

**CRISE Conference on Decentralization, Federalism and Conflict,  
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## **Notes on the Keynote Address**

### **Three Ways to Make a Constitution**

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This address focussed on the processes that occur in instituting a Federal constitution. It examined the connections between the processes of designing constitutions and outcomes in terms of actual constitutions. The process aspect is a neglected dimension of the discussions on federalism, and one which is important to the outcome in contribution to political stability.

The address considered the qualities needed in processes of constitutional design to make them effective in producing inclusive and acceptable constitutions. It was argued that international involvement, providing templates for constitutional design, can be counterproductive, leading local groups to react against what is foreign. Processes need to have much internal participation. The process used should depend on the problem faced, such as redressing abuses of power, territorial allegiances, and so on.

The address concentrated on three types of process which may be appropriate, depending on the problems faced. First, for achieving public acceptability, the address suggested that possibly an open process with public participation would be most appropriate. However, when constitutions are attempting to facilitate reconciliation then public debate can be counterproductive. Secondly, in such a situation, a process of constitutional design involving an expert body to design the constitution with adequate time to listen and consult all the relevant bodies can achieve reconciliation and coherence. Such a process is not appropriate, however, if one of the parties involved is rigid and refuses to allow modifications. Finally, a gradualist process which aims to keep everyone attached to the document may be a better way of persuading the parties to accept compromises; in this process, previous decisions are revisited, and modifications and amendments are made over time. Here, the process is focussed on achieving and preserving consensus.