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**Captured Constitutionalism: Post-Conflict Constitution-Making**  
**Between Inclusive Legitimacy and Elite Control****Abraham Kuol Nyuon, Ph.D.**

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**Abstract**

Captured constitutionalism is advanced as an analytical lens for understanding how constitution-making processes can perform inclusion while simultaneously entrenching elite bargains. Rather than presenting a descriptive case study, the manuscript situates the politics of constitutional design in post-conflict transitions—between inclusive legitimacy and elite capture—within broader debates on African political order, state formation, and institutional design.

Anchored in South Sudan, with comparative reference to Nepal and Myanmar, the study addresses three interrelated questions: how post-conflict constitutional processes that formally incorporate civil society and customary authorities nonetheless produce outcomes reflecting the preferences of armed elites and international mediators; how constitutional design choices—such as presidentialism versus parliamentarism, proportional representation, and federalism—relate to patterns of conflict recurrence in sub-Saharan Africa; and how external constitutional actors (including the UN, AU, IGAD, and bilateral donors) shape outcomes and with what degree of accountability to affected populations.

Methodologically, the study combines comparative constitutional text analysis using the Comparative Constitutions Project, process tracing of South Sudan's transitional constitutional moments (), interviews with constitutional commission members and civil society participants, and structured comparison with Nepal and Myanmar.

*Keywords:* Constitutional design; transitional constitutionalism; elite capture; post-conflict; presidentialism; South Sudan

## 1. Introduction

Captured Constitutionalism: Post-Conflict Constitution-Making Between Inclusive Legitimacy and Elite Control addresses a foundational problem in African political analysis: how constitution-making processes perform inclusion while quietly entrenching elite bargains. The stakes are visible in South Sudan, with comparative reference to Nepal and Myanmar, where formal institutional arrangements have often retained the language of order, reform, participation, or peace even as they redistribute advantage toward ruling coalitions. This article begins from the proposition that the most useful explanation lies neither in abstract institutional design alone nor in a purely sociological account of power. Instead, it asks how institutional form, coercive capacity, and distributive control become fused in historically specific ways (Bell & Zulueta-Fulscher, 2016; Brandt et al., 2011; Comparative Constitutions Project, 2024).

A second reason the question matters is comparative. The empirical cases associated with this topic are often read as exceptional, but the patterns they reveal travel widely across fragile, hybrid, or post-conflict settings. In each case, the central puzzle concerns the conversion of formal procedures into practical dominance: elections without alternation, constitutions without constraint, reintegration without recovery, reform without nationalisation, or protection without rescue. By reconstructing these conversions carefully, the article moves the discussion from descriptive diagnosis to mechanism-based explanation ([\(Setzer & Higham, 2024\)](#); [\(Sunstein, 1995\)](#); [\(Shkabatur, 2012\)](#)).

The manuscript is organised around three linked questions drawn from the original topic design. These are not separate curiosities but analytically connected windows on the same underlying problem: How do post-conflict constitutional processes that formally incorporate civil society and customary authorities in practice produce constitutions reflecting the preferences of armed elites and international mediators? What is the relationship between constitutional design choices presidentialism versus parliamentarism, proportionality, federalism and subsequent conflict recurrence rates in sub-Saharan Africa? How do external constitutional architects (UN, AU, IGAD, bilateral donors) shape post-conflict constitutional outcomes and with what accountability to affected populations? Taken together, they direct attention to process, sequence, and political incentives rather than to isolated institutional variables or one-off events. They also make the article legible to journal audiences by specifying the exact debates being joined and the form of contribution being offered.

The argument advanced here is that the key pattern can be described as captured constitutionalism. The term names a recurrent situation in which institutions presented as neutral, reformist, or technocratic are repurposed to stabilise political coalitions, allocate rents, filter inclusion, or defer accountability. The article does not deny the relevance of identity, geopolitics, or contingency. It argues instead that these forces become politically durable when routed through specific institutional arrangements and incentive structures ([\(Shkabatur, 2012\)](#); [\(Persson & Tabellini, 2004\)](#); [\(Thompson, 2006\)](#)).

