

Acknowledgments

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While this study was a collaborative one in many ways, the views expressed in the chapters of this book are the individual authors' own.

Foreword

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Constitutionalism has long been regarded as an essential foundation of the rule of law. In many countries seeking to reconstruct—or construct for the first time—a democratic system of governance based on the rule of law, one of the first steps undertaken is the adoption of a new constitution. This document may articulate a shared vision of the state and society, define the fundamental principles guiding governance of the state, and seek to distribute power equitably on some territorial or social basis. In meeting such objectives, the newly crafted constitution can contribute to building peace and achieving national reconciliation.

The experiences of societies emerging from periods of conflict, authoritarianism, or political upheaval have repeatedly demonstrated the importance of building the rule of law in order to consolidate peace and establish democracy. Countries transitioning from war and despotism cannot maintain peace over time unless the population and former antagonists are confident that their grievances will be addressed through legitimate structures and justice administered fairly. The extent to which a society succeeds in consolidating peace, democracy, and the rule of law depends on myriad factors, including the quality of a constitutional text and the respect accorded to the constitution.

Framing the State in Times of Transition tests the notion that an additional factor

must be given weight: the manner in which a constitution is constructed and ratified. By examining nineteen cases of constitution-making processes and analyzing international norms that apply to constitution making, this volume demonstrates that well-conducted processes can, indeed, contribute to building stable, peaceful states, whereas poorly conducted processes most certainly undercut such efforts. This volume, which arose from a collaborative project of the United States Institute of Peace and the United Nations Development Program, offers a wealth of information about how countries have faced the challenges of constitution making in vulnerable and unsettled times, suggests ideas about ways to approach the political and technical aspects of constitution making, and gives practical considerations that will be of interest to those responsible for designing future constitution-making processes.

This comparative study also confirms a lesson that has become apparent to those concerned with state building and promotion of the rule of law: There are no one-size-fits-all formulas or models. Rather, each nation must find its own way, and those advising and supporting constitution makers must respect the particular context and the paramount role of national decision makers. In addition, the volume reveals once again that political will—the desire of those who hold power to create democratic societies in earnest and to put public before personal or

parochial interests—is an essential ingredient for success.

Framing the State in Times of Transition illuminates the complexity of the process of constitution making. We hope that future

constitution makers will draw both knowledge and inspiration from this volume as they seek to secure peace, justice, and democracy for their peoples.



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