



# Constitution building after conflict:

External support to a sovereign process

**PolicyPaper**

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*Constitution building refers to processes for negotiating, drafting and implementing constitutions. Many constitutions are framed following conflict. Increased intervention of the international community in the resolution of civil and intra-state conflicts has led in many cases to external actors extending peace building roles into constitution building, with new external actors also emerging seeking influence. External intervention in constitution building, as distinct from conflict resolution, presents unique challenges and pressures on these exercises of sovereignty. This paper contributes to an ongoing dialogue among practitioners and aims to present a policy perspective that calls for restrained and value-adding external support in constitution building.*

# International IDEA at a glance

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## **What is International IDEA?**

The International Institute for Democracy and Electoral Assistance (International IDEA) is an intergovernmental organization that supports sustainable democracy worldwide. International IDEA's mission is to support sustainable democratic change by providing comparative knowledge, and assisting in democratic reform, and influencing policies and politics.

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- providing comparative knowledge derived from practical experience on democracy building processes from diverse contexts around the world;
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# Key Recommendations

- 1 Policymakers need to pay more attention to the quality of constitution building processes within broader transitions.
- 2 Whilst there is no single ‘process blueprint’, experience has produced a range of important principles and processes to improve the odds that a constitution will ‘learn the right lessons’ from a country’s history.
- 3 External assistance for constitution building should be distinguished according to its political nature. Specifically, there is a need for policymakers to move away from the language of ‘entry points’ to an understanding of ‘invitation points’. The principle of ‘national ownership’, although essential, requires practical implementation guidance.
- 4 External actors in constitution building are a diverse group that could give more concerted attention to ‘process unknowns’—there are still many gaps in the evolving field of constitution building support in terms of what works and what does not.
- 5 A more dynamic flow of ideas between national and external actors might contribute to institutionalizing constitution building as a better defined field with identified linkages and multiplier effects for peace building, institution building, the protection of human rights and human security, increased democratic accountability, and human development.

# Executive Summary

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1. Constitutions do much more than establish a government and regulate its relationships with citizens. For many states, they have become crisis management tools.
2. The benefits of constitutions designed for conflict-affected and deeply divided states hinge on their ability to reconcile groups, to address intolerable grievances and to prevent further polarization and conflict deterioration.
3. The quality of the process used is crucial to the successful design of such constitutions. It is important that the choice of process is left to national constitution builders who are able to prevail in the local context. The involvement of external actors in these processes, pressure for which has increased in recent decades, needs to be more carefully considered.
4. Constitutional design suited to the requirements of managing conflict has had some degree of success, demonstrated by falling levels of conflict across the globe. At the same time, other factors such as economic inequality are increasingly important determinants in new demands for constitution building.

## What is it for?

5. This policy paper aims to contribute to an ongoing discussion of constitution building in two ways. The first is to expand this discussion beyond expert groups in order to include the views of practitioners, given that constitution building is a key South-South issue. Second, it is particularly targeted at providing external actors that want to offer meaningful assistance to constitution building with a better understanding of its political nuances and practical needs.

## Who is it for?

6. This policy paper is for constitution builders and their supporters as well as policy-makers and advisers in international assistance circles.

*Demands for self-determination and dissatisfaction with authoritarian regimes are among the known factors that might produce fresh waves of constitutional processes.*

# Constitution Building

*Consent is the lynchpin of any constitution building process, especially if there are insufficient domestic or international pressures to keep all the players at the negotiating table and then implement the results.*

An unprecedented constitution building bloom followed the end of the Cold War in 1989. In South America, Brazil's constitution building process in 1988 was quickly followed by Colombia (1991), Argentina (1994), Peru (1993), Chile (1989 followed by amendments throughout the 1990s), Ecuador (2008) and Bolivia (2009). In Africa, 23 of 52 states had experienced internal conflicts by 1994. In all regions, constitution building often followed peace building. In Eastern Europe, new states emerged and existing ones were altered considerably, and new constitutions were promulgated in all cases. In Asia, Indonesia (1999–2002), Pakistan (2010), Nepal (2006 to date), Afghanistan (2004), Mongolia (1992), Thailand (1991, 1997, 2006, 2007) and Myanmar (2008) undertook constitution building, as did Fiji (1997) and the Solomon Islands (2009). These constitution building processes are located within broader transitions, sometimes democratic and quite often in post-conflict settings.

