive fraud in the 2007 general elections. As a matter of fact, the 2007 general elections were considered the worst in the history of electoral democracy in Nigeria. Truth be told, the 2007 general elections fell short of basic international standards. The election was not transparency and was poorly organized with significance evidence of electoral frauds, voter disenfranchisement, violence and partisanship by electoral officials and security agents. Undeniably, there was massive under age voting; mass voting by unregistered citizens; hoarding of result sheets by electoral officials; non-inclusion of pictures and/or names of candidates on the ballot paper; snatching of ballot boxes; massive thumb-printing votes for party candidates; lack of secrecy in balloting; intimidation of voters by violent groups and to a large extent security agencies.

The high level of electoral frauds and malpractices witnessed in the 2007 general elections led to the Nigerian citizens losing confidence in the country's democratic process. Indeed, lack of confidence by the citizenry in the democratic process is an impediment in deepening electoral democracy because if the citizenry does not believe in the fairness, accuracy, openness, and basic integrity of the election process, the very basis of any democratic society might be threatened (Alvarez & Hall, 2008: 134).

The 2011 general elections have its own fair share of electoral frauds and malpractices in the Nigerian fourth republic. However, there were improvements compare to the previous general elections in the fourth republic. Sadly, the 2011 general elections witnessed a large number of post-election violence particularly in the northern Nigeria where many people were killed and properties destroyed. This violence was beyond the issues in the elections as it tinted with ethnic, religious and intra-party issues. Indeed, the deployment of technology especially the biometric registration of voters greatly contributed to the success of the 2011 general elections.

The biometric voter registration technology enabled INEC to compile a credible register of voters and produce temporary voters' cards that were used for voting. Indeed, multiple voting was actually reduced. In view of the role of the biometric voter registration in the electoral process, more African countries are using the biometric voter register. As a matter of fact, no fewer than 25 sub-Saharan African countries (e.g. Sierra-Leone, Democratic Republic of Congo, Zambia, Malawi, Rwanda, Senegal, Somaliland, Mali, Togo, Ghana etc.) have already held elections employing a biometric voter register (Piccolino, 2015).

Many of the double registrations that have been done by the fraudulent politicians for the purpose of the 2011 general elections and subsequent elections in Nigeria were cleared from the biometric register after the use of the Advanced Fingerprints Identification System (AFIS) technology. In other words, the Automated Fingerprint Identification System was used in the 2011 general elections as a digital register to eliminate doubles from the register list. However, AFIS was not capable of verifying the identity of voters at the polling stations (Piccolino, 2015).

The 2015 general elections witnessed a significant improvement despite the high stake in the elections. In other words, the 2015 general elections witnessed less electoral frauds and malpractices compare to previous elections; despite the fact that, the 2015 general elections were keenly contested by political parties and candidates. Indeed, Nigerians went into the general elections with renewed determination to exercise their voting rights and stood stoutly to monitor and protect their votes with anything and everything (Momodu, 2015).

In spite of the deployment of biometric voters' registration technology and the subsequent issuance of Permanent Voters Card (PVC) to the electorate, stakeholders in the democratic process were still worried about massive electoral frauds in the area of voters' verification. In fact, one of the major electoral frauds usually perpetrated by electoral fraudsters is in the area of voters' verification. Some of the stakeholders (particularly the politicians) in the electoral process have taken the advantage of the manual voters verification by INEC to engage in multi-voting and impersonation.

To address this anomaly, INEC introduced the biometric voters' verification technology into the electoral process in order to conduct credible, transparent, free and fair elections; and to deepen democracy in Nigeria. However, the deployment of the biometric voters' verifications (smart card reader) technology generated debate among stakeholders in the democratic process.

Smart Card Reader and Democratic Consolidation in Nigeria

Dispute over electoral contest is usually over allegations of electoral fraud- one of the greatest threats to democratic consolidation in Nigeria. To help in reducing the

scope of electoral frauds and consolidate democracy in Nigeria, the smart card reader technology was introduced in 2015 by INEC. The smart card reader is a technological device setup to authenticate and verify on election day a Permanent Voter Card (PVC) issued by INEC. The device uses a cryptographic technology that has ultra-low power consumption, with a single core frequency of 1.2GHz and an Android 4.2.2. Operating System (INEC, 2015). In other words, the INEC card reader is designed to read information contained in the embedded chip of the permanent voter's card issued by INEC to verify the authenticity of the Permanent Voter's Card (PVC) and also carry out a verification of the intending voter by matching the biometrics obtained from the voter on the spot with the ones stored on the PVC (Engineering Network Team, 2015).

