

THE IMPACT OF ELECTORAL MALPRACTICES ON SOMALIA'S DEMOCRACY: A CASE STUDY OF 2021 UPPER HOUSE ELECTION IN SOUTHWEST STATE

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ABSTRACT

The purpose of this paper was to examine the impact of electoral malpractices on Somalia's democracy, a study with special reference to the 2021 upper house election in the Southwest State. The study critically investigated the election process for the upper house senates from the Southwest State of Somalia by describing the attendant problems as well as the malpractices associated with it. The study used descriptive and analytical methods through the case study method. It drew heavily on secondary sources of information, the internet, journals, magazines, newspapers, and unstructured interviews for its data. The paper found out that electoral malpractice in the Southwest State of Somalia is closely related to the type and forms of historical political systems practiced by each society, coupled with the class structure, social stratification, and constitutional crisis experienced in the country. The study concluded that there will always be electoral malpractice until elections become completely competitive, electorates are free to choose between alternatives, and a liberal political system is implemented.

Keywords: democracy, electoral malpractices, senates, constitutional crisis

INTRODUCTION

Uncertainty about the legitimacy of elections is not a new phenomenon in the world that has swept democracy, and many states are currently grappling with it in the face of growing political distrust (Norris, 2018). Establishing electoral legitimacy and credibility is critical to the country's political profile, as it mitigates the impacts of electoral fraud and combats political nexus, while also bringing peace and growth (Isma'ila & Othman, 2016). Electoral tampering is a direct violation of basic fundamental rights and freedoms such as freedom of association, freedom of assembly, freedom of expression, and the right to choose one leader, among many other important rights and freedoms that are universally recognized and protected today as essential characteristics of modern democracy (Adesanya, 2020).

The illegal election could significantly damage the country's economy, extensively spread political instability, extreme poverty, and led long-irregular conflicts among citizens, as a lot of nations have been suffering from the negative impact of political corruption on peace and democracy (Simpser, 2013). In order to maintain democracy, improve human development results, galvanize reasonable economic growth, and increase resilience to external shocks, any state must address corruption. Despite the significant risks associated with anti-corruption reform, institutions often reveal corruption schemes, which should spur change and hold corrupt players accountable (Boehm, 2015).

States in Africa and the Middle East are usually seen as less democratic in discussions about the expansion and prospects of democracy in the global South, owing to dictatorships, monarchies, and dynastic rulers, and this is accurate in terms of democratic deficits in the two regions (Tar, 2010). No doubt that African states are less experienced in good governance and liberal democracy, where political powers are not seriously followed by the rule of law and other enforcement mechanisms, administrative inefficiency, political corruption, economic mismanagement, and social decay have further undermined the authority of autocratic leaders and national institutions (El-Khawas, 2001).

Somalia is considered as a place where there is no order, no democracy, no safety, and never an easy environment for free and fair elections as it is one of the African states that has not yet graduated from war, political instability, extremism, and a leading world corruption index every year (Menkhous, 2017). On the ground, the 2021 upper house elections in all federal member states, including the Southwest State of Somalia, were marred by electoral manipulation and misconduct as electoral stakeholders have raised concerns, disappointing, as corruption, abuses of power, and economic crises continue to plague national life (Garowe Online, 2021). Despite the fact that the Al-Shabab insurgency has resulted in the most violent incidents, fatalities, and other dangerous cases in the South West state, election-related volatility was lower than in other Somali states (Carboni & Daud, 2021).

