

Typical Tasks & Timing of Constitution-Making Processes

Certain tasks commonly occur as part of a constitution-making process. However, each constitution-making process is different and each process will have its own set and sequence of tasks, depending on the context.

This paper discusses the following topics:

1. Types of constitutional timelines
2. General considerations of timing
3. Timeline flexibility
4. Expiration of a constitutional timeline
5. Common phases in a constitutional timeline
 - Initiation of the constitution-making process
 - Establishing the [constitution-making body/ies](#) and planning
 - Consultation, Negotiation and drafting
 - Approval / promulgation
 - Implementation

1. TYPES OF CONSTITUTIONAL TIMELINES

Very rarely are constitution-making processes linear - many tasks commonly associated with such processes can occur and reoccur at various stages. That said, a process that is designed (as opposed to one of incremental constitutional change) will typically include an explicit or indicative timeline/timetable/roadmap.

A constitutional timeline might include the overall time for the entire process and/or times for the various stages. A timeline can work in various ways:

- It may have only a final date by which the new constitution must be adopted, giving no other indications of time periods or order of events.
- It may specify tasks in some detail and the order in which they are to be carried out, but without any time periods being fixed at all, or with only an end date being specified (more likely called a 'roadmap').
- It may specify tasks in very general terms, without a clear indication of when they are to be completed (i.e., it may require public consultation, without an indication of when in the broader process this is to occur).
- It may spell out the entire sequence of events with precise time periods attached.
- It may schedule events by reference not to time, but to the occurrence of other events, such as elements of a peace process.
- It may involve a mixture of these approaches.

See table below which provides an illustrative constitution-making timeline (showing phases, timing, and typical tasks). See also the second table below which describes the tasks and timing of various constitutional processes.

2. GENERAL CONSIDERATIONS OF TIMING

A timeline is desirable for several reasons, including to seize a 'constitutional moment', to control the costs of the process, and to ensure that narrow interests do not either rush the process or drag it on for too long. An imprecise and/or ineffectual timeline may diminish the legitimacy of the process or document produced in the eyes of the public or may lead to no final document being produced at all, if enthusiasm fades and the country settles for the existing constitutional arrangement.

It is exceedingly difficult to anticipate exactly how long a process or most stages of a process will take. Countless social, political, economic, demographic, geographic and other factors will impact the timing. Divided societies with deep disagreement on fundamental issues will almost always require more time to reach consensus, while processes dominated by a single party (for example, Venezuela in 1999) typically take less time (five months for Venezuela).

One of the most common challenges is avoiding the impulse to try and complete the process too quickly. To be sure, there are usually principled, rational, and understandable reasons to expedite the process. In Iraq (where the constitution-making process lasted only approximately four months), a sense of haste was fueled by the need to transfer sovereignty from the Coalition forces to the Iraqi people. In South Sudan (where the process also took approximately four months) the deadline for independence drove the schedule. The Arab Spring countries tended to plan for short processes, in order to hold constitutionally-based elections as soon as possible. However, in reality, in Egypt the short timeframe resulted in little public involvement in the process and in Tunisia, an anticipated six month process ended up taking over two years. That said, Ecuador (1998) and Colombia (1991) are examples of two countries that had relatively successful constitution making exercises in relatively short time periods (each approximately six months).

On the other hand, South Africa took two years to educate and consult with its people and negotiate, draft, and approve its constitution - and it had already spent the two previous years negotiating and drafting a transitional constitution. The 2010 constitutional review in Kenya took less than one year, but it built on the previous process that took place between 2002 and 2005, which included a substantial amount of civic education and consultation. By 2010, Kenya had only a few issues remaining to be negotiated and drafted - and even so, Kenya conducted [civic education](#) and [public consultation](#) on these issues. Eritrea's constitution-makers took over three years to complete their work. Uganda's process took over four years. Bolivia took one-and-a-half years and the ratification (via referendum) took place one year later.

