

**Political Transition Monitoring Workshop
The Carter Center
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**Scope Paper
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The phrase “political transition” carries a lot of heavy baggage and there are few clear or easy points of entry to help with the load. Transitions themselves are complex processes with multiple facets ranging from peace settlements to political accords to disarmament, demobilization and reintegration agreements, and interim constitutions, any of which may coincide with other political and electoral processes such as referenda and elections.

There are many types of transitions – armed insurrection, civil war, civil disobedience, foreign-aided regime change, home-grown collapse and the like. Some institutions survive – former ruling parties, national armed forces – while others fail – health care and educational systems, territorial integrity and border control. Some are quickly resolved, others drag on for years. Many actors, old and new, national and international are at work in political transitions. Many time frames are available to make sense of them with metaphors that can obscure as much as they summarize (waves of transition, color revolutions, seasons of the year). Many sectors and fields of expertise have their place – conflict resolution, economists, demographers, war theorists, sociologists and legal scholars – yet the role of international actors such as The Carter Center isn’t immediately obvious nor is there is a well-established mandate or scope of work (at least not one that is widely recognized or easily defined).

This isn’t to say it’s a hopeless mess and we should shy away from involvement, but the terms of that engagement are worth exploring for a moment. To keep things straightforward let’s call this the who, what, when, where, why, and how.

Also, for the purposes of this workshop we are largely interested in political transitions in the sense of transition toward greater democracy governance and political stability. This workshop is meant to take stock of the Center’s experience in different areas of work in different countries (Timor Leste, Venezuela, Nepal, Sudan, to name a few) and help us to build at least a shared awareness of what we have tried and what lessons we can learn. The larger goal is to strengthen our sense of institutional capacity and to identify the tools (e.g. a political transition assessment mission checklist, report templates influenced by the standards approach) we can use to better understand and assess political transitions.

The propositions below are more tentative than the wording suggests and are meant to mark terrain for discussion rather than to limit it.

Why and where do we get involved?

To this point, the Center has largely been guided by its normal operating principles not to duplicate the efforts of others, to work in countries of historical involvement, or when breaking new ground, find the element of significant change in a country’s trajectory – civil conflict, major constitutional or political system change - to warrant our involvement. The scale of political transitions is often regional and this aspect may present a challenge to the Center’s typical country focus or even to become more involved in geographic areas where our past profile has been limited.

When do we get involved?

The Carter Center’s engagement in political transition monitoring and constitutional drafting processes in recent years has generally emerged a follow-up to other programming such as election observation or conflict tracking. In the case of the Democracy Program this has often been follow-up to some form of

observable electoral event (referendum, election) though this needn't always be so. In the case of election observation as a foot in the door, the Center is able to define its mandate and status and the relationships and country experience that are gained can be put to effective use in a shift to some form of engagement in political transition.

Though the elements of a political transition may be mapped on a timeline the sequence of those events varies considerably and an election may not be available as a point of entry. There is no solid rule guiding when in that timeline is the most appropriate for Carter Center involvement. Do we seek engagement while there is still armed conflict? Only after terms have been reached? Only once there is a clear commitment (difficult to measure) by political actors to a democratic process? None of these are easily answered but there may be some lessons learned about what is possible for the Center based on when we become involved. A related question is when do we stop and on what basis.

Funding questions also play a role in these questions. The Center often finds itself working on 12 month time horizon tied to the way external funding is managed by many donors. While money may be available for a more fixed duration and time-tested activity such as election observation it is often harder to come by to accompany or assist more open-ended processes such as legal reform (e.g. electoral system review or constitutional drafting).

How do we judge?

While there are many clearly elaborated international obligations for democratic rights associated with elections and many fundamental principles to guide our understanding of human rights, the connections and applications to peace processes and constitutional drafting are less clear. This doesn't mean that the connections cannot be made; only that the political discourse of norms and standards is less recognized when it comes to political transitions. In some senses political transitions reflect power politics in which the rules of the game are being openly negotiated and powerful actors, depending on their sense of power and support, may or may not see benefit in relying on such principles as popular participation, expansion of civil and political rights, or on placing restrictions on the role of previously dominant actors (e.g. the military, former one party state, etc.).

It is therefore worthwhile to discuss if, and how, we might consider international law as the basis of criteria for understanding processes associated with political transitions or as a means of assessing the substantive content of transitional arrangements or even constitutions and other legal documents.

