

South Sudanese demand for a Federal Constitution may be an Answer to the Crisis

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/EINPresswire.com/ -- By Aldo Ajou Deng-Akuey

Constitution, as an English word, has several meanings, but, in this particular article, we mean "the fundamental, organic law or principles of government of 'human beings,' embodied in written documents, or implied in the institutions and usages of the country or society; also, a written instrument embodying such organic law and laying down fundamental rules and principles for conduct of affairs." From English dictionary.

The Constitution of the United States, a product of liberation, war for National unity, enforcement of law over the emancipation of slaves, eradication of white racism and abolition of segregation. Nevertheless, Americans were able to agree and eventually wrote the constitution they shared "at the Constitutional Convention In Philadelphia in 1787 and subsequently ratified by the original thirteen states;" cited elsewhere for the purpose of this argument.

In the preamble of the American Constitution, opens with the Declaration as follows: "We the People of the United States, in Order to form a perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessing of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America." That was in 1787 in the Constitutional Convention in the state of Philadelphia. Because of "negotiation in good faith" the American Constitution is still among the best Constitutions up to date.

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Can South Sudan politicians, professionals, experts and the

people bail themselves out of this crisis as Americans did in 1787?

I think so. We can do it perfectly well if we reverse our present nationalistic rhetoric into realities. In fact, in comparison, to Americans of 1787 and South Sudanese of today's world, in regards to the growth of knowledge and modern technology and, having the advantage to learning more from others and from their own achievements and mistakes, South Sudanese are assumed to be ahead. They (South Sudanese) can write an excellent and unifying constitution for themselves if they rid themselves of negative and unrealistic assumptions, arrogance and ignorance. These qualities are not supportive because they only generate and promote emotions of hate, jealousy and inferiority complex. They are ideas unworthy, negative and enemies to political and economic growth, social welfare, and unity in diversity.

Why do we need a new constitution, when we have one already? We need a new constitution in order to resolve the ongoing crisis and maintain our eroding unity of the country. We must recognize the present factual division of our people. First, our regions of Bahr Al Ghazal, Upper Nile, and Equatoria, are socially and politically in turmoil of falling apart. Second, our tribes, communities, and nationalities are divided to appoint of developing permanent enmity among themselves, especially between the Dinka and Bari speaking communities of central Equatoria. We must tell the truth in order to kill this growing mistrust from its "bud." What is "not told or said," to quote Dr. Francis Mading Deng, could endanger and divide families, let alone the fragile communities of South Sudan. This ongoing war has proved our "ethnicity and territorial-regional divide." To retrieve our long-held security and unity of purpose throughout 1955 to 2005 and before, there is a need to dialogue, reconcile and build a conscientious constitution of necessity.

With the present war trauma, fatigue, destruction to political, economic and social fabric, South Sudan cannot recover under the present "Transitional Constitution of the Republic of South Sudan." This constitution was only a prototypical of "Interim Constitution of Southern Sudan and Sudan" of 2005. Basically, it was/is a dictatorial constitution with little to do with public interest, let alone the people's interest. It is to be noted that this borrowed constitution from Khartoum's radical Islamists in 2005, should be held responsible for the present deadly war among South Sudanese. Since the British created South Sudan in 1899, put together the territories which now compose the present territory, known as Republic of South Sudan, South Sudanese have lived together in harmony, security, mutual respect, and unity. This unity fostered the success of the liberation and independence. The time is up and obliging for a binding constitution to be worked out, agreed upon and enacted without further delays. The constitution we have in-hand is not suitable for power-sharing, governance, and unity of equal-citizenship, we so much need. The Khartoum's constitution we enthusiastically copied, was/is strategically meant for divide and rule.

For example, in its preamble, the following words are not familiar to people's interest, liberties, freedoms, democracy and the rule of law: the preamble of the Transitional Constitution of the Republic of South Sudan 2011, states "We, the People of South Sudan, Grateful to... Recalling... Remembering... Dedicated... Determined... Committed... Conscious..." and "Do hereby, through this South Sudan Legislative Assembly; amend the Interim Constitution of Southern Sudan, 2005, which shall be adopted and hereafter referred to as the 'Transitional Constitution of the Republic of South Sudan, 2011,' and shall be the supreme law by which the independent and sovereign South Sudan shall be governed during the Transitional Period, and undertake to abide by, respect and defend it."

This is a document which should have served the Transitional Period from 2011 to 2015, but it could not survive the designated period. The ongoing war interrupted and aborted the making of a new constitution, as the insecurity ensued from 15 December 2013 to date. The opportunity to make peace among the warring parties and the populous South Sudanese is still available, though there

has been persistence ups and downs. We must pressure the parties to make the High-Level Revitalisation Forum on the Agreement on Resolution of Conflict in the Republic of South Sudan, ARCSS, revitalization and review a success. For a successful outcome, the political parties and other stakeholders, are expected keenly, to focus on the national security, constitution, democracy and the rule of law. If the cessation of hostilities, ceasefire and security arrangements hold, along with

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