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מרכז ישראל/פלסטין למחקר ולמידע

مركز إسرائيل/فلسطين للأبحاث والمعلومات

Israel/Palestine Center for Research and Information

The winter session of the Israeli Knesset will debate the possible use of referenda to ratify future peace agreements. Palestinian President Mahmoud Abbas has repeatedly stated that should the PLO conclude a full peace agreement with Israel he will bring it to the people in a referendum for ratification. IPCRI has prepared a case study survey of the use of referenda in peace treaties around the world. In the future, we hope to present our own specific recommendations for Israel and Palestine based on learning the lessons on the use of referenda in peace agreements.

The Use of Referenda in Peace Agreements

Charlie Hoyle

South Africa March 17, 1992

Theme/ Question

To endorse or reject President F. W. de Klerk's reform policies to negotiate an end to white minority rule through talks with the black majority. The referendum asked, "Do you support continuation of the reform process which the State President began on February 2, 1990 and which is aimed at a new constitution through negotiation?"

Supporters vs. Opponents

De Klerk had promised to resign and hold elections if his reforms failed to win a significant majority. He warned that a "no" vote would return South Africa to international isolation, ruin the economy and bring uncontrollable black revolt.

Spearheading the campaign against the referendum was CP leader Treurnicht, nicknamed "Dr. No" for his unwavering opposition to political reform. The ANC appealed to its white members to vote "yes."

Outcome

Final results released March 18 showed that 1,924,186 million whites (68.6%) voted "yes" and 875,619 (31.2%) voted "no." Of South Africa's 3.28 million eligible white voters, 85% turned out for the ballot, one of the highest rates ever.

Other relevant information

The ANC issued a statement saying that the referendum benefited the negotiating process and emphasized that this should be the last occasion on which South Africa is subject to the indignity of a racial or ethnic referendum.

More than 220 blacks were slain in township violence during the weeks leading up to the referendum, according to a New York Times article datelined March 13.

Sources:

Facts on File World News Digest, <<http://www.2facts.com>>.

Economist Intelligence Unit, Country Reports

Lexis/Nexis & Factiva

Interviews with Policymakers

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Canada October 26, 1992

Theme/ Question

To endorse or reject a constitutional reform package that sought to reconcile the conflicting interests of the country's provinces, territories and aboriginal peoples (status of Quebec as 'distinct society'). Quebec would always be guaranteed at least 25% of the seats in the lower house. The question was framed as:

"Do you agree that the Constitution of Canada should be renewed on the basis of the agreement reached on August 28, 1992?"

Eligibility to vote and electoral design

The referendum was technically a nonbinding guide for the 10 provincial assemblies, each of whose approval was needed for formal ratification of the accord. A "No" vote in any one province, however, had been widely viewed as effectively killing the accord as currently formulated.

Supporters vs. Opponents

Western Canadians tended to oppose the accord because they did not favour concessions to Quebec, whereas Quebecers voted "No" because they thought the accord did not deliver enough rights to the French-speaking province. Many Canadians voted "No" to vent their anger against the political and business establishment in general and Progressive Conservative Party Prime Minister Brian Mulroney in particular.

Outcome

Nationwide, the "No" side outpolled the "Yes," 54.4% to 44.6%, with 74.9% of eligible voters casting ballots. Metropolitan areas tended to line up behind the "Yes" side.

Other relevant information

The referendum defeat of the proposed reforms dealt a stunning blow to the nation's leading political figures leading to Quebec's independence referendum of 1995 where 50.58% of the province said "No" to independence while 49.42% voted "Yes".

Sources:

Facts on File World News Digest, <<http://www.2facts.com>>.

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Bosnia August 27-28 1994

Theme/ Question

Serb only referendum to endorse or reject an international peace plan that would have given them control of 49% of Bosnia -Herzegovina and the Muslim-Croat federation control of the remaining 51%. The plan would have required the self-declared Bosnian Serb republic to give up about a third of the Bosnia n territory it had won during the 28-month civil war.

Eligibility to vote and electoral design

Only Serbs voted in the areas controlled by Bosnian-Serbs during the war. It was designed specifically to demonstrate the strong reaction of the Bosnian Serbs to the international peace plan.

Supporters vs. Opponents

The plan had been rejected by top officials of the self-styled republic. Radovan Karadzic, the Bosnia n Serbs' leader, August 29 said, "We will ask for another map. We expect a new conference, new peace efforts." Serbian President Slobodan Milosevic had pressured the Bosnia n Serb leadership to accept the plan and had broken ties with the Bosnia n Serb republic, including closing the border, after previous rejections of the peace plan by Bosnia n Serb leaders.

Outcome

About 90% of voters opposed the plan. Electoral officers refused to say how many people had voted. Figures difficult to verify as voting lists were virtually meaningless in the war-ravaged region.

Other relevant information

Russian Foreign Minister Andrei V. Kozyrev said that the referendum in Bosnia was illegitimate and urged voters to reconsider their decision. Russia was one of the five members of the so-called contact group for Bosnia that had drafted the peace plan. The other members were the U.S., Britain, France and Germany. The overwhelming 'no' vote contributed to the decision of the mediators to ratify the subsequent 1995 Dayton Accord without a referendum.

