

# Advocating Self-Determination: Referendums and the Birth of New States

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# Outline of the Lecture

2

2024/11/26

- ▶ What is Self-Determination?
- ▶ Direct Democracy and Self-Determination
- ▶ Key Referendums on Self-Determination
- ▶ Discussions

# What is self-determination?

- ▶ Definition by the *Britannica Encyclopedia*
  - ▶ 'the process by which a group of people, usually possessing a certain degree of national consciousness, form their own state and choose their own government.'
- ▶ Key elements of self-determination
  - ▶ 'People': the historical and cultural dimension
  - ▶ 'National consciousness': the ideational dimension —taking the forms of nationalism, patriotism, and national identity
  - ▶ 'State' and 'Government': the territorial and political dimension

# What is self-determination?

4

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- ▶ Early thoughts of self-determination
  - ▶ 'Declaration of Independence' (American Revolution)
  - ▶ The virtue of nationalism
- ▶ Lenin's *The Right of Nations to Self-Determination* (1914)
  - ▶ Rosa Luxemburg: "The National Question and Autonomy" (1908-09)
- ▶ Woodrow Wilson's *Fourteen Points* (1918)
  - ▶ No. 5: A free, open-minded, and absolutely impartial adjustment of all colonial claims, based upon a strict observance of the principle that in determining all such questions of sovereignty **the interests of the populations concerned** must have equal weight with the equitable claims of the government whose title is to be determined.
- ▶ The post-WWI settlement in Europe and beyond
  - ▶ The birth of a series of new states in the former territories of the Austro-Hungarian, Ottoman, and Russian Empires
  - ▶ However, the colonialized territories outside Europe...

# What is self-determination?

5

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## ▶ Charter of the United Nations

### ▶ Art. 1: The purpose of the United Nations are:

(Para. 2) To develop friendly relations among nations based on respect for the principle of equal rights and **self-determination** of peoples, and to take other appropriate measures to strengthen universal peace;

▶ Art. 55: With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and **self-determination** of peoples, the United Nations shall promote: ...

## ▶ The meanings of self-determination in the UN Charter

▶ The right to choose freely political, economic, social, and cultural systems

▶ The right to constitute itself in a state or otherwise freely determine the form of its association with an existing state

# Direct democracy and self-determination

6

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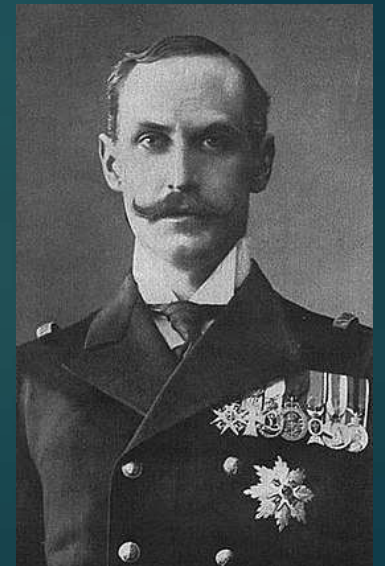
- ▶ Democratic credentials
  - ▶ Representative democracy is usually not suitable to deal with such constitutional issues as fundamental as self-determination
- ▶ Political legitimacy
  - ▶ The will (voices) of the people
- ▶ The national
  - ▶ Defining the 'people' through direct voting
- ▶ Relevant institutional settlement
  - ▶ Political structure
  - ▶ Territorial claims

# Key votes on self-determination: Norway

7

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- ▶ Background information
  - ▶ Norway entered the Union with Sweden in 1814
  - ▶ The Swedish King ruled the two countries simultaneously; Norway kept its own Parliament
  - ▶ The authority of the Swedish King was challenged by the Norwegian Parliament on several occasions
  - ▶ Referendum was conducted after negotiations between the two sides
- ▶ The referendum on dissolving the Norway-Swedish Union
  - ▶ Voting time: 1905-08-13
  - ▶ Voting results: turnout 85.42%; yes 99.95%
  - ▶ Male suffrage and female petition
- ▶ The referendum on the Norwegian monarchy
  - ▶ Voting time: 1905-11-12~13
  - ▶ Results: turnout 75.3%; yes 78.9%