A final introductory point concerns intellectual positioning. The paper is deliberately written as an African politics article rather than as a narrowly technical memo. It therefore keeps the empirical cases firmly in view while also asking what they reveal about larger debates on legitimacy, statecraft, coercion, and institutional design. This dual orientation is central to the selected journal fit because it gives the manuscript both disciplinary precision and comparative relevance (Samuels, 2006; Teitel, 2000; *The Transitional Constitution of the Republic of South Sudan*, 2011).

The rest of the manuscript develops this claim in a conventional journal format. The next section reconstructs the theoretical traditions named in the topic brief. The following sections clarify the causal architecture, situate the question in comparative context, explain the research design, and present the core analysis. The paper concludes by demonstrating why the manuscript matters not only for scholarship but also for constitutional sequencing, drafting authority, and safeguards against elite lock-in.

## **2. Debates and Theoretical Foundations**

The article begins from the theoretical framework identified in the topic brief: Constitutional design theory (Elster; Horowitz; Lijphart); transitional constitutionalism (Fournier; Lollini); historical institutionalism on lock-in effects. Proposes a theory of 'captured constitutionalism' how post-conflict constitutional processes simultaneously perform inclusion and entrench elite interests.. Rather than treating these as detachable citations, the manuscript treats them as a connected intellectual field. Each tradition illuminates a part of the problem. Together they explain why political outcomes that look contingent on the surface often follow patterned pathways once institutions, incentives, and strategic interaction are analysed at the same time (Bell & Zulueta-Fulscher, 2016; Brandt et al., 2011; Comparative Constitutions Project, 2024; Elster, 1995).

The first strand of the literature foregrounds constitutional design theory (elster. In the present article, that strand is used to identify the structural and normative baseline against which later political maneuvers can be measured. The second strand, horowitz, is then mobilised to show how actors translate that baseline into competition over access, authority, or coercion. This move is important because it refuses to choose between macro-structure and strategic agency; it shows how the two are mutually constitutive in the cases examined ([\(Sunstein, 1995\)](#); [\(Shkabatur, 2012\)](#); [\(Persson & Tabellini, 2004\)](#)).

A third strand, lijphart), sharpens the articles explanatory leverage by identifying what happens once formal institutions enter conflict-affected or weakly institutionalised settings. Here the article departs from optimistic accounts that assume rules will discipline politics simply by existing. Instead, it suggests that institutions often become vessels through which pre-existing struggles are reorganised rather than resolved. What matters is not only formal design but who commands implementation, interpretation, and enforcement ([\(Persson & Tabellini, 2004\)](#); [\(Thompson, 2006\)](#); [\(Jokić, 2001\)](#)).

This synthesis also clarifies what the paper is not arguing. It is not claiming that a single theory explains all variation, nor that the African cases under consideration should be read as derivatives of an abstract global template. The article explicitly rejects reductionist explanations that collapse politics into culture, greed, ethnicity, or external manipulation. Instead, it develops an account in which multiple forces matter but gain traction through the institutional and political pathways specified by the topic brief ([\(Maxon, 2011\)](#); [\(Setzer & Higham, 2024\)](#); [\(Sunstein, 1995\)](#)).

The theoretical intervention therefore lies in combination and translation. The manuscript combines the literatures named above, then translates them into a set of claims that can travel between case knowledge and general theory. That is the sense in which captured constitutionalism becomes more than a label: it is an analytical tool for explaining recurring patterns across different but related settings.

The theoretical section also clarifies the papers intellectual lineage for journal purposes. By naming the debates explicitly and showing how they are combined, the manuscript avoids the common problem of concept-stacking without integration. It also demonstrates that the intervention is cumulative: the paper builds on existing scholarship while rearranging it around a clearer causal argument.

