
A COMPREHENSIVE POLICY AND CONSTITUTIONAL STUDY

**ELECTIONS, CONSTITUTIONAL CRISES, AND THE EROSION OF
STATE BUILDING IN SOMALIA (2011–2026)**

Abdulkadir Yusuf

Somali Centre for Rule of Law and Good Governance

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ABSTRACT

This study provides a comprehensive examination of the relationship between electoral processes, constitutional governance, and state-building in Somalia from 2011 to 2026. Drawing on political science scholarship and constitutional analysis, it argues that Somalia's recurring electoral crises are simultaneously political and constitutional in nature: each electoral cycle since the 2011 Kampala Accord has deepened institutional fragility, normalised elite bargaining as a substitute for constitutional processes, entrenched systematic bribery and vote-buying, facilitated unconstitutional term extensions, produced contested and politically captured electoral management bodies, and diverted scarce governance capacity from foundational state-building tasks. The study surveys every electoral cycle from the Transitional Federal Government's final years through the forthcoming 2026 elections, drawing on the Royal United Services Institute, the International Crisis Group, the European Council on Foreign Relations, the Africa Centre for Strategic Studies, Freedom House, constitutional scholarship, and primary reporting. It identifies six structural mechanisms of electoral erosion and concludes with integrated legal, constitutional, and policy recommendations for Somalia's political stakeholders and international partners.

1. Introduction

The relationship between elections and state-building is among the most contested questions in post-conflict governance. In consolidated democracies, elections function as mechanisms of accountability, peaceful power transfer, and institutional legitimacy. In fragile and conflict-affected states, however, premature or poorly sequenced electoral competition frequently exacerbates instability, fragments alliances, and hollows out nascent institutions (Paris, 2004; Mansfield & Snyder, 2005).

Somalia is a paradigmatic illustration of this dilemma. Since the collapse of the Siad Barre regime in 1991, successive internationally sponsored political processes have attempted to reconstitute a functioning central state, consistently treating elections as both a means and a marker of progress. Somalia's last elections under a genuine multi-party system with universal suffrage were held in 1967, months before Siad Barre came to power in a military coup (ICG, 2025). Every electoral cycle since the formal end of the transitional period in 2012 has instead triggered political crises, militarised clan rivalry, constitutional impasses, systematic bribery, and governance paralysis.

Two analytical perspectives illuminate this failure. The first, drawn from political science and peacebuilding studies, focuses on the structural mechanisms through which elections in fragile states erode rather than consolidate institutions. The second, rooted in constitutional and legal analysis, examines how Somalia's incomplete Provisional Federal Constitution, the absence of a Constitutional Court, and the capture of electoral management bodies by partisan actors have transformed elections from constitutional processes into arenas of elite bargaining. This study integrates both perspectives to produce a comprehensive account of Somalia's electoral experience from 2011 to 2026.

The argument advanced here is not against elections per se, but against the sequencing logic that privileges procedural democracy over the institutional foundations that make elections meaningful. Somalia's electoral crises are symptoms of a deeper constitutional

and institutional deficit one that requires structural reform before the ballot box can serve state-building rather than undermine it.

2. Theoretical and Constitutional Framework

2.1 State-Building, Democracy, and Fragile States

State-building, in its Weberian sense, requires the construction of institutions capable of exercising a monopoly on the legitimate use of force, delivering public goods, and projecting authority across a defined territory (Weber, 1919; Tilly, 1990). International peacebuilding doctrine has consistently linked this project to democratic elections, premised on the liberal peace thesis that democratic governance produces stability (Paris, 2004). Critics of this orthodoxy, however, have demonstrated that elections in fragile states can deepen violence, empower ethnic entrepreneurs, and generate winner-take-all dynamics that destabilise power-sharing arrangements (Mansfield & Snyder, 2005; Collier, 2009).

Somalia fits this analytical category acutely. With no effective national army, a contested and incomplete Provisional Federal Constitution, unresolved federalism, an active Islamist insurgency from Al-Shabaab, and a political economy organised around clan networks, elections activate precisely the conflict-inducing dynamics that institutional theory predicts.

2.2 Constitutional Prerequisites for Credible Elections

From a constitutional perspective, credible elections require at minimum: a settled constitutional framework that defines electoral authority and resolves federal-state power relations; an independent Electoral Management Body (EMB) insulated from executive capture; a functioning judicial mechanism such as a Constitutional Court capable of resolving electoral disputes through law rather than negotiation; and enforceable term limits that prevent incumbents from using elections as instruments of self-perpetuation.

