

Sovereignty and Referendum: in defense of
territorial revisionism

622

Jean Laponce
Ottawa and UBC

RESERVE
COLLECTION

(prepared for delivery at the CPSA meeting of 2000 in Quebec City)

A preliminary version of this paper was presented at the ISA meeting of February 2000 in Los Angeles. It will be submitted as background to a simulation of an hypothetical Quebec case at the IPSA congress of 2000 in Research Committee 14.

0014169

about the Os and the Xs. But let us play the dividing game under the veil of total ignorance. Four major solutions are offered to us. To facilitate their identification, let us give them names. The first solution, a Woodrow Wilson type of solution, creates homogeneity by separating the Os from the Xs; the second solution, that which made multiracial England attractive to both Voltaire and Montesquieu, maximizes internal diversity by maintaining the original pattern. The last two types produce intermediary patterns. Solution 3 is a mixture of Wilson and Voltaire, each side of the dividing space having its specific dominance as well as a minority. The last solution, solution 4, has a non-ideological, an experimental quality. It makes one side homogeneous, but not the other. It is a Wilsonian solution, but not a Wilsonian one.

Preamble

Some papers are triggered by academic interest, others originate in moral and political distress. The distress at the origin of this paper is that the plebiscite was not used by Western diplomacy to obtain changes of the ill fitting borders that ran through the nations in conflict in the ex-Yugoslavia, changes that were favoured by the Dutch government but vetoed by its EC and NATO allies (Owen, 1995).

Introduction

Undoubtedly, there have been benefits to the freezing of international borders, the economic and political benefits associated to what Jackson and Zacher (1997) describe as the 'territorial covenant' of post 1945 diplomacy; but severe have been the costs. Costs measured by mass murders and expulsions of populations. The end of the cold war having changed the balance of these costs and benefits, the transfer of sovereignty and the modification of borders by means of referendum need no longer be left as unused as it was in the tool kit of international diplomacy.

Homogeneity vs Diversity

Consider a population of Os and Xs distributed as follows in physical space:

O O O O X X X X
 O O O O X X X X
 O O O O X X X X
 O O O O X X X X

**RESERVE
 COLLECTION**

Assume now that we are boundary makers having to run a continuous separation through the whole set. Where shall we run that separation? We may, of course, refuse to do anything in the absence of information

about the Os and the Xs. But let us play the dividing game under the veil of total ignorance. Four major solutions are offered to us. To facilitate their identification, let us give them names. The first solution, a Woodrow Wilson type of solution, creates homogeneity by separating the Os from the Xs; the second solution, that which made multireligious England attractive to both Voltaire and Montesquieu, maximizes internal diversity by maintaining the original pattern. The last two types produce intermediary patterns. Solution 3 is a mixture of Wilson and Voltaire, each side of the divided space having its specific dominance as well as a minority. The last solution, solution 4, has a non ideological, an experimental quality, it makes one side homogeneous, but not the other; it sets Wilson against Voltaire.

S1

S2

S3

S4

O O O O	X X X X	O O O O X X X X	O O O O X X X X	O O O O X X X X
O O O O	X X X X	O O O O X X X X	O O O O X X X X	O O O O X X X X
O O O O	X X X X	O O O O X X X X	O O O O X X X X	O O O O X X X X
O O O O	X X X X	O O O O X X X X	O O O O X X X X	O O O O X X X X

solution 1

solution 2

solution 3

solution 4

Wilson

Voltaire

Wilson & Voltaire

Wilson vs Voltaire

Our naming of the four solutions has lifted the veil of ignorance. Let us remove it altogether. We are selecting the borders mixing or separating nations and ethnic groups.

The first solution assumes that public order and the good life call for the coincidence of political and ethno-national boundaries. The second presumes that multi-ethnicism and multi-nationalism encourage tolerance. The third recognizes the advantage of national concentration but tempers it somewhat. The last, the 'experimental' case, is often found in history, typically when a more aggressive or faster expanding of two groups spills over a boundary without the 'invaded' group reciprocating in kind or, inversely, when a defeated group is reduced to its core ethnic population while the victor expands over the territory it has acquired.¹

In past centuries, international diplomacy has played the four cards. Westphalia, Berlin 1878, Versailles, and Yalta-Potsdam, to varying degrees, took homogeneity to be an ideal; the congress of Vienna of 1818 and the Helsinki Accords of 1974 sought to freeze the status quo or the status quo ante, whatever the pattern: 1, 2, 3, or 4. Western diplomacy of the 1990s, when applied to the Balkans, added to the Helsinki principle of indifference a strong dash of ethics favoring the mixed patterns 3 and 4. We are back to Vienna. Is that wise? Is that ethical? I think it is neither.

From Westphalia to Helsinki

The seventeenth century treaties that ended the wars of religion could prescribe what is now outside the power of most democratic regimes. As a substitute to changing borders or moving populations, Westphalia could seek homogeneity by ruling that subjects and governments should share the same religion. That rule did not create instant religious homogeneity since grandfather clauses guaranteed the free exercise of religion to subjects protected by previous agreements, but homogeneity was clearly taken as an ideal that was asserted with the right to emigrate.

The treaty makers of Vienna were mostly concerned with restoring the pre-Napoleonic political order within its pre-napoleonic boundaries. They had little concern for the national and ethnic pulses that had been quickened by the French Revolution. Any of our four spatial models were acceptable: homogeneous Portugal was fine, and so were the multinational empires of central and eastern Europe.

The congress of Berlin of 1878 pursued the dismantling of the Ottoman empire by creating more homogeneous states in the Eastern Balkans but it was not so committed to homogeneity that it would refuse giving Bosnia-Herzegovina and the Sandjak to the Austro-Hungarian empire.

The principle of homogeneity underlying the Wilsonian conception of the nation state guided, far from systematically, the work of the treaty makers of 1919; it guided them up to the point where they met a stronger principle, that of the victorious powers deciding what was in their interest on the grounds of their choice.

Whenever homogeneity was its goal, Versailles tried to reach it by drawing new borders or moving populations, more often the former than the latter. The change of border was done, typically, with the help of reports submitted by experts who, in their definition of a nation, sided with Wilson rather than Renan. For Renan (1882) a nation was determined by the will to live together; for Wilson it was a historical creation of long date (Ambrosius, 1996; Keylor, 1996) that could be identified objectively, as one identifies animal species, without having to ask them who they are and with whom they want to live. The committees of experts who advised the Versailles peace makers were typically staffed by historians, geographers, and anthropologists. Only occasionally was the plebiscite that Renan would have favoured used by the peace makers. In the name of historical continuity and economic geography,

Czechoslovakia ended up having within its borders 800,000 more Germans than Edward Benes would have liked.² Ironically, after the treaties had been implemented, the defeated states, Germany and Austria, were those closest to satisfying the Wilsonian principle of homogeneity.

When they could not or did not want to create homogeneous successor states, the post WW1 treaties included provisions for the protection of minorities and gave to the League of Nations the responsibility for administering these provisions. But the assumption of the time was that the minorities to be protected (with exceptions such as the Aaland) were minorities against their will³ who, given the right to assimilate, would eventually do so. Clearly, the treaties had been written by countries with strong assimilationist cultures and institutions.

Although the peace makers of the immediate post WW2 period thought that Versailles had been a failure, they retained Versailles' ideal of homogeneity. This time, however, they sought homogeneity with far greater determination and ruthlessness. They moved borders, mostly in the East; and, in the East as in the center of Europe, they expelled or did not take back populations that would have become minorities. They practiced on a large scale what they condemned fifty years later as ethnic cleansing. Roughly 20 million people were moved territorially, sometimes with a more or less theoretical option to stay (as in the case of the Finns from Karelia, and the Poles from the Eastern Ukraine), more frequently with no option at all, not even that given by Westphalia (Schedtman, 1962).

The XXth century ethnic homogenization of the European state system was thus done in two major steps, firstly, in 1919, by setting new borders that made the units of the system more homogeneous than they were before the conflict (along model 3 or 4 rather than 1); secondly, after WW2, by moving the system much closer to model 1. Yalta and Potsdam produced a Westphalia of languages by changing borders in the east and moving population in the east and the center. A third correction in the direction of model 1 resulted from the breakdown of the Soviet Union and the separation of Slovakia. A fourth is underway in the Balkans, but, this time, the homogenizing goal is no longer supported by the dominant and victorious powers.

The UN Charter of 1945 and subsequent UN declarations as well as the Helsinki Act of 1976, which reflected the dominant brand of diplomacy of the late XXth century, specified or implied that the borders of states other than colonies, racist regimes, and occupied territories could only be changed by mutual consent (Clark and Williamson, 1996). Diplomacy was thus committed to territorial conservatism. The Helsinki Act, which was an instrument for peace when it was signed, became a dysfunctional ideology with monumental perverse effects when it led, as it did in the Yugoslav crisis, to the unwillingness to put pressure on the states with 'bad' borders to make them good; when it led, on the contrary, as in the Dayton accords, to the command: 'Do not change borders; make do with what you have'. That is not always bad advice. It is indeed likely to be a good advice in many situations of temporary and shallow conflicts (as in the 1919 Voralberg case when an Austrian province voted to become a Swiss canton

but was not welcomed by the country it wanted to join). But the advice is an invitation to disaster if one makes it a universal rule, good for all types of antagonisms. 'Love thy neighbour' is always a sound advice, but 'share your home with that neighbour' is not necessarily a good prescription. What was required in the days of the cold war, no longer makes sense.