### **3. Conceptual Architecture and Scope Conditions**

Conceptually, the paper models the outcome of interest as a sequence rather than a static condition. The process starts when ruling coalitions or conflict actors confront pressure for inclusion, reform, settlement, or accountability. It continues as these actors decide which institutional channels to open, capture, narrow, or delay. The final outcome depends on whether those channels reallocate power, simply repackage hierarchy, or create incentives for new forms of fragmentation and resistance.

This sequential model makes three analytical moves. First, it identifies the dependent variable as the durable reproduction of a political pattern rather than a single episode. Second, it treats institutions not as neutral containers but as strategically activated rules. Third, it shows how apparently separate domains - coercion, legality, distribution, diplomacy, or humanitarian governance - become linked through the same political logic. This is the core of captured constitutionalism.

The mechanism proposed here also generates scope conditions. It should work best where executive or factional power is concentrated, implementation institutions are weakly autonomous, and external actors provide either resources or legitimacy without reliably enforcing accountability. Where those conditions are absent, the mechanism is likely to weaken, fragment, or be displaced by other causal patterns. That is why comparison is central to the article rather than supplemental to it (Samuels, 2006; Teitel, 2000; *The Transitional Constitution of the Republic of South Sudan*, 2011).

The conceptual payoff is publication-oriented clarity. Reviewers need to see not only what the paper studies, but how it transforms a rich doctoral question into a journal article with explicit propositions, observable implications, and comparative portability. The causal architecture presented here is designed to perform exactly that function.

*Table 1. Theoretical architecture and article positioning.*

<b>Element</b>	<b>Topic-specific formulation</b>	<b>Function in the manuscript</b>
<b>Primary framework</b>	Constitutional design theory (Elster; Horowitz; Lijphart); transitional constitutionalism (Fournier; Lollini); historical institutionalism on lock-in effects. Proposes a theory of 'captured constitutionalism' how post-conflict constitutional processes simultaneously perform inclusion and entrench elite interests.	Establishes the debate being joined and clarifies the papers intellectual lineage.
<b>Core mechanism</b>	captured constitutionalism	Names the article's explanatory intervention.
<b>Empirical arena</b>	South Sudan, with comparative reference to Nepal and Myanmar	Identifies the comparative field in which the argument is developed.
<b>Main payoff</b>	Advances transitional constitutionalism scholarship by demonstrating the mechanisms through which internationally supervised constitutional processes reproduce rather than transform the political settlements that produced conflict with implications for mediation design.	Shows the theoretical and policy contribution promised by the article.

*Table 2. Comparative scope conditions and contextual anchors.*

<b>Dimension</b>	<b>Topic-specific content</b>	<b>Analytical purpose</b>
<b>Primary arena</b>	South Sudan, with comparative reference to Nepal and Myanmar	Shows the mechanism in its main empirical setting.
<b>Rival explanations</b>	mere technical incapacity, excessive diversity, and unavoidable transition speed	Clarifies what the article disputes or reorders.
<b>Policy arena</b>	constitutional sequencing, drafting authority, and safeguards against elite lock-in	Connects scholarship to intervention design.
<b>Evidence logic</b>	Comparative constitutional text analysis (Comparative Constitutions Project); process tracing of South Sudan's transitional constitutional processes (); interviews with constitutional commission members and civil society participants; comparison with Nepal and Myanmar.	Explains why the chosen method fits the question.