The Provisional Federal Constitution adopted in 2012 envisaged precisely these mechanisms. It provided for an Independent Electoral Commission to administer elections, for electoral laws to be enacted by the House of the Federal Parliament, and for a Constitutional Court to resolve constitutional and electoral disputes originally Articles 47, 64, 72, and 109 of the 2012 Provisional Constitution, and subsequently amended to Articles 48, 49, and 131 respectively under the newly adopted Constitution. In practice, none of these mechanisms was fully operationalised. Most critically, the Constitutional Court which Article 135(2)(a) of the Provisional Constitution required to be established within sixty days of the government being sworn in following the 2012 elections was never constituted. The Electoral Commission was formed through unilateral executive appointment processes, in direct contravention of Article 57 of the newly adopted Constitution, which mandates that its members be appointed through an independent, transparent, and impartial process; and electoral laws were prepared by sitting governments rather than developed through an independent commission, as the constitutional framework had intended. The result was a constitutional architecture that existed on paper but was systematically bypassed in practice one whose most critical enforcement mechanisms, the Constitutional Court and an independent Electoral Commission, remained either absent or compromised throughout every subsequent electoral crisis.

3. Electoral History: A Chronicle of Constitutional and Political Crises (2011–2026)

“Insanity is doing the same thing over and over again and expecting a different result.” The chronicle of Somalia’s electoral experience from 2011 to 2026 is, above all, a chronicle of repetition. The same constitutional ambiguities left unresolved, the same elite bargains substituted for legal process, the same bribery tolerated, the same term extensions attempted, and the same international interventions required to enforce outcomes that domestic institutions could not. The sections below trace this pattern cycle by cycle.

3.1 The 2011 Kampala Accord: The Origins of Extra-Constitutional Governance

The practice of treating constitutional timelines as politically negotiable did not begin with the 2021 crisis. It was institutionalised as early as June 2011 through the Kampala Accord a political agreement brokered in Uganda that sought to provide a roadmap for ending Somalia's transitional period, which had begun with the adoption of the Transitional Federal Charter in 2004. By 2011, the timelines prescribed under the Charter had already lapsed, while political disagreements among transitional leaders had intensified. Growing fears existed that the incumbent President and members of the Transitional Federal Parliament might continue postponing elections and extending transitional mandates indefinitely a concern reinforced by the experience of Somaliland, where parliamentary mandates had repeatedly been extended without timely elections.

The Kampala Accord sought to prevent an open-ended transition by establishing a framework for completing key transitional tasks and guiding Somalia toward post-transitional constitutional governance. As part of this arrangement, the mandates of the transitional federal institutions were extended for an additional year to complete the transitional roadmap.

Critically, the Accord also reflected the sidelining of constitutionally mandated institutions in favour of informal political bargaining among a limited group of power brokers: the President, Prime Minister, Speaker of Parliament, the Presidents of Puntland and Galmudug, and the leader of the moderate Islamist movement Ahlu-Sunnah-Al-Jamaah. Key decisions on the transition were negotiated by these actors rather than driven through ordinary constitutional procedures and parliamentary deliberation.

Although the Accord produced a short-term political compromise that helped Somalia avoid immediate collapse, it simultaneously established a dangerous constitutional precedent one in which constitutional timelines and institutional mandates could be altered through political negotiations rather than lawful constitutional procedures. More significantly, it introduced what became a constant pattern in Somali politics: electoral

arrangements, constitutional timelines, and governance disputes resolved through elite bargaining, international mediation, and political compromise rather than through constitutional and institutional mechanisms. This normalisation of extra-constitutional governance would define every subsequent electoral cycle.

3.2 The 2012 Elections: A Selection, Not a Vote

The 2012 elections marked the formal end of the transitional period and the establishment of the Federal Government of Somalia under the Provisional Federal Constitution. Yet the process was, in reality, much more a selection than a genuine election (Kusiak, 2017). Nationwide direct elections were not feasible because large parts of the country remained inaccessible due to Al-Shabaab control, and Somalia lacked a reliable census, voter register, or agreed framework for territorial representation. Consequently, a group of 135 traditional clan elders, nominally selected according to the 4.5 clan-sharing formula, were given the authority to choose the 275 Members of Parliament, who then elected the president. The entire process lacked transparency and was encumbered by bribery and corruption (Kusiak, 2017).

All roadmap signatories had agreed in principle that this indirect election model should be applied for the last time, and that any future elections should be conducted as direct one-person-one-vote elections in accordance with Articles 64 and 72 of the Provisional Federal Constitution. This commitment was never honoured.