3. TIMELINE FLEXIBILITY

It is not uncommon to allow for extensions of time. The flexibility to alter the timeline may be given to the constitution-making body itself; however, this can affect the credibility of the timeline or it can lessen a sense of urgency on the part of the drafters. In Bolivia, the constituent assembly extended its own timeline in August 2007 after a year without having reached an agreement on a new constitution and proceeded to meet for an additional six months until the end of 2007.

In other cases, control over extensions is given to the same body that originally imposed the timeline. In Nepal, for instance, Article 64 of the [2007 Interim Constitution](#) provided the possibility of

a six-month extension of the term of the Constituent Assembly by resolution of the Constituent Assembly, but only if a proclaimed state of emergency caused the delay. The original [East Timor constitutional timeline](#) was extremely short and had to be extended. The “soft” Tunisia constitutional timeline allowed the National Constituent Assembly to take the time it needed to reach consensus on difficult issues. While at times the public may have become frustrated with the slow pace, ultimately the nation was well-served by an inclusive and consensus-based process.

4. EXPIRATION OF THE TIMELINE

If a deadline expires, the repercussions will depend on the original legal mandate. If the result is that the whole process terminates, then the existing (prior or interim) constitution presumably remains in place until a new constitution-making body may need to be formed. This was the case in the event the Iraqis failed to meet their deadline in 2005 – the interim parliament would have been dissolved and a new one elected; in accordance with Article 61(e) of the Law of Administration for the State of Iraq for the Transitional Period (TAL).

More often, missed deadlines are replaced by new ones, possibly through an amendment of the original constitutional legislation that established the deadline. In Nepal, the NCA amended the constituting legislation several times to permit several extensions of time before the process was declared failed and new elections for a Constituent Assembly held. In Libya, the General National Congress amended the initial Constitutional Declaration a couple of times to extend the time allowed. Also common, however, is the constitution making body simply ignoring the time line. This is obviously easier when the political forces agree additional time is needed. In Kenya the CKRC and Bomas Conference (2000-2004) and Committee of Experts (2010) overran deadlines without formal extensions.

See pages 46-50 of [Interpeace handbook](#) for more information on timelines.

5. COMMON TASKS AND PHASES

Although all constitution-making processes are different and will need to be tailored to the local context, nonetheless there are many common tasks and phases which could usefully be considered when designing a constitution-making process.

5.1 Initiation of the constitution-making process

Numerous events can give rise to a constitution-making/reform process. They may be part of an ongoing governmental reform process (eg, Papua New Guinea’s creation of a constitutional Independent Commission Against Corruption). They can arise in the context of peace talks (eg, Sudan) or they may become necessary as a result of a revolution (eg, the Arab Spring), economic crisis (eg, Iceland), or other seismic event. They may be central planks of a political campaign, a requirement for a broader policy agenda, or may be championed through grass roots civil society activism.

Whatever the impetus, the process will then typically be legally mandated through a peace agreement (Sudan), international mandate (Afghanistan and Namibia), interim constitution (Libya), constitutional law (Kenya, Tunisia), executive decree (Liberia), a transitional military decree, or pursuant to the existing constitution’s amendment process.

Tasks that might be undertaken during this phase include:

- [Public consultation](#) on whether to initiate the process
- Determining the nature and scope of the constitutional review
- Establish the nature of the process (inclusive, participatory, etc.)
- Defining the timeline
- Agreeing on the overall roadmap and phases, including whether there will be a referendum
- [Selecting the constitution-making body/ies](#)
- Negotiation, drafting, and adoption of the peace agreement calling for the constitutional reform process (which may capture the agreements on the issues mentioned in the above bullets);
- Passage of constitutional review laws, acts or other [legal mandates](#)
- Fund-raising

Timing: It is particularly difficult to put a time frame on this phase as it frequently occurs before a formal process (and hence an agreed upon timeline) exists.

5.2 Establishing the [Constitution-Making Body/ies](#) and Planning

The legal framework will identify the constitution-making bodies. Once the legal mandate is in place, the next major task will be to constitute and capacitate the CMB, if it is not already an existing institution. This might include selection (election or appointment) of constitution-making bodies/officials and the raising of a [Secretariat](#). Substantial preparation and planning to run the constitutional review process should also occur during this phase.