# Key votes on self-determination: Lithuania

8

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- ▶ Background information
  - ▶ Lithuania was an independent state during the inter-war period
  - ▶ Elected MPs declared independence in March 1990
  - ▶ However, the Soviet Union refused to recognize, and then imposed economic sanction and mobilized military forces
  - ▶ It was not until after the failed coup in August that Soviet finally recognized Lithuania in September 1991





# Key votes on self-determination: Lithuania

- ▶ The Lithuanian referendum on independence
  - ▶ Voting time: 1991-02-09
  - ▶ Voting results: turnout 84.52%; yes 93.24%
  - ▶ Ballot question: 'Should the Lithuanian State have an independent, democratic government?'
- ▶ Other referendums in 1992
  - ▶ Restoration of Presidential institution (May)
  - ▶ Withdrawal of Soviet troops (June)
  - ▶ Adoption of a new Constitution (October)

# Key votes on self-determination: Quebec

10

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## ► The Canadian referendums on Quebec

### 1. The Quebec referendum on 20 May 1980

'The Government of Quebec has made public its proposal to negotiate a new agreement with the rest of Canada, based on the equality of nations; this agreement would enable Quebec to acquire the exclusive power to make its laws, levy its taxes and establish relations abroad - in other words, sovereignty - and at the same time to maintain with Canada an economic association including a common currency; no change in political status resulting from these negotiations will be effected without approval by the people through another referendum; on these terms, do you give the Government of Quebec the mandate to negotiate the proposed agreement between Quebec and Canada?'

Voting results: Turnout 85.60% yes 40.44%

# Key votes on self-determination: Quebec

11

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## 2. The Canada referendum on 26 Oct 1992

The Charlottetown Accord as the basis for a new federal Constitution

A Senate with six seats per province and one per territory; Native population gains autonomy within five years; **Quebec obtains a veto, at least 1/4 of the seats in Parliament, and three of the nine seats in the Supreme Court**; All provinces obtain more powers in matters regarding economics and infrastructure.

Countrywide voting results: Turnout 74.68% yes 45.02%

Quebec voting results: Turnout 82.76% yes 43.32%

# Key votes on self-determination: Quebec

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## 3. The Quebec referendum on 30 Oct. 1995

‘Do you agree that Quebec should **become sovereign**, after having made a formal offer to Canada for a new Economic and Political Partnership, within the scope of the Bill respecting the future of Quebec and of the agreement signed on 12 June 1995?’

Voting results: Turnout 93.52% yes 49.42%



# Key votes on self-determination: South Africa

13

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- ▶ Background information
  - ▶ Apartheid imposed between 1948 and 1994
  - ▶ Efforts to end *apartheid* started in 1990
  - ▶ However, slow progress in negotiation and several by-election defeat weakened the government
  - ▶ Referendum was to confirm public support for reform
- ▶ The South African referendum on apartheid
  - ▶ Time: 1992-03-17
  - ▶ Ballot question: 'Do you support the continuation of the reform process which the State President began on 2 February 1990, and which aims to develop a new constitution through negotiation?'
  - ▶ Only white people could vote
  - ▶ Voting results: turnout 85.08% yes 68.73%

# Discussions

14

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- ▶ How to define the 'people' in popular votes on self-determination?
- ▶ How to distinguish between the support for self-determination and the support for a particular (political, economic, or cultural) form of self-determination...
- ▶ Have these referendums pushed forward, or merely confirmed, the ongoing struggles for self-determination?



# Suggested Reading for next week's class

- ▶ Shu, Min (2008) 'Referendums and the Political Constitutionalisation of the EU', *European Law Journal*, Vol. 14, No. 4, 2008, pp. 423-445.