

Policy Brief

Constitutional Legitimacy, Political Stability, and the Case for a National Salvation Framework

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Executive Summary

Somalia's governance framework, established in 2012, was intended to anchor political authority within clear fixed limits, shared federal responsibility, and broad-based consultation. This balance is increasingly under stress as disputes over constitutional revisions, electoral design, and institutional roles intensify, eroding confidence among key stakeholders. The present challenges reflect a cumulative breakdown in political alignment rather than an isolated disruption, raising concerns about the resilience and coherence of the system.

A central issue is the status of authority once constitutionally defined mandates expire. The Gurmud Qaran Policy Brief underscores that effective governance depends on both legal validity and broad political acceptance. Where these elements diverge, uncertainty gives way to contested authority, with direct implications for institutional cohesion and national stability. With the 2026 transition approaching amid incomplete electoral preparations and strained federal relations, the risk of competing claims to power is significantly heightened. Any unilateral extension of authority would likely be viewed as unconstitutional, potentially triggering instability and institutional breakdown.

Drawing on prior experience, including the 2021 political crisis, the policy brief highlights that stability in Somalia's context has historically depended on negotiated settlements rather than unilateral measures. In response, the policy brief proposes a structured transitional approach—the National Salvation Framework—as a legal and political mechanism for managing the transition. This model envisions a time-bound, broadly inclusive arrangement led by a neutral executive authority, operating within clearly defined constraints and subject to independent oversight.

The proposed framework is intended to preserve continuity while creating the conditions necessary for credible elections and constitutional governance, culminating in a peaceful and lawful transfer of power no later than March 2027.

Constitutional Order and Emerging Systemic Strain

Somalia's post-2012 constitutional architecture is founded upon three interdependent principles: fixed constitutional tenure, federal power-sharing, and consensus-based governance as the normative basis for state authority. These principles collectively constitute the legal safeguard against indefinite incumbency, unilateral consolidation of executive power, and the erosion of legitimacy through institutional capture. This framework presupposes that political authority is both temporally limited and substantively conditioned upon broad-based acceptance across federal and societal actors. However, this constitutional equilibrium is now subject to significant strain arising from competing interpretations of constitutional changes, contested electoral frameworks, and a widening deficit of trust between federal institutions and Federal Member States, all of which have collectively weakened the coherence of the constitutional order.

The present trajectory reflects not a single-point failure but an accumulation of unresolved structural disputes, including disagreements over electoral architecture, institutional jurisdiction, and the scope of constitutional changes undertaken in March 2026. Rather than resolving ambiguity, these developments have contributed to heightened political fragmentation, legal uncertainty, and increasing skepticism regarding the procedural legitimacy of the transition process. As a consequence, Somalia's constitutional system now faces the risk of transitioning from a rules-based order into a contested institutional environment in which competing interpretations of authority coexist without a universally accepted mechanism of resolution.

Legitimacy, State Authority, and the Constitutional Threshold

At the core of the current constitutional challenge lies the question of whether state authority retains legal and political validity upon the expiration of constitutionally defined mandates. In an established constitution, legitimacy is not derived solely from formal legal continuity but from the convergence of legal authorization and substantive political acceptance. Where either of these elements is absent, governance risks shifting from constitutional rule into a condition of contested authority, where institutions continue to function but their binding legitimacy is subject to dispute.

In the absence of a consensually agreed transitional framework, Somalia faces the possibility of entering a de facto extra-constitutional phase characterized by institutional fragmentation, overlapping claims of jurisdiction, and weakened national coherence. Such a scenario would not only undermine internal constitutional stability but would also adversely affect external recognition and international confidence in the state's governance capacity. The constitutional question, therefore, extends beyond electoral sequencing to a more fundamental inquiry: whether Somalia can sustain lawful governance through negotiated legitimacy, or whether it will experience a structural breakdown in the continuity of constitutional authority.

Transitional Risk Environment and Institutional Vulnerability

The 2026 political transition is particularly high-risk due to the simultaneous convergence of multiple structural vulnerabilities. These include the expiration of constitutional mandates, incomplete electoral preparedness, fragile intergovernmental relations, and a security environment that remains susceptible to politicization.