Tasks that might be undertaken during this phase include:

- Election or selection of the Members of the constitution-making body
- Establishment of the [Secretariat](#)
- Developing a [strategic plan and work plan](#) (perhaps with internal timelines) for the CMB and Secretariat, including for [civic education](#) and public consultation
- Developing [rules of procedure](#) and [code\(s\) of conduct](#) for the CMB
- Devising a [media and outreach strategy](#)
- Budgeting and fundraising for the constitutional process

Timing: It is common for the “constitutional clock” to start ticking after the creation of the constitution-making body. For this reason, this phase is often quite pressurized, with proponents of constitutional reform keen to see the CMB established and ready to move forward. The impulse to “get started” is often fierce from the moment the CMB is constituted, with time for preparation and planning often overlooked and short-changed. The time needed for adequate preparation and planning will vary, in particular depending on the capacity of support services, most notably a Secretariat. Even where a CMB Secretariat already exists it is not uncommon to spend **1-3 months** undertaking planning and preparation.

5.3 Consultation, Negotiation and Drafting

A key component of any process is consultation on the key issues being debated as part of the constitutional reform process. Before any drafting is undertaken, it will be essential for the CMB to spend some time reviewing the existing text and options and consulting on the way forward. This may involve consultation with a range of political stakeholders, such as Members of Parliament, regional governors or officials and traditional or religious leaders. Ideally, it is also during this phase that the [civic education](#) and [public consultation](#) process will be undertaken.

How negotiation and drafting is sequenced and conducted will depend on the [type\(s\) of CMB\(s\)](#) employed. Where a single body is responsible for drafting the text (eg. a constituent assembly or legislature, for example) the negotiation and drafting will usually happen somewhat simultaneously –

negotiations feeding into drafts leading to more negotiations. In a two-stage process (eg, where a constitutional review commission will first develop recommendations for consideration by a legislature), the heavy negotiation might come first (for example, in Yemen where the National Dialogue agreed on [principles/outcomes](#) that were then handed to a technical drafting body) or second (for example, in Kenya 2000-2004, where a technical commission presented a draft constitution to a national conference and then the legislature).

In truth, however, constitution-making is a constant cycle of negotiation and drafting – with drafters constantly seeking to build consensus between political forces, public opinion, technical experts, international norms, and a myriad of other factors.

Tasks that might be undertaken during this phase include:

- Early [civic education](#) and [public consultation](#)
 - Conduct workshops and other types of [civic education](#)
 - Disseminate printed educational materials
 - Hold public consultations, including public forums, opinion surveys, etc.
 - Analyze and report on public inputs to Commission
- Initial research
 - Conduct research on key constitutional issues, including comparative constitutional research
 - Conduct study tours to countries which have grappled with similar issues
 - Consult with technical experts (both local and international)
- Negotiation and drafting
 - Thematic committee hearings to examine key issues in more detail and develop recommendations accordingly
 - Plenary and/or working group sessions of constitution-making body
 - Ensuring harmonization of the draft text
 - Technical drafting
- Dissemination of early drafts for public comment
 - Educate public the on key issues in the draft (via workshops, printed materials, etc.)
 - Hold public consultations on the draft (via forums, hearings, surveys, etc.)
 - Record and analyze public comments on draft
- Revision of draft based on public comments
 - Further research, negotiation, and drafting
 - Finalization of the text for endorsement

Timing: This phase will likely have the most variation in terms of timing, which will depend on myriad of factors including:

For Negotiation and Drafting:

- How comprehensive the scope of the constitutional review is
- How divided the parties are on the key constitutional matters
- The number of parties to the negotiation
- The experience and capacity of drafters with constitutional matters
- The number of divisive and controversial issues
- The maturity of the political culture and infrastructure
- The degree of effective chairing and management of time and work flows in constitution-making bodies
- The organization and preparedness of the Secretariat

For Public Outreach ([civic education](#) and [public consultation](#)):

