

Post-Conflict Referendums and Peace Processes

Pathways to Peace and Democracy?

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First published 2025

ISBN: 978-1-032-66883-3 (hbk)

ISBN: 978-1-032-66885-7 (pbk)

ISBN: 978-1-032-66884-0 (ebk)

1 Introduction

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DOI: 10.4324/9781032668840

The Open Access version of Chapter 1 was funded by Tokai
National Higher Education and Research System



1 Introduction

Over the past few decades, from the ratification of European Union treaties to the sovereignty status of various territories, politicians and policy-makers have increasingly resorted to holding referendums to settle important political issues. At first sight, holding referendums on these issues might seem to be intuitive, correct, and the most democratic option. However, referendums are not a panacea. For instance, through the 2016 Brexit referendum, the British people decided to leave the European Union, but long and difficult negotiations about the post-Brexit relationship between the United Kingdom and the European Union were still required after the vote. An alternative example in a very different context is the controlled referendums held in Crimea (2014) and areas in eastern Ukraine occupied by Russia (2022) regarding their annexation to Russia. There is no evidence to suggest that these referendums would have helped resolve the question of sovereignty in these regions.

In line with this general upward trend in the use of referendums, post-conflict referendums, which are held as part of the peace processes, are also on the rise. Some of these post-conflict referendums, as in Northern Ireland (1998), Cyprus (2004), or Colombia (2016), asked citizens to endorse a specific peace agreement. Others have tried to obtain citizens' consent about the creation or amendment of constitutions such as in Guatemala (1999) or Iraq (2005). Still others are self-determination referendums, which ascertain the wishes of the population about the sovereignty status of the territory concerned. Examples of these include Eritrea (1993), East Timor (1999), Southern Sudan (2011), and, most recently, Bougainville (2019).

However, the burgeoning but still limited literature on post-conflict referendums has yet to reach a consensus about the utility of referendums for conflict resolution, peace, and democracy. Some are hopeful about the role of referendums to promote peace (Qvortrup 2014b; Collin 2015; Levy, O'Flynn, and Kong 2021; Germann 2022). Yet others are more skeptical, worrying that referendums are divisive (Lee and Mac Ginty 2012; Reilly 2003).

In particular, there are significant reservations regarding the use of referendums on territorial issues, especially on a territory's sovereignty status, even though some recent works have started to challenge these reservations (Germann 2022; Levy, O'Flynn, and Kong 2021). In general, referendums, which commonly offer only two choices, are seen to have a zero-sum nature as they do not have the mechanisms to foster compromise. As such, referendums are divisive and can potentially

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ignite violence. Reilly (2003, 179) argues that this is particularly the case for self-determination referendums because of “the highly charged nature of plebiscites on territorial disputes or self-determination.” Collin (2020) finds referendums on territorial issues not only incite violence but also potentially fail to occur even after an agreement to hold one. Mac Ginty (2003, 3) observes, “the utility of referendums becomes infinitely more complex in situations of ethnonational conflict, particularly if deployed in relation to territorial or sovereignty issues.” Worse, these referendums might be detrimental to the prospect of democracy. According to Reilly (2003, 179),

such one-off plebiscites [like the one in East Timor in 1999] can serve to short-circuit any nascent routines of political dialogue that may be emerging, and funnel all issues down into a single for or against choice. Such an exercise represents not the triumph of democracy but, more often, the rejection of politics as a means for reconciling divergent views.

Despite all these arguments, however, policy-makers have continued to resort to post-conflict self-determination referendums to settle disputes. This is despite the fact that there is an alternative to democratically ascertain the wishes of the population, namely, electing a legislature which would then decide on the question of self-determination (an indirect vote).

Indeed, in stark contrast to academics that are worried about the zero-sum nature of these referendums on territorial issues, policy-makers seem to think that post-conflict self-determination referendums contribute to the prospect of peace and democracy in war-torn societies. For example, the then Secretary-General of the United Nations, Boutros Boutros-Ghali claimed that the referendum in Eritrea would be “an important step towards the establishment of democracy,” “an integral part of the consolidation of peace,” and a contribution “to the stability of the region” (UN Secretary-General 1992, 3, para. 7). In East Timor, the United Nations, Portugal, and Australia all favored the holding of a referendum rather than an indirect vote. Among others, Alexander Downer, the then foreign minister of Australia, argues that, compared to a referendum, holding an indirect vote would

raise questions about how legitimately the people were elected to that position, had the TNI [the Indonesian military] interfered with the election, and had the election rigged in one way or another. You would have ended up with a huge debate about all of those issues.¹

Furthermore, one of the key UN officials instrumental in the conflict resolution of East Timor recalls that they had “hope and efforts to have a democratic beginning for [East] Timor” during the referendum process.² In Southern Sudan, international actors supported the clause on the self-determination referendum during the peace negotiation process and then the holding of the referendum because they were seen as essential to resolving the self-determination conflict and bringing peace (H. F. Johnson 2011, 2016). Similar to the other two cases, international actors also believed that the referendum would promote democratization in independent South Sudan. For example, a former senior UN official who was involved in the conflict

resolution process there for a long time recalls that it was hoped that the preparation, the conduct, and the outcome of the referendum would help South Sudan transform into a democratic society.³ Overall, international actors have expected that post-conflict self-determination referendums would contribute to bringing peace and democracy to war-torn societies.