In Somalia, the existing indirect election format has a direct negative impact on democracy and political inclusive, as it casts doubt on the credibility of free and fair senate elections. The indirect electoral system takes into account the fact that state assemblies will vote on the Upper House, which will be overseen by state election committees. Numerous problems were publicly reported in the 2021 upper house election process, including corruption, partiality, political retaliation against specific individuals, and other gaffes. The elected senates have decided to establish norms such as clan membership, ability to pay required fees, and other requirements. The election for the Senate

Statement of the Problem

Today, free and fair elections instruct the country's political profile classification on to what extent democracy is being practiced in the country (Aluaigba, 2016). The utmost difficulty and projecting feature of any significant democracy acknowledged all over the world is the conduct of acceptable, credible, free and fair elections at all tiers of government, which can bring true and stable political progress that is determined by free and fair elections (Ekka, 2019). Democratic elections are an essential component of liberal democracy, but most African states appear to be in a democratic crisis, owing to the continent's popularity for dictatorship regimes and other anti-democracy aspects (Abejumobi, 2019). Political corruption and violence are major impediments to free and fair elections in developing countries (Ila and Othman, 2016).

The 2021 Upper House elections in Somalia, particularly in Southwest State, have been marred by numerous irregularities, with corruption, favoritism, political retaliation against specific individuals, and other blunders. The elected senates have chosen to specify norms like clan membership, the ability to pay necessary fees, and other conditions. The Senate election happened over all federal member states of Somalia was plunged into unprecedented constitutional confusion, which resulted in the five federal member states' difficulty agreeing on the terms of the senate election mechanisms. Every election in Somalia related to both parliamentary houses can experience malfunctioning, delay of election, snatching of ballot boxes, high levels of insecurity, and destruction of lives and properties. All these have always

greeted the federal or state electoral process, thus slowing the growth of democracy in Somalia.

This study was investigating the impact of electoral malpractices on Somalia's democracy, with a special focus on the 2021 upper house election held in the Southwest State of Somalia. As a result of this, many Somalis are disappointed in being candidates and voting during elections as they have this mindset that elections are unfair elections.

LITERATURE REVIEW

The type of government that exists in Somalia is a federal parliamentary system of government where the President is the head of government, to whom the Cabinet reports through the Prime Minister. Since when Somalia got its independence, the country has been experiencing presidential and parliamentary elections. The current system is bicameral, consisting of an Upper House and a House of the People. All elections held in Somalia were indirect elections, as it was clear that they would not end up peaceful, inclusive, and transparent elections. Somalia has never held an election based on equal representation voting or one man, one vote, for it is all government ties.

According to Norris & Pippa (2012), a formal decision-making process in which a group of people picks a candidate for public office is known as an election. Electoral violence, unfortunately, causes significant carnage and destruction in the majority of developing countries, destabilizes fledgling democracies, and halts human development progress. Democracy, together with effective application of a country's norms and regulations, is often regarded to reduce corruption. Democracy reduces corruption to a great level, and the effect is much larger than estimates that do not account for indigeneity. As a result, democracy may be more important in preventing corruption than prior research suggests (Kolstad & Wiig, 2015). Electoral manipulations and political distrust seem to be on the rise almost everywhere in the world. For instance, the only credible opposition leader in Russia, Alexei Navalny, was rejected to be part of the presidential elections in 2018; in the Italian 2018 general elections, there was restricted politicization of media regulation, lack of media diversity, and many political hazards still exist around the world (Mauk, 2018).

According to Samatar (2021), by the mid-1990s, the world had recognized Somalia as Africa's first failing post-colonial state. However, this large country of only 10 million people had a magnificent past before to the disaster. In 1964 and 1967, it was the first country on the continent to have a democratic transition of power; in the 1960s, Somalia gained a reputation for holding the most democratic elections on the continent. The continent was engulfed in dictatorships at the time, reeling from deadly military coups and stumbling under one-party control. Somalia has found itself in a difficult situation in terms of international relations and the general election in 2021. Despite having quite good political lessons about a smooth transition of power and a new election model that has been implemented for the late governments, Farmajo's administration increased numerous inconveniences and recurrent political distrust of Somalia's citizens. But, these political challenges are not new. One thing that has yet to remain unmanaged is electoral disputes and electoral manipulation and misconduct. Irrespective of the outcome of the election impasse, the impacts thereof will have long lasting effects on Somalia's democratic hopes (Parker, 2021).