Has the 'share your home' command of Western diplomacy contributed to fan the hatred that has chased over a million people out of their homes in the former Yugoslavia, hundreds of thousands of them permanently? We cannot rerun the history of the 1990s under the different command of 'move your fences and strengthen them'. But we can question a love command that has repeatedly failed to achieve its objective of peaceful coexistence.⁴

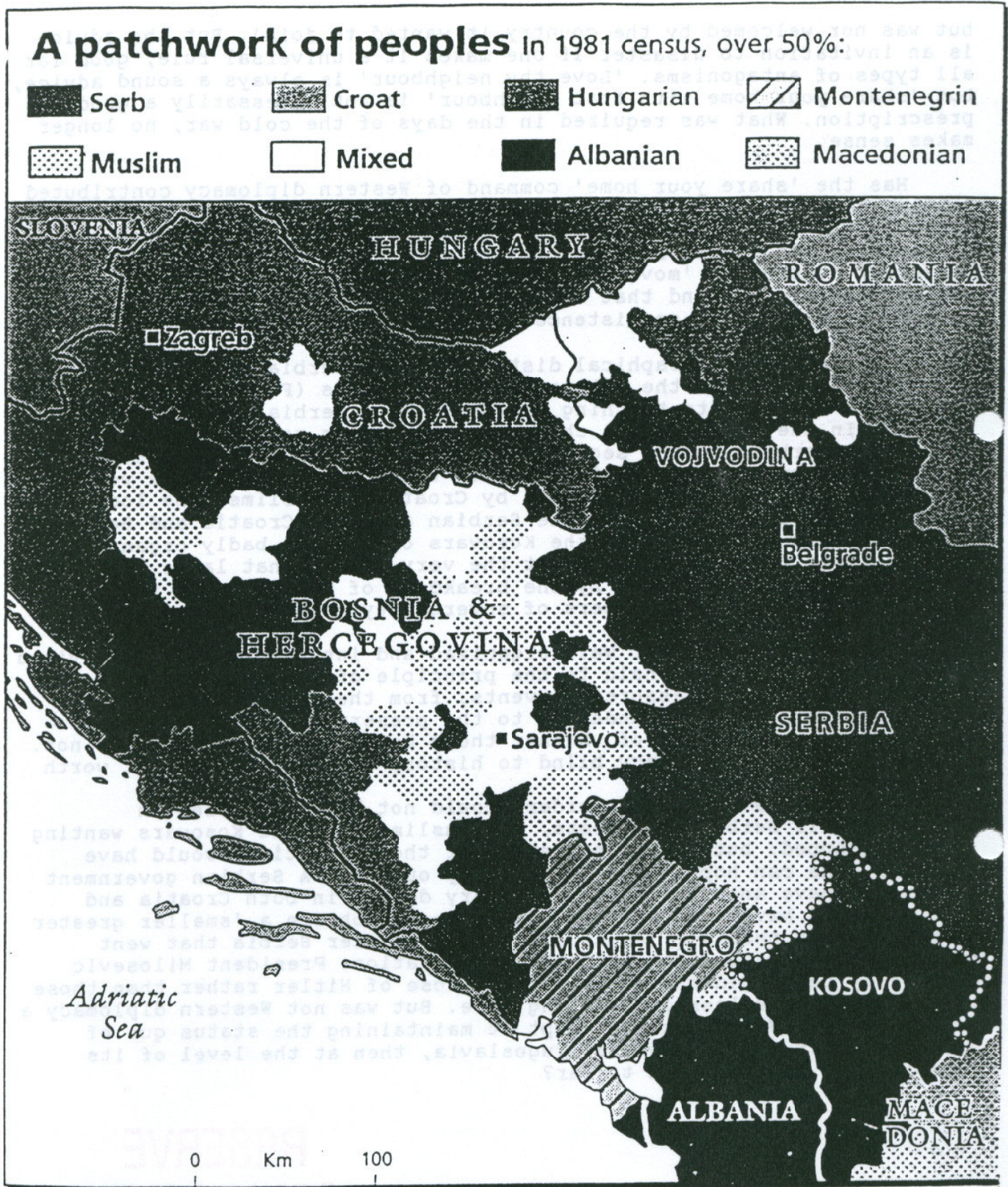
Consider the geographical distribution of Serbian populations outside Serbia before the outbreak of hostilities (Fig.1). It was of two types: the settlements touching the borders of Serbia and those away from it. In the first case a change of boundaries could have been used to enlarge Serbia. In the second case it could have been used to enlarge the Serbian component of Western Bosnia while Western Slavonia would have remained an island surrounded by Croats and Muslims. The locally organized plebiscites held in the Serbian areas of Croatia and Bosnia Herzegovina as well as among the Kosovars of Kosovo, badly organized and unreliable as they are, showed, at the very least, that large segments of the populations affected by the breakdown of the Yugoslav federation, wanted to have a say in matters of sovereignty and boundaries.

Rather than press for well organized and internationally supervised consultations, the West held to the principle of border permanency, shifting, under the pressure of events, from the preservation of existing international boundaries to the preservation of internal boundaries, irrespective of whether these boundaries made sense or not. Is a bureaucratic diplomacy blind to history and sociology still worth the name?

Obviously, a change of borders could not have succeeded in regrouping all Serbs, all Croats, all Muslims, and all Kosovars wanting to be regrouped; but the consultation of the populations would have resulted, one can hope, in a less bloody outcome. A Serbian government that would have anticipated its military defeat in both Croatia and Kosovo, would have been rational in trying to obtain a 'smaller greater Serbia' rather than aim, as it did, for a greater Serbia that went beyond the areas of large Serbian concentration. President Milosevic mistakenly patterned his ambitions on those of Hitler rather than those of Cavour. He got less for wanting more. But was not Western diplomacy a loser as well? Was not the attempt at maintaining the status quo of borders, first at the level of Yugoslavia, then at the level of its republics, a contribution to war?

RESERVE
COLLECTION

Figure 1: Yugoslavia's nations before the break up (source: Economist)



If changing borders peacefully is to become again a significant diplomatic goal, how could and how should the change occur? One can, as did the Versailles commissions of experts, study, in a bookish way, the spatial distribution of the groups that one has defined and that one wishes to separate; or, alternatively, one can ask the populations concerned under what sovereign authority they want to live. If the plebiscite is to be used, either to advise or to decide, how should that be done? what should the territorial deciding unit be? who should vote? how should the referendum question be phrased? should one require special majorities? what role could or should be played by neutral or international agencies?

Before turning to these questions and giving examples of successful procedures, let us retrace the history of the use of sovereignty plebiscites.

The Use of the Sovereignty Referendum since 1791

The history of popular consultations regarding sovereignty identifies two major revolutions that have not received the attention they deserve. The first took place in Avignon, in 1791, when, for the first time, people voted to decide which state they wanted to be in; the second occurred in Schleswig, in 1921, when, in addition to choosing a state, the people voted on the drawing of an international border.

At a high point of its democratic phase, the French Constituant Assembly, which had abolished social privileges and slavery, had also renounced conquest. That posed a problem when a delegation of representatives from Avignon and part of the surrounding territory of Comtat Venessin, areas that belonged to the Holy See since the XIVth century, came to the bar of the Assembly saying that they were empowered to request annexation to the Republic.⁵ The Assembly turned them down, after much debate, on the ground that the consultation of the people concerned had been done at a time of disorder and under the controlling influence of French agitators. A second, more orderly consultation was requested. It took place in 1991 and 1992. Although the ground was controlled by French troops, the vote appears to have been relatively free.

The voters met in their local church. The mayor explained the choice to be made, in his own words, and directed those wanting to join France to stay in the church and those wanting to stay under the rule of the Holy See to file into the chapel (or vice versa, at the discretion of the mayor). The head count determined the selection of a delegate who met later with other local delegates, in a regional assembly, to cast the votes requested by the local majorities. We are far from the Australian ballot, but the procedure was truly revolutionary. People were actually asked to choose a sovereign rather than vice versa. Judging by the majority opinion in the field of international relations today, the idea is still revolutionary.⁶

The debates in the National Assembly of 1991 were in part over the fairness of the electoral process, but also, interestingly, between a majority supporting the right of self determination and a minority that

proposed obtaining similar results by arguing the case on the basis of historical rights held by the French crown. Avignon, argued the minority, had been sold in 1348 to the pope by the Queen of Naples who may have murdered her husband and transferred Avignon to the Holy See to obtain forgiveness but who, whatever her motives, may also have been a minor at the time, hence unable to transfer property by herself. The majority in the National Assembly was saying: no matter the murder, no matter the age; what matters is the wish of the people of today.

