



By Lorenzo Bagnoli



Since 2007, Kenyans and the world have become aware of the risks involved in Kenyan elections. They have always had the potential to turn violent, but the violence following the 2007 poll was unprecedented. In order to avoid similar conflicts, Kenya adopted the use of a technological panacea: the electronic vote. Twice. The first time was in 2012 when a new electronic system was supposed to guarantee a smooth voting procedure. That didn't happen. Five years later, in August 2017, history repeated itself.

The August elections were a complete disaster, with the Supreme Court forced to reject the results of the presidential contest for the first time in Kenya's history. The Supreme Court ruling was not just important for Kenya but for the whole world. It brought to the fore the reality that technology is not a panacea for the sickness of a corrupt society. It showed that nothing can heal corruption except good governance. In a corrupted society, any kind of technology can be manipulated for personal or selfish reasons, especially during an election.

The story of the failure of electronic election systems has a main character, a character that has changed names multiple times. Today it is called Idemia, but in 2012 it was known as Safran Morpho and was part of one of the biggest security companies in Europe. Based in France, the Safran Group is a giant in the security industry: its products ranged from ID software to helicopters. It also provides tools and machinery for international law enforcement agencies like Interpol.

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In September 2016, Safran started a negotiation in order to sell Morpho and its identity and security arm. Morpho had been part of the group since 2007 and in 2010 had changed its name from Sagem Defense Sécurité to Safran Morpho. It was the technological security solutions arm of the Safran Group.

Up till 2014, Morpho had been buying up new companies around the world. But then in 2016 something changed. In April, Morpho sold the US branch, Morpho Detection, to Smiths Group for 615 million euros. It was a clear signal that Safran wanted to stay focused only on its core aerospace and defence activities.

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In October 2016 Safran succeeded in finding a buyer for Morpho, which by then had again changed its name to Safran Identity and Security. The deal, which was finalized in May this year, was highly profitable for Safran. Morpho was acquired by Advent International, a US global private equity investor, at the cost of 2.425 billion euros. As stated on its website, over the past 26 years "Advent has completed more than 70 investments in the [technology, media and telecom] sector across 24 countries worldwide." Among these investments was the purchase in 2011 of Oberthur Technologies (OT), a digital security and identification company specialising in IDs. Advent now intended to merge OT with Morpho to create "a global leader in identification and security, based in France, with over €2.8 billion in revenue" and to "accelerate the convergence between governmental and commercial markets."

The name Oberthur should prick Kenyans ears. The Anglo Leasing scandal, which rocked the Mwai Kibaki regime in mid-2000s, featured a company named Francois-Charles Oberthur Fiduciaire which had been sub-contracted by the fictitious firm to install a controversial passport control system at a hugely inflated cost of 30 million euros. It was FCOF that sold Oberthur Technologies (where it still retains a 10 percent holding) to Advent.

When the Advent purchase of Morpho was completed, the first press release from the company presented OT-Morpho in this way: "Oberthur Technologies (OT) and Safran Identity & Security (Morpho) are joining forces to create a world leader in digital security and identification technologies with the ambition to empower citizens and consumers alike to interact, pay, connect, commute, travel and even vote safely in ways that are now possible in a connected world." The main areas of focus of the new OT-Morpho was biometrics, authentication, digital security, and data and video analytics.

NASA identified the Egyptian engineer Bavly Farag, employed by Morpho, as the one who hacked the vote. NASA also claimed that the contract was a fraud and came with a bribe and without any tender. But how to prove this?

The name OT-Morpho was temporary: it switched into Idemia at the end of September 2017. The European Commission had approved the merger in May 2017 after a long investigation to evaluate how the new company would affect the market for supplying identification and security solutions, including smart cards for the banking sector, telecommunication sector and identity document sector. In France, Idemia is by far the strongest company in the field.

The European Commission had focused its investigation on OT's and Morphos's overlapping activities in smart card markets. "In view of the remedies proposed, the Commission concluded that the proposed transaction, as modified, would not significantly reduce competition in the European

Economic Area (EEA) or any substantial part of it, including France,” the EU executive said in a statement. Big deal. Especially because in Europe there is a new growing market seeking for secure technologies to support growing democracies elsewhere.

Back in 2012

“On Monday 12 November 2012, the Independent Electoral and Boundaries Commission of Kenya (IEBC) plans to start the biometric voter registration (BVR) process in an effort to develop a new voter’s roll for the upcoming general elections scheduled for 4 March 2013”, wrote Emmanuel Kisiangani and Mashaka Lewela in a report issued by International Security Studies Africa in 2012: After the mayhem of 2007-2008, this was the first attempt by Kenya’s electoral body to ensure that the country would not risk another disputed election. It was a false hope.

For the 2013 election, the South African company Face Technologies was granted the contract. However, all the procedures to capture biometrics (namely, fingerprints, facial features, name, gender and identification number) started very late, just a few months before the elections. But worse was yet to come.

On the day of the election, many of the Biometric Voter Registration (BVR) kits did not work either because of equipment failure or simply because IEBC staff had neglected to charge them. Ian Minty, the tender office executive manager at Face Technologies, told *The Standard* that the electoral kits had been assembled in China. “They were also tested before and during training. No failures were reported,” he added. The tender for more than 30,000 poll books was Sh1.4 billion, the lowest price. Other shortlisted competitors included Safran Morpho which bid Sh1.54 billion and Avante Technologies (Sh2.2 billion).