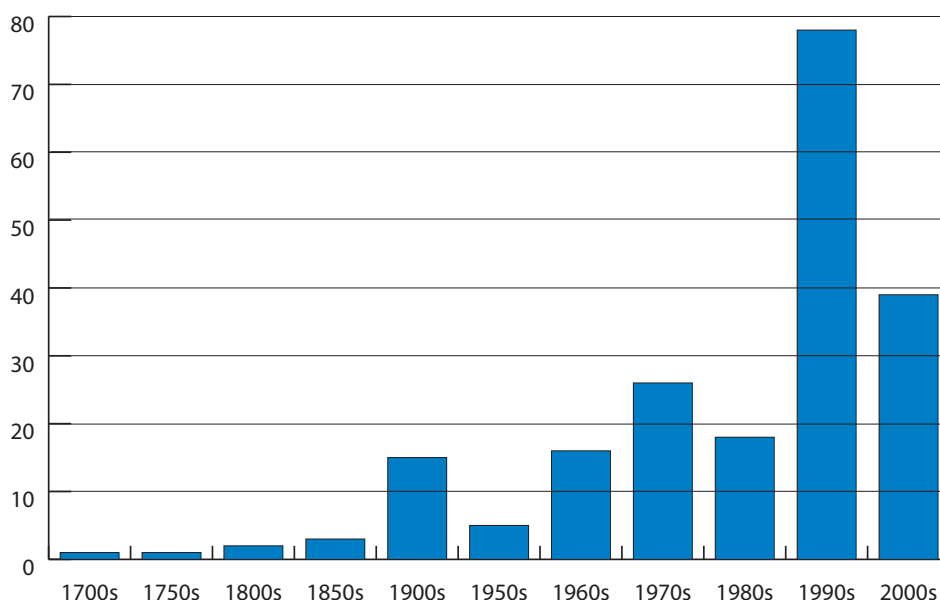
Somalia could be considered to be a part of the 'bloom', but its constitution building process is still ongoing. Here the process of constitution building is being tested as a means for arriving at a shared vision of statehood. Thus far, the differences among the many domestic forces have proved too wide to bridge by a constitution building process. One lesson from Somalia is that consent is the lynchpin of any constitution building process, especially if there are insufficient domestic or international pressures to keep all the players at the negotiating table and then implement the results. Recent processes in Darfur, Sudan, reflect similar issues. In conflict theory, this echoes the 'ripeness' thesis: identifying the point at which all parties are 'really ready' to meet and to contemplate compromise.

## **Most recent constitution building has been related to violent conflict and its resolution**

New constitutions have often followed conflict, which is why the number of constitution building processes increased sharply after post-colonial independence and during the instability that followed the end of the Cold War. A detailed explanation of this trend is beyond the scope of this paper, but the scale of the bloom can be seen in *Figure 1* which charts new constitutions in modern history.

The Human Security Centre has charted internal, colonial and international wars since the end of the Second World War (1939–1945). Its research shows an escalation in the number of colonial wars and their political resolution, a small number of interstate conflicts—mostly brief, with Iraq and Afghanistan as important recent exceptions—and a dramatic escalation in intrastate conflicts after the end of the Cold War that has been followed by a marked decline in all forms of internal and international armed conflict.



**Figure 1: Promulgation of national constitutions<sup>1</sup>**

## International involvement in constitution building increased after its evolution out of conflict resolution

The United Nations (UN) played a role in the conclusion of peace processes in many of the countries mentioned above—sometimes, as in Namibia, over a period of decades. The parts of former Yugoslavia that experienced the most severe conflict, especially Bosnia and Kosovo, saw complex international engagement in humanitarian matters, the war itself, peacemaking and constitution building. Bosnia's post-war Constitution was shaped by the Dayton Accords, the development of which was dominated by the United States of America (USA). The Constitution envisaged the ongoing involvement of the United Nations, the North Atlantic Treaty Organization (NATO), the Organization for Security and Co-operation in Europe (OSCE) and the European Union (EU). In contrast, in those parts of Yugoslavia that experienced less severe conflict, such as Slovenia, constitution building was influenced by the EU rather than by an internationalized peace process. Partly under the momentum of their own democratic transitions and partly to comply with EU entry and membership requirements, many countries, such as Turkey, have made substantial revisions to their constitutions.

