



# FACT SHEET

## Independence Referendums: History, Practice and Outcomes

### MAIN CHALLENGES

In 2017 given the impending Bougainville Peace Agreement (BPA)-mandated referendum on independence, this report, - one of two Introductory reports for the PNG NRI Bougainville Referendum Research Project, was commissioned with the objective of providing ample background information for stakeholders to prepare for and organise **a credible referendum capable of delivering a legitimate and accepted outcome.**

The report provides insight on **what a referendum is, why they are held, and the context and nature of the referendum.** Drawing from global experiences of independence and sovereignty referendums over the past 160 years, the report sought to complement existing research on Bougainville and the referendum with information on **when, how and with what consequences referendums are held.**

The report reviews and draws on global experiences, to highlight the following lessons;

- Referendums can be simply two choices, but it is possible to go beyond the binary choice, by introducing a two-stage multi-option referendum (as has been done in Canada and New Zealand) but multi-option referendums should be avoided;
- It is not generally advisable to have an excessive super-majority requirement, but a minimum turnout requirement (of 50 percent) and a small-qualified-majority requirement of 55 percent of the voters can under some circumstances be advisable.
- It is advisable that the Electoral Commission has representations from both sides and participation by external experts.
- There should be clear restrictions on government spending, campaign finance and grants for each side to secure a level playing field;
- There needs to be equal access to the media for both sides in a referendum. (See Chapter 1)

### WHAT ARE REFERENDUMS AND WHAT ARE THEIR CONSEQUENCES?

A referendum can be defined as a vote by all eligible voters and not just by their elected representatives on a policy question or issue. It is sometimes referred to as the **“People’s veto”**.

To date, since the French Revolution, there have been over 1500 nationwide referendums in different countries on a variety of issues including abortion legislation, pension reforms, to abolition of the death penalty. Of these, 61 have been on independence of which only 3 have returned a ‘no’ vote.

Overall, there are three types of referendums:

- **Ad hoc referendums** to solve a perceived political issue
- **Initiatives** which are *initiated* by a specific number of electors on an already enacted legislation, and;
- **Constitutional referendums** under which referendums on independence fall.

### KEY POINTS

- Drawing from global experiences and throughout human history, the report provided insights on what a referendum is, why they are held, and the context and nature of referendums.
- A referendum can be defined as a vote by all eligible voters rather than just their elected representatives on a policy question or issue.
- Independence referendums can be of the post-colonial form, by agreement between jurisdictions, or undertaken unilaterally. Bougainville’s referendum was agreed to under the Peace Agreement.
- Historically unilateral referendums have largely been unsuccessful in the creation of new states.
- The key determining factors for the creation of a state are that a large majority has voted for secession AND support of the would-be state is provided by the international community.
- Timor Leste, Montenegro and South Sudan amongst others can also be considered as case studies of states who have recently conducted independence referendums.

Independence referendums can be further broken into three main forms:

- **Post-colonial** (such as the Philippines in 1935)
- **By agreement** (Montenegro and Bougainville)
- **Unilateral** (Catalonia, Quebec and Estonia)

Not all of these different types of independence referendums have been equally conducive to the establishment of a new independent state. Post-colonial referendums and those held by agreement have been recognised and the outcome accepted by the international community and the parent states. In the case of unilateral referendums, of the 44 independence referendums held since 1980, 36 were held unilaterally. Of these, only in one of twelve cases was the referendum followed by international recognition of the new state. (See Chapter 2)

### **HOW ARE THE RESULTS OF REFERENDUMS DETERMINED AND IMPLEMENTED?**

One of the problems with independence referendums is their legality-or lack thereof. Most referendums on independence-even after a majority yes-vote have failed to deliver a new nation; that is, they have politically amounted to nothing.

The key determining factor of whether a state becomes independent is not whether a large majority has voted for secession (though that is statistically important too) but whether the would-be state is recognised by the international community (especially the three Western powers on the UN Security Council). (See Chapter 3)

### **REGULATION OF REFERENDUMS**

An analysis on referendums held in Europe suggests that in the conduct of referendums, consideration needs to be given to regulating campaign spending and providing a balance in terms of media coverage. In addition, there are the important questions of whether there should be a special-majority requirement and if there should be one or more questions. (See Chapter 4)

### **CASE STUDIES OF RECENT INDEPENDENCE REFERENDUMS**

Countries who had recently held referendums and can be analysed include Timor Leste, Montenegro and South Sudan. Scotland is also a territory that can be looked at. Lessons that can be drawn from their experiences include that adequate time should be given for the development of any credible alternative to independence, sufficient time be provided for the preparation of a referendum and attention being given to register voters. (See Chapter 5)

### **CONCLUSION AND HOW TO MAKE THE BOUGAINVILLE REFERENDUM A MODEL FOR OTHER COUNTRIES**

Bougainville can - and should - set the new standard for how to conduct referendums. Introducing campaign finance limitations, placing limits on government spending, and ensuring a balance in the media as well as having an impartial referendum administration would make the referendum an exercise in how to reach a democratic decision on a monumental issue. (See Chapter 6)

### **ABOUT THE RESEARCH**

This fact sheet summarises the research paper produced by the PNG National Research Institute in 2017 to help understand and promote discussion in preparation for the Referendum that was to be held in 2019.

The full research paper is available here.

References to the related sections of the research paper are included in this fact sheet.

### **ABOUT THE AUTHORS**

**Professor Matt Qvortrup** is an internationally recognized comparative political scientist and lawyer with a strong presence in the world of practice – in politics, diplomacy and the media.

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