



Constitution Building Training Programme

Constitution Building Programme
International IDEA

Constitution building mechanisms and practices

A module of the Constitution Building Training Programme

Overview

Constitution building uses constitutional change to catalyse and consolidate broader societal changes. These latter changes may include conflict transformation – to move from war to durable peace; societal transformation – encompassing cultural and sociological transformation; and democratization – adopting and adapting to political pluralism and credible electoral competition. Constitution building includes framing a new constitution or substantially reviewing and amending the current one, within broader processes whose impact extends to generations of citizens.

In contested constitution building processes, action grows out of consensus among key groups. The point of inclusion is to work together a consensus of vital stakeholders rather than to just count the different groups represented. But who are they? What kinds of institutions and practices bring them together in order to arrive at needed action points? And how can these institutions and practices at the same time allow for the inclusion of other kinds of actors – those whose inclusion can only strengthen the broader legitimacy of constitutional outcomes? The challenge is to secure commitment to a process of constitution building as well as commitments to its outcomes that will minimize cleavages and share collective action.

This Module focuses on institutional responses to the demand for inclusive and participatory processes of constitution building. It aims to give participants a solid understanding of the distinct processes and institutional mechanisms of constitution building. The Module addresses the ways in which inclusion (ensuring that all critical stakeholders are part of the process) and participation (the role of citizens in shaping and endorsing the constitution) intersect with the stages of constitution building as well as highlighting strategies for dealing with their attendant risks. The Module builds on these concepts to lead to an examination of the options for constitution making mechanisms, and the contextual considerations that must shape this choice. It highlights comparative practice and lesson learning in a way that compliments the experiential learning of its target audience – practitioners involved in constitutional reform.

Learning outcomes

At the end of this Module participants should be able to:

1. Describe the various stages of constitution building and understand the technical aspects of each.
2. Ability to design different options for procedures for inclusion and participation.
3. Understand the advantages and risks of broad participation and strategize how to address these challenges.
4. Understand the different institutional options for making constitutions.
5. Describe the advantages and disadvantages of a staged constitutional process.

6. Understand the role of an interim constitution and when it may be an appropriate choice as part of a constitutional reform process.

Module Structure