The pessimistic views of researchers worried about the zero-sum nature of post-conflict self-determination referendums widely diverge from the more hopeful views of international actors—that these referendums would strengthen the prospect of peace and democracy. Is it the case that despite the expectation of international actors, referendums are in fact harmful to conflict resolution and peacebuilding? Or are pessimistic researchers simply incorrect and these referendums can indeed contribute to peace and democracy? Or is their impact on peace and democracy mixed such that they contribute to peace and democracy in one way but are detrimental to peace and democracy in another way?

Answering these questions is all the more necessary because analysis of post-conflict self-determination referendums has been scarce. The existing literature on post-conflict referendums largely focuses on referendums on peace agreements or constitutions. For instance, Amaral's work (2019) compares referendums on a peace agreement in Northern Ireland (1998) and Cyprus (2004). Loizides conducts a comparison of the 1992 referendum held during the negotiation phase in South Africa and the 2004 referendum in Cyprus (Loizides 2014). Another study compares two post-conflict referendums: one in Northern Ireland (1998) on the peace agreement and the other in Iraq (2005) on the constitution (McEvoy 2018). Finally, Lee and Mac Ginty examine five cases of post-conflict referendums, focusing on the one in Guatemala in 1999 on constitutional reforms (Lee and Mac Ginty 2012).

Even when the literature analyzes post-conflict self-determination referendums, they are studied together with other kinds of referendums. For example, Qvortrup analyzes post-conflict self-determination referendums together with self-determination referendums in non-violent contexts (Qvortrup 2014b, chap. 3). Collin examines only referendums held as part of peace processes, but referendum cases include those on peace plans, peace negotiations, self-determination, or even border disputes (Collin 2016). Most recently, Germann (2022) focuses on territorial referendums, but referendums on independence and autonomy are analyzed together.

This is not to say that examining various referendums together is unhelpful, but self-determination referendums in post-conflict settings should be analyzed in their own light for two reasons. First, unlike peace agreements or constitutions, once independence is affirmed, it is impractical to change arrangements and reunite with the continuing state again. In that sense, the stakes are very high in post-conflict referendums on self-determination. Second, post-conflict self-determination referendums, if independence is chosen, might have an impact on not only the resolution of the original self-determination conflicts but also peacebuilding inside the newly independent states. So far, there has been no analysis as to what impact these self-determination referendums have had on peacebuilding inside new states such as Timor-Leste or South Sudan.

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Thus, bearing in mind the special characteristics of post-conflict self-determination referendums, this book aims to evaluate the utility and dangers, as well as the intended and unintended consequences associated with post-conflict self-determination referendums. For this purpose, this book carefully and empirically analyzes the rationale and impact of post-conflict self-determination referendums on peace and democracy. As noted above, despite the concern about the zero-sum nature of referendums, policy-makers have chosen to hold a referendum (a direct vote) rather than an indirect vote to resolve self-determination conflicts. What makes these policy-makers think that this specific type of referendum is useful for conflict resolution and peacebuilding? Furthermore, considering the two opposing understandings of referendums' expected impact on peace and democracy in war-torn societies between policy-makers and researchers such as Reilly (2003) and Mac Ginty (2003), what is the actual impact of post-conflict self-determination referendums on the various aspects of peacebuilding?

The book employs comparative case studies to approach these research questions. With only four post-conflict self-determination referendums held so far, with one too recently held to fully gauge its effect (Bougainville in 2019; also see case selection below), it is impossible to conduct a quantitative study. Thus, this book conducts a structured focused comparison of three cases: Eritrea, East Timor, and Southern Sudan.⁴ In all three cases, the population overwhelmingly chose independence. It asks:

- (1) What are the rationales behind the holding of referendums as the method of self-determination?
- (2) What kind of impact do post-conflict self-determination referendums have on resolving the original self-determination conflicts?
- (3) What kind of impact, if any, do post-conflict self-determination referendums have on peacebuilding within the newly independent states?

This book aims at understanding both the rationales behind and the impact of post-conflict self-determination referendums.