<sup>1</sup> Current constitutions are taken from the Constitution Finder database at Richmond University, Virginia, USA. The 'newest' or the 'latest' constitutions are recorded, rather than substantial revisions to existing constitutions. Although further research would improve the quality of the data, the picture is clear enough for the purposes of this paper. There are inevitable problems with determining the exact date of 'constitution making' in each country. Tanzania, for example, is a relatively clear case since the 1992 amendments to the 1984 constitution created a multiparty state and thus a 'new constitutional order'.

## **Constitution building will continue to be important in tandem with the need for and level of conflict transformation**

The spread of new constitutions, establishing government by consent, may reinforce the downward trend in violent conflict. However, continuing conflicts and their resultant peace processes mean that there is likely to be more constitution building in the future, perhaps, for example, in Zimbabwe, Fiji, Madagascar, Kyrgyzstan, Somalia, South Sudan, the Philippines and Cyprus. Constitutional issues resulting from claims for self-determination are also well documented, for example, the Kurds in parts of Turkey and Iraq and some Muslim clans in parts of Mindanao in the southern Philippines.

If the trend holds and armed conflict continues to show a steep decline, then the place of constitution building on the global agenda will change. The level of political engagement in constitution building processes by, for instance, the United Nations Security Council may decline.

## **‘New problems’ will need ‘new constitution building’**

Post-1990, the major force behind constitution building, and in particular its internationalization, was the conflict dimension and the ensuing need for and role of international diplomacy. Constitution building processes in that era were designed with conflict transformation and peace building objectives as their primary goals. They served the purposes of that era.

However, the waves of protest which erupted across parts of North Africa and the Middle East in early 2011, and the subsequent concessions made by authoritarian regimes, are examples of the type of ‘unknown’ political shift which might engender new constitution building. The problems arising from poverty and inequality and the demand for self-determination are among the known factors that might produce fresh waves of constitutional processes. The pace has changed, however, and a renewed focus should accompany efforts to make new and reformed constitutions work.

## **Recognizing that constitution building is a diverse, multivalent process**

There is no widely shared definition of constitution building or broad consensus on what it should entail. One objective of reaching a more clearly defined and accepted concept of the field of constitution building is to align discussion more on providing effective international support to constitution building processes.

*Constitution building typically occurs in highly contested circumstances. A widely shared definition of constitution building will help practitioners to work with national actors to coordinate and align their efforts.*

The term constitution building implies: a) founding new structures as well as re-developing existing ones as part of an ongoing process; b) developing and adding long-term value to governance and the political system; and c) reducing exclusivity—many actors can contribute to aspects of ‘building’, such as negotiators, designers, drafters, the people, activists, specialists, public servants and international advisers, among others. It also means taking a long-term perspective and following an overall aim or design for the ‘social contract’ of government as a whole, rather than occasional changes to deal with highly specific problems. In contrast, the language of ‘constitution making’ is frequently used with a deliberate emphasis on the drafting and promulgation of a constitutional text.

Constitution building is often one element in a larger process of change that affects the constitution. The tendency to identify and favour a ‘constitution making moment’ is meant to suggest a process with easy limits. In most cases, however, it is impossible to exclude the history and agreements that led up to a decision to make or re-make a constitution. Constitution building involves steps and sequences, and is not necessarily linear. Which actors are involved at a given time may depend on the sequencing and the stage reached in constitution building.

*The end of a constitution building process should include a period of at least one further general election and reconstituted government after the coming into force of the new constitution.*

## How to ensure that the results of constitution building processes endure

When considering where to draw the line around what is understood to be part of constitution building, there is a need to avoid the identification of easy ‘exit points’, or points at which support is withdrawn, tied to simplicity of measurement. Every process benefits from a boundary, not least because it allows local decision makers and their domestic and external supporters to measure change and design an appropriate exit strategy. A focus on a ‘constitution making moment’ that is driven by the desire of external actors/donors to measure and demonstrate results can equate the promulgation of a constitutional text with the successful end of a process. This moment becomes a proxy for widespread international recognition of the renewed assumption of ‘sovereignty’ with a democratic mandate. In practice, however, any assumption that a referendum followed by the enactment of a constitution marks a conclusive transformation of conflict into a political contest within rules misunderstands the nature and difficulties of transitions and romanticizes constitutions as well as elections. The lack of an extended definition arguably contributes to a flawed view of the place of constitutions in democratic and post-conflict transitions.