According to Saxena (1993), the subject of restoring democracy in Somalia must be considered in the perspective of the wider restoration of democracy in East Africa as a whole, as well as its historical context. In Africa, the current push for democratic elections is still relatively sluggish. In the situation of Somalia, a free and fair election at all levels of

government is logically impossible. The immediate objective must be to terminate the civil war and place the entire country under the administration of a national unity government. Somalia, which hasn't had a democratic government since independence, will need a long period of peace and stability.

Electoral fraud and malpractice are both significant threats to the democratic process, but they are not the same. Although any electoral assistance programming can address fraud and malpractice concerns in an indirect manner, election managers and other key stakeholders play a significant role in addressing election process integrity in a proactive and direct manner.

The Senate of Somalia

When Somalia adopted a bicameral legislature and formed its 10th Parliament in 2016, the upper house was created. This was after the mandates of Article 61, section (3), and Article 71, which established the Upper House and discharged the 9th Parliament's powers.

In 2012, the electorate rose from 135 elderly men to almost 14,000 people, preserving the women's quota for 30% of the overall electorate seats. The Senate of Somalia is responsible for facilitating Federalism Principles, originating and amending legislation, evaluating bills, and performing oversight tasks on behalf of the Federal Member States.

The Senate is made up of 54 senators from all federal member states. The Senate is made up of senators who each represent the entirety of a single state.

According to Asha A. Siyad, Executive Director, Somali Women's Leadership Initiative, due to the country's clan-based political structure, women's political engagement is limited and they play a minor role in decision-making. Furthermore, she stressed that women have won 26% of the seats in the Upper House, which is a very modest percentage of the total Upper House election (UN Security Council, 2021). The composition of senate seats for each Federal Member State in Somalia is shown in the table below.

Table 1. Senate Composition

State	Number of Senate Seats	Percentage
Somaliland (self-declared independence)	11	20%
Puntland	11	20%
Southwest	8	15%
Jubaland	8	15%
Galmudug	8	15%
Hirshabelle	8	15%
Total	54	100%

Electoral Stalemate

Somalia is engulfed in a deepening political crisis. The long-running electoral impasse came to a head on April 12, 2021, when incumbent President Mohammed Farmajo signed a

contentious law passed by the Lower House of Parliament, thus extending his and Parliament's terms by two years. Despite signing the September 17 Agreement, which called for indirect elections, Somalia's political leaders have failed to reach an agreement on the election's timetable and protocols. Disagreements over the composition of federal and state electoral committees, the security problem in the Gedo region, and the challenges of managing votes from Somaliland are among the key concerns that have contributed to the impasse. Elections in Somalia are critically needed. The country's ongoing stabilization and nation-building efforts may be exposed by recent dynamics characterized by armed bloodshed and security sector schisms. External partners in Somalia are instructed to work together to urge leaders back to conversation and support a mediated process leading to a consensus and inclusive electoral path (Joel et al., 2021).

During Farmaajo's term, Somalia faced its worst constitutional and political crisis, increased inter-clan conflicts, and this left an immensely bad political footprint for the country as well as threatened diplomatic ties and security in the entire Horn of Africa region. Politically, Somalia is not much different today than it was during the civil war. Considering the Arta peace process, political groups, particularly the Darood and Hawiye clans, are only aiming to compete for power and wealth, but never put the need to rethink governance on the agenda. The immense and ongoing efforts to rebuild the nation, from security to the constitution to the reconciliation process, are national priorities.