By answering the first question, this book will identify the often-unstated rationales behind the holding of a referendum. This is based on the understanding that self-determination can be exercised in multiple ways, most notably through a direct vote in a referendum and through an indirect vote by elected representatives.⁵ When warring parties agree with self-determination, who demands a referendum and why? What motivates other actors to accept their demand? Motivations behind the demand of holding a referendum could differ from one actor to another, and it is possible that each actor has more than one reason to argue for a direct vote.

The book's second and third questions examine the specific effects post-conflict self-determination referendums have on peace and democracy in war-torn societies. This work will assess whether the impact intended by those who demanded a referendum, together with referendums' other impacts as envisaged in the existing literature, operates in empirical cases as a matter of fact. Because the three referendums the book examines led to the break-up of the states involved, the second

question asks about the referendums' impact on the resolution of original self-determination conflicts (e.g., East Timorese–the Indonesian government) while the third question is focused on the referendums' impact inside the newly independent states (e.g., Timor-Leste).

In order to answer the second question, this book focuses on the implementation phase of the peace agreement and examines warring parties' attitudes to the referendum process and its aftermath. The analysis is centered on whether and why losers in the referendums—those against independence in the three cases—became spoilers (Stedman 1997; Nilsson and Söderberg Kovacs 2011), and how referendums are related to them. For the purpose of this book, spoilers are defined as actors that “actively seek to hinder, delay, or undermine conflict settlement through a variety of means and for a variety of motives” (Newman and Richmond 2006, 102).

The third question tries to ascertain how post-conflict self-determination referendums affect peace and democracy within the newly independent states. More specifically, this book will look into the effect of these referendums on (i) the amelioration of tensions between (ethnic or political) groups within the newly independent states,⁶ (ii) the processes and outcomes of democratization and democracy within the newly independent states,⁷ and (iii) the attitudes and policies of international actors toward the newly independent states. Examining the first two factors is justified because the foremost aim of peacebuilding is to prevent the resumption of warfare. For that purpose, it is necessary that different groups accept other groups as legitimate and are willing to coexist with each other. This could be achieved either through reconciliation among different groups or through groups' getting used to settling differences by peaceful means (i.e., democracy). While the domestic impact of referendums is examined through these two factors, the international impact of referendums is studied through the third factor. This is also imperative because newly independent states emerging out of long and devastating wars usually require international assistance to become viable states. International actors are simply defined as any non-domestic actors, but the focus will be on the United Nations and main donor states, which are usually Western states, considering the resources and leverage they have over newly independent states.

This book is the first systematic comparison of post-conflict self-determination referendums. Theoretically, it aims at contributing to the literature on conflict resolution and peacebuilding even though it has also relied on and offers insights into the referendum literature in Comparative Politics.

It fills the gap in the literature in various ways. Through answering the first question posed in this book, this study offers the first empirical investigation into the rationales of self-determination referendums as part of peace agreements. To date, the rationales for unilateral self-determination referendums have been examined by a small number of studies (O'Driscoll and Baser 2020; Scheindlin 2012; Qvortrup 2014b; Cortés Rivera 2023; Kosienkowski 2022), but it is expected that self-determination referendums based on peace agreements occur in different dynamics. The rationales for post-conflict referendums on peace agreements have also been mentioned in the literature (LeDuc 2003, 168; Loizides 2014, 240;

Amaral 2021, 459–460), but this book will reveal that different rationales operate for post-conflict referendums on self-determination. The second question systematically interrogates how the referendum process affected the parties' behaviors through detailed case studies. While there have been theoretical discussions and quantitative analyses on the usefulness of using referendums to settle self-determination conflicts (Reilly 2003; Qvortrup 2014b; Collin 2015, 2020; Germann 2022), case study analysis has been scarce.⁸ Answering the second question will contribute to the debate about whether referendums are useful for resolving civil wars. Regarding the third question, this book is the first study to empirically analyze the effect of post-conflict self-determination referendums on the newly independent states.

In order to address these questions, the author conducted approximately 70 elite interviews, particularly with UN officials, diplomats, and politicians, many of whom played direct and key roles in the peace processes, as well as examining other primary and secondary sources. Many findings in the book's empirical chapters have been based on these interviews and other primary sources which have not received attention in the literature so far.

Post-Conflict Referendums: Contrasting Expectations

Post-conflict referendums on self-determination have not been extensively studied yet, but the existing literature on relevant topics—referendum studies and conflict and peace studies in particular—implies differing accounts as to both the rationales to hold these referendums and their impact on conflict resolution and peacebuilding.

On rationales, the referendum literature has shown that two diverging rationales exist behind the holding of referendums. Some have highlighted the instrumental and strategic reasons of political leaders to hold a referendum. From this perspective, referendums are held for politicians' narrow political interests. Others have pointed out non-instrumental rationales behind the holding of referendums such as norms, precedents, and administrative reasons. Indeed, it has been argued that referendums have some advantages compared to indirect votes, such as accurately ascertaining the wishes of the population, high legitimacy, the enhancement of democracy, and the enhancement of the bond between citizens and the issue at stake. These might serve as good reasons to hold a referendum, and this book aims to uncover which rationales underpin the use of post-conflict referendums on self-determination.