- The size of the population and the geographic density (are populations concentrated or spread out?)
- The size and topography of the country (are people in difficult to reach areas?)
- The number of languages
- The level of education and rate of literacy of the citizenry
- The security situation
- The accessibility of people throughout the year (are there rainy seasons when people cannot be reached?)
- The availability of resources
- The ability to leverage CSOs for civic education and consultation efforts

All of these variables and others will impact the time needed for consultation, negotiation and drafting. That said it is not uncommon to allow **2-3 months for initial civic education, at least 3 months for research and drafting, 2-3 months for civic education and consultation on the initial draft, and then 1-2 months for revisions.**

5.4 Approval / Promulgation

Acceptance and the 'bringing-into-effect' of a proposed constitution can require a single act or several formal steps. These steps will vary in most processes, as will the point in time at which the constitution becomes law (based on existing law, the design of the process and/or legal tradition). Note: these terms are used differently in different contexts. The definitions provided here are technically correct; one should not, however, get overly caught up in them.

- *Adoption* typically refers to acceptance of a final text by a certain percentage (often a supermajority, though in Latin America an absolute majority is more common) of the drafting body. The body that drafts the text "adopts" it. *Ratification* refers to the final approval of the constitutional text by either a second (non-drafting) body or public referendum. Someone or something else "ratifies" the work of another. It is possible to have multiple layers of ratification; for example, first by a legislature (eg. ratifying the work of a constitutional review commission) and then by the public via referendum. This was the approval process in Kenya 2010.
- *Promulgation* refers to the official publication of the new/revised constitution. In a given process, the completion of any of these steps could be the moment at which the constitution becomes law.

Tasks that might be undertaken during this phase include:

- debate by the adopting/ratifying body (especially if separate from the drafting body); and/or
- preparation for and holding of a referendum (if one is to be conducted)
 - Passing a referendum law (if needed)
 - Establishing a commission/body to oversee the process
 - Voter education
 - Preparing the ballot
 - Polling
 - Tallying the results
- Publication or issuing of a gazettal notice to bring the new constitution into legal force.

Timing: Ratification in a two-stage process must by definition come after the process of negotiation is complete and a final text produced that is capable of being endorsed. The timing will therefore depend on the time needed to finalize the previous phases of negotiation, debate, and agreement on the constitutional text. In a two-stage process it is not uncommon for this process to take some months, though this would depend on (a) the nature of the ratifying body (a legislature is likely to

require less time, for example, than a 1000 person national conference); and (b) how divided the parties still are on the key constitutional issues. The time to prepare for and conduct a referendum will be decreased if the legal basis (referendum law) and body (electoral management body) are already established; under such circumstances a referendum can probably be conducted in approximately **3 months**. (In Venezuela the process of ratification via referendum after the draft was completed took one month. In Bolivia, however, it took over a year because of a political stalemate between the government and opposition.)

See the third table below describing the approval/ratification mechanisms from various constitutional processes.

For more, see [Interpeace handbook](#), pg. 217-221 on adoption, and pg. 296-304 on referendums.

5.5 Implementation

Constitutional implementation is an ongoing process of giving effect to the constitutional provisions by the establishment of institutions, creation of laws and policies, and deployment of personnel and resources. Implementation also entails the promotion of the rule of law and safeguarding of the rights and obligations established under the new constitution. See also pages 222-228 of the [Interpeace handbook](#).

Tasks that might be undertaken during this phase include:

- Elections
- Drafting of implementing legislation
- Harmonization of existing legislation
- Establishing new institutions
- Reforming existing institutions
- Executing transitional provisions
- Education on the new constitution