The smart card reader technology was deployed into the democratic space in order to prevent electoral fraud; to allow the electorates votes to count; to reduce litigations arising from elections; to authenticate and verify voters; to protect the integrity and credibility of elections; to audit results from polling units across the federation; and to ensure transparency and accountability. Others are to do a range of statistical analysis of the demographics of voting for the purposes of research and planning; to build public confidence and trust in elections; to reduce electoral conflicts; to ensure free and fair elections and to further consolidate democracy in Nigeria.

The smart card reader was the most highly contentious electoral issue in Nigeria's fourth republic democratic process. The smart card reader was one of the greatest innovations of biometric verification technology. As a matter of fact, as of early 2013, thirty-four of the world's low and middle income countries had adopted biometric technology as part of their voter identification system (Gelb & Clark, 2013). Indeed, African countries like Ghana, Kenya, Somaliland etc had adopted the biometric verification technology. The technology is particularly useful in settings where governments have not previously established reliable or complete paper-based identification systems for their populations (Gelb & Decker, 2012).

In spite of the laudable goals and objectives of the smart card reader, it generated debate among stakeholders in the democratic process. On the one hand, proponents of the smart card reader have viewed the innovation as a deliberate effort in deepening democracy in Nigeria through free and fair elections while on the other hand there have been arguments that INEC neither has the legitimate authority nor capacity to use the smart card reader (Policy and Legal Advocacy Centre, 2015).

The legality question concerning the smart card reader arose from Section 52 of the Electoral Act 2010 which prohibited electronic voting. However, INEC is also empowered by the Electoral Act 2010 to determine the procedure to use for any election. In resolving the smart card reader issue, the Supreme Court declared that the smart card reader is a supplementary measure to manual accreditation of voters during elections. The smart card reader technology has played significant roles in Nigeria's quest towards democratic consolidation. It has boost and strengthen public confidence in the Nigerian electoral process which is very critical to democratic consolidation because public confidence is a precondition for support for democracy. In other words, without public confidence, support for democracy will be reduced. Indeed, political participation through voting has gained some electoral integrity by way of Nigerians believing that with the use of the smart card reader technology their votes could count.

Besides, the use of the smart card reader reduces impersonation and multiple voting during elections. Indeed, the principle of 'one man, one vote' is universally accepted as an essential part of modern representative democracy, as such, multiple voting violates the principle of equality, distorts electoral outcome and causes loss of confidence in public institutions which undermine faith in democratic consolidation. In addition, the deployment of the smart card reader brought legal actions surrounding election issues to a barest minimum. Indeed, the total number of post-election litigations for the general elections of 2003, 2007, 2011 and 2015 are 560, 1290, 731 and 297 respectively.

The figures above show that the introduction of biometric technology in the electoral process starting from the 2011 general elections had led to a significant reduction in the number of post-election litigations. It must be stated that election litigations bring a whole lot of distractions to the consolidation of democracy; in that the beneficiaries of the electoral outcomes find it difficult to concentrate in governance and delivering effective public services to the people. This is not to suggest that those that engaged in electoral contests should not seek redress in the court of law if they feel that the electoral law has been breached. Indeed, seeking redress in the court of law where there is significant non-compliance with constitutional provisions may strengthen the democratic process.

Moreover, the use of the smart card reader has brought electoral conflicts and violence to a very minimal level. Some of the electoral stakeholders (political parties and candidates) in Nigeria are fond of attacking and degrading each other before, during and after every electoral contest thereby creating tension and acrimony among the people and the democratic process which usually result into the death of persons and destruction of properties. Indeed, electoral conflicts and violence is a threat to democratic consolidation in Nigeria. However, the smart card reader contributed significantly to lessen the tensions among the political gladiators as elections appear to be seen to truly reflect the will of the people. Furthermore, Nigeria's democratic capacity has increased and its democratic institutions strengthened. Nigerians and Nigeria's democratic institutions now understood better the knowledge needed to have a free and fair election in order to consolidate democracy (Alebiosu, 2015).

