The Caretaker Trap: A Defiant Presidency, a Fractured Opposition, and the Complex Game for Somalia's Future

By Farah Mire
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Somalia is now trapped in a crisis of dual sovereignty. There are two rival legal claims to federal authority. On 5 November 2026 the Supreme Court ruled that President Hassan Sheikh Mohamud's constitutional mandate ended on 15 May 2026 and that Parliament's expired on 14 April 2026. The Presidency insists that the March constitutional amendments extend its mandate through the April/May 2027 elections. The morning after the ruling the government did not submit. The Office of the State Attorney General issued a formal legal opinion dated 6 November declaring the Supreme Court's judgment to have "no legal effect."

The Attorney General's document is a calculated legal counter-offensive. It argues that the ruling is void for five procedural failures: the court ignored the government's preliminary objections to jurisdiction; it failed to hold a proper adversarial hearing in violation of Articles 69 and 88 of the Provisional Constitution; and it allegedly created a new case regarding the constitutional amendment process. Most importantly, the Attorney General claims a fatal flaw in the court's composition—that the panel was illegally formed because it was not chaired by the Chief Justice in accordance with Law No. 23 of 2016. This is circular logic of a high order. The President dismissed the Chief Justice on 4 November; the court voided the dismissal; and the government now uses the Chief Justice's absence to declare the court's ruling illegitimate. The same day President Mohamud called on the opposition to attend national consultations scheduled for 14–18 November. It is a calculated act of defiance. The President is fighting on two fronts: weaponising the law offices to paralyse the judiciary, and buying time with political talks.

Yet the crisis runs far deeper than a courtroom standoff. Within hours of the ruling, security forces deployed more than thirty military vehicles to the Supreme Court complex and forced the Chief Justice from the premises. On the same day the Court declared the federal mandate expired, the President was in Dhusamareb inaugurating a new Galmudug leader who publicly pledged to help defend Southwest State against the forces of the ousted regional president. The federal centre is simultaneously ignoring the judiciary and actively reshaping the map of state power. This is not merely legal defiance. It is a multi-level contest in which constitutional arguments, military force, clan balances, parliamentary seat arithmetic and foreign partnerships are all being played at once.

The Two Chambers and the Speaker's Voided Chair

While the Supreme Court categorically voided the mandate of both chambers on 14 April 2026, the legal fallout for the House of the People and the Senate is profoundly different.

The Lower House is elected through a nationally managed clan-delegate system. Because the court ruled the March amendments invalid for retrospective application, the Lower House has been legally dead since April. This creates an immediate constitutional crisis regarding the election of Speaker Jamaac. His election took place after 15 May 2026 and was therefore conducted by an expired chamber.

A Speaker derives authority from the body that elects him. Since the Lower House had no constitutional authority on the day of his election, the Speaker's chair is legally void. Every ruling he has made from the chair, every bill he has certified, and every procedural manoeuvre he has executed lacks a valid legal foundation. If the opposition enforces the court's ruling, Speaker Jamaac is presiding over a phantom parliament. The contamination runs deeper still: if the Speaker's election is void, then every subsequent act of the House—including any new electoral legislation, confidence votes or budget approvals—carries the same taint.

The Upper House faces a different but equally serious collapse. Senators are selected by the Federal Member State parliaments. The legitimacy of the Senate is therefore tied directly to the legitimacy of the state governments. This is where the legal landscape fractures according to dates—and where the claim that any single state stands on unassailable ground requires careful correction.

Southwest State: Two Elections, One Forced Exit, and No Clean Lineage

The narrative that Southwest elections simply "predate the 15 May 2026 cut-off" and therefore confer clean legal lineage is incomplete and, in its strongest form, inaccurate. Southwest has experienced two distinct electoral processes that sit on either side of the critical date, and the federal government itself forcibly interrupted the first.



Adan Madobe with President Hassan

Abdiaziz Hassan Mohamed Laftagareen was first elected in December 2018 under circumstances that already carried the imprint of federal force. The 2018 process involved the arrest of the popular former Al-Shabaab commander Mukhtar Robow and the deployment of Ethiopian troops to suppress dissent in Baidoa. Laftagareen's original four-year term long since expired; successive extensions and political bargains kept him in office.

On 28 March 2026 still within the federal government's original constitutional term—Laftagareen organised a rapid indirect re-election. Regional lawmakers returned him to office with 66 votes against 13 for his challenger. The federal government immediately rejected the process as unconstitutional, a self-appointment, and a violation of National Consultative Council agreements.