A Constitution-Making Timeline (Showing Phases, Timing, and Typical Tasks)¹

		PHASES						
PHASE			NEGOTIATION AND DRAFTING (6 -12 months)				APPROVAL / PROMULGATION	IMPLEMENTATION
	INITIATION	ESTABLISHING BODIES/PLANNING	CIVIC EDUCATION AND PUBLIC CONSULTATION	RESEARCH & DRAFTING	CIVIC EDUCATION AND PUBLIC CONSULTATION	REVISION OF DRAFT		
TYPICAL TASKS	<p>Negotiation, drafting, and adoption of peace agreements</p> <p>Passage of laws, acts or other legal mandates</p> <p>Identifying the institutions and process for the constitution-making process</p> <p>Determining the nature and scope of the constitutional review</p> <p>Agreeing on the overall roadmap and defining the timeline</p> <p>Establishing the nature of the process</p> <p>Fund-raising</p>	<p>Elect / Select CMB Members</p> <p>Establish CMB Secretariat</p> <p>Undertake induction training for new CMB members</p> <p>Set up financial management system; create budgets; Budgeting and fund-raising</p> <p>Secure and equip office space</p> <p>Recruit and train staff</p> <p>Set up field units for civic education & consultations</p> <p>Draft code of conduct and rules of procedure</p> <p>Develop a strategic plan and work plan</p> <p>Devise media strategy</p>	<p>Conduct workshops and other types of civic education</p> <p>Disseminate printed materials</p> <p>Hold public consultations, including public forums, opinion surveys. Etc.</p> <p>Analyze and report on public inputs to Commission</p>	<p>Conduct research</p> <p>Conduct study tours</p> <p>Consult with experts; Thematic Committee hearings</p> <p>Plenary and/or working group sessions of CMB</p> <p>Record minutes of working sessions</p> <p>Keep records of drafts</p> <p>Negotiate constitutional issues</p> <p>Draft text</p> <p>Produce report on draft and public inputs</p>	<p>Disseminate draft</p> <p>Educate public on key issues in draft (via workshops, printed materials, etc.)</p> <p>Hold public consultations on draft (via forums, hearings, surveys, etc.)</p> <p>Record and analyze public comments on draft</p>	<p>Conduct research</p> <p>Consult with experts; Thematic Committee hearings</p> <p>Plenary and/or working group sessions of CMB</p> <p>Record minutes</p> <p>Keep records of drafts</p> <p>Negotiate issues</p> <p>Draft text</p> <p>Produce report on draft and public inputs</p>	<p>Debate revised draft</p> <p>Refer back to Commission, if necessary (and appropriate), for revision</p> <p>Take final vote on final draft</p> <p>Prepare for and conduct referendum (if appropriate)</p> <p>Publish in Gazette</p>	<p>Drafting of implementing legislation</p> <p>Harmonization of existing legislation</p> <p>Establishing new institutions</p> <p>Reforming existing institutions</p> <p>Executing transitional provisions</p> <p>Education on the new constitution</p>

¹ These timelines are illustrations only and are not intended as definitive. In addition, the process is not linear – phases and tasks can repeat. The list of tasks are also illustrative and not comprehensive, and may be sequenced other than in this order. Additional tasks for consideration can be found at pgs. 33 and 149-150 of the [Interpeace handbook](#).

Phases/Timing²

Country	Phases				Total Time
	Initiation	CMB Formation	Consultation/ Negotiation/ Drafting	Approval	
Spain (1978)	Nov. 1975 – Franco dies; gradual democratic transition commences	3 Congressional committees set up in early 1978	<p>Apr. 1978 - Congressional constitutional subcommittee produces first draft</p> <p>May-June 1978 - Congressional Committee on Constitutional Affairs and Public Liberties studied the prelim. draft, reviewed proposed amendments, and came up with and approved a second version. No direct public participation.</p> <p>Aug-Sept. 1978 – Senate Constitutional Committee approval</p> <p>Oct. 1978 – Senate (at large) approval, followed by congress/senate joint committee approval</p>	Dec. 6, 1978 – referendum passes	Less than 1 year
Nicaragua (1987)	Post-conflict, early 1980s; CA formed in 1984	<p>CA elected on Nov. 4, 1984</p> <p>CA inaugurated on Jan. 9, 1985</p> <p>CA appoints Commission in April 1985</p>	<p>August to October 1985: Commission heard testimony</p> <p>Feb 21, 1986: Commission produced first draft.</p> <p>May 18 - June 30, 1986: 73 town hall meetings around country for comments on draft</p> <p>August 1986: Second Commission completes second draft. (Presents to CA in early September.)</p> <p>10 weeks of debate in CA.</p>	CA approved final draft on Nov. 19, 1986	2 years
Brazil (1988)	-	First meeting of CA (Parliament) was Feb. 1, 1987	<p>Internal rules adopted on March 24, 1987.</p> <p>May 1987 – subcommittees complete work, pass drafts to committees, and are dissolved. Public submissions received prior.</p> <p>May 25- June 15, 1987 – 8 committees integrate subcommittee drafts into one committee draft. Then entire committee debated draft. And then entire Committee approved draft.</p> <p>June 1987 – Systematization Committee presents first coherent draft to CA. 120 popular amendments were submitted to CA.</p> <p>September 1987 – Second draft by Systematization Committee presented to CA.</p> <p>November 1987 – Second draft considered by CA.</p>	<p>CA voting (first round) required 732 separate votes and took until June 1988.</p> <p>Second round of voting took one month (289 votes).</p> <p>Draft approved by 403-13 vote on July 27, 1988.</p>	20 months

