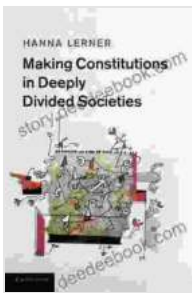


Making Constitutions in Deeply Divided Societies: A Comprehensive Guide

Crafting constitutions in deeply divided societies presents formidable challenges that require careful consideration, inclusive processes, and innovative approaches. This article serves as a comprehensive guide, exploring the complexities of constitution making in such settings, providing best practices, and examining international case studies.



Making Constitutions in Deeply Divided Societies

by Hanna Lerner

★★★★☆ 4.7 out of 5

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Screen Reader : Supported
Enhanced typesetting : Enabled
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Challenges in Deeply Divided Societies

Constitutions in deeply divided societies face unique obstacles:

- **Mistrust and Polarization:** Historical grievances, ethnic and religious divisions, and political polarization can create deep mistrust, making consensus building difficult.

- **Conflicting Interests:** Diverse groups may hold conflicting visions for the future, leading to disputes over power-sharing, resource allocation, and cultural rights.
- **Historical Injustices:** Past wrongs and inequalities can cast shadows over the present, creating a climate of resentment and hindering reconciliation.
- **External Influences:** External stakeholders, such as neighboring countries or international organizations, may exert pressure or influence the constitution-making process.

Best Practices for Inclusive Constitution Making

To navigate these challenges, best practices for inclusive constitution making include:

- **Broad-based Participation:** Engaging all relevant stakeholders, including marginalized groups, in the process ensures their voices are heard and interests are represented.
- **Consensus-Oriented Approach:** Seeking agreement through dialogue, compromise, and negotiation fosters a sense of ownership and legitimacy.
- **Neutral Language and Symbolism:** Using language that is inclusive and avoids offensive or divisive terms fosters a sense of belonging.
- **Inclusion of Transitional Justice:** Addressing past injustices through mechanisms such as truth commissions or reparations can contribute to healing and reconciliation.

- **External Support:** Seeking assistance from international organizations or experts can provide technical support and facilitate dialogue.

International Case Studies

Examining international case studies provides valuable lessons:

South Africa (1994)

A broad-based Constitutional Assembly with representatives from all major political parties and civil society groups negotiated a constitution that addressed historical inequalities and ensured power-sharing.

Northern Ireland (1998)

The Good Friday Agreement established a power-sharing government and created mechanisms for cross-border cooperation, fostering reconciliation between Protestant and Catholic communities.

Bosnia and Herzegovina (1995)

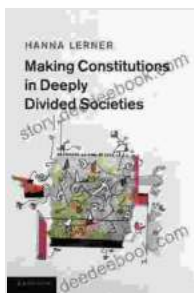
The Dayton Agreement imposed a constitution that divided the country into ethnic entities, but its complex power-sharing arrangements have led to ongoing challenges.

Iraq (2005)

The post-Saddam Hussein constitution was adopted through a referendum, but its sectarian provisions and lack of inclusive participation have contributed to instability.

Making constitutions in deeply divided societies is a complex and challenging endeavor. However, by embracing inclusive practices, respecting diversity, seeking consensus, and learning from international experiences, it is possible to create constitutions that foster peace, stability, and societal reconciliation.

This comprehensive guide provides valuable insights and best practices for navigating the complexities of constitution making in deeply divided societies, contributing to the building of inclusive and sustainable democratic governance.



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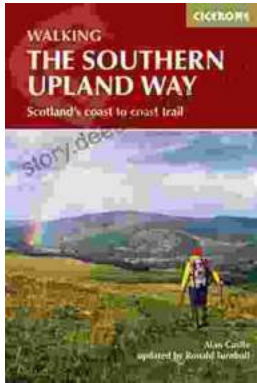
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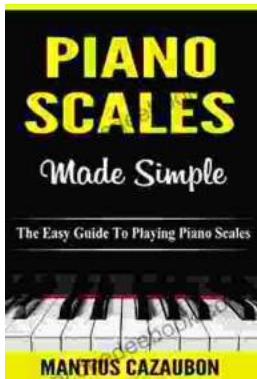
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