Electoral Malpractice: Disabling Free and Fair Elections

Over the last four years, state presidential and other local elections have been held in each of the five federal member states during Farmaajo's political office term. With the notable exception of Puntland, these elections were incorrectly predicated on obtaining certain outcomes and Farmaajo's satisfaction. The federal administration was in charge of rigging local elections in Southwest, Galmudug, and Hirshabeelle so that its friends could return the favor by directing federal parliamentary elections. Furthermore, the incumbent president of Jubbaland planned his re-election campaign in such a way that his rivals were unable to fight on a level playing field (Heritage Institute for Policy Studies, 2021). Since the establishment of the Transitional Federal Government of Somalia until the administration of Hassan Sheikh Mohamoud, Somalia has progressed slowly in terms of political development, with inclusive elections and a peaceful handover of power to the next chosen president. Unfortunately, following Farmaajo's election, Somalia's political situation devolved into indirection politics, escalating clan-based violence and severing diplomatic ties with many bordering states (Hills, 2021).

Politics in Somalia: No Separation between the State and the Ruling Party

If one goes back far enough in time, Somalia has been in a political crisis from the moment it won independence until the present. The situation arose from a long-standing trust gap between the centrifugal and centripetal forces in Somalia, which has grown worse with each passing year. Every president's administration fails to adequately manage the country's complex political situation. This simply shows why democratization and political maturity in Somalia were never going to happen. It lacked what appeared to be essential for constitutional democratic politics. In Somalia, there is no distinction between the state and the ruling party (Elmi, 2021). One of the key mechanisms of Somalia's political settlement is holding an election every four years, as the country's provisional constitution says. However, every political party is causing delays, deeply corrupt governments, and other tenuous situations with the aim of re-electing a majority of the parliamentary seats that belong to the current ruling party.

METHODOLOGY

The study is qualitative in nature, and its content uses unstructured interviews and secondary data to describe the impact of electoral malpractice on Somalia's democracy, with a focus on the 2021 upper house election in Somalia's Southwest State. In its analysis, it used descriptive and analytical methodologies as well as the case study method. The paper drew heavily on secondary sources such as unstructured interviews, the internet, journals, magazines, and newspapers for its data.

Farmaajo's Political Tenure: Vengeance, Electoral Crisis, and Violence.

Apart from Somalia's long-running political instability and the worst insecurity ever, which has had the country tipped into civil war and violence in the past years, nothing is worse than what Farmaajo and his team have done during their tenure. Farmaajo's administration has steered the country into a new dangerous phase, characterized by dictatorial ideology, the misuse of all kinds of national arms for his own political gain, state internal policy swapping, and revenge killings targeting specific politicians from power clans, particularly those with political will.

Trust and support from the citizens in and out of the country for Farmaajo's administration have turned into regret due to his leadership problems, increased political assassinations, and double clan clashes in all regions in the south-central parts of Somalia. The violence comes on the back of the Somali elite's repeated failure to agree on how to hold an election, with the temperature continuing to rise after President Farmajo ran over his term limit and stayed in office. Tensions escalated further when parliament on April 12th, unconstitutionally, extended Farmaajo's term by two years (Mahmood, 2021). This has resulted in heavy fighting between rival army units and troops loyal to Farmaajo fighting in the streets of Mogadishu, and has been witnessed for the first time in history, fighting for a couple of days in the capital of Somalia.

CONCLUSION

After being delayed several times, Somalia's upper house election was completed late in 2021 as a result of political turmoil in all federal member states of Somalia. Numerous irregularities have marred the 2021 Upper House elections in Somalia, particularly in Southwest State, including corruption, favoritism, political retaliation against specific individuals, and other gaffes. The elected senates have decided to specify norms such as clan membership, ability to pay required fees, and other conditions. The Senate election took place across all federal member states of Somalia, causing unprecedented constitutional crisis and making it difficult for the five federal member states to agree on the terms of the senate election mechanisms. All senators from the federal member states in Somalia were elected by their respective state legislatures, and it is believed that the elections were not free and fair as many candidates were blocked from running for a seat; this is because the state president only submitted a list of candidates who were seen as his political interests.

The study concluded that there will always be electoral malpractice until elections become completely competitive, electorates are free to choose between alternatives, and a liberal political system is implemented.

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