Today, we will cover...

TRANSITIONAL ARRANGMENTS

- What are they
- Why are they necessary?
- What do they do / What is beyond their scope?
- Characteristics of a transitional arrangements
- Challenges of transitional arrangements

What is a transitional arrangement?

- There is no one size fits all
- Transition is a bridge between the old (society in crisis) and the new order: (enduring order):
  - It must be "sturdy" (inclusive) to hold society together under volatile and unstable conditions.
  - It must have a "downward slope" to guarantee the process of transition and its irreversibility.
  - It must be effective in "getting people across the river" by ensuring that the essential tasks of the transition, as agreed, are completed; elections, constitution-making, rule of law institutions, establishing level playing field for political parties, addressing SSR issues, etc.
- These tasks must be agreed, sequenced, be time-bound, and the transition must be of limited duration.

Why are transitional arrangements necessary?

- To protect the process from a relapse into violence and conflict. It normally achieves stability by providing for inclusive ownership/ participation and by establishing special institutions to promote stability and effective governance in a period of fragility.
- To decrease uncertainty among the different stakeholders by offering a clear road map and principles to govern the transition.
- To ensure that the transition possesses legal continuity and certainty.
- To create the space to agree on the institutions necessary for an enduring political framework – elections, legislature, government, judiciary, powers of subnational units, integrated armed forces, the Constitution.
- To create interim institutions to govern the country until the final institutions are established and agreed upon.

What does a transitional arrangement do and don't?

Transitional arrangements should provide:

- A time-bound roadmap. This sets out the sequence of tasks eg: elections before a constitution or a constitution before elections.
- A decision-making formulae for important government institutions which are inclusive whilst enabling effective governance.
- Pre-agreed principles to govern the transition and modalities for changing these rules.
- Safety and security (these arrangements can agree modalities for justice and healing especially after transition).
- Meets minimum level of governance effectiveness including providing for immediate humanitarian needs of the population and service delivery (ensure that there is no governance vacuum).

Character of transitional arrangements

- They are temporary arrangements. They are not "paradise". They are the road to "paradise," therefore the agenda should not be overloaded by expectations of resolving all social and economic challenges during the transitional period.
- Because they are temporary, transitional arrangements can have exceptional provisions:
  - They might suspend democratic rules in favor of inclusivity.
  - They might provide for shared, rotational, supervised or conditional leadership (Burundi, Madagascar, Mauritania)
  - Exceptional provisions, such as roles for civil society, special temporary measures, supervisory institutions, or special confidence building measures.
- These arrangements can prescribe that the pace of transitions are quick-- even if imperfect –to prevent reversals- (Chile) or slow/methodical (South Africa).

Challenges of transition

- Permanence of the temporary, and the risk of frozen transitions (e.g. Cyprus, Palestine).
- The risk of reaching an agreement at any cost:
  - Moving forward vs. addressing demands for justice.
  - Lowering standards and excluding weaker stakeholders excluding the voices of civil society, women, etc.
- The risk of overloading the transition agenda.
- Support of the region, especially to deal with new spoilers.
- Financial constraints.
- Weak institutions and capacity.
- Effective leadership.

Managing Difficulties of Transition

- Addressing relief and humanitarian priorities
- Overcoming mistrust and insecurity
- Identifying means of granting influence other than through governance
- Managing unrepresentative and/or unqualified participants
- Addressing drivers of conflict, including sources of government and state weakness
- Establishing triggers for conflict management
- Deciding who leads the transition and who participates in what structures.

Overcoming Mistrust and Insecurity Through Confidence Building

- Articulating a national vision that provides reassurances to population, particularly minorities, that their rights will be protected and that a new stable order will emerge.
- Addressing security through ceasefires and DDR
- Joint activities: Establishing joint monitoring (Mozambique) and ceasefire local monitoring teams (Philippines)
- Establishing buffer zone to keep rival groups apart
- Establishing human rights verification bodies (Guatemala)

Addressing sources of state weakness and governance issues that drives conflict

- Establish independent bodies to reform administration and deal with corruption (Liberia)
- Establish independent government commission to ensure transparency in treatment of natural resources (eg Sudan)
- Properly resourcing subnational governance structures.
- Identifying mechanisms to create more inclusive governance mechanisms.
- Addressing personal and community safety (to avoid rapid rearmament or reluctance to disarm).

Broadening Options for Inclusive Decision-making

- Power-sharing: Big tent government; federalism; minority veto; proportional representation or some form of hybrid; Government of National Unity.
- Power-dividing: Balance of power among branches of government; devolution of power to regions. Sharing power between a president and a prime minister.
- Power-creating: New institutions (ie human rights commission, Central Bank), new levels of government.
- Power-diffusing: ie Legislative role in cabinet selection; election of provincial governors rather than through executive appointments.

Establishing Conflict Triggers and Conflict Prevention Mechanisms

- Regular informal meetings between critical leaders.
- Informal consultations with political parties and community, traditional leaders and other critical elements of society. (Afghanistan)
- Ongoing dialogue processes: (Guatemala, Kenya)
- Parliamentary Commissions
- Outside actors—regional bodies, INGOs, Good Offices of United Nations

From Power Sharing to Political Transformation

- Moving from group-based to interest based politics; Nurturing political party development on the basis of common political interests.
- Establishing foundation for non-sectarian/non-ethnic political dispensation.
- Civilianization of parties and groups based on military organization.
- Build in national building moments to offset disaggregating and divisive consequences of elections and constitution making (representation moments, symbolic moments and places demands for leadership)