In such a context, the absence of a unified and legally binding transitional arrangement significantly increases the probability that competing political actors will assert divergent interpretations of authority, thereby destabilizing institutional continuity.

Under these conditions, any unilateral extension of mandate regardless of its procedural justification would likely be interpreted as ultra vires action, meaning an act beyond lawful authority under constitutional principles. Such a perception would carry immediate consequences for the integrity of the constitutional order, potentially triggering institutional fragmentation, weakening command structures within the security sector, and escalating political tensions across federal and regional levels. The cumulative effect would be a deterioration of state cohesion at precisely the moment when legal continuity is most required.

Constitutional Precedent and the Lessons of 2021

The constitutional crisis of April 2021 provides a significant precedent for understanding the risks associated with mandate extension in the absence of political consensus. That episode demonstrated that attempts to prolong executive authority without broad-based agreement can rapidly escalate into armed confrontation, institutional division, and significant disruption to civilian life. The fragmentation observed within security institutions during that period underscored the fragility of command unity when constitutional legitimacy is contested.

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The lesson derived from this precedent is clear: mandate extension is not a neutral administrative adjustment but a constitutional rupture with direct implications for stability, governance, and national cohesion.

Legal Principles Governing Constitutional Continuity

Gurmad Qaran advances a set of foundational legal propositions intended to preserve constitutional integrity during periods of transition. First, constitutional mandates are binding in nature and derive their authority from the constitutional order itself; they are therefore not subject to unilateral extension without undermining constitutional supremacy. Second, no state institution possesses the legal competence to extend its own mandate while simultaneously claiming uninterrupted constitutional legitimacy, as such an act would constitute a breach of foundational constitutional principles.

Third, the legitimacy of electoral processes is not determined solely by procedural compliance but also by the integrity and credibility of the institutional framework within which they are conducted. Elections conducted under conditions of contested authority risk lacking binding acceptance, thereby undermining their stabilizing function. Fourth, and most critically, the preservation of constitutional continuity in Somalia requires a negotiated, inclusive, and time-bound transitional arrangement, as no unilateral or institutionally isolated mechanism can adequately sustain legitimacy during periods of systemic transition.

The National Salvation Framework as Transitional Legal Architecture

In response to these risks, Gurmud Qaran proposes the establishment of a National Salvation Framework as a legally structured transitional mechanism designed to safeguard constitutional continuity.

This framework would be operationalized through a Transitional Government of National Unity and Care, whose mandate would be strictly limited in scope, duration, and function. The framework is anchored in the principle that transitional authority is not sovereign in nature but fiduciary, exercised on behalf of the constitutional order for the sole purpose of restoring conditions necessary for legitimate democratic governance.

The framework is governed by five legal principles temporality, ensuring strict non-permanence of transitional authority; political neutrality, ensuring absence of electoral self-interest; inclusivity, ensuring participation of all principal stakeholders, mandate limitation, ensuring functional restriction to transition-related tasks; that all actions are directed toward lawful electoral governance. These principles collectively define the transitional arrangement as an exceptional legal instrument rather than a parallel or competing source of sovereignty.

Institutional Structure, Oversight, and Exit Mechanism

The institutional design of the framework is based on a National Political Agreement serving as the primary legal instrument, executed by federal authorities, Federal Member States, opposition representatives, civil society actors, and traditional institutions, with international actors acting as observers and guarantors

Executive authority would be vested in a neutral Transitional Prime Minister, selected through a consensus-based and merit-driven process, and supported by a constrained administrative structure designed exclusively for transition management. Existing institutions, including the presidency and parliament, would retain only limited continuity functions necessary to preserve legal and administrative stability, without exercising partisan or expansionary authority.

Oversight of the transition would be entrusted to an independent National Council for Mediation and Oversight, mandated to monitor compliance, document breaches, mediate disputes, and issue public accountability reports, while expressly lacking executive authority. The transitional arrangement would be strictly time-bound, culminating in nationally agreed parliamentary and presidential elections, with a non-derogable termination deadline of no later than 31 March 2027. Upon completion of elections and lawful transfer of authority, the transitional framework would automatically dissolve, thereby restoring full constitutional governance under newly elected institutions.