The National Assembly accepted the petition for annexation after 52 communes had voted for France and 19 for the pope (10 had abstained), for a total of roughly 150 000 votes for France against 50 000 for the Holy See. No doubt, France could have taken these territories by applying minimal force and would have found majority support in a population that was already closely linked to France, economically and culturally. The vote, in addition to satisfying the new democratic ethos, made it easier for France to make her first expansion since the beginning of the revolution, and easier for the Holy See to sign the treaty transferring the rebellious territories.

After this early revolutionary phase, the referendum disappears from the scene of international relations (see the appendix). None are held during the first half of the XIXth century, a politically conservative era that marks a regression of both democracy and nationalism. The revival of those two forces in 1948 resulted in a return to the plebiscite to transfer sovereignty. It was used throughout the process of Italian unification, either to build the Italian state between 1848 and 1870, or to legitimize the paying of the political debts (Savoy and Nice) that Sardinia had incurred toward its French ally.

From mid-century to the first World War, the plebiscite was also used by Sweden and France for the amicable transfer the Island of Saint Bartholomew, by the Ionian local assemblies to obtain their unification to Greece, by the European powers, who had begun dismantling the Ottoman empire, to obtain autonomy for Moldavia and Walachia (latter to become Rumania), by Norway to obtain its independence from Sweden, and by Natal to join South Africa. All these referendums were successful in obtaining what the majority had supported. There was a major failure, that of the Tacna and Arica referendum which was intended, as early as 1883, to settle the conflict between Chili and Peru, but postponed and finally abandoned when the parties in conflict eventually settled their conflict by arbitration in 1925.

The third, the great period of the sovereignty referendum, followed WW1. It concerned mainly changes of borders resulting from the treaties ending the war with Germany and Austria, but concerned also the gaining of self government by Southern Rhodesia, the claims of Sweden and Finland over the Aaland, the union of Iceland to Denmark, the attempts of the Voralberg to join Switzerland, the attempt of Salzburg and Tyrol to join Germany, and the attempt by Western Australia to separate from the Australian federation. The success rate of these referendums in satisfying the voters was not as high as in the previous century. Western Australia did not separate, the Aaland did not join Sweden, the

Voralberg did not become Swiss, the Tyrol and Salzburg did not trigger the Anschluss; some referendums had to be abandoned, as in Teschen 1920, Vilna 1921, and Taca 1925; some were plebiscitary frauds, such as Vilna 1922, but these total or partial failures are of less significance than the successes, and in particular the success in introducing a new type of referendum, one that was intended not only to transfer sovereignty but also to divide the contested ground. To the rules governing that last type of referendum, that which asks voters not only to select a sovereign but also to split, or at least to contribute to splitting a territory, we shall, soon, turn our attention, in the next and last section of this paper.

The fourth period of the referendum, that which extends from the end of WW2 to 1990, coincides with the cold war. The referendum does not disappear from the international scene, as it had in the first part of the 19th century (many are, in fact, the referendums held after World War 2), but it practically disappears from the European scene and ceases to be used to change boundaries (see the Appendix). Only two plebiscites concern European changes of sovereignty, that by which Poland 'agrees' (after the fact, and through manipulation of the vote) to her new Baltic and Eastern boundaries and that, truly democratic this one, by which the Saar is fully reunited to Germany in 1955.

The fifth and most recent period starts with the fall of the USSR and covers the dismantling of the remaining European empires, the Russian and the Serbian. There is a marked contrast between the botched referendums of the ex-Yugoslavia, and those held with much success in the vanishing of the USSR. In the ex-USSR, the referendum was simply used to transfer sovereignty. Only in the Ukraine did it come close to deciding on boundaries as well. In the ex-Yugoslavia, the desire to change borders expressed by some of the nations and ethnic groups in conflict was not supported by Western diplomacy.

How to change a border?

Changing a border as well as sovereignty is obviously more complex than changing only one of those; but it is not the complexity of the task that caused the 'border referendum' not to have been used since 1921, with the exception of the Cameroun in 1959, and the Comoros in 1974. The reason for this infrequent use is in part in the evolution of international law, but only in part; the major reason lies in the justifiable border conservatism of the major powers during the cold war. In the absence of cold wars, the reappearance of the border referendum would mark a return to a democratic evolution, may be we should say 'a democratic penetration' of international relations. But, as we shall see, this type of referendum is not easy to implement

As procedural exemplars, let us take three relatively successful cases: Upper Silesia 1921, Schlesvig 1921, and Jura, 1974. The last case did not involve an international border but offers a voting procedure that can be applied to a change of international as well as of internal boundaries.

The three cases are presented in the order of increased power of

decision of an electorate, the greater power being in the greater automaticity of the translation of votes into boundaries.

Upper Silesia 1921.

Upper Silesia was the largest and most populous of the areas the future of which was determined by a plebiscite ordered and administered by the Versailles peace conference. The area had been Polish in the middle ages but under German rule since the 14th century. The pre-war German census gave 1,245 000 Poles to 673 000 Germans. There had not been serious tensions between the two language communities until Bismark's Kulturkampf policy led to the suppressing of Polish instruction in the schools. The Western part of the plebiscite area was dominated by a handful of German landlords who owned a quarter of the land. The large population centers in the East were among the most industrialized in Europe, they extracted 25% of German coal and formed a so called 'industrial triangle' where 40% of the population of Upper Silesia was concentrated on 4% of the land. In that triangle, the major cities had large German populations but were surrounded by smaller cities or suburbs with Polish majorities.

The Versailles draft treaty had given the area to Poland. The German delegation protested vigorously, arguing that Upper Silesia had not been Polish for many centuries, that Germany needed the area to sustain its economy (that was also the opinion of Keynes, the British economist). Wilson and Clemenceau were satisfied that the area was Polish in character, and for that reason opposed Lloyd Georges' proposal that a referendum be held. Eventually Lloyd George prevailed. An International Commission was set up to administer the referendum. It was composed of French, Italian, and British delegates (Japan had declined and the USA had withdrawn following its failure to ratify the Versailles treaty).

The commission was given the usual powers of government except those of legislation and taxation. The arrival of the Allied administration was preceded by serious conflicts and disorders. Polish insurgents having seized power in the Eastern triangle, Germany imposed martial law and crushed the insurgency; but, municipal elections, held under German rule, before the arrival of the Commission, put, unexpectedly, a number of local councils in Polish hands. The troops who replaced the German army in January 1920 were composed of French, British, and Italian forces, mostly French, too many French as it turned out. The Commission retained the local German administrators. When local Polish bands removed them from office in some areas of Polish dominance, the Commission replaced German police by joint Polish-German teams.