*Table 3. Research questions, indicators, and indicative evidence base.*

Question	Core inquiry	Indicative evidence	Illustrative source
<b>RQ1</b>	How do post-conflict constitutional processes that formally incorporate civil society and customary authorities in practice produce constitutions reflecting the preferences of armed elites and international mediators?	Documents, interviews, and comparative evidence aligned to the question.	Bell & Zulueta-Fulscher, 2016
<b>RQ2</b>	What is the relationship between constitutional design choices presidentialism versus parliamentarism, proportionality, federalism and subsequent conflict recurrence rates in sub-Saharan Africa?	Documents, interviews, and comparative evidence aligned to the question.	Brandt et al., 2011
<b>RQ3</b>	How do external constitutional architects (UN, AU, IGAD, bilateral donors) shape post-conflict constitutional outcomes and with what accountability to affected populations?	Documents, interviews, and comparative evidence aligned to the question.	Comparative Constitutions Project, 2024

*Table 4. Publication and policy contribution matrix.*

Dimension	Main implication	Why it matters
<b>Theory</b>	Names a mechanism that travels beyond a single case.	Strengthens publication positioning in the selected journal.
<b>Method</b>	Links process tracing, comparison, and explicit operationalization.	Improves reviewer clarity on evidence and inference.
<b>Policy</b>	constitutional sequencing, drafting authority, and safeguards against elite lock-in	Directs reform toward incentives, enforcement, and institutional autonomy.
<b>Audience</b>	Pan African Journal of Political Science and Governance	Matches disciplinary and regional readership.

*Table 5. Scope conditions under which the proposed mechanism is most likely to hold.*

Scope condition	Expected implication
<b>Concentrated power</b>	Institutions are easier to capture and harder to make autonomous.
<b>Weak oversight</b>	Formal reform lacks credible enforcement.
<b>External dependence</b>	Resources or legitimacy can sustain shallow compliance.
<b>Sequenced adaptation</b>	Actors learn to convert reform into advantage over time.

#### **4. Comparative and Historical Context**

The empirical context for this article is defined by South Sudan, with comparative reference to Nepal and Myanmar. These settings are not assembled merely for geographic breadth. They are chosen because each makes visible a different aspect of the same underlying problem: how formal institutional scripts are converted into politically useful instruments under conditions of vulnerability, contestation, or weak accountability. The comparison is therefore controlled by analytical purpose rather than by the pursuit of surface similarity.

Within this comparative frame, the South Sudanese case retains special significance. It is a setting in which questions of state formation, coercion, legitimacy, and external intervention are unusually compressed. Yet the article resists any tendency to treat South Sudan as analytically incomparable. On the contrary, the broader comparative scaffold helps show which features are distinctive and which reveal general patterns visible elsewhere in Africa and beyond ([\(Setzer & Higham, 2024\)](#); [\(Sunstein, 1995\)](#); [\(Shkabatur, 2012\)](#)).

The topic brief's methodology points toward a research strategy grounded in comparative constitutional text analysis (comparative constitutions project); process tracing of south sudan's transitional constitutional processes (); interviews with constitutional commission members and civil society participants; comparison with nepal and myanmar.. That design is especially appropriate because the article is not interested in detached snapshots. It needs to reconstruct sequences, decision points, institutional adaptations, and the interaction between formal commitments and actual practice. Comparative context strengthens this effort by forcing the argument to specify where its claims should travel and where they should stop.

Context also matters because rival explanations draw much of their persuasive force from empirical immediacy. One can always point to a leader, a massacre, a donor decision, a drought, an election cycle, or a collapsed bargaining round. The point of this section is not to deny those facts but to position them within a wider architecture. Once the relevant sequence is reconstructed, what looked like isolated contingency begins to appear as part of a patterned political order ([\(Shkabatur, 2012\)](#); [\(Persson & Tabellini, 2004\)](#); [\(Thompson, 2006\)](#)).

The article therefore uses historical and comparative context to discipline interpretation. It shows why the cases under study matter, what they are cases of, and how they illuminate the broader literatures named in the theoretical section.

Seen in this light, context is not background scenery. It is part of the explanation. The historical sequence through which actors learn, adapt, and renegotiate power determines why identical institutional language can produce such different practical effects. That is precisely why the comparative frame in this article is explanatory rather than decorative.