What is our involvement?

While the outcomes and products of political transitions may be concrete (e.g. ceasefire agreement, peace accord, interim constitution, etc.) and can be assessed on their merits, the process through which such products come to life may vary considerably. An emphasis on process is attractive because it is observable and may have a beginning, middle and an end, with definable actors. A popular consultation process or public comment period or a political roadshow are all observable events. All of these elements make for a possible transfer of election observation techniques to political transition monitoring. This not a challenge-free proposition, but the Center has explored this approach in several countries.

On the flip side, consideration of the content of negotiated (or dictated) outcomes, interim and final documents, arrangements and the like, may require different program methodological approaches and skills. One concern that arises in this regard is the degree to which the Center is expected to produce or comment upon (or outright advocate for) specific content (e.g. a particular electoral system, a type of state, a system of division of powers, etc.) Carter Center engagement in this respect could be compared to the way in which provision of technical assistance to an election management body is a decidedly different animal than election observation and the two should be kept in separate boxes.

Programs and Methodology

Deciding what to do, where to do it, when, etc. could preoccupy us for days in their own right but we also want to meet the second challenge described above, namely to identify the lessons we have learned (within the Center and among other organizations) and bring some sense of order or definition to the tools that have been applied. This latter goal is ongoing but here too, are a few propositions drawn from an internal Carter Center discussion in spring 2013.

1. **STANDARDS?** Both an opportunity and a challenge, there does not presently exist a set of internationally recognized standards governing constitutional processes and content, or democratic transition processes. What standards should TCC use to assess constitutional and transitional processes (especially in cases where there is no agreement or “guiding document” for the process)? Would it be useful for TCC to engage in a process of identifying and building upon international standards (similar to the democratic election standards project) about how constitutional and transitional processes should be conducted? How specific can the norms be, given the diversity of processes and their contexts?
2. **COMPREHENSIVE OR TARGETED?** Although some aspects (such as formal public consultations) of constitutional/transition observation may be a relatively good match for existing TCC election observation methodology, other aspects will be harder to observe. If TCC intends to report on constitutional and transition processes that are not well-defined and directly observable, it will require increased resources for staff training, background research, development and refinement of methodology, data management, and data processing. In general, should TCC attempt to assess a constitutional/transitional process as a whole, or instead focus on documenting specific, field-observable aspects? If we are open to different approaches in different countries, what contextual factors should affect our decision? From the perspective of domestic actors and the international community, what would be most useful, who is already doing this, and where are the current gaps?
3. **PROCESS OR CONTENT?** To what extent and in what contexts should TCC comment on the content of a constitutional process or political outcome, and not only the process used? Do we have the expertise? Is there reason to think doing so will be useful?
4. **NATIONAL IMPACT?** How can TCC do a better job of assessing our impact on our stated goal of “shaping perceptions of the democratic transition process”? This is particularly relevant in countries where other organizations (such as the International Crisis Group) are already present, respected, and producing high quality information on the transition process.
5. **LOCAL IMPACT?** In countries where TCC is using LTOs as part of its constitutional/transition process observation work, what additional project components could be added on to ensure there is also an impact felt at the local level? What should be TCC’s relationship with local civil society organizations, transitional state and political actors or the international diplomatic community?
6. **PRODUCTS and PUBLICITY?** Should we do more than publish public reports and sustain our effort to reach high-level contacts? Neither are easy feats but what else is worth trying out? Social media, public events, “roadshows” and workshops or links to other organizations who may be better placed to do outreach (noting that even piggy-backing on another organization takes a lot of work)? How do we handle the data that we can gather through expert assessment and/or observers or other means? What products and findings might we generate with database development, mapping, or other tools?

7. **INSTITUTIONAL CAPACITY?** Recruitment and staffing for a constitutional or transitional observation mission should differ from an election observation mission. Staff and observers who are appropriate for and effective at electoral observation will not necessarily be suitable for political observation. Both for the core team and for field staff, staff numbers, roles, and selection criteria will need to be revisited to correspond to the needs of the mission. Also, what, if any, changes need to take place at the TCC Atlanta level in order to more effectively implement and support longer-term, more complex transitional observation work in the field? And to what extent does TCC need to invest in building in-house expertise in constitutional and transitional processes and associated observation methodology.