Any defined boundary for constitution building should serve to eliminate the likelihood of settling for an artificial end-point. Even accepting that any boundary will be in some measure artificial and contestable, the term ‘constitution building’ should encompass the immediate history and processes that led to preparing for, discussing, publicizing, creating, enacting, implementing and then ‘making work’ a substantially new instrument dealing with the fundamentals of governmental power. An exit point

for constitution building processes should therefore include a period of at least one further general election and reconstituted government after the coming into force of the new constitution.

## Who are the insiders and who are the outsiders?

Constitution building as defined above is a field with many actors. The main categories of actor are ‘insiders’ (mostly national actors) and ‘outsiders’ (usually external advisers and assistance providers). The choice of process of constitution building should be left as much as is practicable to national actors. The involvement of national actors is critical in the development of any strategy for external actors. Here, the term external covers a wide range of actors, including individual states, groupings of states, regional organizations, aid agencies, international institutions, non-local non-governmental organizations (NGOs), commercial companies and individual advisers acting either directly or through any of the international actors. External engagement depends on the capacity of external actors to exert influence and the openness of national actors to accepting influence. External actors cannot succeed in their support goals if they do not succeed in first gaining access to decision makers and then building influence. Influence in this context is understood to mean the ability to work together with national actors to identify, set and achieve specific support- or assistance-related outcomes with respect to the constitution building process.

*Choices on the process of constitution building should be left as much as is practicable to national actors.*

## Should there be any involvement by external actors?

Despite the importance of concepts such as local ownership, sovereignty and the constitution as a ‘national autobiography’, constitution building has always involved some element of international involvement. The autobiographies of most of the post-1990 constitutions include the stories of the international processes that produced them as well as the struggles of their own people. For instance, Cambodia’s 1993 Constitution includes both international and local stories. That constitution was produced by an elected Constituent Assembly, with contributions from many international sources including influential input from French lawyers. It followed the 1991 Paris Agreements, United Nations Security Council Resolution 745 and a report of the United Nations Secretary-General (S/23613), which set out specific terms and processes including a transitional authority to conduct elections and international funds for international military, police and civilian personnel and related expenses—all of which can be considered constitution building.

Similarly, Namibia’s 1990 Constitution was shaped by approximately four decades of United Nations processes and international diplomacy, a regional war, a guerrilla struggle and Cold War rivalry. As a matter of law, this Constitution was created by a Constituent Assembly elected through United Nations-supervised elections. At its

first meeting the Assembly unanimously resolved to use as a framework the 1982 Constitutional Principles contained in a report from the Secretary-General to the Security Council and endorsed by United Nations Security Council Resolution 435. These constitutional principles had emerged from negotiations between the Western Contact Group, ‘front line’ states, the then Soviet Union and Namibian ‘discussants’.

The roles exercised by external actors, and the limits imposed on such actors, remain unclear. For some, such as the Swedish International Development Agency (Sida), the World Bank, the United Nations Development Programme (UNDP) and the British Department for International Development (DFID), work on governance is explicitly linked to development assistance. On some occasions, the goal is to support the constitution building process in order to assist a peace process.

## **What should trigger and limit external involvement in constitution building processes?**

The answer to these questions is dependent on the political context. Access and influence are both facilitated if external involvement has a clear purpose and a core target audience. It is important to continually review the achievements and failures of external support in order to bring to light best practices. The challenge is to get national actors to participate in these reviews, reflecting on external assistance from their perspective. One possible framework for such reflections is through South-South dialogue.