Two days later, on 30 March, federal forces entered Baidoa. Laftagareen resigned under pressure and left the city. He has since maintained that the March re-election remains valid and that he is the legitimate president of Southwest State.What followed was a federally steered succession. Direct elections for the regional House of Representatives and local councils were held on or around 10–14 May 2026—almost exactly on the federal cut-off date of 15 May. On 10–13 June 2026, after rival candidates withdrew denouncing a "one-man election," Sheikh Aden Mohamed Nur Madobe, the former Speaker of the federal House of the People, was elected Southwest president by a vote of 88 to 2. Madobe's administration is the one currently recognised by Mogadishu. Fighting between federal-aligned forces and Laftagareen loyalists has continued in the Bay region into November. Madobe's camp and federal allies have publicly accused Laftagareen's forces of acting as Al-Shabaab spokesmen or of having merged with the group—a classic securitisation move that reframes a political dispute as counter-terrorism and makes negotiated settlement more difficult.

Which process is constitutionally valid? Under the Provisional Constitution and the logic of the Supreme Court's 5 November ruling, the answer is contested and carries direct consequences for the federal case. Laftagareen's 28 March re-election occurred while the federal government still possessed a valid four-year mandate. It was conducted by the existing regional parliament under the then-prevailing federal framework. The federal government's subsequent military intervention therefore occurred before the Supreme Court later declared the federal executive a caretaker. If the March process is treated as valid, the forced removal of an elected state president by a still-legitimate federal government raises questions of federal overreach. Conversely, if the March process is treated as illegitimate (as Mogadishu insisted at the time), then the subsequent May–June processes that installed Madobe took place after, or astride, the 15 May cut-off and were supervised or validated by a federal government that had already lost the authority to launch major political initiatives.

Either reading undermines the claim of a "clean legal lineage." Southwest is not the sole state that can negotiate from unassailable legal strength. Its current federal-recognised government is the product of a post-cut-off or near-cut-off process that followed the military ouster of a pre-cut-off re-election. Its Senators sitting in the Upper House therefore inherit the same dual-defect risk that attaches to Hirshabelle and Galmudug. The only material difference is political alignment, not legal purity. Consistency with the Supreme Court's ruling requires treating Southwest with the same sceptical scrutiny applied to the other states.

Clan and Historical Layers: Southwest, Hirshabelle and Galmudug

Pure legal analysis of election dates cannot explain the intensity of the current conflicts. Each Federal Member State carries its own clan architecture, historical grievances and patterns of federal intervention that shape how legal disputes become armed ones.

In Southwest the dominant identity is Rahanweyn (Digil-Mirifle). The 2018 imposition of Laftagareen was widely experienced by large sections of the population as a federal and Ethiopian intervention that sidelined the popular Robow candidacy. The current Madobe process is viewed by Laftagareen's base as a second federal imposition. Baidoa is both the administrative capital and a contested prize. Multiple local armed forces, sub-clan balances within the Rahanweyn, and the memory of earlier Rahanweyn Resistance Army struggles mean that control of the state is never only about who won the last vote. It is about who can claim to speak for the region against perceived central overreach. The fight over Southwest's allocation of federal parliamentary seats is especially sensitive: those seats are part of the arithmetic that will determine the next national leadership.

Hirshabelle's politics are shaped by the tension between Hawadle, Abgaal and other Hawiye sub-clans, together with the long-standing question of how the state relates to Mogadishu. State elections held after the federal cut-off date of 15 May 2026 occurred under a caretaker federal umbrella. The resulting Senators therefore carry a double defect: their appointing authority itself lacks a clean mandate, and the federal supervision that recognised the process was already beyond its constitutional term. Clan competition inside Hirshabelle has historically made the state vulnerable to both federal patronage and internal fragmentation.

Galmudug's trajectory is similarly layered. The state has long been marked by competition among Habar Gidir, Abgaal and other Hawiye lineages, as well as the earlier presence of Ahlu Sunna Waljama'a as an armed and political force. Galmudug's election had already been annulled once by the courts for improper procedure. The subsequent process that produced the current leadership took place after the federal cut-off. On the very day the Supreme Court ruled the federal mandate expired, the new Galmudug president was inaugurated in the presence of Hassan Sheikh Mohamud and immediately pledged support for the federal-aligned side in Southwest. The message was unmistakable: the federal centre, even while declared a caretaker, continues to bind allied state leaderships into a common security and political front.