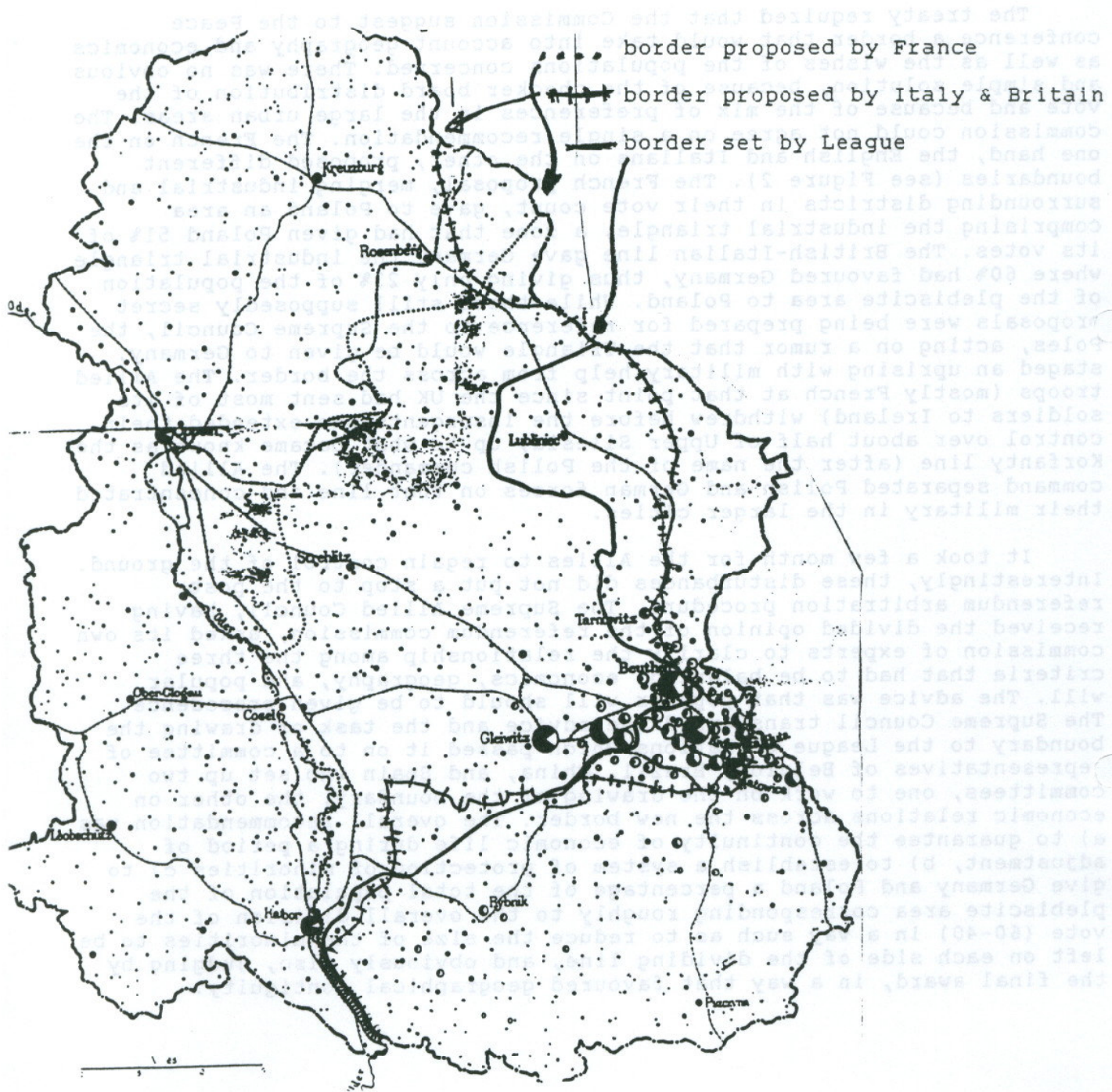
The establishment of the voting lists was done by joint German-Polish committees. The vote was given to those linked to the area either by birth or by residence of at least 7 years. The 'outvoters' were allowed to enter the area of the plebiscite 12 days before the vote. Although both Poles and Germans had retained or brought in weapons after the German army had withdrawn, the fear that the vote could not take place proved wrong. Voting day was surprisingly quiet. 97% of registered voters voted (81% of them born and domiciled in the area, 4% domiciled but not born there, 16% born there but not domiciled). 60% of the vote

went to Germany, 40% to Poland.

The treaty required that the Commission suggest to the Peace conference a border that would take into account geography and economics as well as the wishes of the populations concerned. There was no obvious and simple solution, because of the checker board distribution of the vote and because of the mix of preferences in the large urban areas. The commission could not agree on a single recommendation. The French on the one hand, the English and Italians on the other, proposed different boundaries (see Figure 2). The French proposal, merging industrial and surrounding districts in their vote count, gave to Poland an area comprising the industrial triangle, a zone that had given Poland 51% of its votes. The British-Italian line gave Germany the industrial triangle where 60% had favoured Germany, thus giving only 23% of the population of the plebiscite area to Poland. While these still supposedly secret proposals were being prepared for reference to the Supreme Council, the Poles, acting on a rumor that the Triangle would be given to Germany, staged an uprising with military help from across the border. The Allied troops (mostly French at that point since the UK had sent most of its soldiers to Ireland) withdrew before the insurgents who extended their control over about half of Upper Silesia, up to what became known as the Korfanty line (after the name of the Polish commander). The Allied command separated Polish and German forces on that line and concentrated their military in the larger cities.

It took a few month for the Allies to regain control of the ground. Interestingly, these disturbances did not put a stop to the post referendum arbitration procedure. The Supreme Allied Council, having received the divided opinion of the referendum commission, asked its own commission of experts to clarify the relationship among the three criteria that had to be balanced; economics, geography, and popular will. The advice was that popular will should to be given precedence. The Supreme Council transferred the advice and the task of drawing the boundary to the League of Nations which passed it on to a committee of representatives of Belgium, Brazil, China, and Spain who set up two committees, one to work on the drawing of the boundary, the other on economic relations across the new border. The overall recommendation was a) to guarantee the continuity of economic life during a period of adjustment, b) to establish a system of protection of minorities c) to give Germany and Poland a percentage of the total population of the plebiscite area corresponding roughly to the overall division of the vote (60-40) in a way such as to reduce the size of the minorities to be left on each side of the dividing line, and obviously also, judging by the final award, in a way that favoured geographical contiguity.

Figure 2. Upper Silesia 1921. vote and partition lines(Wambaugh,1935)



The partition of Upper Silesia (Wambaugh, 1935)

Germany was given 75% of the area and 57% of the population, but Poland got most of the prize Triangle. The railways were to run as an integrated system for 15 years and the raw products to move duty free across the new border. The Conference of Ambassadors accepted the League's proposals in October 1921. The agreement was transmitted to Germany and Poland to be ratified as a nonnegotiable whole. Both sides felt aggrieved, the Poles because the outvoters had come overwhelmingly from Germany; the Germans because the major part of the mining and industrial areas had been given to Poland. Eventually, 25 000 refugees from each side moved across the new border.

The outcome of the referendum was not without serious flaws. The French did not exercise a sufficiently impartial control of the ground, and the award clearly favoured Poland. But, considering the high level of tension in the area, the complicated mix of geographic, economic, ethnic, and citizenship factors, not to mention the war between Poland and the Bolsheviks, the boundary does not look so bad.

Wambaugh (1935) estimates that 64% of the voters of Upper Silesia were satisfied with the new boundary. Had the boundary not been changed and had Wilson and Clemenceau had their way, the same percentage would have been satisfied, but the 60% would have all been on the side of Poland. The new boundary spread the satisfaction more evenly, hence, we can presume, reduced injustice and the likelihood of disorder and violence (Hitler's attack on Poland notwithstanding). Wambaugh makes an interesting suggestion to reduce the level of dissatisfaction even further: the creation of temporary minority enclaves on each side of the new border, enclaves that would have been emptied of their populations, at least part of their populations, the populations willing to leave, through peaceful and well organized population exchanges.

The Schleswig plebiscite of 1920

The Schleswig and Holstein had for centuries been areas of contact and interpenetration between Danes and Germans and between their languages and cultures. In the 10th century, the Danish Crown had built a wall marking the southern boundary of its kingdom. In the centuries that followed, the Danish sovereigns extended their feudal rights, beyond the wall, into an area that became the object of competition among Denmark, Austria, and Prussia (Prescott, 1987; Defrance, 1996). By the 19th century, the ethnic tide had turned in favour of Denmark's southern neighbours in the areas surrounding the old wall. The economic and territorial expansion of Prussia gave rise to a secessionist movement among the inhabitants of Holstein and part of Schleswig. Although a private plebiscite supported the German claim, Denmark refused to take it into consideration. Soon however, what had been refused to the voters was taken by the soldiers. The contested ground was occupied by Austria and Prussia in the war of 1863. Two years later, Austria lost its Danish gains to Prussia. A provision of the 1866 treaty between Austria and Germany stipulated that the Northern district of Schleswig should be given back to Denmark if the populations concerned so desired. Germany refused to implement that obligation, an obligation

that was extinguished in 1878 by a new treaty with Austria (Prescott, 1987:188).

Note that twice a plebiscite had been either held or planned but that, each time, it had been ignored by the power controlling the ground militarily.

In 1920, it was Denmark's turn to ask that a plebiscite be held to decide the future of areas held by Germany. A Danish proposal, submitted to the Peace conference, distinguished two zones where the consultation should be held: zone 1, immediately south of the existing Danish-German border, and zone 2 further to the South. Danish nationalist organizations campaigned for the addition of a third zone, still further to the South, a zone that would have reached either the Eider river (a natural boundary) or the old 10th century wall (a historical boundary). This last proposal was supported by France which saw the Schleswig as a kind of Danish Alsace-Lorraine, but, interestingly, it was opposed by the Danish government who wanted to reduce the size of the German minority within its expected new borders. Denmark was now eager to forego the territories it had refused to transfer in the 1860s.