When contrasted with the support offered to electoral processes, such as international observation and advising and assessment missions, the question arises whether the issues are too sensitive and too ‘domestic’ to sustain a specialist office. One observer sums up the main criticisms levelled at external actors seeking to support domestic governance processes:

At present, however, donors tend to assume the role of teaching ‘them’ (politicians and people of so-called fragile states) how to do ‘our’ (the western developed donor states’) institutions better. ‘We’ tend to impose ‘our’ idea of what a ‘good state’ is on ‘them’. There is much talk of ownership, but often this is not much more than lip service; in effect, locals are supposed to ‘own’ what outsiders tell them to—local ownership clearly means ‘their’ ownership of ‘our’ ideas. Closely related to this attitude is a functionalist understanding of ‘the state’ as a set of institutions that can be delivered like a product, using certain principles of institutional design and techniques of social engineering. Accordingly, external actors focus on issues that seem to lend themselves to relatively easy implementation, by applying supposedly technocratic practices geared at building state capacities, particularly pertaining to law, justice and security... This approach ignores (or conceals) the fact that state-building is not merely a technical exercise, limited to enhancing the capacities and effectiveness of state institutions. Rather, it is a

highly controversial political endeavour which is likely to involve serious political conflicts as existing distributions of power are threatened. (Boege et al, 2008: 15)

Moreover, there is a fine line between helping national actors sufficiently and allowing them to make their own decisions. Examining Afghanistan, another observer questions:

whether the international community has struck the right balance between not leaving more than a 'light footprint' to allow Afghans to assume responsibility for the constitution-making process, without at the same time failing to provide sufficient assistance to a country which simply has not received the same resources and capacities as international donor countries. Afghanistan needed assistance to establish a choice mechanism which would help it set up its chosen state system free from intimidation. At the same time, the international community must always respect Afghan 'ownership'. There is a fine line between these two principles ... When asked whether the extent to which the international community was involved in Afghanistan had been appropriate, a leading international consultant to Afghanistan answered that the international community should have pushed much harder on principles of process and less on substance, stating that '[t]he important thing [was] less what the constitution [said] in the end (within bounds, of course) than that the result [was] a valid consensus and compromise reached in the right way'. Much more should have been done by the international community to ensure meaningful public participation, and a credible, accessible drafting process, instead of one shrouded in secrecy. (Schneider, 2005: 206)

## The distinction between process and content

A distinction can be made between influencing a constitutional *process* and influencing the *content* of a constitution. Content refers to the provisions in a constitution, while process refers to the steps in the constitution building cycle, covering initiation, negotiation, drafting, enactment and implementation. The process through which a constitution is developed can shade into content. Questions arise over the extent of the external support or pressure applied while producing the content and the extent of local ownership of any constitutional borrowing. An explicit principle of the work of the United Nations in constitution building is to support compliance with international standards on human rights, which has implications for both process and content.

National actors who are able to influence the local context are generally best placed to decide on process issues. However, some features of the process of constitution building can also be borrowed. One objective of an externally driven process might be to restore or develop local ownership (as in Timor Leste in 2002). Rhetoric about a locally owned and indigenous process, however, can camouflage intolerable interference,

*'Content' refers to the provisions in a constitution while 'process' refers to the steps in the constitution building cycle, covering initiation, negotiation, drafting, enactment and implementation.*

including through offers of expertise and comparative analyses. There is the potential in a constitutional process for tension between the foreign policies of external actors and the objectives of national actors. In the 2009 elections in Afghanistan, for example, electoral integrity demanded one clear set of responses but the foreign policy priorities of key nations expected another. Similar dynamics apply to constitution building processes. Such matters reinforce the simple observation that internationalized peace processes and constitutional processes are a complex mix of legal systems and political imperatives.

The above cases provide examples of why there should be more discussion on ‘entry points’, which are better characterized as ‘invitation points’. The nature of invitation points shapes the entire role of the external actor. It is not common for states to invite outsiders into their constitutional processes, but situations differ. The legal framework, personal contacts, having a track record or an international reputation, trust, timing, groundwork and simply having the right resources can all be highly significant to the combination of ‘invitation and entry’. Peace processes that appear to fail at one point may in fact be critical precursors to successful follow-up processes involving other actors.

*There should be much more discussion on ‘entry points’, which are better characterized as ‘invitation points’. It is their existence and nature that shape the role of the external actor.*

## What checks on outsider involvement?

It is generally accepted as best practice that external support should leave domestic parties ‘in ownership’ of constitution building in both *substance* and *process*. There are many references to notions of ‘ownership’ in guidelines and analyses of best practice in the various fields of assistance. The somewhat subtler question of national ownership of assistance is less clear, but might amount to the same thing. Acknowledging the importance of national ownership does not imply that constitutions are entirely domestic instruments, given that states are subject to international law and processes. High profile external actors, such as the United Nations and the EU, seem to dominate external support for constitution building, and their interventions occur at multiple levels. Smaller niche actors are needed with a constitution building specialization. Such diversity is desirable so that external actors can offer alternative forms and modalities of assistance, which provides greater choice to national actors. Additionally, smaller actors may find themselves less encumbered by foreign policy objectives and the history of past interventions.