Face Technologies had a good reputation. Born in 1993 as a state-controlled IT company in the late ‘90s, it has helped many African and Asian countries to set up their democratic voting system. This market was growing rapidly in those years, as the story of Morpho already showed.

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However, Kenya is difficult ground. Shortly after the tender was awarded to Face Technologies, allegations of corruption among top officials of IEBC came up. The process of acquiring the biometric kits was riddled with controversies that undermined confidence in the voters’ roll. The Kenyan government tried to fix the situation with a new government-to-government deal under which Morpho supplied over 15,000 BVR kits and associated services through its Canadian branch.

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Here history becomes paradoxical: Following the annulment of the 2017 presidential election, members of the Jubilee party, including the then Justice Minister, Eugene Wamalwa, claimed that it was in fact then Prime Minister, Raila Odinga, who played a critical role in the negotiations for the 2012 deal that let Morpho be part of the 2013 elections he would subsequently dispute.

The results of the 2013 electoral competition are still questioned. Lawyers for Mr. Odinga filed a petition at the Supreme Court requesting a new vote which the court rejected. But the mystery of the failure in the digital transmission of data is still unsolved. The IEBC itself would only claim that

the system had been overwhelmed.

Controversies of 2017

The list of accusations against OT-Morpho over the 2017 election is long. According to the National Super Alliance (NASA) coalition, the electoral system was hacked and part of the team of the so-called Kenya programme at Morpho was colluding with the IEBC. NASA identified a Morpho employee, the Egyptian engineer Bavly Farag, as the one who hacked the vote. NASA also claimed that the Morpho contract was a fraud and came with a bribe and without any tender. But such allegations are inherently difficult to prove or disprove.

The French company's reaction was strong: "We do not intend to become the scapegoat of the political situation in Kenya," Chief Operating Officer Frederic Beylier said in a phone interview published by *Bloomberg* on 15 September. "We do not accept that the reputation of OT-Morpho and its employees is tainted in any way by these allegations. This has to come to an end." Moreover, Morpho denied any hacking or manipulation of the results.

The key question is still whether it is necessary to introduce electronic systems for better democratic outcomes in African countries. For Kenya, the answer seems to be yes.

For the upcoming re-run in October, the French company was granted another contract for Sh2.4 billion, in addition to another to re-configure the 40,883 Kenya Integrated Elections Management System (KIEMS) kits it had supplied for the annulled election, which tablets were used to biometrically identify voters and to transmit election results from the polling stations. Once again, Raila Odinga, the man who had allegedly supported Morpho Canada in 2012, cried foul. "The Sh2.4 billion contract for an election involving only two candidates is not only outrageous but an act of fraud and deliberate theft of public funds and bribery. Furthermore, we are aware the Sh2.4 billion awarded sum is way above the Sh.800 million that the IEBC's technical committee recommended," he declared.

The process requires time and this is the reason behind postponement of the vote to 26th October. But is this enough to avoid another failure?

The market is growing

The key question is still whether it is necessary to introduce electronic systems for better democratic outcomes in African countries. For Kenya, the answer seems to be yes. One of the key weaknesses of the 2007 general elections lay in the voter registration and results transmission processes. For this reason, the Kriegler Commission recommended the adoption of new electronic procedures, which were partially adopted for the 2013 election.

Other countries in Africa have also attempted to put in place the e-vote system. In 2012 and 2016 Ghana had a strong digital component in its elections. Namibia had its first fully e-voting election in 2014. Botswana and Nigeria are planning to have the same in 2019. (Nigeria has had prior experience with Safran Morpho: in 2012, a French court fined the company half a million euros for bribing public officials in Nigeria to win a 170 million euro contract to make identity cards. Earlier this year, the company also announced that Nigeria had retained it to provide an upgraded automatic biometric identification system.) Zimbabwe will have biometric voter recognition in 2018. Gemalto is the most widely used company in Africa but Oberthur Technologies has already worked in Ethiopia and Algeria.

“I think it is a crucial point and we should all think about how observers can deal with this, because there is now a black box that very few people can look into,” said Marietje Schaake, the European Union’s chief observer for the August 2017 vote. She raised the point that despite the enormous importance of the electronic vote, private companies that provide the tools “may be more concerned about their reputation than about serving the public interest.”

In 2013 the system failed to identify voters and transmit the vote counts; in 2017 the system failed to transmit the results to the IEBC. “I think it is a crucial point and we should all think about how observers can deal with this, because there is now a black box that very few people can look into,” said Marietje Schaake, the European Union’s chief observer for the August 2017 vote. She raised the point that despite the enormous importance of the electronic vote, private companies that provide the tools “may be more concerned about their reputation than about serving the public interest.”

The irony is that in European countries, such as Germany, the electronic voting system is not used because it is considered less transparent than the manual voting system. Even in the United States there are attempts to return to paper votes. The difference between Kenya and these countries is that bribery and rigging are not key determinants of election results, so it does not matter much if the elections are conducted using manual or electronic systems.

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