The Big Confusion: How Can the Same Court Certify State Elections and Then Say the Federal Government Had No Authority?

This is the question that leaves most ordinary citizens puzzled. In simple terms it runs like this: The Supreme Court itself certified the results of elections held in Southwest, Galmudug and Hirshabelle after 15 May 2026. Yet on 5 November the same Court ruled that the federal government's mandate had already expired on 15 May and that it was limited to routine caretaker business. How can both things be true at the same time?

The short answer is that the Court was performing two different jobs at two different moments, and those jobs do not automatically cancel each other out.

Think of it this way. When the electoral commission finishes counting votes in a state election, the law requires The Supreme Court to look at the paperwork and decide whether the process followed the electoral rules. That is a technical, almost administrative task: Did the commission announce the results properly? Were any formal complaints filed on time? Did the documents match the legal requirements? In October 2026 the Court performed exactly that task for Galmudug's re-run election (held on 30 September) and for Hirshabelle's election (also held around the end of September). It certified those results because, on the narrow question of electoral procedure, the files appeared to be in order and no qualifying legal challenge had been lodged. The Court was not, at that moment, being asked to decide whether the federal government itself still had the constitutional authority to organise or supervise those elections in the first place.



Somalia's Upper House, Mogadishu

The 5 November ruling is a completely different kind of decision. It is a constitutional judgment about the life-span of the federal institutions themselves. The Court held that the President's four-year term ended on 15 May and that Parliament's ended on 14 April. After those dates the federal government could only perform ordinary day-to-day administration. It could not launch major political projects. The Court did not go back and re-open the earlier certification files. It simply declared that the federal government had been acting beyond its proper powers after mid-May.

So the practical result is an awkward legal tension that the Court has not yet resolved. On one hand the state elections have formal certificates from The Supreme Court saying the results are final. On the other hand, the same Court has now said that the federal authority that organised, supervised or recognised those elections no longer possessed full constitutional power when the elections took place. The certificates still exist on paper. Whether they remain fully valid in light of the later constitutional ruling is an open question that will have to be fought out in future cases or in political negotiation.

In plain language: The Court checked the election arithmetic and the paperwork and stamped them "approved." Later it looked at the bigger constitutional clock and said the federal government that ran the process had already run out of time. The two decisions sit side by side. They have not yet been forced to confront each other. That is why the situation feels contradictory to any ordinary observer, and why lawyers on both sides can quote the Court against each other.

For the Upper House the practical effect is serious. The Senators from these states were appointed by assemblies whose elections the Court certified. Yet those assemblies themselves were produced under a federal umbrella that the Court has now declared to have been operating beyond its mandate. The Senators therefore sit un\der a cloud. The government can point to the certificates and say everything is in order. The opposition can point to the 5 November ruling and say the entire chain of authority is broken. Until a further court decision or a political settlement clarifies the relationship between the two sets of rulings, the Upper House remains one of the weakest links in the federal structure.

Root Causes and the Shadow of 2020–2022

The present crisis is not an aberration. It is the latest expression of a structural problem that has haunted Somalia's federal experiment since the Provisional Constitution was adopted. The core difficulty is the absence of a settled, mutually accepted mechanism for transferring power when terms expire and when constitutional amendments are contested. Every major political actor has, at different moments, treated the constitution as a flexible instrument rather than a binding constraint. When the costs of losing office are high and the enforcement mechanisms are weak, the incentive is always to stretch the mandate, control the electoral machinery, and, if necessary, use force.

The parallel with the 2020–2022 crisis under President Mohamed Abdullahi Farmaajo is striking and instructive. Farmaajo's government sought to extend its term after the original mandate expired, citing the need to complete electoral preparations. Opposition forces and several Federal Member States rejected the extension as illegal. The dispute escalated into open fighting in Mogadishu in April 2021, with rival security forces clashing in the capital and the country coming close to a broader confrontation. International pressure, including from the United States and regional actors, eventually forced a return to the negotiating table. An agreement was reached, elections were held under a modified indirect system, and Hassan Sheikh Mohamud was elected in May 2022. The episode demonstrated both the danger of unilateral term extension and the capacity of external and domestic pressure, under certain conditions, to pull the system back from the brink.

