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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.
1. CHAPTER 1: INTRODUCTION

1.1. Political and Scholarly Relevance of the Work

1.2. Research Question, Hypotheses, Definitions

1.3. Methodology

1.4. Limitations and delimitations of the research

1.5. Method of Inquiry and Structure of the Work

2. CHAPTER 2: THEORETICAL FRAMEWORK

2.1. Theories on Constitution Making Processes

2.2. Political Settlements

3. CHAPTER 3: THE CONSTITUTIONAL HISTORY OF SOUTH SUDAN

3.1. Independence and the 1956 Temporary Constitution

3.2. The Addis Ababa Agreement and the 1973 Permanent Constitution

3.3. The 1998 shari’a laws

3.4. The Comprehensive Peace Agreement and the 2005 Interim Constitutions

3.5. Secession and the 2011 Transitional Construction of South Sudan

3.6. Divisions within South(ern) Sudan

3.7. Summary

4. CHAPTER 4: INCLUSIVITY IN THE CONSTITUTION-MAKING PROCESS

4.1. Mode of representation and mode of legitimisation

4.2. Style of constitution-making

4.3. Summary

5. CHAPTER 5: CONSTITUTION-MAKING AND THE RELAPSE TO VIOLENCE

6. CHAPTER 6: CONCLUSION
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