The 2012 presidential election that brought Hassan Sheikh Mohamud to power was immediately marred by bribery allegations. Payments of up to **\$50,000** were said to have changed hands between Somalia's lawmakers, confirmed by senior diplomatic sources monitoring the process (Al Jazeera, 2012). International diplomatic sources warned at the time that if MPs did not vote with their conscience, this would perpetuate Somalia's corruption cycle (Al Jazeera, 2012). Members of the Transitional Federal Government, including President Sheikh Sharif Ahmed, also made serious efforts to prolong the transition and remain in power before ultimately conceding (Kusiak, 2017). Despite these

pathologies, the 2012 election demonstrated the possibility of a peaceful transfer of power a historically significant achievement that would nonetheless be undermined by the corruption and elite bargaining that accompanied it.

3.3 The 2016–2017 Elections: Institutionalised Corruption

The 2016–2017 elections, which brought Mohamed Abdullahi Farmaajo to the presidency, were widely condemned as the most corrupted election in the history of Somalia (Daily Sabah, 2020). The promise of direct elections made in 2012 was again broken. Somali authorities instead reverted to an expanded indirect model: 135 traditional elders determined a 14,000-strong electorate, who elected 275 Members of Parliament and 54 senators, who in turn elected the president (Newsweek, 2017).

The constitutional basis for this model was again deficient. The necessary legal or constitutional foundation for the indirect electoral model was not properly established, so elections were once more conducted outside the constitutional framework envisaged by the Provisional Federal Constitution, further weakening constitutionalism and reinforcing informal elite bargaining. By the time the last Federal Member State had been formed, insufficient time remained to prepare credible direct elections yet postponing elections was equally dangerous given the legacy of mandate extensions and political mistrust already accumulated from the transitional period.

Corruption reached unprecedented levels. The country's own Auditor General declared in November 2016 that some parliamentary seats cost the winning MPs more than **\$1 million in bribes** (Newsweek, 2016). Vote-buying was pervasive throughout the cycle, with foreign money significantly from Gulf countries flowing into Somalia to back various candidates (Daily Sabah, 2020). Presidential candidate Faadumo Dayib publicly stated that she would have had to bribe at least 20 MPs and senators merely to be nominated as a presidential candidate (Newsweek, 2016). An estimated \$20 million changed hands through vote-buying and other forms of bribery during the 2016–2017 electoral cycle (Vice, 2017), with private interest groups from Turkey, Sudan, the UAE, and Qatar allegedly backing various

candidates to secure business influence (Vice, 2017). The UN Special Representative for Somalia, Michael Keating, publicly acknowledged that vote-buying and bribery were a "reality" with "a lot of money changing hands" (Garowe Online, 2016).

This election also reinforced a recurring political pattern: despite controlling government institutions and overseeing the electoral process, the incumbent administration again failed to retain power. Instead, Mohamed Abdullahi Farmaajo emerged victorious, reinforcing the dynamic in which incumbency became a political liability, opposition coalitions united primarily to remove sitting governments, and electoral politics remained personality-driven rather than institution-driven.

3.4 The 2021 Term Extension Crisis: Constitutional Breakdown and International Enforcement

The 2021–2022 electoral crisis became one of the most constitutionally dangerous periods in Somalia's recent history. President Farmaajo's four-year term expired on 7 February 2021 without an agreed electoral process to replace him. With the federal parliament's mandate also expired as of December 2020, Somalia lacked a legitimate, effective national government (ECFR, 2021). The crisis was compounded by deliberate electoral manipulation: Farmaajo replaced three south-central state leaders with allies specifically to control the federal state electoral boards, while simultaneously seeking to delegitimise the Jubaland administration under Ahmed Madobe (Middle East Institute, 2021). This was a direct application of the pattern established by the Kampala Accord governance disputes managed through executive action rather than constitutional procedures.

The reform process under the Farmaajo administration became increasingly contested as relations between the Federal Government and Federal Member States deteriorated, with disputes over the inclusiveness and neutrality of national electoral institutions. Electoral reform was no longer viewed as a technical state-building exercise but as a politically sensitive instrument affecting the balance of power. The election laws prepared under the Farmaajo administration became controversial precisely because they included a proposed

one-year term extension, firmly rejected by the opposition as unconstitutional and self-serving.