Regarding their impact on conflict resolution and peacebuilding, both pessimistic and hopeful views have coexisted as shown above. Correspondingly, one can construct opposite theories about the impact of post-conflict self-determination referendums based on the existing literature. Those hopeful about the utility of these referendums suggest various positive advantages that the referendums would create. Some of these relate to the advantages of referendums *vis-à-vis* indirect votes discussed above. For example, the high legitimacy of referendums might be useful to sideline opponents to peace (Collin 2015, 118–119, 2016, 2020; Levy, O'Flynn, and Kong 2021). In addition, referendum processes might also be a good

opportunity for different actors who prefer the same outcome to forge ties (Collin 2015, 118; Loizides 2014, 239; Levy, O’Flynn, and Kong 2021).

On the other hand, the main concern about referendums in the context of peace processes is their zero-sum nature. Because of this inevitable zero-sum nature, Paris’ (1999, 2004) famous argument—that elections divide the former warring parties—should be more obviously applicable to post-conflict referendums, particularly those on self-determination (Reilly 2003). These referendums might exacerbate tensions between opposite sides.

Furthermore, on the one hand, some studying referendums argue that referendums are a useful device for democracy. On the other hand, before the crucial issue of self-determination is decided by citizens in a referendum, pro-independence movements tend to discourage political competition fearing negative impacts on their odds for independence (Caspersen 2011, 348). This issue is compounded in war-torn societies as former warring parties often suffer from war legacies and exhibit authoritarian tendencies (Lyons 2016), a particular concern when there is a transition period before a referendum. Similar to transition periods before elections, these periods might be exploited by the predominant pro-independence movements to consolidate their exclusive and authoritarian power on the ground (Diamond 2006, 99). This would profoundly impact the prospect of democratization after independence.

Finally, international actors are typically involved in and often play an important role in post-conflict self-determination referendums (Collin 2015, 118). However, given that international peacebuilders have often focused on post-conflict elections and also used them as the crucial benchmark to justify their departure from war-torn societies (Reilly 2003, 175; Jarstad 2008, 25), it is possible that referendums function similarly for international peacebuilders. If this is correct, international engagement will decline sharply once a referendum is held.

This book will make explicit these differing expectations about the impact of post-conflict referendums, particularly in Chapter 3, and examine which expectation(s) operated in the three cases. Specifically, on the resolution of the original self-determination conflict, Chapter 3 constructs three different theories about the post-conflict referendums’ impact on the attitudes of losers—the group who would potentially try to disrupt the peace process as spoilers. Post-conflict referendums on self-determination might:

- (1) make it more likely for the losing party to act as spoilers due to the zero-sum nature of referendums;
- (2) make it less likely for the losing party to act as spoilers due to the high legitimacy of referendums; or
- (3) have no direct effect on the attitudes of the losing party. Instead, whether the losing party becomes a spoiler or not is determined by the amount of the deterring effect of the military power of domestic and/or international actors committed to the referendum process (Greenhill and Major 2006; Zahar 2010).

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Similarly, Chapter 3 will construct different theories about whether and how the referendum weakened or exacerbated tensions between different ethnic or political groups within the newly independent state. Referendums might:

- (1) strengthen unity and common identity on the winning side as a result of cross-cutting cooperation;
- (2) increase the winner's intolerance against the losing side as a result of the zero-sum nature of referendums;
- (3) not have any lasting impact on identities given that a referendum process is too short to affect citizens' identities, particularly in comparison to a long civil war that typically precedes it.

Likewise, regarding democratization, these referendums might

- (1) positively contribute to democratization as some literature suggests; or
- (2) weaken the prospect of democratization as pro-independence groups prioritize their grips on power over democracy during the referendum process (particularly if there is a transition period).

Finally, these referendums might:

- (1) be a good way to secure international involvement in peacebuilding in the newly established state after a referendum;
- (2) affect the policies of international actors in negative ways as they focus too much on the holding of a referendum and disregard other important challenges of peacebuilding.

The empirical chapters will examine which impact was operating on the ground with regard to the three cases explored in this book.

Arguments in Brief

The book's main findings are as follows. On the first question, pro-independence movements are the primary drivers of the demand that self-determination should take the form of a direct vote, with international actors playing a supportive role. The rationales behind this demand by pro-independence movements vary, but we see two reasons across the three cases. First, they believed that the question of self-determination should not be delegated to elites because they might be bribed or threatened. Therefore, an indirect vote might not accurately ascertain the wishes of the population. Second, arrangements made by elites had failed in the past, which led them to consider it necessary to involve ordinary citizens to conclusively settle the conflict. Overall, non-instrumental rationales—in particular, the referendum's reliability to accurately ascertain the wishes of the population—were behind the holding of these referendums.