The current crisis mirrors that earlier one in several critical respects. Once again a sitting president has relied on parliamentary amendments to justify remaining in office beyond the original term. Once again the opposition and key Federal Member States reject the extension as constitutionally invalid. Once again the judiciary has been drawn into the conflict, and once again the executive has moved against judicial independence. The difference is that this time the Supreme Court has issued a clear ruling that the mandate has expired and that the government is limited to caretaker functions. The difference is also that the federal centre has already used military force to reshape Southwest State and is actively consolidating allied leaderships in Galmudug and elsewhere. The 2020–2022 crisis was resolved, at least temporarily, by a combination of domestic negotiation and external pressure. Whether the same combination can be mobilised again, and whether the Court's ruling will be treated as binding rather than optional, remains the central unanswered question.

The deeper root cause is the unfinished nature of Somalia's federal bargain. The Provisional Constitution left critical questions of power-sharing, electoral design, the status of the Upper House, and the relationship between federal and state authority incompletely resolved. Successive governments have treated those ambiguities as opportunities rather than problems to be fixed. The result is a recurring cycle: term expiry approaches, the incumbent seeks an extension or a controlled electoral process, the opposition and some states resist, the conflict escalates, and a temporary bargain is struck that postpones rather than resolves the underlying dispute. The 2026 crisis is the latest turn of that cycle. Until the basic rules of the game are settled in a manner that all major actors regard as legitimate, the pattern is likely to continue.

The Mechanics of Restitution and the Caretaker Audit

Institutional collapse raises the legal concept of restitution. In public law, money disbursed without lawful authority must be returned or compensated. Parliamentary salaries, sitting fees and administrative budgets paid to members of both chambers, to Speaker Jamaac, and to state officials in Hirshabelle, Galmudug and the contested Southwest administration after the cut-off dates are prima facie recoverable. New contracts signed by the caretaker government or by voided state administrations are legally void. Land concessions or leases granted after 15 May 2026 are likewise voidable. International partners who continue to treat the federal government as fully empowered after the Court's ruling face potential legal exposure for any new agreements that go beyond ordinary administration.

The opposition must proceed carefully. The Court saved the government's "ordinary business," meaning routine operational costs must be protected. Restitution cannot strip the salaries of ordinary civil servants, teachers or soldiers. The audit must target unauthorised political packages, inflated contracts and illicit deals—not the salary of a teacher in Baidoa. A public, transparent Caretaker Audit is therefore essential. The Court left "ordinary business" undefined. The parties must demand this audit before the 30-day window closes around 5 December, creating a legal record against which every post-cut-off decision can be tested.

The Fractured Opposition: A Split the Government Exploits

This audit, and the legal battle itself, requires a united opposition. The Court's ruling has exposed a deepening rift. The primary coalition, the Somali Future Council—including former President Sharif Sheikh Ahmed, former Prime Minister Hassan Ali Khaire and Abdirahman Abdishakur—has welcomed the ruling and called for consensus. Former President Mohamed Abdullahi Farmaajo and his Nabad iyo Nolol party remain conspicuously separate. For Farmaajo the ruling is a bitter pill: the Court validated the procedure of the March amendments even as it ruled they could not apply retrospectively. The government has exploited this split deliberately. The 14–18 November invitation was sent separately to the Future Council and to Nabad iyo Nolol. By engaging Farmaajo independently the government is attempting to split the opposition's united front. The Future Council demands international mediation, but with the UN political mission closed on 31 October there is no resident mediator to bridge the gap.

The Strategic Game: Money, Military and Turkey's Deep Footprint

Beyond the courtroom Somalia is trapped in a high-stakes strategic game. Controlling the state still means controlling the economy. Turkey's deepwater drillship Çağrı Bey began operations in Somali waters in early 2026 under a 2024 production-sharing agreement. Turkey is not a neutral partner; it is the President's most important external lifeline. It operates its largest overseas military base, Camp TURKSOM, and has deployed advanced air assets. Reports of private military contractors linked to Turkish networks protecting Mogadishu and economic interests add a further layer of entanglement. If the caretaker government collapses, Turkey's investment architecture is exposed to legal and political challenge. Ankara therefore has a structural incentive to keep the current President in power.

The broader international community is hedging. The United States has signalled deep frustration by moving to end funding for the UN Support Office in Somalia. The European Union has called for an inclusive political agreement but has provided only a short-term lifeline to the African Union mission. The UAE remains a hostile actor after Mogadishu annulled its port deals in January 2026. Egypt has emerged as a land-based ally, deploying substantial forces, but its support is for the Somali state, not necessarily for this President's extended mandate. No external actor appears prepared to enforce the Court's ruling, yet several have incentives either to preserve the current executive or to prevent total collapse.