On 12 April 2021, the Lower House of Parliament itself operating beyond its mandate voted with only **149 of 275 MPs**, without Senate approval and without broad political consensus, to extend both its own term and Farmaajo's by two years (The Citizen, 2021). Farmaajo promptly signed the extension. The United States declared it would "re-evaluate bilateral relations... and consider all available tools, including sanctions and visa restrictions" (The East African, 2021). The European Union declared the extension would "divide Somalia." Members of Somalia's armed forces aligned with opposition politicians mostly from the Hawiye clan flooded the capital in a mobilisation called *Badbaado Qaran* ("National Salvation"), and clashes killed dozens (ICG, 2025).

Ironically, the constitutional and political crisis that followed ultimately produced an even longer de facto extension of the incumbent administration's mandate than the one-year extension originally proposed lasting almost two years and exceeding what the original legislation had contemplated. Farmaajo's reversal came only after sustained pressure from the African Union, the United Nations, and Western donors, who suspended EU budgetary support and imposed U.S. visa restrictions on spoilers (ICG, 2025). Electoral management authority was transferred to Prime Minister Hussein Roble a power surrendered under international duress, not democratic process.

This episode exposed two structural pathologies with lasting constitutional significance. First, incumbents will exploit constitutional ambiguity to extend their mandates, treating term limits as negotiable. Second, and more fundamentally, it is international pressure not domestic constitutional institutions that ultimately enforces electoral timelines. Somalia still lacks an operational Constitutional Court to adjudicate such disputes, leaving the country constitutionally dependent on external actors to enforce its own legal order.

3.5 The 2021–2022 Electoral Cycle: Delayed, Corrupted, and Internationally Managed

The parliamentary and presidential elections that eventually took place in late 2021 and May 2022 were conducted under conditions of extreme fragility. Parliamentary elections were repeatedly delayed due to political disputes. Opposition groups and international observers criticised both sets of elections for political manipulation, improper interference, and vote-buying (Freedom House, 2022). Despite extensive manipulation and vote-buying throughout the cycle much of which went unchallenged amid a dearth of impartial oversight mechanisms political elites from all sides ultimately accepted the outcome (ICG, 2025). The process was described as a "lost year for Somalia," during which urgent state-building, humanitarian, and development work was severely disrupted (RUSI, 2022).

The 2022 elections reproduced the dispute over electoral management structures. The electoral process lacked an agreed, independent EMB, with the federal government and opposition each contesting the legitimacy of the bodies overseeing different parts of the process. Once again, the incumbent administration failed to retain power: Hassan Sheikh Mohamud returned to the presidency the second time a former president won back the office, continuing the pattern of personality-centred politics divorced from institutional development.

3.6 The 2024–2026 Cycle: Structural Uncertainty Persists

Somalia is heading into its sixth presidential election cycle since 2012 (Africa Centre, 2026). The cycle has already reproduced every pathology documented above. In March 2024, President Mohamud unilaterally amended the provisional constitution to extend his own and Parliament's mandates by a year a direct repetition of Farmaajo's 2021 manoeuvre (ISS Africa, 2026). This was rejected by the Somali Salvation Forum, formed in October 2025 by former presidents and opposition leaders, as well as by Puntland and Jubaland (ISS Africa, 2026). Al-Shabaab's 2025 offensive reversed previous territorial gains, placing the militant group in a position to potentially threaten Mogadishu itself (Africa Centre, 2026).

The December 2025 Mogadishu municipal elections the first direct vote in decades established a legal foundation for 2026 national elections (Horn Review, 2025) and were piloted as a phased approach to universal suffrage. However, they took place under conditions of incomplete territorial coverage and opposition boycotts. Even if national elections are held in 2026, they are unlikely to resolve the underlying question of Somalia's statehood, which continues to rest on fragile foundations of elite consensus, external security guarantees, and uneven authority (Horn Review, 2025).

4. Structural Mechanisms: How Elections Erode State-Building

4.1 Normalisation of Extra-Constitutional Governance

The most foundational mechanism, traceable to the 2011 Kampala Accord, is the normalisation of extra-constitutional governance. When the Accord concentrated decisive authority in a limited group of political actors and resolved a constitutional crisis through elite bargaining rather than constitutional procedure, it introduced a template that has been replicated in every subsequent electoral cycle. Electoral arrangements, constitutional timelines, and governance disputes are increasingly managed through informal negotiations among the Federal Government and Federal Member State leaders rather than through the constitutional mechanisms envisaged by the Provisional Federal Constitution.