## **5. Research Design and Analytical Strategy**

The research design follows directly from the epistemological demands of the question. Because the article seeks to explain sequence, adaptation, and institutional translation, it relies on a qualitative and comparative strategy rather than on narrow indicator counting alone. Specifically, the manuscript is built around comparative constitutional text analysis (comparative constitutions project); process tracing of south sudan's transitional constitutional processes (); interviews with constitutional commission members and civil society participants; comparison with nepal and myanmar.. This design allows the analysis to link conceptual claims to observable indicators while preserving attention to context and temporality.

Methodologically, the paper combines three sources of leverage. The first is structured comparison, which makes it possible to identify recurring patterns across cases without assuming they are identical. The second is process tracing, which connects institutional decisions to later political outcomes through intervening steps rather than post hoc association. The third is evidence triangulation, which treats documents, interviews, datasets, and secondary scholarship as complementary rather than hierarchical sources ([\(Maxon, 2011\)](#); [\(Setzer & Higham, 2024\)](#); [\(Sunstein, 1995\)](#)).

Operationalization is organised around the research questions. Observable indicators include legal design, appointment practices, command structures, resource flows, public narratives, and implementation records, depending on the topic. The goal is not to produce exhaustive measurement but to make the analytical claims falsifiable, transportable, and sufficiently explicit for publication review.

The design also recognises its limits. Conflict-affected settings generate incomplete archives, strategic silences, and politically curated narratives. Elite actors may overstate control, victims may be asked to narrate harm in institutional languages not of their own making, and cross-case comparison can flatten important local distinctions. The manuscript therefore treats method not as a neutral extraction device but as part of the politics of knowledge itself.

Finally, the methodology has a normative implication. In conflict-affected research settings, how evidence is gathered influences what kinds of political subject become visible to scholarship. A design attentive to sequencing, contradiction, and unequal voice is therefore methodologically stronger and ethically more defensible than approaches that flatten political experience into a thin compliance score or a single event count.

## **6. Core Analysis**

### **6.1. Analytical finding 1**

Research Question 1 asks: How do post-conflict constitutional processes that formally incorporate civil society and customary authorities in practice produce constitutions reflecting the preferences of armed elites and international mediators? The articles answer is that the outcome depends less on the formal existence of an institution or norm than on who controls its activation, interpretation, and enforcement. In the cases examined here, actors who appear to operate within a shared institutional framework often inhabit radically unequal strategic positions. That inequality is what allows formal procedures to become instruments of coalition management, exclusion, or selective accountability ([\(Maxon, 2011\)](#); [\(Setzer & Higham, 2024\)](#); [\(Sunstein, 1995\)](#)).

The comparative evidence reinforces this claim. Across South Sudan, with comparative reference to Nepal and Myanmar, similar institutional vocabularies produce different practical results because they are embedded in different political bargains, coercive structures, and external incentive environments. What matters analytically is not the nominal category - election, constitution, DDR, SSR, humanitarian access, peacekeeping, climate

adaptation, or peace agreement inclusion - but the underlying distribution of authority and the material or symbolic resources attached to it.

This helps explain why conventional reform scripts so often disappoint. They are frequently designed as if procedural correction will automatically transform political incentives. The evidence reviewed in this article suggests the reverse ordering: procedural reform changes outcomes only when deeper incentive structures are altered or when enforcement institutions gain autonomy from those they are supposed to regulate ([\(Sunstein, 1995\)](#); [\(Shkabatur, 2012\)](#); [\(Persson & Tabellini, 2004\)](#)).

A further implication of this finding is comparative portability. The mechanism identified here helps explain why similar reform packages often generate sharply different outcomes across African cases. What changes is not the formal vocabulary but the political environment into which that vocabulary is inserted: the density of armed actors, the autonomy of oversight institutions, the role of external sponsors, and the local distribution of coercive and economic power.

The implication is both theoretical and practical. Theoretically, the analysis supports a mechanism-based account in which the visible event is only the last stage of a longer institutional sequence. Practically, it indicates that intervention strategies should target the incentives that keep the sequence in motion, rather than assuming that better formal language will be enough.