On the second question, neither referendums' zero-sum nature nor their high legitimacy affected the attitudes of losing parties. Rather, the attitudes of these potential and manifest spoilers were contained either because domestic actors committed to referendums had sufficient military power on the ground to manage these spoilers (in Eritrea and Southern Sudan) or because international actors committed to referendums fully and duly pressured them to accept the result (in East Timor and Southern Sudan). However, the referendum process contributed to securing international engagement in the conflict resolution process in the cases discussed. Moreover, without referendums, central governments would have more difficulty managing the anger among potential and manifest spoilers. Overall, the referendum played a limited, albeit positive, role for the resolution of internecine self-determination conflicts.

On the third question, the impact of the referendums on the newly established states was mixed. First, the referendums did not have a specific effect on the amelioration of tensions in each case. The temporary coalition among the pro-independence groups was nothing but a "rally 'round the flag effect," disappearing once their mutual aim of independence was achieved. Likewise, referendums' zero-sum nature was not a decisive factor in the relationship between the former pro-independence and anti-independence camps after independence.

Second, the referendums' effect on democratization was ambiguous. In Timor-Leste, the voting experience in the referendum on the crucial matter of self-determination is seen to be a contributing factor in the successful democratization there. However, in the other two cases where there was a transition period before the referendum, the Eritrean People's Liberation Front (EPLF) and the Sudan People's Liberation Movement (SPLM) had consolidated their authoritarian power in Eritrea and Southern Sudan respectively during the transition period. After independence, in Eritrea, President Afwerki established a brutal dictatorship in 2001, while internal tensions within the SPLM flared up in a full-scale civil war in South Sudan in 2013. Other political parties in Eritrea and South Sudan had no chance to meaningfully participate in politics before these crucial events.

Third, after the referendum, the engagement of the international actors with the newly independent states declined. Furthermore, naïve optimism emerged among the international actors partially because of their referendum experience. First, because of the unity of the local people and the leadership during the referendum process, it was assumed that the unity would continue after independence, and sufficient attention was not paid to the internal tensions among the pro-independence movement. Second, this unity leading up to the referendum made some of the international actors overly optimistic about the prospect of democratization in the newly independent state. In Eritrea, international optimism gradually declined but still continued until the brutal repression in September 2001. In Timor-Leste, the prevailing optimism led to an early departure of the United Nations from the area, making it impossible to contain the 2006 Crisis. In South Sudan, international actors engaged less with South Sudan after independence and also failed to focus on political issues within South Sudan because they tended to mistakenly assume

the unity of the South Sudanese elites. As a result, they were not well placed to prevent the 2013 Civil War.

Through the empirical analysis of three post-conflict referendums, the book offers a nuanced account as to their utility and limitations in bringing about peace and democracy. With regard to the resolution of the original self-determination conflicts, the referendums had value in clearly ascertaining the wishes of the population as the least controversial method of self-determination, but it was ultimately the military might of domestic and international actors committed to the referendum process which decisively deterred or sidelined potential or manifest spoilers. Furthermore, the referendums' positive effect on peacebuilding inside newly independent states was only evident in the case of Timor-Leste where it seems to have contributed to the promotion of democratization.

Also, through these three case studies, two interesting findings emerged: central governments also needed a referendum to justify the departure of what they considered their own territory, and international actors tended to have excessive optimism after the referendum as they mistakenly assumed the unity of pro-independence groups during the referendum process would continue afterward.

In sum, good reasons exist to hold a referendum to settle the issue of self-determination once and for all as part of the peace process when self-determination is agreeable to warring parties. However, international peacebuilders should moderate their expectations about what referendums alone can do to bring about peace and democracy in war-torn societies.

Methodology

Structured, Focused Comparison

This book organizes its case studies based on the method of structured, focused comparison (George 1979; George and Bennett 2005, Chapter 3). According to this method (George and Bennett 2005, 67), researchers ask the same questions in each case study in order to compare them systematically (hence the case studies are “structured”), while examination of these cases is limited to the extent necessary to answer these standardized questions (hence the case studies are “focused” rather than trying to capture every aspect of the case). As noted above, each case study explores three questions:

- (1) What were the rationales behind the holding of referendums as the method of self-determination?
- (2) What kind of impact did post-conflict self-determination referendums have on resolving the original self-determination conflicts?
- (3) What kind of impact, if any, did post-conflict self-determination referendums have on peacebuilding within the newly independent states?