This normalisation has profound implications for state-building. A state that cannot enforce its own constitutional rules through domestic institutions and that routinely relies on international mediation to resolve internal disputes is not building constitutional authority but performing it. The Provisional Federal Constitution prescribed the tools for managing electoral crises: an independent electoral commission, electoral laws enacted by Parliament, and a Constitutional Court. None of these mechanisms was made operational. Their absence created the vacuum that elite bargaining fills.

4.2 Clan Politicisation and the 4.5 Formula

The 4.5 power-sharing formula was designed to prevent any single clan from dominating the state. In practice, it has institutionalised clan as the primary axis of political competition, entrenching clan elites as gatekeepers of electoral access (Abdi & Oo, 2025). Clan elders and influential groups control the indirect election process; young people have little representation or influence in the federalist system (Abdi & Oo, 2025). The continued reliance on the 4.5 formula stabilises political representation temporarily but also entrenches clan identity, weakens meritocracy, and promotes transactional politics.

Electoral cycles intensify clan competition rather than transcending it. The 2021 crisis, in which the security apparatus split along clan lines following the term extension proposal (Africa Centre, 2026), illustrates that even the armed forces remain clan-structured rather than nationally integrated. The federal member states themselves are clan-based rather than territorially defined, meaning that elections become occasions for clan power contests rather than exercises in democratic aggregation (LSE, 2025).

4.3 Systematic Vote-Buying, Bribery, and the Corruption of Legitimacy

Every electoral cycle since 2012 has been characterised by systematic bribery at every level of the process: clan elders accepting payments to influence delegate selection; parliamentary candidates bribing delegates; and presidential candidates buying the votes of MPs and senators. This is not an occasional aberration but a structural feature of a political economy in which clan loyalty and personal enrichment take precedence over programmatic politics.

The scale of this corruption is staggering and well-documented. In 2012, payments of up to \$50,000 changed hands during the presidential election (Al Jazeera, 2012). By 2016–2017, the total illicit money in the electoral process reached an estimated **\$20 million**, with individual parliamentary seats costing over \$1 million in bribes (Newsweek, 2016; Vice, 2017). Foreign financial actors from Gulf states and regional powers injected money into these processes to purchase political influence (Vice, 2017; MEI, 2021). Increasing the

number of delegates per parliamentary seat to 101 in the 2020 model was widely seen as creating yet more opportunities for bribery (Daily Sabah, 2020).

The consequences for state-building are structural. When political authority is purchased rather than earned through legitimate competition, elected leaders lack democratic mandate and accountability. MPs who paid for their seats owe their position to whoever financed their election, not to a constituency. This produces a parliament that serves private and clan interests, corroding the legislative branch as an instrument of state-building before it has had a chance to develop.

4.4 Capture of Electoral Management Bodies

A recurrent feature of Somalia's electoral crises is the failure to establish credible, impartial Electoral Management Bodies. In every cycle since 2012, the composition of bodies overseeing the electoral process has been contested, with incumbent governments appointing loyalists and opposition groups rejecting the resulting structures as partisan. This is not a technical failure of institutional design but a deliberate political strategy: controlling the EMB means controlling the rules of the game.

The constitutional design of the Provisional Federal Constitution intended the electoral commission to be established independently. In practice, electoral commissions were formed through unilateral appointment processes at the federal level, undermining perceptions of independence and neutrality, while electoral laws were de facto prepared by sitting governments rather than independent bodies. Farmaajo's replacement of three south-central state leaders specifically to control the federal state electoral boards (MEI, 2021) illustrates how incumbents weaponise institutional appointment to entrench their positions. The Somali Salvation Forum's rejection of the federal government's 2026 electoral reform approach reflects this same dynamic persisting into the current cycle (ISS Africa, 2026).

4.5 Unconstitutional Term Extensions and the Absence of Judicial Enforcement

The pattern of incumbents seeking term extensions present in every cycle from 2011 to 2024 is a direct product of constitutional weakness: specifically, the absence of an operational Constitutional Court capable of adjudicating disputes independently. Somalia lacks effective constitutional institutions capable of resolving electoral disputes. In practice, constitutional disagreements are resolved politically rather than legally, with international actors serving as de facto constitutional arbiters.

In 2012, members of the Transitional Federal Government made serious efforts to prolong the transition (Kusiak, 2017). In 2021, Farmaajo secured a parliamentary extension before reversing under international pressure (ECFR, 2021). In 2024, President Mohamud unilaterally amended the constitution to extend mandates (ISS Africa, 2026). This pattern reveals a structural incentive within the current political system for incumbents to treat term limits as negotiable not because they are unconstitutional in their intent, but because no domestic institution exists to enforce them.