² The information in this table is derived from the United States Institute of Peace (USIP) 2010 publication *Framing the State in Times of Transition: Case Studies in Constitution Making*, which is available online at: <http://www.usip.org/publications/framing-the-state-in-times-transition>.

Country	Phases				Total Time
	Initiation	CMB Formation	Consultation/ Negotiation/ Drafting	Approval	
Namibia (1990)	1978 UN SC Resolution began process of independence from ZA; 1982 'principles' for CA and const.	Nov. 1989 – CA elections	Dec. 1989-Jan. 1990 – drafting committee meetings. Jan. 16, 1990 – referred to special committee. Jan. 22, 1990 – final draft presented to CA. No direct public participation.	Feb. 1990 CA adoption	3-4 months (but started much earlier in transitional, principles negotiations)
Colombia (1991)	Mar. 1990 elections included referendum on need for const. reform (passed)	CA elections Dec. 1990	Working Groups led by students (but sanctioned by government) did public consultations from September- November 1989. Got 100,000 submissions. CA started work on Feb. 5, 1990 and sat for 150 days to negotiate and approve const.	Final adoption on July 4, 1991	6-7 months
Cambodia (1993)	1991 Paris Peace Agreements	Constituent Assembly elected in May 1993. Sits in June 1993. Committee formed on June 30, 1993	Drafting Committee drafting: June-September 1993. UNTAC information campaign throughout process.	Draft adopted by CA on September 21, 1993 Prince Sihanouk ratifies new constitution on September 24, 1993.	Approx. 4 months from CA election. Timing driven by desire to have UNTAC's mission end in autumn 1993.
Uganda (1995)	1988 – Uganda Constitutional Commission Act	1989 – Commission formed 1993 - CA elections	Commission undertakes civic ed.: [dates unclear] CA drafting and deliberations lasted 29 months. Feb. 1994 - Aug. 1995	Aug. 1995 CA adoption	Intended to take 2 years. Took 6-9 years
South Africa (1996)	CODESA breakdown; MPNP leads to 1993 interim const, framework for CMP	April 1994 CA elections	Feb.-Sept. 1995 – themed committees produce reports and draft constitution Oct.1995-Mar. 1996 – various drafts produced/published by constitutional committee and negotiated Public participation conducted following interim constitution, first draft and generally throughout process.	May 1996	Approx. 3 years from end of MPNP; CA had 2 years to complete, otherwise interim constitution would have req'd amendment