A set of principles and practices is emerging in the light of the importance attached to the concept of national ownership. As is noted above, a common definition of constitution building remains the missing link, and the practical effect of such guidelines is less clear. While there is a need to move away from general principles to principles for common action, the extent, nature and efficacy of external actor engagement can only be assessed with detailed inside knowledge or a detailed written history. For instance, relating ownership with national actors assumes a common approach among such actors. It is Zimbabweans who will settle the highly contested constitutional issues in their ongoing



*Principles of common action could enhance much needed coordination. At the same time, diversity among external actors is important in order to ensure that independent external voices are maintained.*

process, but with one side in the crisis resisting international involvement and the other determined to invite international engagement, how, if at all, can external actors assist? Given the competition to influence, a general wariness of external offers of advice and the confusion generated by so many external actors, some principles of common action could enhance much needed coordination. At the same time, diversity among external actors is important in order to ensure that independent external voices are maintained.

There may be what could be considered ‘insider checks’ on external involvement during constitution building. For instance, most offers of external actor support are unlikely to be taken up by national actors. Here, a distinction is made between situations in which offers of support are resisted and those in which there is actual hostility to external actors. At a time when political insularity can be expected due to a focus on internal constitutional problems, national actors are pressed by competing external actors from various embassies, missions and NGOs. A key challenge imposed on national actors is how to manage the profusion and confusion of generally well-meaning offers of external or international support. Many external actors seem to push for engagement only during the period of constitution making, possibly because of their funding arrangements and the need to demonstrate clear results.

Putting aside hostility, the relatively benign factors that undermine external involvement include competition for access, the need to spend funds within a specific timeframe and overlapping or competing priority areas for support. Compounding the challenge, the areas or types of support on offer may not align with what national actors need or want, or may be bundled with burdensome restrictions, reporting requirements, and so on.

## **Who benefits from the involvement of external actors?**

The discrepancy which sometimes arises between the support which is on offer from external actors and the needs and/or preferences of constitution builders raises the question of who benefits from the access and influence of external actors? Is it the external actor or the assistance partner that is the ‘primary beneficiary’? The answer to these questions can change over time. Where external assistance has specific goals, such as to secure certain outcomes in a constitution, the primary beneficiary might well be the external actor, but there may be many more beneficiaries. For example, if support is allocated to women’s groups that successfully advocate changes that favour gender equality, there may be generations of beneficiaries. As a rule, external support should never be assumed to be ‘impact-neutral’ on a society. There will be perceived ‘winners and losers’ in a constitutional process and hence positioning from various groups to be the former. In addition, the presence of external support can distort the incentives that national actors have for the successful completion of constitution building.

In contexts of conflict and fragile states, among others, the environment is often hostile to independent advice from either national or external actors. External actors may

*External support should never be assumed to be ‘impact-neutral’ on a society.*



therefore have to restrict their roles to promoting an environment in which constitution building can take place. Access and influence will serve the important function of bringing about a climate conducive to the reception and implementation of new ideas and compromise. It is obvious that the dynamics of the relationships between national and external actors will differ greatly, depending on the circumstances. In some cases, where there are difficulties in working with official government actors, external support will be channelled to civil society actors. Current examples of official state actors with which it is challenging to work include the military government in Fiji and the coalition arrangement in Zimbabwe.

In some cases national actors have resisted ‘foreign ideas’, for example, on issues related to human rights. In such cases, a strategy of building the capacity of domestic institutions to ventilate such issues can prove useful. Capacity building should aim to develop domestic institutions that support constitution building from within. The large external actors have sought to employ a mix of national and international personnel, evolving constitution building culture beyond a simplistic notion of the external versus the indigenous that mirrors a partition between insiders and outsiders.