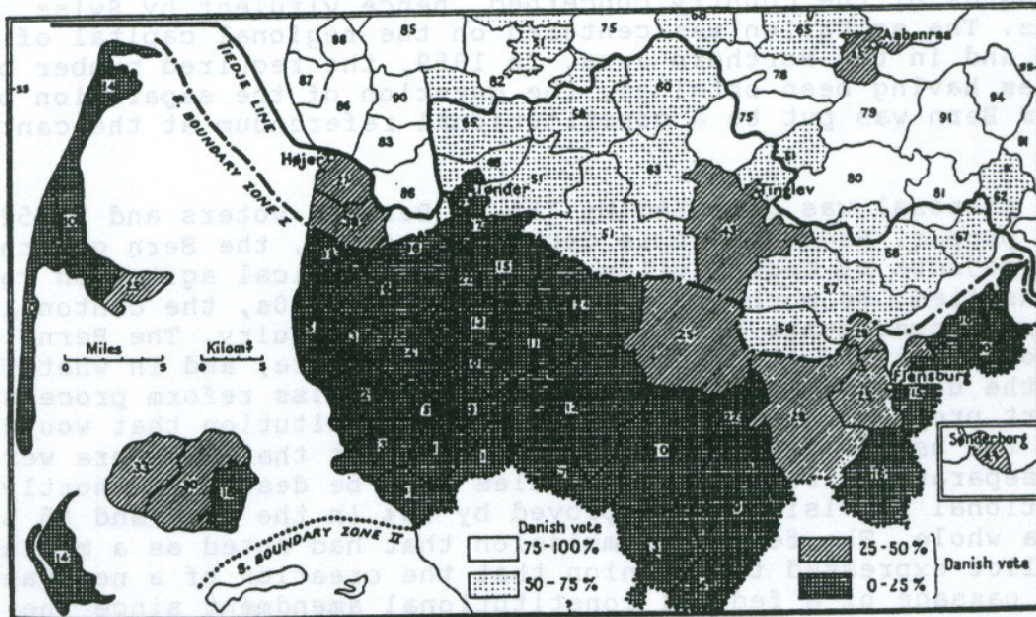
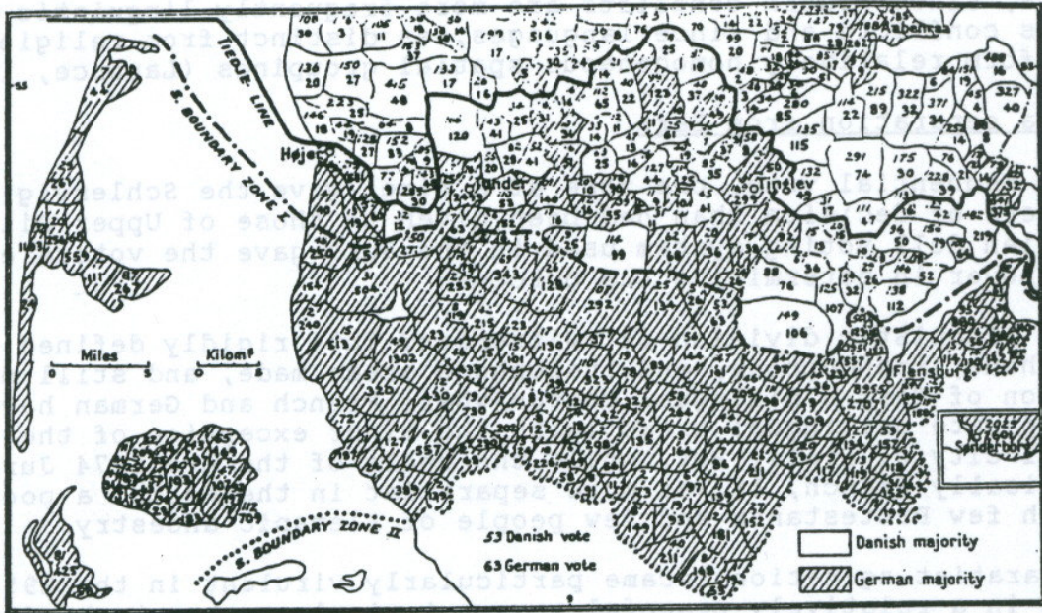
The Peace Commission sided with Denmark against France and decided that the plebiscite would be restricted to zones 1 and 2. The reason for distinguishing these two zones was derived from what objective studies led one to anticipate: that zone 1 would almost certainly favour Denmark but that the vote of zone 2 was uncertain. Consequently, in order to increase the rationality of the vote, the peace commission, at the request of Denmark, specified that the vote in zone 2 would take place a month after the vote had been held in zone 1.

The territorial unit within which the vote was counted differed between the two zones: the whole area in the case of zone 1, the local parish in the case of zone 2.

As anticipated, zone 1 sided with Denmark, 74% of the voters having expressed such a preference. In zone 2, a majority of 80% favoured remaining within Germany (only three small parishes in the Isle of Föhr were of contrary opinion). The Plebiscite Commission recommended (Fig.3) that zone 1 be given to Denmark and that zone 2 remain within Germany. The Peace Conference endorsed the recommendation (Prescott, p.188ff)⁶.

The Schleswig plebiscite is instructive in a number of ways. In the course of a generation, the Danish government had shifted its cost benefit analysis from territory to people and shifted from its measure of people from 'quantity' to 'quality'. Incorporating the people of zone 2 as well as those of zone 1 would have satisfied Rousseau's measure of the success of a state by the size of its population. But adding populations against their wishes would have produced a weakening of the legitimacy needed by a democratic states and might have invited tension and disorder. Denmark showed a kind of wisdom that may become more common in the XXIst century, if that century continues to be that of democracy and globalization. Neither big nor small are per se beautiful in a state. Unless one needs a large military, a smaller population may be an advantage.

Figure 3 The Schleswig plebiscite (Wambaugh, 1935)*



RESULTS OF THE SCHLESWIG PLEBISCITE IN PART OF ZONE I AND IN ZONE II

* Upper: Results by communes. Based on "Karte zum deutschen Grenzvor-schlag für Schleswig vom 17. März 1920." JOHANNES TIEDJE, Die deutsche Note über Schleswig (published by order of the German Foreign Office, Charlottenburg, 1920).
Lower: Results by parishes. Based on "Kort over Afstemnings-Resultaterne i Sønderjylland" (published by the Danish Ministry for South Jutland Affairs, 1920).

. The zone by zone voting procedure worked well because there was a geographical gradient of pro-Danish to pro-German populations, a type of gradient more often found in contemporary than in older ethnic conflicts, since modern conflicts are more frequently linguistic than religious conflicts and since languages, as distinct from religions, tend to form relatively homogeneous spatial groupings (Laponce, 1987).

The Jura separation from Bern

The sequential vote, one zone at a time, gave the Schlesvig voters more powers of decision than had been given to those of Upper Silesia. The Russian doll voting system used in the Jura gave the voters even greater power in determining the outcome.

The linguistic division of Switzerland into rigidly defined germanophone, francophone, and italophone areas made, and still makes, the canton of Bern a bilingual canton where French and German have each their separate unilingual areas (with the minor exception of the bilingual city of Biel). But, while the whole of the pre 1974 Jura was linguistically French, it was more separatist in the North, a poorer area with few Protestants and few people of Alemanic ancestry.

Separatist agitation became particularly virulent in the 1950s; virulent in a relatively peaceful way, but virulence has to be judged by the standards of the country concerned, hence virulent by Swiss standards. The agitation was centered on the regional capital of Moutiers and in the Northern Jura. In 1959, the required number of signatures having been obtained, the question of the separation of the Jura from Bern was put to a constitutional referendum at the cantonal level⁷.

The proposal was defeated by 78% of Bernese voters and by 52% in the Jura proper. Backed by this double rejection, the Bern government shelved projects of constitutional reform. Political agitation continued and intensified. So much so that in the early 1960s, the cantonal and the federal governments set up commissions of enquiry. The Bern commission submitted its report in 1969 (note here, and in what is to follow, the unhurried but systematic pace of Swiss reform processes). The report proposed an addition to Bern's constitution that would regulate the use of the referendum in the event that the Jura were to vote on separation from Bern (the rules will be described shortly). That constitutional provision was approved by 90% in the Jura and 85 % in Bern as a whole. The federal commission that had acted as a mediator in the conflict expressed the opinion that the creation of a new canton required passage of a federal constitutional amendment since the federal constitution specified the total number of cantons.

The vote in the Jura was held according to a series of Russian doll type of referendums prescribed by the constitutional reform that had been approved by the Bern and Jura electorates. A first referendum was held in the Jura in June 1974. The question was " Do you wish to form a new canton" A slight majority of 36,802 to 34,057 voters said yes. That vote established that there was a majority for a new canton but the

borders of the proposed new canton were not determined at that point. That was done by means of subsequent referenda.

Each regional district of the Jura having voted on the opposite side of the Jura as a whole had the right, if it obtained the required number of signatures (one fifth of its electorate), to call a district referendum to decide whether it wanted to join the Jura or remain within Bern. Three districts, including that of Moutiers, the historical capital, requested such a second vote, while a fourth district, that of Laufen, which was not contiguous to Bern, decided to remain temporarily with Bern and to postpone its final decision (it had two years to decide). That last district decided eventually to join the canton of Basel after the latter had agreed to the fusion. The other three districts decided to remain within Bern (by a very small margin in the case of Moutiers). The second referendum had merely confirmed the results of the first, it had not changed the tentative boundary resulting from the first vote.

The border corrections came after a third vote which resulted from the right given to the communes, the smallest administrative units, units corresponding roughly to the parishes of the Schleswig plebiscite, to request, through the same gathering of a minimum number of signatures, that a referendum be held at the parish level to decide whether to join the Jura or to stay within Bern as decided by their district. That last vote was restricted to the communes bordering the canton they wanted to join. Ten communes met both the rule of a minimum number of signatures and the rule of geographical contiguity. In referendums held in march 1975, nine of them decided to join the Jura and one to remain within Bern (see Figure 4).