Country	Phases				Total Time
	Initiation	CMB Formation	Consultation/ Negotiation/ Drafting	Approval	
Poland (1997)	1989 initial Round Table talks.	Oct. 1992 – Const. Committee (of NA) inaugurated	Feb. 1989: Round Table Agreement (amended in Apr. 1989); resulted in agreement to use an amended version of the 1952 constitution as an interim document (transitional const.) Apr. 1992 - Constitutional Law on the Procedure for Preparing and Enacting of the Constitution Oct. 1992 – NA Committee formed to draft second const. 1993-97: Committee received drafts/proposals and prepared its draft June 1996: Uniform Draft issued by Committee; revised until Jan. 1997 Jan-Apr. 1997 – National Assembly reading; accepted on Apr. 2.	May 25, 1997 – referendum passes Oct. 17, 1997 – comes into effect	Approx. 5 years from Committee formation to referendum
Eritrea (1997)	1993 – Govt. Proclamation declaring intent to have a participatory CMP	Commission formed Apr. 1994	Apr-end of 1994: fund-raising, public education re process and Commission, initial drafting work. Jan. 1995 – international symposium on substantive topics. Summer 1995 – Commission releases proposals Sept. – Dec. 1995 – Public debates on proposals ~1996 – Commission drafting; following by public debate of draft Apr. 1997 – draft submitted to CA	May 1997 – CA ratification	3-4 years from formation of commission; originally planned for 2 years, and then extended by 1
Venezuela (1999)	Apr. 1999 – consultative referendum on the calling of a constituent assembly for constitutional reform	July 1999 – constituent assembly elections	Sept.-Oct. 1999 – CA drafting; commission works on sub-topics; conducted some civic education Oct-Nov 1999 – CA discussions and approval of draft	Dec. 15, 1999 – referendum passes	Less than one year.
Albania (1999)	Summer 1997 - Decision 339 sets framework	Commission formed, 1997	Dec. 1997- Sept. 1998 – public participation (prior to draft) May 1998 – Three Rivers Symposium, to receive substantive advice from intl. experts June- Aug. 1998 – commission completes draft; begins public circulation for input Oct. 1998 – parliament reviews and approves const. draft	Nov. 1998 - referendum	Approx. 1.5 years.

Country	Phases				Total Time
	Initiation	CMB Formation	Consultation/ Negotiation/ Drafting	Approval	
Fiji (1999)	-	March 1995 -- Commission appointed	<p>June 1995 -- first meeting</p> <p>July – Oct 10, 1995 -- public debates and hearings (prior to draft)</p> <p>Nov 1995 – May 1996 -- Private meetings with key stakeholders, travel, experts, developing ideas</p> <p>May – Sept 1996 – report writing</p> <p>Sept 1996 – Report/recommendations submitted to President and Parliament</p> <p>Sept 1996 – July 1997 – Report in Parliament</p> <p>October 1996 – April 1997 -- Parliamentary Committee agrees on issues and turns recs into constitutional text</p> <p>April 1997 – July 1997 – entire Parliament debates draft</p>	July 3, 1997 – Bill passed	Nearly 2 years
Zimbabwe (2000)	May 1999 – Mugabe announces convening of Const. Convention	Commission formed [date]	<p>May – Nov 1999 – public consultation (prior to draft)</p> <p>Nov. 1999 – Commission adopts draft</p> <p>Feb. 2000 - referendum</p>	Legislature adopts in [month] 2000	Fixed time of 6 months
East Timor (2002)	UN Security Council Resolution 1272 (1999)	CA sworn in on Sept. 15, 2001	<p>Spent 3 weeks debating and drafting internal rules of procedure; 4 Thematic Committees first met on Oct. 17. Conducted public consultations prior to draft.</p> <p>By November 30 the SHC had harmonized recommendations from the Thematic Committees and had draft for CA to debate.</p> <p>90 days expired on Dec. 15 – but was extended until March 22, 2002</p>	CA adoption, Mar. 2002	Legal framework provided for 90 days to draft and adopt constitution. But lasted 187 days from CA formation to adoption.
Afghanistan (2003)	Dec. 5, 2001 – Bonn Agreement	Oct. 5, 2002 - 9 member const. drafting commission (CDC) appointed by Karzai (then President of the transitional admin.)	<p>Mar. 10, 2003 – CDC releases doc. <i>The Constitution Making Process in Afghanistan</i>; outlines proposed activities and timeline for a new larger const. commission to produce a const.</p> <p>Apr. 2003 – 35-member broader drafting commission established.</p> <p>June-July 2003: public consul. process (prior to draft); CDC then given one month to finalize draft.</p> <p>Sept. 2003 – CDC delivers draft.</p> <p>Oct-Nov 2003 – <i>loya jirga</i> delegate selection.</p> <p>Dec. 2003-Jan. 2004 –<i>loya jirga</i> produced and approved the const.</p>	Jan. 2004 - ratification	Approx. 2 years from Bonn Agr. to end of <i>loya jirga</i> .