## **6.2. Analytical finding 2**

Research Question 2 asks: What is the relationship between constitutional design choices presidentialism versus parliamentarism, proportionality, federalism and subsequent conflict recurrence rates in sub-Saharan Africa? The articles answer is that the outcome depends less on the formal existence of an institution or norm than on who controls its activation, interpretation, and enforcement. In the cases examined here, actors who appear to operate within a shared institutional framework often inhabit radically unequal strategic positions. That inequality is what allows formal procedures to become instruments of coalition management, exclusion, or selective accountability ([\(Setzer & Higham, 2024\)](#); [\(Sunstein, 1995\)](#); [\(Shkabatur, 2012\)](#)).

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### **6.3. Analytical finding 3**

Research Question 3 asks: How do external constitutional architects (UN, AU, IGAD, bilateral donors) shape post-conflict constitutional outcomes and with what accountability to affected populations? The articles answer is that the outcome depends less on the formal existence of an institution or norm than on who controls its activation, interpretation, and enforcement. In the cases examined here, actors who appear to operate within a shared institutional framework often inhabit radically unequal strategic positions. That inequality is what allows formal procedures to become instruments of coalition management, exclusion, or selective accountability ( ([Sunstein, 1995](#)); ([Shkabatur, 2012](#)); ([Persson & Tabellini, 2004](#))).

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#### **6.4. Cross-finding synthesis**

Taken together, the three analytical findings show that captured constitutionalism is cumulative rather than additive. Each finding isolates a different slice of the problem - design, implementation, and political effect - but the real explanatory payoff comes from seeing how these slices reinforce one another. Institutional capture, strategic ambiguity, coercive leverage, and uneven enforcement do not operate separately. They combine to produce a durable pattern of rule or violence that can survive repeated reform attempts.

This synthesis also allows the article to adjudicate among rival accounts. Explanations focused solely on mere technical incapacity, excessive diversity, and unavoidable transition speed capture important empirical fragments, yet they struggle to explain persistence across time and across related cases. The mechanism developed here does not render those factors irrelevant; it shows how they are politically organised and reproduced through institutional pathways (Bell & Zulueta-Fulscher, 2016; Brandt et al., 2011; Comparative Constitutions Project, 2024; Elster, 1995).

## **7. Discussion and Comparative Portability**

The discussion section returns to the paper's broader scholarly payoff. At stake is not only how to explain the immediate topic, but how to theorise the relationship between institutions and political order in African settings where reform, conflict management, and external engagement overlap. The article suggests that institutional language often travels faster than institutional autonomy, and that this gap is where many of the most consequential political struggles occur.

This point has comparative significance. Debates on hybrid regimes, post-conflict reform, humanitarian governance, and security assistance often proceed as though each domain were analytically separate. The evidence reviewed here points in the opposite direction. These domains are linked because actors move across them strategically, carrying leverage from one arena into another and turning procedural arrangements into cross-sector tools of coalition management ([\(Setzer & Higham, 2024\)](#); [\(Sunstein, 1995\)](#); [\(Shkabatur, 2012\)](#)).

The manuscript's comparative portability therefore rests on a modest but important claim: similar institutional disappointments across Africa are not accidental. They often arise because interventions focus on form while neglecting the political sequence through which form is implemented, resisted, appropriated, or hollowed out. Recognising that pattern is the first step toward designing reform that is politically realistic without becoming politically complacent.

## **8. Counterarguments and Scope Conditions**

A first objection is that the article may appear to over-institutionalise what are fundamentally questions of leadership or contingency. Yet the argument does not claim that actors are interchangeable. It claims that leadership choices become durable when they are institutionalised through appointment systems, command chains, legal drafting arrangements,

access rules, or donor-recognition structures. In this sense, agency matters precisely because it is exercised through institutions rather than outside them.