Not everyone was satisfied of course. Most dissatisfied were the separatists of Moutiers who were numerous enough to keep hoping that the city would one day be reunited to its Northern cultural periphery. But dissatisfied also were the small communes of the northern Jura (with a total population of little over 500 people) who would have preferred to remain Bernese but lacked a border with the new Bern.

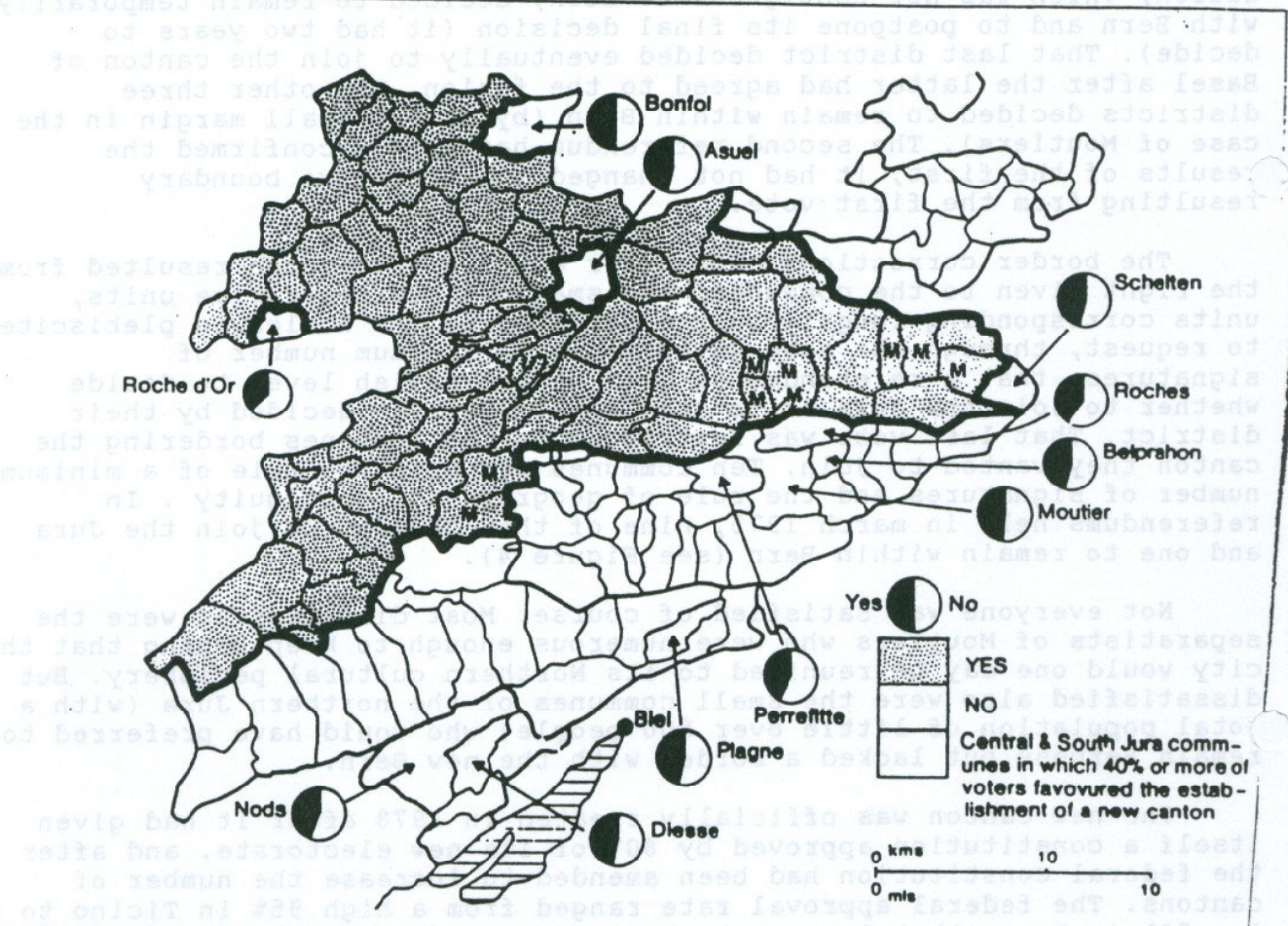
The new canton was officially created in 1978 after it had given itself a constitution approved by 80% of its new electorate, and after the federal constitution had been amended to increase the number of cantons. The federal approval rate ranged from a high 95% in Ticino to a low 70% in Bern, that lower vote being largely due to the lack of support given by the Southern part of the Jura that had chosen to remain within Bern (Schmidt, p 132).

In conclusion to our last example, let us note the following:

A) The process was a long one. A slow pace is acceptable to a citizenry that is used to lengthy decision making. Too long a process might invite disorder in more volatile political cultures.

Figure 4: the Jura referendums

THE BERNESE JURA: VOTING PATTERNS IN THE 1974 REFERENDUM.



M-District of Moutier Communes which voted to join Canton Jura
 D-District of Delémont Commune which remained with Canton Berne

Source: Jenkins, 1987

B) The sequence of the vote was from larger to smaller territorial units rather than from core to periphery as in the Schleswig case. This last approach might have led to Moutiers voting first, with markedly different ripple effects than those obtained by the Russian doll procedure.

C) The rule of contiguity worked relatively well (Moutiers remaining a case in doubt) because the religious and economic cleavages followed a North South gradient rather than produce a checkerboard mix^a.

D) The Jura government in the making had wanted, as proposed by its draft constitution, that the districts adjoining the new canton be given the right to join the Jura at a future date by means of a simple district plebiscite. The Swiss authorities vetoed that proposal on the ground that the authorities at all levels of the Swiss political system should be involved in consultations and decisions concerning border changes.

E) The contrast is striking between the amount of legal obstacles that were put in the way of the separatists, and the ease with which these obstacles were overcome by Swiss politicians and electors once the Jura had voted for separation. What works well in consensual politics is unlikely to work as well in confrontational political cultures.

Problems common to boundary referendums

1. The Role of Third Parties

It is a measure of the institutionalization of international diplomacy that third parties are so often present in the sovereignty plebiscites of the XXth century, from the post WW1 Allied commissions to the UN sponsored referendum in Timor. How neutral can a third party be? The WW1 plebiscite commissions showed that, even when dealing with a former enemy, they could be, by and large, on the side of their mandate, which was to translate popular preferences into manageable boundaries. Even if the French commissioner had had his way in splitting Upper Silesia, the split would have been more favorable to the pro-Germany Silesians than the Wilson-Clemenceau proposal that the whole of the area be given to Poland. A modern 'alternative' historian would wonder what the future of Europe might have been if similar referendums had been held in Austria and the Sudetenland. Would the Versailles treaty have seemed so unfair to Germans of the 1930s? Would Hitler have been able to play on as high a level of national frustration?

The influence of third parties will be all the more effective if they control the ground militarily. Without such control, partial and biased as it was, it is unlikely that the Upper Silesia plebiscite would have ended as relatively peacefully as it did. But even in the absence of military control, the presence of neutral election organizers and supervisors can be sufficient to maintain an acceptable level of voting fairness, as shown by the Klagenfurt (1921) case when Slovenes voted in

favour of Austria in areas controlled by the Yugoslav administration and police. Timor, even more surprisingly, shows the effectiveness of civilian supervision of the vote.

Who should be consulted?

In the Jura, the electors were given the vote irrespective of the date of their becoming resident citizens. That led to the objections of separatists who argued that recent residents were kinks of visitors, if not occupiers, who should not be party to a sovereignty decision.

Requiring a period of residence longer than that specified for a regular election makes sense, but good sense bumps against the problem of operationalization. Where should one set the new citizenship requirements? 5 years of citizenship? 10 years? 20 years? or three generations as was proposed by the Rassemblement jurassien? Unless the parties involved agree to a new definition of citizenship or agree to the binding decision of an arbitrator, there are no obvious alternative to the status quo.

In a number of WW1 plebiscites, the vote was given not only to resident citizens but to 'outvoters' born in the area. That makes sense when there has been expulsion of minority populations or physical or cultural repression of people who decided to migrate, but it does not make much sense to give the vote to members of a dominant group that left the area by choice. The Poles had a case when they complained that the German 'outvoters' swelled unfairly the pro-German vote in the referendums they contested with Germany⁹.

In one of our three cases, that of the Jura, the voters involved in the final decision were many more than the resident citizens of the area concerned since the approval of the creation of a new canton required a majority approval by the voters of Bern, the canton affected by the split, a majority of all the cantons, and a majority of the voters of the whole country who had, according to the constitutional procedures in place, a right to veto the separation approved at the regional level. We already noted that this extensive set of obstacles did not cause problem in Switzerland where the tradition of consensual government is firmly implanted and where one seeks, through agreement, to avoid ethnic conflicts by satisfying the demands of the country's major linguistic and religious segments. But, what would have happened if the whole of Germany had been consulted in the case of the Schleswig? What if all the provinces and the whole Canadian population are involved in the approval of an hypothetical Quebec separation? If one is prepared to let the electorate decide, one should be prepared, as in divorce cases, to satisfy the wishes of the party that wants separation, subject to politically reasonable restrictions, clearly stated before the vote, such as the restriction of good citizenship in the world of nations, administrative viability and, possibly also, geographical contiguity.

