

Interim Governments: Lessons and Guidelines

This IFIT Practice Brief provides an overview of key issues and recommendations towards establishing interim governments as part of negotiated transitions from conflict or authoritarian rule. It is based on expert interviews and a comprehensive review of existing literature and discernible practice.

As we have seen in recent transition contexts such as Sudan (2019), Pakistan (2018) and Haiti (2016), an interim government can serve as an important bridging or stabilising mechanism in times of crisis and dramatic change. IFIT defines such a government as follows:

An interim government is a formally constituted government holding an extraordinary mandate to conduct governmental affairs for an extraordinary term lasting until the election of a new government for an ordinary term and with an ordinary mandate.

In using this definition, the following are necessarily excluded: 1) unelected governments established for an interim period without the promise of ordinary elections within a reasonable timeframe, and 2) elected governments that remain provisionally in place as part of the ordinary process and rules for the transfer of power or for the temporary filling of a conventional constitutional vacuum.

Interim governments are created under diverse circumstances, including regime collapse, negotiated agreement, special election, or international intervention. They can arise at the national or subnational level, and can have a myriad of compositions: national, international or mixed; one party or power-sharing; civilian, military or hybrid. Their mandates range from providing or restoring basic state services to special tasks such as the prepara-

tion of a new constitution or the introduction of economic reform.

The examples are manifold. For instance, an existing regime dealing with fundamental crises – such as severe economic problems, a fracture within the ruling elite, or an invigorated opposition – may transform itself into an interim government to stave off its demise or provide more political space to work toward longer-term recovery or resolution (eg, Spain 1975-1976; Indonesia 1998-1999). An international intervention may produce an interim international government as a practical means to restart governance after war or dictatorship or a stalled political process (eg, UN Transitional Administration in East Timor 1999-2002). An existing regime and the opposition may reach a peace deal or political settlement, establishing an interim government for a determined period (eg, El Salvador 1992-1994; Nepal 2006-2008).

This policy brief focuses exclusively on situations where the interim government is a *product of negotiations* between two or more political actors transitioning out of a severe crisis, armed conflict or authoritarian regime. While politics matters in all scenarios, it is especially important in a negotiation setting. Multiple political actors – previously starkly opposed to one another – must find ways to compromise in a high-voltage situation in which no side can impose its will. The parties also face the shared challenge of ensuring the legitimacy

and stability of any negotiated form of interim government over what may be an extended period.

The political settlement – ie, the negotiated structure and allocation of power among key actors – is the primary consideration when establishing an interim government. Typically forged among elites, the settlement may be based on a formal text (eg, peace deal, national pact) or simply a common understanding.

If an interim government is successful in the exercise of political power during the transition, it will build confidence both in participating parties' ability to work together peacefully on an ongoing basis and in the new political arrangement that eventually replaces it. An interim government can also offer a pathway for previously violent actors to transition to more peaceful legal conduct and behaviour, or for the balance of power to be so transformed as to reduce spoilers' capacity to obstruct progress. If the new system has broad legitimacy, it also becomes more difficult for previously powerful forces to regain influence. Nevertheless, not all interim governments are formed with good intentions, and even those that are may not produce good outcomes or the future conditions for ordinary political contestation.

Against this general background, what follows is a synthesis of practical recommendations geared towards policymakers. The recommendations focus on the two central dimensions of negotiated interim governments: composition and mandate. These should naturally be tailored in accordance with the specific possibilities and constraints of the situation at hand.

1. Recommendations regarding the composition of interim governments

- As early as possible, negotiating parties should seek to achieve consensus on the procedure for appointing and distributing power among members of the interim government. Given their extraordinary nature, interim governments are not typically established through broad participatory mechanisms such as elections, but rather via elite bargains among political, military and/or civilian leaders. The sooner such details are settled, the better.
- Leadership roles may be designated by conflicting parties either directly during the negotiations or indirectly (and subsequently) as a result of a selection process decided during the negotiations. Ideally, the most important positions are entrusted to individuals with credibility and moral authority across the country's political spectrum.
- Although a government's composition will primarily reflect elite bargaining, it is often desirable to appoint figures who will agree not to seek or be eligible to hold political positions after the interim period expires. This brings extra legitimacy to the arrangement, and thus extra stability.
- Excluding major actors often creates instability or a lack of legitimacy (eg, Iraq 2003-2005; Afghanistan 2001-2002). However, a broadly inclusive process may be more contentious and difficult to manage, slowing or even stalling negotiations. Being "inclusive enough" – ie, allowing sufficient participation by powerful spoilers or veto holders over future policy such as the military to ensure the arrangement is stable – offers a middle ground between inclusiveness and effectiveness. Such an approach can substantially increase the interim government's chances of success.
- If necessary, consider whether local figures (eg, Spain 1975) or external actors (eg, major powers with interests in the country) can play a useful mediating role in the government formation process, such as nominating candidates or exercising shared decision making. International actors are sometimes necessary to establish an interim government (for example, by mediating the talks leading up to its establishment), but if the selection process is not locally driven and locally owned, the interim government risks losing legitimacy (eg, Kosovo 1999).
- In order to make the interim arrangement less vulnerable to sabotage, agree on a set of guarantees and incentives that increases key parties' investment in the arrangement. These should be offset with sunset clauses that gradually reduce the special conditions that some actors require.
- Provided it will not jeopardise the success of an agreement, explore whether a narrow participatory process in the appointment process – involving an existing or ad hoc representative body – may be part of an elite bargain to in-

crease the interim government's legitimacy and counter potential negative public reaction against certain leaders (eg, Tunisia's National Dialogue in 2013).