Regarding the third question, in order to fully capture the effect of the referendum on Eritrea, Timor-Leste, and South Sudan (for case selection, see below), the

chapters on Eritrea and South Sudan examine both the transition period before the referendum (1991–93 in Eritrea and 2005–11 in Southern Sudan) and the period after the referendum (1993–2001 in Eritrea and 2011–13 in South Sudan). In contrast, there was no transition period in East Timor, and hence the chapter on East Timor only analyzes the referendum’s effect on East Timor after the referendum was held (1999–2006).⁹

Understanding a Referendum’s Impact on Peace and Democracy

As this book discusses the impact of referendums, an understanding of the term “referendum” first needs to be clarified. Here, a referendum is understood in a broad sense as a process, not confined to the actual voting. This is in line with the literature on post-conflict elections. The literature on post-conflict elections examines the mechanisms of elections, the actual voting in elections and its results, the campaign period leading to elections, or even the expectation of elections in the future (Lindberg 2004; Paris 2004; Brosché and Höglund 2016; Reilly 2005, 2008, 2017; Sisk 2009). Similar to the literature on post-conflict elections, this book employs the term “referendums” to refer to their various aspects including the actual voting in referendums, the campaign period leading to referendums, or the expectation of referendums in the future.

In this context, I would like to clarify that this book distinguishes the effect of partition from the effect of self-determination referendums. There have been analyses as to the usefulness of partition for peace in the context of self-determination wars (Kaufmann 1996; Sambanis 2000; Chapman and Roeder 2007; Sambanis and Schulhofer-Wohl 2009; Johnson 2021). Partition and referendums are related, but their effect on peacebuilding should be treated separately for two reasons. First, partition can occur with or without a referendum. For example, Kosovo’s independence in 2008 was not accompanied by a new referendum.¹⁰ Second, the population might not choose independence in a referendum. Thus, this book is interested in the effect the referendum process and its actual voting had on peace and democracy in the region, separate from the effect partition had on them. However, interviewees often did not distinguish between the referendum and the partition when asked about the effect the referendum had on peace and democracy in the war-torn society. The author sorted this out through carefully examining their remarks.

Likewise, this book does not directly address under what conditions self-determination is agreeable to the central governments concerned. While this is a crucial question to understanding the dynamics of the negotiation phase in the peace process in the cases studied in this book, this is a distinctly different question from those posed in this book and would require analysis in a separate study.¹¹ In contrast, this book’s analysis is centered around the rationales and impacts of post-conflict referendums, which have not yet been studied extensively.

Also, it should be noted that this book does not claim that the referendums were the *only* potential cause for the resolution of original conflicts, the amelioration of tensions, democratization, or the policies of international actors. Rather, it is interested in whether and how the referendums positively or negatively affected

these factors. In other words, this book's main interest lies in specifying the ways the referendums affect the resolution of the original conflicts and peacebuilding in the new states.

Importantly, as the book conducts a comparison of only three cases (see below), there are obvious limitations to the claims that can be made based on the findings of this book. Considering that the existing literature is divided about referendums' impact on these four factors, the book's aim is to identify in what specific ways referendums affected these factors through heuristic case studies and to offer plausibility probes through the three cases rather than fully-fledged theory testing.¹²

Case Selection

This book aims at analyzing post-conflict self-determination referendums (for the definition, see below). Although their use is increasing, the number of post-conflict self-determination referendums held since the end of the Cold War¹³ is still limited. These referendums were held after long self-determination conflicts entailing large-scale violence in Eritrea (1993), East Timor (1999), Southern Sudan (2011), and most recently Bougainville (2019).

In addition, post-conflict self-determination referendums were held in French New Caledonia (2018, 2020, 2021), which experienced a violent self-determination conflict of a smaller scale. In Northern Ireland, the Good Friday Agreement (1998) stipulates a future post-conflict self-determination referendum. In the meantime, the holding of a post-conflict self-determination referendum was agreed to in Western Sahara, but the process stalled.

Out of this universe of cases, I will closely analyze three post-conflict self-determination referendums—Eritrea (1993), East Timor (1999), and Southern Sudan (2011). These are the only cases of post-conflict self-determination referendums where the referendum process was completed, and substantial time has passed since its end, which makes it possible to study the referendums' impact on both the resolution of the original self-determination conflicts and the peacebuilding process in the newly established states.¹⁴ Table 1.1 summarizes the information about the three referendums. Other cases of post-conflict self-determination referendums, most notably the one in Bougainville (2019), are also discussed in this book, particularly in the concluding chapter.