3. The voting unit.

The border to be decided by a vote is affected by the territorial unit within which the vote is counted. In the case of Upper Silesia, as

in the other Polish-German WW1 plebiscites, the vote was tabulated at the local, at the commune level, but no prior decision had been made concerning the unit - local or regional - that was to determine the boundary. In checkerboard Upper Silesia, contrasted to Allenstein (1920) for example, this gave a great deal of leeway to the Allied commission that was to draw the border. The grouping of the voting units into zones, as in Schleswig, Klagenfurt, and Jura, is an effective way of restricting the powers of a boundary arbitrator. One can even eliminate the need for such arbitrator, as in the Jura, by having a staggered cascade series of referendums and a rule of geographical contiguity. But it is unlikely that this automatic allocation of the contested ground would work in electoral situations lacking a geographical ethnic gradient.

We already noted that when different voting zones are defined ahead of time, it is rational to stagger the votes in time. We should also note that the order in which the zones are made to vote is of considerable significance. Should one start with the most or the least secessionist? In a hypothetical Quebec case, should one start with separatist Lac Saint Jean, or pro-federalist Montreal?

The first vote in the Jura had been for the Jura as a whole, the subsequent votes had concerned lower territorial levels. If the procedure had been reversed, if Moutiers, the capital, had voted first, by itself, or if Moutiers had been included in a Northern zone voting first, as in the Schleswig case, the result may have been quite different. Moutiers, if it had voted first, against separation, may have invited the north of the canton to do the same, while its inclusion into a northern zone, would have resulted, very likely, in its becoming part of the seceding territory. In the days of public opinion polls it has become increasingly likely that territorial claimants will disagree on the definition of the voting unit and the sequence of the votes (if there is more than one). Hence the increased importance of third party involvement in the form of international diplomacy.

The question.

The question should, of course, be as clear as possible. An example of a good question is that of the Jura referendum which stated simply: "Do you wish to form a new canton?" thus avoiding negative words such as 'separation' as well as positive words such as 'your own'. Another relatively good wording, considering the problems involved, is given by Timor 1999 which offered two choices: "Do you accept the proposed special autonomy for East Timor within the United State of the Republic of Indonesia" ? or "Do you reject the proposed special autonomy for East Timor leading to East Timor's separation from Indonesia"? The Gorbachev referendum of 1991 was unquestionably badly worded around the contradictory concepts of 'preservation' and 'renewal'. The question read "Do you consider necessary the preservation of the Union of Soviet Socialist Republics as a renewed federation of equal sovereign republics, in which the rights and freedoms of the individual and of any nationality will be guaranteed?" Many of those who had voted for renewal, voted for independence in the months following. Uzbekistan for example had given 94% support to Gorbachev's referendum in March 1991,

The following December, 98% voted for independence.

While favoring clarity and simplicity, one should not however become overly concerned with pure semantics. The wording of a question is one thing, the understanding of the question quite another matter. The understanding of the meaning of the words "Are you in favour of the Maestrich treaty" is clear; that does not mean that Maestrich is understood. There is a tendency to give too little credit to the intelligence of an electorate that is informed not only by the text of a question but also by the whole social and political context surrounding the issue summarized by a few words.

What majority?

As in the case of the franchise, it is sometimes argued, notably by Stanley Hoffmann (1998)¹⁰ that a change of border, hence a change of jurisdiction, requires a qualified majority. That too makes sense at first consideration, but once again we are confronted with the problem of implementation. The Canadian government obtained from the Canadian Supreme Court a ruling that, in the event of a vote in favor of independence by a province, the vote should produce a 'clear' majority. What is a clear majority? A simple majority of the voters obtained without fraud? 60% as in New Zealand from 1908 to 1914? A special majority of all registered electors, such as the 40% required in Scotland in 1979, or 45% as in Denmark until 1953, or 35% as in Uruguay, or 50% as in the Virgin Islands? Who is to decide what is a clear majority? For lack of a clear 'clear' majority, the normal majority is probably best. It acts as an invitation to the country that does not want to be split to make the reforms needed to prevent the unwanted outcome.

Conclusion.

We may well have a preference for multinational polities bound by 'civic' nationalism, but when the civic is not 'civil', the creation or recovery of civility in the policy requires mechanisms for the disentanglement of groups in conflict. The referendum offers such a mechanism, a mechanism well adapted to the global economy of an increasingly democratic world, where legitimacy pays better dividends than force, and where people count for more than territory. But, while arguing that the plebiscite to transfer sovereignty and/or change boundaries should reenter the tool kit of Western diplomacy (even in the exYugoslavia it is not too late) we should not fall into the dogmatism we have criticized and turn the plebiscite into a panacea. Whether it is the appropriate technique of conflict resolution can only be decided on a case by case basis.

Notes

1. Our four solutions, deduced from a purely theoretical model, find their empirical incarnation in a negotiation that involved the WW2 Allies concerning the boundary between Italy and Yugoslavia (Schechtman, 1962:5). In 1945, the Allied Council of Foreign Ministers agreed on the principle that the border should be drawn along ethnic lines (our solution 1). That led the USSR to propose a boundary giving nearly half a million Italians to Yugoslavia and no Yugoslavs to Italy (solution 4). The USA drew its line more to the east thus putting 300,000 Yugoslavs and 50,000 Italians on one side and 380,000 Italians and 190,000 Yugoslavs on the other side (solution 3). Britain and France proposed balancing the Italians and the Yugoslavs more equally on each side of the border (solution 2). This unusual attempt to use the Wilsonian principle after WW2 was soon abandoned. Most of the ground was given to Yugoslavia. Trieste, put under UN trusteeship, reverted to Italy in 1953.

2. Ironically, during the second world war, Benes asked, and the Allied Powers agreed, that Germans would be expelled from Czechoslovakia after the war (Schechtman, 1962:50).

3. For the distinction of minorities by force that are prevented to integrate to the dominant group and minorities by will that prefer to remain minorities in the absence of obstacles to integrate, see Laponce (1961). For an application of the distinction to the analysis of post WW2 treaties and covenants see Jackson-Preece (1998).

4. For studies of the Yugoslav crisis see among others Cohen (1984), Garde (1994), Delcourt et Corten 1998). For the failed Dutch attempt to steer international diplomacy toward border changes see David Owen (1995) who argues convincingly that the refusal of the EU and of NATO to back up the Dutch proposal of 1991 marked the turning point into wars that could have been otherwise prevented or reduced in scale.

5. For this historical account, as well as for the other referendums discussed in this paper (the Jura excepted) I rely heavily on Wambaugh's (1920,1935) excellent descriptions of all major international referendums from 1791 to 1935. See also David Butler and Austin Ranney (1978, 1994) Farley (1986) Buchheit (1978), Rourke et al. (1992).

6. I side with Mill (1861), Renan (1862), MacCarteney (1934) Waltz (1959) and Waltzer (1986), among others, in thinking that self determination is a fundamental collective right, while agreeing with Buchheit (1978) that it is a right subject to restrictive criteria. I would narrow these criteria to viability, seriousness of the claim, world peace, and anticipated 'good citizenship' in the world system of states. For reviews of the ambiguous position of international law regarding self determination, see among others Brossard (1976) and Clark and Williams 1996).

7. For a record of the Jura debate and referendums, see McRae (1983), Laponce (1984) and Jenkins (1987). For a political geography of Switzerland, see Sanguin (1983).
8. For a multivariate analysis of the role of various factors in the vote, including religion and germanophone ancestry, see Jenkins (1987).
9. For a thorough description of the implementation of the post WW1 plebiscites see Wambaugh (1933). For briefer reviews of the procedures used in more recent sovereignty referendums, see Fairly (1986) and Rourke et al (1992).
10. While saying that 50% is not enough, Hoffmann does not suggest any figure.