4.6 Opposition Without National Agenda: Elite Recycling and Personality Politics

A further structural mechanism of electoral erosion is the character of Somali political opposition. Opposition forums and coalitions have consistently been composed of former presidents, prime ministers, ministers, and senior political elites, emerging primarily during electoral periods with the principal objective of removing the incumbent government rather than presenting coherent national programmes or long-term governance agendas.

This pattern has produced several compounding effects on state-building. Political competition revolves around access to power rather than institutional reform. National priorities constitutional completion, judicial reform, security sector development, and economic policy become secondary to personalised electoral contests. Many opposition groups consist of former leaders seeking political return, transforming elections into elite negotiations rather than democratic contests focused on public policy. Somalia consequently lacks issue-based political parties, ideological competition, and sustainable

national development agendas, contributing to public frustration as leadership competition rarely translates into improved governance or service delivery.

4.7 Centre-Periphery Fragmentation

Electoral politics has systematically deepened conflict between Mogadishu and the federal member states. Member states seek to steer national elections so that an ally ends up president; Mogadishu seeks to influence or override regional electoral processes to install aligned leaders. The 2024 Jubaland presidential election, in which the federal government backed rival candidates and ultimately prompted Jubaland to cut ties with the Federal Government (Middle East Monitor, 2024), is the most recent manifestation of a dynamic present in every cycle since 2012. Puntland's suspension of participation in federal processes in 2023 reflects the same logic.

Somalia's federalism was designed to distribute power and reduce clan rivalry; in 2025, this vision is under severe strain and lacks political coherence (LSE, 2025). Electoral competition has transformed the federal system into a zero-sum arena in which each election produces winners and losers whose primary concern is protecting or challenging their position within federal structures, rather than delivering governance outcomes for citizens.

4.8 Diversion of Political Capital and International Dependency

A frequently underappreciated mechanism is the diversion of scarce political capital from urgent governance priorities. The 2022 presidential elections were described as a "lost year for Somalia," during which urgent state-building, humanitarian, and development work was severely disrupted (RUSI, 2022). The state-building tasks that remain undone because of electoral preoccupation are foundational: finalising the provisional constitution, operationalising the Constitutional Court, building out the federal architecture, and reforming the security sector (ECFR, 2021; BMZ, 2022).

International donor behaviour reinforces this dynamic. Somalia's electoral process heavily depends on donor funding, foreign mediation, and international security support. While international involvement has often prevented political collapse, excessive dependency weakens domestic political ownership and encourages Somali political actors to internationalise internal disputes rather than resolve them through domestic institutions. A singular focus on electoral milestones risks conflating the appearance of progress with the substance of consolidation (Horn Review, 2025). Genuine state-building requires accountable institutions, inclusive economic frameworks, and security arrangements that extend beyond enclave governance (Horn Review, 2025).

5. Constitutional Analysis: The Unbuilt Architecture

5.1 The Provisional Federal Constitution's Unfulfilled Promise

The 2012 Provisional Federal Constitution represented a genuine attempt to create a constitutional architecture capable of managing Somalia's complex political landscape. It provided a possible constitutional pathway for determining and managing Somalia's electoral process, deliberately leaving the development and administration of elections to an Independent Electoral Commission and the enactment of necessary laws to the House of the Federal Parliament; Somali PFC, 2012, Arts. 47, 64, 72). This design intended to place electoral regulation within constitutionally mandated national institutions and to limit the role of partisan Federal Member States in shaping election rules.

An independent Constitutional Court was envisaged as the institution responsible for resolving constitutional and electoral disputes, ensuring that political disagreements would be settled through law rather than bargaining. In practice, both mechanisms were systematically bypassed. The Constitutional Court was never established. The electoral commission was formed through unilateral executive appointment, undermining independence. Electoral laws were prepared by sitting governments. The result was a constitutional document that prescribed the right architecture but lacked the institutional implementation to make it operational.

5.2 The Ambiguity of Federal Power and Its Electoral Consequences

The Provisional Federal Constitution leaves ambiguous the respective authorities vested in the federal and state governments (ECFR, 2021). This ambiguity means that every electoral cycle reopens fundamental disputes about which level of government controls electoral administration, security arrangements, parliamentary seat allocation, and resource-sharing. The current constitutional crisis reflects four interlocking structural weaknesses: historical legacies of contested state-building, procedural and legal shortcomings in the amendment process, the erosion of federal power-sharing arrangements, and entrenched clan dynamics (Horn Review, 2026). These are not isolated failures but a coherent causal chain producing recurring crisis.