Challenges of the Smart Card Reader in the Consolidation of Democracy in Nigeria

It would have been expected that considering the efforts and huge sum of money expended on the smart card reader technology, a seamless service would be delivered afterward for the purpose of ensuring that the democratic process is deepened. Sadly, the biometric technology has some challenges in the quest towards democratic consolidation in Nigeria, namely; inadequate information on the technology device, INEC capacity building and the attitude of the political class in Nigeria.

The inadequate information in Nigeria about the smart card reader was largely responsible for the inadequate massive support the technology device would have garnered for the democratic process. Considering the fact that the biometric technology device was a new innovation in the democratic process, a lot of Nigerians misconstrue the role of the device in the electoral process, as such; there was no adequate support for the values which the smart card reader represents. Indeed, democracy can only be considered to be consolidated when the vast majority of its citizens endorse and support

democratic values, procedures and institutions (Linz & Stepan, 1996) like INEC. In other words, citizen support for democratic rule is an essential condition for the consolidation of democracy.

The Independent National Electoral Commission (INEC) capacity building for the effective use of the smart card reader was largely insufficient. A large number of ad-hoc and permanent staff of INEC do not usually have the benefit of receiving adequate training on the handling of the biometric device, a technology that have a significant role to play in the future of democracy in Nigeria. The implication of this is that the device is poorly handled thereby functioning very badly on election days. The technical capacity of INEC to imbue adequate skills and provide tools to temporary and permanent staff to deal with any issue arising from the deployment of the smart card reader call to question the role of INEC in the consolidation of democracy in Nigeria.

The attitude of some of the influential political class in Nigeria towards the smart card reader is worrisome. Many of this group of people still feels that the biometric device is a threat to their political career. They have carried on within the democratic space in a way and manner that suggest that they have a sinister intention towards Nigeria's democratic consolidation. Indeed, the body language and statements of some of Nigeria's political elites in respect of the smart card reader portend danger for democracy.

In actual fact, one cannot undermine and should not undermine what the political elites in Nigeria can do to her democracy. They can pull the strings beyond ones expectation. For instance, during the 2015 general elections, there were un-confirmed security reports of importation of certain equipment by some political elites to jam the network signal of the smart card reader in certain regions of Nigeria for the purpose of causing confusion, destabilize the process and finally take advantage of the situation. All of these activities are threats to democratic consolidation.

Recommendation

Massive campaigns and sensitization of the card reader should be embarked upon immediately especially in the rural areas in order to make all Nigerians key into the technology. The adequate knowledge and information about the card reader will enable the people to show understanding, cooperation and support for the democratic and electoral process. Indeed, this will bring about a legitimate electoral process and public confidence in the democratic process.

Also, the constitutional and electoral framework for the introduction of the device will need to be revisited, so as to clear all ambiguity in respect of the technology. In other words, there is need for the Electoral Act and the 1999 Constitution to be amended to include the biometric verification technology. This should be expressly stated in order to clear all uncertainty of the device in the democratic process.

In addition, INEC staff capacity building and development in respect of the biometric technology and every other technologically related reform that have taken place in the Nigerian electoral administration and management should be upgraded to contemporary global level in order for the staffers to be abreast of latest technological changes.

Furthermore, Special Court for electoral offences should be established by the Nigerian government to deal with electoral fraudsters and other related electoral offences

as stipulated in the Electoral Act in order to serve as deterrent to those intending to commit electoral frauds.

Conclusion

There is need to address the unnecessary altercations in respect of the card reader among the stakeholders in the democratic process. This is because the various statements being made appear to be heating up the polity. No doubt, there are challenges in the deployment of the smart card reader in the democratic and electoral process. Indeed, some of the card readers have failed to work effectively due to technical issues and mishandling of the device. However, the card reader generally have played a significant role in the consolidation of democracy in Nigeria. Therefore, INEC should be given all the necessary support to gradually deploy technology in the electoral process, so as ensure that Nigeria's democracy is deepened.

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