Sources:

Facts on File World News Digest, <<http://www.2facts.com>>.

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Northern Ireland and Republic of Ireland May 22, 1998

Theme/ Question

Under the agreement approved in May 22, 1998 a new local assembly would be created to legislate many matters in the province. A North-South Ministerial Council would bring together lawmakers from Northern Ireland and the Irish Republic to discuss matters of mutual interest, and a new Council of the Isles would encourage policy cooperation between the British and Irish governments. The Republic removed territorial claims from its constitution. The question was "Do you support the agreement reached in the multi-party talks on Northern Ireland and set out in Command Paper 3883?"

Eligibility to vote and electoral design

Separate referendums took place in the Republic of Ireland and Northern Ireland. In the latter, there was no requirement for double majority but majority support in both the Catholic and Protestant communities was considered crucial for the effective enactment of the planned governmental changes. A failure to gain majority support among both groups would likely have crippled the planned Northern Ireland Assembly.

Supporters vs. Opponents

Most leading political figures in Britain and Ireland supported and hailed the strong support the peace plan garnered in the referenda. The Loyalist Volunteer Force (LVF), one of Northern Ireland's Protestant unionist paramilitary groups, May 15 declared a cease-fire. The same day, however, the group called on voters to reject the peace agreement in the upcoming referendum .

Rev. Ian D. Paisley the longtime militant Protestant leader kept the Democratic Unionist Party out of the talks and called his voters to reject the agreement.

Outcome

In Northern Ireland, 676,966 voters, or 71.1% of the total, backed the peace plan, while 274,879 (28.9%) opposed it. In the separate referendum in the Republic of Ireland 1,442,583 voters, or 94.4% of the total, backed the agreement, and only 85,748 (5.6%) opposed the plan.

Other relevant information

Results of the voting in Northern Ireland were not officially broken down by religious background, but an exit poll conducted by Coopers & Lybrand found that the peace agreement had gained majority support from both Catholics and Protestants. Of the Catholics polled, 96% said they had cast "yes" votes in favor of the plan, and 4% said they had voted against it. Some 55% of Protestants in the exit poll said they had voted for the agreement, while 45% said they had voted against it.

Sources:

Facts on File World News Digest, <<http://www.2facts.com>>.

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Guatemala May 16 1999

Theme/ Question

Constitutional amendments including granting rights to indigenous people such as official recognition of the languages and dress of Guatemala's 24 Indian groups and consultation of the indigenous groups before legislation affecting them was passed

Eligibility to vote and electoral design

The 47 reforms were divided into four broad categories and required voters to vote on each category separately. No separate majorities of indigenous non-indigenous were needed.

Supporters vs. Opponents

The passage of the reforms was supported by all of Guatemala's major political parties. While publicly supporting reforms in order to please the international community, the ruling Partido de Avanzada Nacional (PAN) called on its party bases to vote no. After strongly opposing the reforms in Congress last year, the opposition FRG tried to make political gains by deciding to support the reforms at the 11th hour, a move seen merely as part of its electoral strategy. The FRG then blamed the outcome on the government.

Against Liga Pro Patria—a civil rights organisation which convinced the constitutional court to suspend one of the reforms before the referendum—and Acción Reconciliadora Democrática (ARDE), under their leadership of Francisco Bianchi, a protestant priest and presidential candidate.

Outcome

Of the 4.1m registered voters, 9.4% voted no and 7.5% voted yes to the four questions (turnout was only 18.5%). The strong no vote in Guatemala City (68% of those who voted here rejected the reforms) helped to sway the outcome.

Other relevant information

Defeat of the reforms represented a setback for the peace process in Guatemala following the 36-year civil war. (assassinations reported)

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Facts on File World News Digest, <<http://www.2facts.com>>.

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Cyprus April 24, 2004

Theme/ Question

Under the U.N. plan, the Greek and Turkish Cypriots would have each retained autonomy over most of their affairs under a loose federal system. Turkish Cypriot returned land in exchange for power-sharing. The question was “Do you approve the Foundation Agreement with all its Annexes, as well as the constitution of the Greek Cypriot/Turkish Cypriot State and the provisions as to the laws to be in force, to bring into being a new state of affairs in which Cyprus joins the European Union united? “

Eligibility to vote and electoral design

Voting rights were determined by the communities. Greek Cypriots voted in the south (including those living in the north-the ‘enclaved’) while Turkish Cypriots and settlers voted in the north. Turkish Cypriots living in the south were not allowed to vote in the north. For ratification a double majority was required by both communities.

Supporters vs. Opponents

Tassos Papadopoulos, the Cypriot President, rejected the plan in a controversial televised speech on April 7, 2004. Turkish Cypriot President Rauf Denktash also opposed the plan, which he said would lead to Greek Cypriot dominance. Turkish Cypriot leader Mehmet Ali Talat backed the plan. Greek Premier Costas Karamanlis endorsed the U.N. plan, reportedly after being pressed to do so by U.S. President Bush.