5.3 The Missing Constitutional Court

Perhaps the single most important institutional gap in Somalia's constitutional architecture is the absence of an operational Constitutional Court. In every electoral cycle since 2012, disputes that should have been resolved through judicial interpretation over term limits, electoral model legality, constitutional amendment procedures, federal-state competence were instead resolved through political negotiations, international mediation, or armed standoff. The absence of judicial review normalises political resolution of legal questions, which in turn normalises the substitution of elite bargaining for constitutional process.

Building an operational Constitutional Court, with judges selected through a transparent, merit-based, and broadly accepted process, is therefore not merely a technical institutional step but a foundational requirement for any future electoral process to produce constitutionally legitimate outcomes.

6. Integrated Policy, Legal, and Constitutional Recommendations

The following recommendations are advanced for Somali policymakers, federal member state leaders, and international partners:

1. Finalise the Provisional Federal Constitution as an urgent priority. The completion of constitutional review particularly the clarification of federal-state power relations, electoral authority, judicial independence, and constitutional amendment procedures must be treated as a prerequisite for credible national elections. International partners should redirect diplomatic pressure and technical support toward constitutional completion rather than electoral milestones.
2. Operationalise an independent Constitutional Court without delay. All future electoral disputes must be capable of judicial resolution. Judges should be appointed through a transparent, merit-based, and broadly accepted process free from executive dominance. Until the Court is operational, Somalia lacks the most basic institutional mechanism for enforcing its own constitutional order.
3. Establish a genuinely independent Electoral Management Body. The EMB's composition must be negotiated across the full spectrum of political stakeholders federal government, federal member states, and opposition through transparent and inclusive appointment processes that exclude executive unilateral control. Institutions established through credible procedures are the only institutions capable of commanding legitimacy and reducing electoral mistrust.
4. Criminalise and systematically prosecute electoral bribery. The systematic bribery of clan elders, parliamentary delegates, MPs, and senators that has characterised every cycle since 2012 requires dedicated anti-corruption legislation, independent prosecutorial capacity, and international monitoring. Somalia's consistent ranking at the bottom of Transparency International's Corruption Perceptions Index reflects the structural absence of accountability for electoral corruption.
5. Enforce constitutional term limits through pre-agreed international guarantees. Given the consistent pattern of incumbents resisting timely transitions, the international community particularly the AU, UN, and Western donors must establish clear, pre-agreed consequences for any future unconstitutional extension

of mandates, including automatic suspension of budgetary support and targeted sanctions, without requiring the political deliberation that delayed enforcement in 2021. International involvement must reinforce constitutional authority rather than substitute for it.

6. Adopt a phased transition to universal suffrage. A phased approach building on the December 2025 Mogadishu municipal elections and expanding incrementally to regional and then national contests would allow for institutional learning, trust-building, and security preparation without destabilising the federal system. Blending clan quotas with geographic constituencies, or creating a bicameral balance between clan equity and popular vote, could reconcile Somalia's political economy with aspirations for inclusive governance (ISS Africa, 2026).
7. Transform opposition politics from personality-centred to policy-centred competition. Political parties and coalitions should develop and publicly commit to concrete governance agendas including constitutional implementation timelines, judicial reform, security sector development, and economic programmes rather than organising primarily around the removal of incumbents. International partners and civil society organisations can support this transition through party development funding and civic education.
8. Reduce international dependency while maintaining principled engagement. Donor funding, foreign mediation, and international security support remain necessary in the short term, but must be conditioned on measurable progress toward domestic institutional development. The goal is to build Somalia's capacity to manage its own electoral processes through constitutional institutions, not to create permanent external management of internal political disputes.