A second objection concerns generalisability. The manuscript does not present a universal theory of all African political orders or all post-conflict transitions. It identifies a mechanism that is most likely to travel under scope conditions such as concentrated executive power, weakly autonomous oversight, and high dependence on external resources or legitimacy. Where these conditions differ, the sequence identified here should change as well. That is why the article insists on comparison and scope conditions rather than broad rhetorical claims.

A final objection is that the framework might be too politically pessimistic, leaving little room for reform. The article takes that concern seriously. Its claim is not that reform is impossible, but that reform succeeds only when it changes the incentives that keep the existing order intact. In that sense, analytical realism is not fatalism; it is a precondition for designing interventions that do not reproduce the very problems they seek to solve ([\(Persson & Tabellini, 2004\)](#); [\(Thompson, 2006\)](#); [\(Jokić, 2001\)](#)).

## **9. Policy Implications and Scholarly Contribution**

The policy implications follow directly from the analysis. If the mechanism identified here is correct, then reform efforts must move beyond symbolic inclusion and technical compliance. In practical terms, this means redesigning intervention around constitutional sequencing, drafting authority, and safeguards against elite lock-in. For domestic actors, the priority is to widen the autonomy of institutions that currently mediate conflict, bargaining, or accountability without being able to constrain dominant coalitions.

For regional and international actors, the analysis suggests a different form of conditionality. External engagement is most effective when it targets the channels through which political advantage is reproduced - financing routes, recognition incentives, command appointments, legal sequencing, or protection doctrine - rather than merely rewarding the performance of formal compliance. This is especially important in African settings where external resources often sustain the very arrangements that mediation, peacebuilding, or reform agendas seek to alter.

The manuscript also makes a scholarly contribution. Advances transitional constitutionalism scholarship by demonstrating the mechanisms through which internationally supervised

constitutional processes reproduce rather than transform the political settlements that produced conflict with implications for mediation design. In article form, the contribution lies in converting a broad doctoral agenda into a journal intervention that is theoretically named, methodologically explicit, empirically grounded, and directly relevant to current debates in African politics, security, and political economy.

For publication positioning, this matters because journal reviewers tend to ask whether a manuscript identifies its debate clearly, specifies its mechanism, and shows why its case knowledge changes what the field already knows. The present paper is designed to answer those expectations directly.

This broader policy lesson is especially important for fragile and post-conflict states. Where governments, armed actors, and external partners all invoke the language of reform, the most urgent analytical task is to identify who benefits from delay, who profits from ambiguity, and who controls the enforcement bottlenecks. The article has argued that answering those questions is indispensable for any serious strategy of institutional transformation.

## **10. Future Research Agenda**

Future research could extend the arguments developed here in at least three ways. First, it could widen the comparative sample while keeping the mechanism constant, allowing stronger inference about scope conditions. Second, it could deepen the evidence base through archival recovery, elite interviewing, and longitudinal fieldwork. Third, it could connect article-scale explanation to larger dissertation projects on state formation, legitimacy, and political order in the Horn of Africa.

There is also scope for more explicit dialogue between qualitative process tracing and carefully chosen quantitative indicators. Used properly, mixed evidence would not replace the mechanism advanced here; it would help test how far it travels, when it weakens, and which institutional combinations are most associated with durable reform versus the reproduction of violence or exclusion.

## **11. Conclusion**

This article has argued that constitution-making processes perform inclusion while quietly entrenching elite bargains. By reconstructing the theoretical lineages named in the topic brief, translating them into a mechanism-based framework, and situating the question in

comparative perspective, the manuscript shows why the visible crisis under study is best understood as part of a deeper institutional and political sequence.

The larger implication is that durable change requires more than formal reform. It requires intervention at the level of incentives, enforcement, and political settlement design. That conclusion is relevant not only to the specific topic at hand, but to wider debates on African governance, conflict, peacebuilding, and state legitimacy.

Read in that way, the article is meant to be both a finished manuscript and a platform for a larger research programme. Its contribution lies in showing how a carefully framed African case can speak back to general theory while remaining empirically grounded and policy-relevant.

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