Where a misalignment of interests may mean that external actors are not able to influence constitutional options, they can still contribute to shaping the agenda and the overall direction of the discussion. It should be remembered that in practice there is a distinction between advising from an independent position and lobbying for a particular position, and that external actors use both strategies—frequently in parallel. In South Africa, for instance, the role of the World Bank in the country was initially treated with suspicion by the African National Congress (ANC) and its supporters. Although their individual positions on land reform did not at first overlap, some principles on land redistribution were later agreed after dialogue, which led to a firm proposal on rural restructuring. The particular proposal was not taken up directly in the subsequent negotiations, but an alternative compromise was accepted in what ultimately became provisions in the South Africa Constitution (1996). In the medium term, however, when it came to the implementation of these provisions, it was the direction set by the rural restructuring proposal that national actors took up.

Every situation is different—external actors will gain access and the ability to influence depending on their interests, mandates and capacities, as well as the interest in and openness of national actors to engaging with them and being influenced. Sometimes the invitation point is mediation of a conflict or crisis, followed by expert assistance and funding for various processes (e.g. in Kenya). In other contexts, entry to constitutional issues will be a key part of the entire process (e.g. in Bosnia). There are many other examples where constitutional issues arise at different points.

*There is a distinction between advising from an independent position and lobbying for a particular position. External actors use both strategies—frequently in parallel.*

# Conclusions

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Constitution building is a complex political process that forms part of wider transitions to democracy and peace. The surge in constitution building seen in the 1990s is unlikely to be equalled in the near future. A focus on the implementation of new constitutions is therefore appropriate, with an emphasis on capacity building of new democratic institutions. However, both known and unknown factors may contribute to fresh waves of constitutional processes. Constitution building is expected to cope with the modern problems that face the state. It should be locally driven, and it can be counterproductive if external actors have too prominent a role. Local actors should establish the terms and frameworks needed for the process. The role of international assistance can be both constructive and problematic. Practitioners across multiple fields should recognize how their work touches on and affects the environment in which constitution building takes place, the constitution building process itself and implementation. The notion of ‘invitation points’ locates control over the involvement of external actors in the hands of national actors. It is the emergence and handling of invitation points that should shape the role of external actors in any given process of constitution building. It should not be expected that access and influence are automatic or direct, or even overlap with the needs of national actors. This calls for a moderation of the ambitions of external actors. Assisting a process to take a particular course or a constitutional agenda to take shape can be an important contribution—it may even be the most enduring contribution of external support.

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# Abbreviations

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| ANC  | African National Congress, South Africa                        |
| DFID | Department for International Development, UK                   |
| EU   | European Union   |
| IDEA | International Institute for Democracy and Electoral Assistance |
| NATO | North Atlantic Treaty Organization                             |
| NGOs | non-governmental organizations                                 |
| OSCE | Organization for Security and Co-operation in Europe           |
| Sida | Swedish International Development Agency                       |
| UN   | United Nations   |
| UNDP | United Nations Development Programme                           |
| USA  | United States of America                                       |

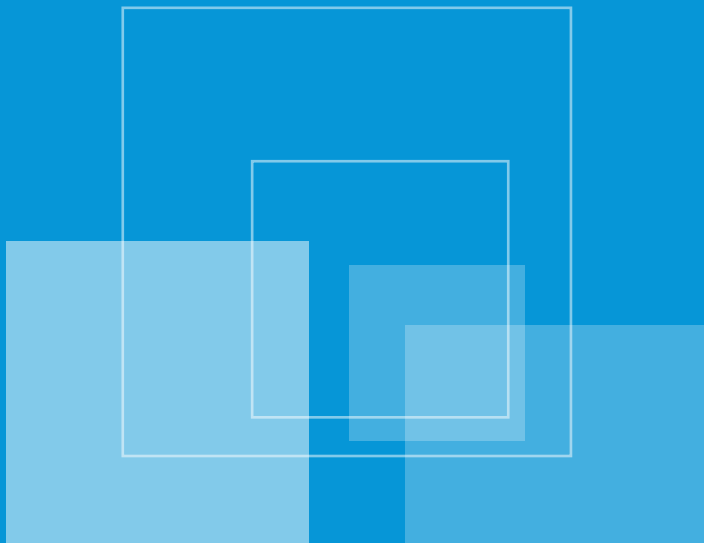
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