7. Conclusion

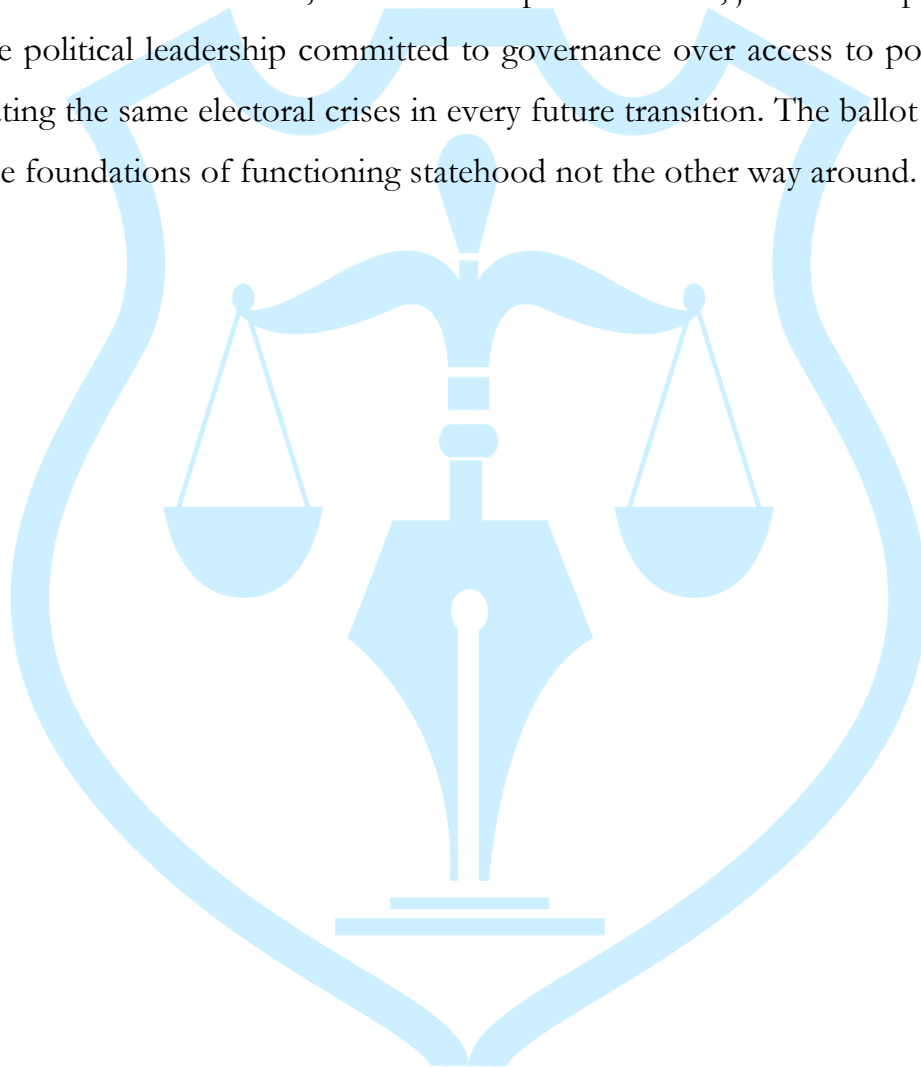
“Insanity is doing the same thing over and over again and expecting a different result.” This widely cited aphorism captures with striking precision the trajectory of Somalia’s electoral experience. Since the 2011 Kampala Accord, Somalia’s electoral cycles have followed a disturbingly consistent pattern: extra-constitutional elite bargaining substituted for constitutional process; incumbents resisting timely transitions and extending mandates; systematic bribery and vote-buying at every level of the electoral chain; politically captured electoral management bodies; clan fragmentation activated and deepened by competitive elections; armed conflict between federal and regional actors over control of electoral outcomes; and international intervention to enforce timelines that domestic institutions cannot enforce themselves. Each cycle has been approached as though the mere repetition of elections without reforming the institutions, constitutional architecture, and political incentives that produced the previous failure would somehow yield a different outcome. It has not.

The evidence from 2011 to 2026 establishes that this is not a failure of political will alone, but of institutional architecture. Somalia's Provisional Federal Constitution prescribed the right tools for managing electoral crises: an independent electoral commission, parliamentary electoral legislation, and a Constitutional Court but these tools were never built. In their absence, every electoral cycle defaults to the template established by the Kampala Accord: a small group of elite power brokers negotiating the terms of political transition under international supervision. This is not state-building. It is the performance of state-building.

The paradox facing Somalia and its international partners is acute. The international community has invested billions in Somalia's state-building project while simultaneously acknowledging through sanctions, visa restrictions, and suspension of budgetary support that Somalia's elections are too manipulated and contested to function without external

enforcement. A democratic process that can only operate under external coercion cannot produce the constitutional legitimacy that state-building requires.

Somalia's long-term political stability depends not merely on conducting elections, but on building legitimate constitutional institutions capable of managing political competition fairly, lawfully, and democratically. Without an agreed constitutional framework, an operational Constitutional Court, a credible independent EMB, judicial independence, and responsible political leadership committed to governance over access to power, Somalia risks repeating the same electoral crises in every future transition. The ballot box must be built on the foundations of functioning statehood not the other way around.



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