The Endgame: What Happens Next for Each Player

With the 30-day clock ticking toward 5 December, every major player is calculating the next move. The Executive is playing the art of the stall. The President will use the November talks to peel away moderate opposition figures with promises of posts. If the opposition unites and foreign funding freezes, the nuclear option remains: declaring a state of emergency, moving against the judges, and relying on elite brigades to lock down the capital. The physical confrontation at the Supreme Court already shows that this option is not theoretical.

The Judiciary is in a bunker. Lacking physical enforcement power, its game plan is survival and internationalisation—declarations from secure locations, petitions to the African Court on Human and Peoples' Rights, and the conversion of judges into international political prisoners if necessary. The Court's order of elections within 90 days is, in the absence of enforcement capacity, largely hortatory. It has not named a replacement president and has not specified consequences if the deadlines are missed.

The Somali Future Council is launching a pressure campaign. It will reject the November talks unless a neutral mediator is appointed, demand the caretaker audit to paralyse the government's ability to sign new deals, and mobilise civil society. Its ability to succeed depends on overcoming the split with Farmaajo's camp and on whether international partners are prepared to attach real costs to continued defiance of the Court.

Farmaajo is playing the spoiler. By remaining separate he positions himself as the alternative to both the President and the Sharif-led opposition. The government is actively courting him precisely because a divided opposition is easier to manage.

Southwest under Madobe is a federally aligned power broker, not a neutral one. Laftagareen's parallel claim and the ongoing fighting in Bay mean the state is itself a site of dual sovereignty. Neither side can claim uncontested legal or political authority. The securitisation of the conflict as a fight against Al-Shabaab further complicates any political settlement.

Puntland and Jubaland remain the true kingmakers. They will refuse to recognise the federal timetable and continue cutting their own foreign deals. If the federal government collapses they will accelerate parallel processes.

Al-Shabaab remains the silent winner. As local militias withdraw from front lines and the Somali National Army fractures under political pressure, the group will launch opportunistic offensives to reclaim territory and exploit security vacuums left by any drawdown of foreign troops. The more the political elite is consumed by the legitimacy crisis, the greater the space for the insurgency.

The Impossible Clock

The Court gave 30 days to agree a framework and 90 days to hold elections. That timeline is unrealistic. An impossible deadline becomes an excuse: the government will say the timeline was unworkable; the opposition will say the process was rushed. The 30 days is a pressure device. The 90 days is a signal that the old schedule is dead. Without an enforcement mechanism or a credible external guarantor, the clock is more political theatre than constitutional command.

Summary and Bottom Line

Somalia faces a prolonged caretaker limbo in which nothing functions, or a violent transition that empowers Al-Shabaab. The State Attorney General has provided the Executive with a legal shield to ignore the Court. The Lower House is a dead engine presided over by a void Speaker. The Upper House suffers defects through the compromised elections of Hirshabelle and Galmudug—and, on closer inspection, through the contested succession in Southwest as well. No Federal Member State currently stands on unassailable legal ground. The federal centre is simultaneously defying the judiciary and actively consolidating allied state governments. The conflict in Southwest is being securitised as counter-terrorism. Parliamentary seat arithmetic and clan balances are driving the violence as much as constitutional principle.

The apparent contradiction between the Court's earlier certifications of state elections and its 5 November constitutional ruling is real and unresolved. The certificates still exist; the later ruling says the federal authority behind those elections had already expired. Until that tension is clarified, the legal foundations of the Upper House and of the current state governments remain contested.

The crisis mirrors the 2020–2022 Farmaajo term-extension confrontation in its structure: a contested mandate, a divided opposition, federal–state rupture, and the risk of urban fighting. The difference is that this time the Supreme Court has spoken clearly, and this time the federal centre has already used force to reshape a member state. The deeper root cause remains the unfinished federal bargain and the absence of settled, mutually accepted rules for the transfer of power.

The President is weaker, but he is betting that the opposition is too fractured to stop him, that the army will stay loyal, and that Turkish support will hold. The opposition has a legal foothold, but only if it can overcome its divisions, demand a rigorous caretaker audit, apply the Court's logic consistently across all states, address the security vacuum, and find external partners willing to attach real costs to continued defiance. The clock is ticking to 5 December. The Court has said no, and the government has said no to the Court. The question is whether anyone understands what that deadlock means for every sitting, every vote, every shilling spent, every foreign partnership, and every clan calculation after the clock ran out.

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