Outcome

The plan was rejected by 76% of Greek Cypriots, while 65% of Turkish Cypriots voted in their own referendum to approve it. About 90% of the 480,000 registered Greek Cypriot voters turned out, as did 75% of the 143,000 Turkish Cypriot voters.

Other relevant information

Greek Cypriot voters rejected the plan hoping for an improved settlement after accession to the EU. As a result, reunification did not take place. The following month, Cyprus formally joined the EU. However, the benefits of EU membership applied primarily to the Greek portion of the island

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Facts on File World News Digest, <<http://www.2facts.com>>.

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Iraq October 15, 2005

Theme/ Question

The new constitution called for a federalist system where Kurds and Shiites could form strong autonomous regions in the north and south, respectively, potentially isolating Sunnis in Iraq's impoverished central regions.

Eligibility to vote and electoral design

Under Iraqi law, the constitution would have failed if a two-thirds majority in three of Iraq's 18 provinces had voted against it. Though a majority of voters did reject the document in the provinces of Anbar, Salahuddin and Nineveh, the Nineveh vote was fairly close, with 55% voting "no"--a percentage that fell short of the two-thirds majority needed to defeat the constitution. The other two provinces rejected the charter by more than a two-thirds majority.

Supporters vs. Opponents

The vote was split along factional lines, with most of Iraq's minority Sunni Arab population voting against the constitution, and the larger Shiite Muslim and ethnic Kurdish groups strongly backing it.

Outcome

The IECI said that about 63% of Iraq's 15.5 million registered voters had cast ballots in the referendum. The constitution was approved by 78.6% of voters, and rejected by 21.4%. Nevertheless, the vote was considered close since the constitution only narrowly escaped defeat in Nineveh.

Other relevant information

The Iraqi Islamic Party, a Sunni political group that had backed the constitution, October 25 charged that voting fraud had influenced the referendum's results in Nineveh. Sunni politician Saleh Mutlaq called for the vote to be held again in three provinces where results had been disputed, and branded the constitution's drafting process "a falsified operation."

Sources:

Facts on File World News Digest, <<http://www.2facts.com>>.

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Contemporary Peacemaking (2003: Palgrave)– Ed. John Darby and Roger MacGinty

Main Ideas on Referendum:

- Elections/referendums should be used as part of long term process of democratization, not as the end goal
- They need to promote moderate sentiment
- They need to be carefully timed to avoid the perils of a too early stimulation of competitive politics
- They are one step in a lengthy and complex process of civil society building.

Successful cases: Northern Ireland and South Africa

Unsuccessful cases: East Timor, Cyprus (2004)

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'It is important to emphasize that under some circumstances, **well timed and designed elections and other devices for public consultation in the midst of peace negotiations can do much good.** The 1998 Northern Ireland Assembly elections for example, ushered in a power-sharing executive of predominantly pro-peace members drawn from both sides of the communal divide. It succeeded not only because its timing capitalized on the weariness with the conflict and the moderate sentiment in a significant section of the Northern Irish community, but also because the 'rules of the game' were structured in such a way **as to promote moderate voices over extremist ones, and to facilitate intra-group as well as inter group competition.**

Similarly, the breakthrough 1994 elections in South Africa deserve to be viewed as crucial steps on the road to peace. In both cases, several years of bargaining and negotiation between rival elites preceded the electoral contests, meaning that they came to be viewed less as zero-sum, either/or choices than as devices by which the public could approve, reject, a new multiethnic vision for the country that had been the subject of painstaking debate and many years of violent conflict.

Importantly, in both cases political leaders eschewed what is clearly the most damaging form of democratic legitimation – a yes or no vote on the peace deal in early a plebiscite or referendum. Rather, in both South Africa and Northern Ireland, early referendums were rejected in favour of a patient, carefully calibrated series of negotiations that brought extremist elements from both sides together. **In each case only after a basic package of territorial and constitutional issues had been agreed to was a national vote held- not a yes/no referendum, but in the form of a general election that asked voters to decide on a range of issues aimed at building peace, not just self determination.**

By contrast, one of the starkest lessons of all is the danger of using 'all or nothing' mechanisms such as plebiscites or referendums to solve conflicts over statehood. The terrible violence which followed the announcement of the results of the 1999 East Timor referendum, for example, gives a graphic illustration of the possible consequences of holding a ballot *before* basic issues of politics have been aired and discussed [...] Because of this, many **referendums have the effect of heightening tensions, forcing both voters and politicians to adopt fixed positions and pushing rhetoric towards extreme positions.** This is compounded by the highly charged nature of plebiscites on territorial disputes or self determination, in which **those with the minority view tend to see the result as a threat to their security and their continued existence. With no other options, minority groups often see extra-constitutional avenues like violence as their only recourse.**

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'The promise by former Israeli Prime Minister Ehud Barak to hold a referendum on the final shape of the Israeli-Palestinian Peace Accords was part of a series of steps which played into the familiar cycle of escalating conflict and increasing polarization in both Israel and Palestine, with disastrous consequences for the peace process and the region. '