Country	Phases				Total Time
	Initiation	CMB Formation	Consultation/ Negotiation/ Drafting	Approval	
Iraq (2005)	Mar. 2004: interim constitution; provided for a constituent body to prepare a permanent constitution	Jan. 2005: elections for national assembly	<p>May 2005: Parliamentary Constitutional Drafting Committee formed</p> <p>July 2005: CDC work begins</p> <p>Aug. 8, 2005: leadership council began to meet; takes over negotiations. from CDC</p> <p>Aug. 28, 2005: final draft approved by leadership council (extended from US-imposed deadline of Aug. 15); submitted to national assembly and passed in Sept. 2005.</p>	Oct. 2005: referendum passes	Approx. 4-5 months; as a result of delays, only about six weeks for actual negotiation and drafting

Approval/ Ratification Mechanism(s)³

Spain (1978)	First approved by both houses of legislature; followed by referendum.
Nicaragua (1987)	CA had to approve final draft (threshold = absolute majority).
Brazil (1988)	CA approval (threshold = absolute majority).
Hungary (1989)	Amendments first approved by Round Table; followed by referendum.
Namibia (1990)	Approval first by constitutional committee and then by CA.
Colombia (1991)	CA had to approve by majority each article in two sittings. Required affirmation by the Supreme Court that the reform had been conducted in conformity with the vote taken by the Colombian people when the CA's members had been elected.
Cambodia (1993)	Draft adopted by CA. Prince Sihanouk then ratified new constitution.
Uganda (1995)	2/3 approval by CA was required. Then promulgated by the President.
South Africa (1996)	CA 2/3 majority was required for adoption. If CA failed to reach 2/3, then could be referred to referendum, with a 60% required vote. If failed at referendum, then parliament was to be dissolved. Approved draft then had to be certified by the Constitutional Court as complying with the 34 constitutional principles set forth in the Interim Constitution.
Eritrea (1997)	3 steps: (1) approval by the Constitutional Commission of the draft prepared by the Executive Committee; (2) approval by the National Assembly; (3) ratification by the CA.
Poland (1997)	First adopted by the National Assembly (required 2/3 majority and presence of at least 50% of members). Then passed by national referendum (required more than 50% of votes in favor).
Albania (1998)	Approval by referendum (absolute majority).
Venezuela (1999)	First adopted by the CA (threshold = absolute majority); then approved by referendum (threshold = 50% +1 of participating voters).
Fiji (1999)	Required 2/3 adoption by sitting parliament, as set out in existing constitution.
Zimbabwe (2000)	Draft never voted on by Commission. Submitted to President who could make changes at his discretion. Then voted on by plenary session of legislature, during which the chair declared the draft constitution adopted "by acclamation" despite a number of dissenting voices. At referendum, required majority approval but rejected by 54% of voters.
East Timor (2002)	Had to be adopted by vote of at least 60 of 88 members of CA.

³ The information in this table is derived from the United States Institute of Peace (USIP) 2010 publication *Framing the State in Times of Transition: Case Studies in Constitution Making*, which is available online at: <http://www.usip.org/publications/framing-the-state-in-times-transition>.

Afghanistan (2003)	Ratified was required by a majority of the delegates of the <i>loya jirga</i> .
Bosnia and Herzegovina (2005)	Approved as an Annex to the Dayton Agreement (peace treaty signed by Bosnia and Herzegovina, Croatia, Former Republic of Yugoslavia).
Iraq (2005)	First approved by National Assembly (majority threshold). Followed by popular referendum (majority of voters); and any 3/18 provinces had the right to veto any draft by a 2/3 majority vote.

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