2. Recommendations regarding the mandate and function of interim governments

- Establish a clear, shared vision among all parties about the goals, scope and mandate of the interim government. Given the need for domestic and external legitimacy and support, the common vision should be translated into a simple narrative for the public.
- At a minimum, the mandate should usually include two specific tasks: keep the country running amid the crisis or transition (prioritising tangible gains for ordinary citizens) and prepare the ground for ordinary elections (possibly with international support).
- Be aware that the interim government's basic functioning will most likely have to rely on the existing bureaucracy. Although often riddled with problems that contributed to the crisis, ministries and bureaucracies function with at least some capacity; and it may be difficult to build new agencies with governing ability. As such, despite the desire of some (especially opposition actors long removed from power) to start fresh, it is often best to use existing public institutions and staff, bringing in new people as necessary to overcome capacity or corruption problems.
- Ensure as much consensus as possible on the process for decision making within the interim government structure, incorporating dispute resolution mechanisms from the outset. Clearly delineated roles between different members and structures of the interim government (eg, sectoral commissions) can help to avoid unnecessary breakdowns or paralysis and ensure that the key stakeholders have buy-in to the process.
- Determine the public mandate of the interim government, delineating its purpose and priorities as explicitly as possible. While an interim government often focuses on preparing for and holding elections for a permanent government, it typically must implement a wider range of day-to-day functions, including restoring security (which entails managing the armed forces), delivering basic services (eg, education, health), raising funds, coordinating foreign relations, and introducing urgent mandated reforms. As such, it can be important to separate out the long and short term needs of the interim arrangement, given what is often a limited popular mandate.
- Establish as part of the political agreement the term of the interim government (typically 6-18 months unless it is a power-sharing accord) but anticipate this term may need to be extended to allow more time to complete assigned tasks. At the same time, be sure to agree up-front on the grounds for determining any extension (eg, state of readiness for holding ordinary elections) so that it will not be perceived as an arbitrary power grab. After all, it takes time to overcome protracted divisions, build institutions, and prepare the country – especially opposition groups – for competitive politics (eg, Egypt in 2011).
- Ensure that the limits of the government's decision making are clearly set out vis-à-vis other bodies, including existing ones (eg, the legislature) and ad hoc ones (eg, a constitution-making body).
- Take seriously the common governance challenges an interim government can expect to face (eg, economic growth and restoring basic services). To the extent possible, ensure it has the minimum experience and technical capacity to do two things: (re)establish institutional stability and manage frequent crises. International supports and anchors may be necessary to this end.
- Exercise caution in the introduction of policies which may unduly bind a successor ordinary government (unless it is specifically tasked). This can easily produce backlash and instability, given the limited nature of the interim mandate.
- Develop a well-planned public communications strategy to manage popular expectations of rapid change and better living standards, which are unlikely to be met by the interim government. If possible, create or support public forums for wider discussion on symbolically important issues that may help in establishing wider consensus.

Examples of interim governments (based on formal start and end year)

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|-----------------------|------------------------|----------------------------|-------------------|
| Spain 1975-1976 | Guatemala 1997 | Liberia 2003-2005 | Libya 2011-2012 |
| Fiji 1987 | Tajikistan 1997-2000 | Iraq 2003-2005 | Egypt 2011 |
| Romania 1989-1990 | Kosovo 1999-2001 | Bangladesh 2007-2008 | Ukraine 2014 |
| Lebanon 1989-1992 | South Africa 1993-1994 | Togo 2006-2007 | CAR 2014-2016 |
| Bangladesh 1997-1999 | Indonesia 2005-2006 | Nepal 2006-2008 | Haiti 2016 |
| Albania 1991 | East Timor 1999-2002 | Kenya 2008-2013 | Pakistan 2018 |
| Cambodia 1991-1993 | Burundi 2000-2005 | Zimbabwe 2009-2013 | Sudan 2019- |
| El Salvador 1992-1994 | Peru 2000-2001 | Guinea 2010 | Bolivia 2019-2020 |
| Burundi 1992-1993 | Angola 2002-2008 | Kyrgyzstan 2010-2011 | |
| Mozambique 1992-1994 | Afghanistan 2001-2002 | Tunisia 2011 and 2013-2015 | |

Further reading

Dudouet, Véronique and Stina Lundström (2016). "Post-War Political Settlements: From Participatory Transition Processes to Inclusive State-building and Governance." Berghof Foundation. Available at: https://www.berghof-foundation.org/fileadmin/redaktion/Publications/Papers/IPS_Synthesis_Report_web.pdf.

Guttieri, Karen and Jessica Pombo (eds.) (2007). *Interim Governments: Institutional Bridges to Peace and Democracy?* Washington D.C. United States Institute of Peace.

International Institute for Democracy and Electoral Assistance (2020). *Interim Governance Arrangements in*

Post-Conflict and Fragile Settings. Stockholm: IDEA. Available at: <https://www.idea.int/publications/catalogue/interim-governance-arrangements-post-conflict-and-fragile-settings>.

Shain, Yossi and Juan J. Linz (1995). *Between States: Interim Governments and Democratic Transitions*. Cambridge: Cambridge University Press.

Strasheim, Julia and Hanne Fjelde (2014). "Pre-Designing Democracy: Institutional Design of Interim Governments and Democratization in 15 Post-Conflict Societies." *Democratization* 21 (2): 335-358.

Founded in 2012, IFIT is an independent, international, non-governmental organisation offering comprehensive analysis and technical advice to national actors involved in negotiations and transitions in fragile and conflict-affected societies. IFIT has supported negotiations and transitions in countries including Afghanistan, Colombia, El Salvador, Gambia, Libya, Nigeria, Syria, Sri Lanka, Tunisia, Ukraine, Venezuela and Zimbabwe.