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SURVIVING INDEPENDENCE

South Sudan's Contested Constitution-Making Process

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Abstract

South Sudan got its independence in 2011, after 39 years of civil war with Sudan. Two and a half years later a new armed conflict broke out, this time between different fractions inside South Sudan. This study looks at one of the most important, yet contested political processes in South Sudan; namely the process of drafting a permanent constitution. It takes a social science perspective, using constitution-making theories, participation theories and theories on inclusive political settlements as an analytical framework, and focuses particularly on inclusion and exclusion in the process. The study challenges the assumption that closed processes that produces a temporary constitution is favorable to prevent a relapse to armed conflict in post-conflict societies. The South Sudan case shows that temporary constitutions negotiated in closed settings in fact can increase the conflict levels within a country. The President's failure to prioritize the review of the Transitional Constitution, whether deliberately or not, made possible power contenders believe that the only possibility they had to negotiate the political settlement was through violent means.

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