Table 1.1 Referendum Information in the Three Cases

<i>Case</i>	<i>Eritrea</i>	<i>East Timor</i>	<i>Southern Sudan</i>
Referendum Year	1993	1999	2011
Referendum Voting Rate	98.2%	98.6%	97.6%
Vote for Independence	99.8%	78.5%	98.8%
Independence	1993	2002	2011
Referendum Process Marred by Violence	No	Yes	No
Transition Period Before the Referendum	Two years (1991–93)	None	Six years (2005–11)

This study's findings are expected to be useful for future cases of post-conflict self-determination referendums, such as in Northern Ireland, and possibly in Western Sahara, Palestine, Somaliland, or West Papua.

Data

I have used both primary and secondary sources to analyze the three cases. In addition to approximately 70 original interviews (see below), primary sources include newspaper articles, existing interviews, newsletters and publications by pro-independence groups and their key members, UN documents, and memoirs by those involved in the conflict resolution processes. Secondary sources include the area studies literature and case studies of these conflicts in the conflict and peace studies literature.

Regarding original interviews, I carried out fieldwork in Ethiopia, Indonesia, Timor-Leste, the United States, and Norway. Some of the interviews were also held in person in the United Kingdom and Japan. Other interviews were conducted by phone or by VoIP (Voice over Internet Protocol) such as Skype. Unfortunately, I could not undertake fieldwork in Eritrea, Sudan, or South Sudan because of the dictatorial regime, disorder as a result of the regime change, and insecurity, respectively. This limited the number of interviews I could conduct with Eritrean, Sudanese, and South Sudanese people. I tried my best to fill this gap through carefully examining other primary and secondary sources and interviewing those familiar with the view of elites from these three countries.

Terminology

A brief discussion of the terminology this book employs is necessary. This book defines a referendum as “a direct vote by the electorate of a country to advise or decide on a specific issue, in contrast to votes for individual candidates to national or local elections” (Beigbeder 2011, para. A.1). It does not distinguish between a referendum and a plebiscite (Beigbeder 2011, para. A. 1; Qvortrup 2014a, 14n3) and treats them as synonymous. It consistently uses the term “referendum” except for a direct quote. Both referendums and referenda are accepted as plural forms, but this book consistently uses the former except for a direct quote (Qvortrup 2014a, 2).

Referendums used in the context of peace processes have been referred to variously as “peacemaking referendums” (Collin 2020), “peace referendums” (Amaral 2019; Levy, O’Flynn, and Kong 2021), or “postconflict referendums” (Lee and Mac Ginty 2012). This book adopts the term “post-conflict referendums” for the following reasons. First, to call these referendums “peacemaking referendums” or “peace referendums” has the connotation that they contribute to peace. However, as we have already seen, that is controversial and should be an empirical question rather than an assumption. Second, elections used in the peacebuilding context are typically called “post-conflict elections”; they are rarely termed “peace elections” or “peacemaking elections.”¹⁵

Post-conflict referendums are defined here as referendums agreed to in the peace process by warring parties, including the central government concerned, to settle

violent conflicts.¹⁶ As noted earlier, post-conflict self-determination referendums are a sub-category of these referendums and are held on the sovereignty status of the territory concerned, including an option of independence.

Terms such as “separatism” and “secession” are known to have a negative connotation because of the general opposition of the international community to secession, violence associated with secession, or its association with the wreckage of unity and order (Pavković and Radan 2007, 7; Heraclides 1991, 1). As a result, those trying to gain independence avoid the term “secession” (Pavković and Radan 2007, 7). This is in contrast to “decolonization,” which has positive associations as a normative category (Jackson 1993). This normative value extends to national liberation movements trying to achieve decolonization, which are potentially endowed with rights and duties in international law (Shaw 1983). Indeed, it is not uncommon to find pro-independence movements claiming that their case is one of decolonization. In order to apply a more neutral term, this book uses the terms “self-determination conflict” and “pro-independence movement/group” whenever possible. Yet this should not be interpreted as denying that some of the pro-independence movements have more legitimacy than others internationally because of their history of failed decolonization, for example in Western Sahara and East Timor.

The term “civil wars” is often considered to be synonymous with intrastate wars. Yet this view suggests, at least implicitly, that we reject the cause of pro-independence movements, which often consider that they are (at least potentially) a sovereign entity invaded, occupied, or colonized by the central government. For example, East Timorese people considered the annexation by Indonesia an invasion, and this view was also shared internationally. From these standpoints, the conflict in East Timor was not an intrastate war. The same problem applies to other conflicts such as in Palestine (Licklider 1993, 9). At the same time, for analytical purposes, it makes sense not to differentiate the conflicts in East Timor, Western Sahara, or Palestine from other intrastate wars. To deal with these problems, the book defines civil wars as “large-scale violence among geographically contiguous people concerned about possibly having to live with one another in the same political unit after the conflict” (Licklider 1993, 9). In this way, civil wars are not limited to intrastate wars.¹⁷

Finally, in the three cases, there was a gap between the time the referendum was agreed upon and the time the referendum was held (1991–93 in Eritrea, May to August 1999 in East Timor, and 2005–11 in Southern Sudan), and between the time the referendum was held and the time independence was declared (almost immediately in Eritrea, September 1999 to May 2002 in East Timor, and January and July 2011 in Southern Sudan). For the sake of convenience and consistency, this book uses the term “transition period” for the former period in Eritrea (1991–93) and Southern Sudan (2005–11), namely the period between the time the referendum was agreed upon and the time the referendum was held. In the case of Southern Sudan, this period between 2005 and 2011 is formally called the “Interim Period,” but this book uses “transition period” except for in a direct quote. East

Timor's short period before the referendum is usually not called a transition period, and the book does not call this period a transition period either.

Outline of Chapters

This book consists of seven chapters. The second chapter engages with the referendum studies literature mainly in Comparative Politics. It first introduces three methods of self-determination which have been used since the decolonization period. It then analyzes the advantages of holding a referendum. The third section of this chapter offers a literature review on the reasons to hold referendums, followed by a discussion about potential rationales behind post-conflict referendums more specifically in light of this literature review. Chapter 2 will help us answer the first question of this book.

The third chapter draws on the literature on conflict resolution and peacebuilding. The chapter starts with a discussion of the difficulty of supporting both peace and democracy in the post-conflict environment. It then reviews the more specific literature on spoilers, post-conflict elections, and post-conflict referendums respectively. Based on the literature review, the fifth section of Chapter 3 examines the potential impacts post-conflict self-determination referendums might have on peace and democracy in war-torn societies. The fifth section shows that we can construct opposite claims as to the referendums' impact with regard to the second and third questions.

The next three chapters are dedicated to the empirical case studies. Each chapter begins with background information that is followed by a structured, focused comparison. A final, concluding chapter summarizes the book's findings, discusses the implications of the findings on existing literature, and offers policy implications.

Notes

- 1 Interview with Alexander Downer, London, February 2020.
- 2 Interview with Tamrat Samuel, New York, May 2019.
- 3 Interview with a former senior UN official, March 2019.
- 4 This book uses "East Timor" and "Southern Sudan" for the period before their independence respectively and "Timor-Leste" and "South Sudan" after independence to correspond with their official names.
- 5 For more, see Chapter 2.
- 6 This book is interested in examining both the amelioration of tensions within the pro-independence camp after independence and the amelioration of tensions between the pro-independence and anti-independence camps. However, as Eritreans and South Sudanese almost unanimously voted for independence, I will study the latter issue only with regard to the case of Timor-Leste.
- 7 In this book, democracy is understood according to Robert A. Dahl's conceptualization, in which "all, or at any rate most, adult permanent residents" have opportunities for "effective participation," "equality in voting," "gaining enlightened understanding," and "exercising final control over the agenda" (Dahl 1998, 38).
- 8 For an exception, see Collin (2016).

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- 9 The referendum's impact is in principle examined up to a turning point of each newly independent state after the original self-determination conflict was settled: the brutal suppression of dissent and the introduction of total dictatorship in September 2001 in Eritrea, the 2006 Crisis in April–May 2006 in Timor-Leste, and the 2013 Civil War starting in December 2013 in South Sudan. After these events, new political dynamics emerged, and hence it is assumed that the referendum's impact was less relevant. One exception is that the book examines the effect of the referendum on democracy in Timor-Leste until now.
- 10 A unilateral referendum was held in Kosovo in 1991.
- 11 For example, see Griffiths (2016) and Walter (2009).
- 12 For a methodological discussion relevant to this section, see Paris (1999, 14–20).
- 13 This book does not address post-conflict self-determination referendums before the end of the Cold War, such as in Algeria (1962), given the significant change in the nature of peacebuilding operations since the end of the Cold War.
- 14 The case selection above means that this book does not offer extensive analyses of cases where the referendum process was bogged down as in Western Sahara. This potentially biases the findings related to the second question as this book does not conduct case studies in which spoilers successfully prevented peace agreements from being implemented. The concluding chapter will address this issue.
- 15 One significant implication as a result of this choice of terminology is that I will not examine so-called “mandate referendums” that occur in the early stage of a peace process and that give mandates to political leaders to negotiate for peace. Some consider this type of referendum as useful for conflict resolution (Loizides 2014; Levy, O’Flynn, and Kong, 2021), but the only empirical mandate referendum since the end of the Cold War was in South Africa in 1992. I consider it suitable to omit this type of referendum from my analysis given its rarity.
- 16 There is wide agreement in the literature that a unilateral referendum is not useful for conflict resolution (Qvortrup 2014b; Lee and Mac Ginty 2012; Germann 2022; Loizides and Oliver 2022).
- 17 I would like to thank Estanislau da Silva for raising this point.

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