References

- Ambrosius, Lloyd (1987) "Dilemmas of National Self-Determination: Woodrow Wilson's Legacy" in C. Baecher and C. Fink The Establishment of European Frontiers after the Two World Wars Bern: Lang
- Brossard, J. (1995) L'accession à la souveraineté et le cas du Québec Montréal: Presses de l'Université de Montréal
- Buchheit, Lee (1978) Secession: The Legitimacy of Self-Determination New Haven: Yale University Press
- Butler, David and Austin Ranney (1978) Referendums Washington: American Enterprise Institute.
- Butler, David and Austin Ranney, ed. (1994) Referendums Around the World Washington: AEI Press
- Clark, D. and R. Williamson (1996) Self Determination: International Perspectives N.Y.: St Martin's Press.
- Cohen, Lenard (1993) Broken Bonds: the Disintegration of Yugoslavia Boulder: Westview Press
- Clark, Donald and Robert Williamson, ed. (1996) Self-Determination: international perspectives New-York: St Martin's Press
- Defrance, Corine (1996) "La question du Slesvig dans les deux après guerre" in C. Baechler et Carole Fink L'établissement des frontières en Europe après les deux guerres mondiales Bern: Lang
- Delcourt, Barbara et Olivier Corten (1994) Ex-Yougoslavie: droit international, politique, et idéologie Bruxelles: Bruyant

Fairly, Lawrence (1986) Plebiscites and Sovereignty London: Westview

Garde Paul (1994) Vie et Mort de la Yougoslavie Paris: Fayard

Hoffmann, Stanley (1998) World Disorders: Troubled Peace in
in the Post-Cold War Era New York: Rowman and Littlefield

Jackson, Robert and Mark Zacher (1997) The Territorial Covenant:
International Society and the Stabilization of Boundaries
Vancouver: Institute of International Relations

Jackson Preece, Jennifer (1998) National Minorities and
the European Nation-State System Oxford: Oxford University
Press

Jenkins, John (1987) "French Speaking Switzerland and the Jura
Problem" in J. Jenkins (ed.) Indigenous Minority Groups in
Multinational Democracies in the Year 2000: Problems and
Prospects Waterloo: Wilfrid Laurier University Press

Keylor, William "The Principle of National Self Determination as a
Factor in the Creation of Postwar Frontiers in Europe,
1919 and 1945" in C. Baechler and C. Fink The Establishment
of European Frontiers after the Two World Wars, Bern: Lang.

Laponce, J.A. (1960) The Protection of Minorities Berkeley and Los
Angeles: California University Press

Laponce, J.A. (1984) Langue et territoire Québec: Presses de
l'Université Laval, trans. as Languages and their Territories
(1987) Toronto: Toronto University Press.

MacCarteney, C.A. (1934) National States and National Minorities Oxford:
Oxford University Press

Mill, J.S. (1861) Three Essays (1975 edition) Oxford: Oxford University
Press.

McRae, Kenneth (1983) Conflict and Compromise in Multilingual
Societies: Switzerland. Waterloo: Wilfrid Laurier University
Press

Owen, David (1995) Balkan Odyssey London: Gollancz

Prescott, J.R.V. (1987) Political Frontiers and Boundaries London.
Allen and Unwin.

Renan, E. (1882) "What is a Nation" trans. Hutchison (19??) in The
Poetry of the Celtic races and Other Studies by Ernest Renan.
London: Walter Scott. See also Qu'est-ce qu'une nation et autres
écrits politiques présentation de R. Girardet Paris: Imprimerie
nationale, 1996.

Rourke, John, R.Hiskes, C.E. Zirakzadeh (1992) Direct Democracy and

International Politics Boulder: Lynne Reiner

Sanguin, André-Louis (1983) La Suisse: essai de géographie politique Gap: Ophrys.

Schechtman, Joseph (1962) Postwar Population Transfers in Europe. 1945-1955 Philadelphia: University of Pennsylvania Press

Schmidt, C.L. (1981) Conflict and Consensus in Switzerland Berkeley: University of California Press.

Waltz, K. (1959) Man, the State, and War New York Columbia University Press

Walter, M. "The Reform of the International System" in O. Osterud, ed. Studies of War and Peace Oslo: Norwegian University Press

Wambaugh, Sarah (1920) A Monograph on Plebiscites, London: Oxford University Press.

Wambaugh, Sarah (1933) Plebiscites Since the World War Washington: Carnegie Endowment for International Peace.

Japone, J.A. (1960) The Protection of Minorities Berkeley and Los Angeles: California University Press

Japone, J.A. (1984) Langue et territoire Québec Presses de l'Université Laval, Québec, as Langues and their Territories (1987) Toronto: Toronto University Press.

MacCartney, G.A. (1934) National States and National Minorities Oxford: Oxford University Press

Mill, J.S. (1881) Three Essays (1975 edition) Oxford: Oxford University Press.

Norse, Kenneth (1983) Conflict and Compromise in Multilingual Societies: Switzerland. Waterloo: Wilfrid Laurier University Press

Owen, David (1975) Britain Odyssey London: Collins

Prescott, J.R.V. (1987) Political Frontiers and Societies London: Allen and Unwin.

Renan, E. (1882) "What is a Nation" trans. Hutchinson (1977) in The Society of the Celtic Races and Other Studies by Ernest Renan. London: Walter Scott. See also Qu'est-ce qu'une nation et autres écrits politiques presentation de R. Girardet Paris: Librairie nationale, 1988.

Rourke, John, B.Hicks, C.R. Zirkelbach (1992) Direct Democracy and

Appendix: Referendums involving changes of sovereignty. 1791-2000+*
(X indicates that the plebiscite was aborted)

referendum	transfer of sovereignty?	Possibility of Change of border within the referendum territory	
?1552 Metz, Toul, Verdun ²			
1791 Avignon & Comtat	Holy See to France		no
1792 Savoy	Sardinia to France		no
1793 Nice	Sardinia to France		no
1793 Belgian communes	Austria to France (annexation)		no
1798 Rhine & Alsace	Local princes to France (annex.)		no
1798 Mulhouse	Mulhouse to France		no
1798 Geneva	Geneva annexed to France		no
1848 Lombardy	Italian unification		no
1848 Venetia	"		no
1848 Parma Piacenza	"		no
1848 Modena Reggio	"		no
1857 Moldavia, Walachia	autonomy from Ott. empire		no
1859 Tuscany	Italian unification		no
1859 Modena	"		no
1859 Romagna	"		no
1859 Parma	"		no
1859 Lombardy	"		no
1860 Tuscany Emilia	"		no
1860 Sicily Naples	"		no
1860 Umbria Marches	"		no
1869 Venetia	"		no
1860 Savoy	Sardinia to France		no
1860 Nice	Sardinia to France		no
1864 Ionian Islands	Britain to Greece ²		no
1868 St Thomas & St John	Denmark to USA		no
1877 St Bartholomew	Sweden to France		no
1905 Norway	independence from Norway		no
1909 Natal	joins S. Africa		no
1917 Aaland	joining Sweden (refused by League)		no
1918 Iceland	union to Denmark		no
1919 Mosul	League gives to Irak rather than Turkey		yes
1919 Luxembourg	econ. union with France		no
1919 Voralberg	from Austria to Switz. (Swiss veto)		no
1920 Eupen Malmedy ³	pro German regist. fails. stays Belgian		no
1920 Allenstein	part from Germany to Poland		yes
1920 Marienwerder	part from Germany to Poland		yes
1920 Klagenfurt	remains Austrian		no
1920 Teschen (X)	split Pol-Czech by arbitration		yes
1921 Schleswig	part from Germany to Denmark		yes
1921 Tyrol	Anschluss (vetoed by League)		no
1921 Salzburg lang	Anschluss (vetoed by League)		no
1921 Upper Silesia	split between Germany & Poland		yes
1921 Vilna (X)	annexed by Poland		no
1921 Sopron	transferred from Czek. to Hungary		no
1922 Vilna	annexation by Poland approved		no
1922 S. Rhodesia	self gvt		no
1925 Tacna & Arica (X)	split by arbitration		yes.

1933	Western Australia	separation (rejected)	no
1935	Saar	chooses Germany ⁴	no
1938	Austria	Anchluss	no
1944	Iceland	independence	no
1945	Mongolia	independence from China	no
1946	Poland	approves new Baltic & East borders	no
1946	Faroe	independence from Denmark ⁵	no
1947	Pakistan-India	border some district switch	no
1948	Newfoundland	joins Canada	no
1949	Chandernagor	from France to India	no
1951	Naga	independence (unofficial)	no?
1951	Puerto Rico	commonwealth status ⁶	no
1955	Virgin Islands	autonomy from US	no
1955	Saar	rejects Euro status	no
1956	Malta	integration to UK (not implemented)	no
1956	Togoland	to Ghana, not Togo	no
1958	Afars and Issas	stay in French Community	no
1958	Algeria	retains French status	no
1958	Chad	stays in French Community	no
1958	French Congo	stays in French Community	no
1958	Dahomey	stays in French Community	no
1958	French Sudan	stays in French Community	no
1958	Gabon	stays in French Community	no
1958	French Guinea	independence	no
1958	Ivory Coast	stays in French Community	no
1958	Madagascar	stays in French Community	no
1958	Mauritania	stays in French Community	no
1958	Egypt and Syria	union	no
1959	British Cameroun	split between Nigeria and Cameroun	yes ⁷
?1960	Somalias (It. and UK)	merger	no
1961	Western Samoa	independence from New Zealand	no
1961	Jamaica	independence	no
1961	Algeria	independence	no
1962	Singapore	joins Malaysia	no
1963	Eq. Guinea	autonomy	no
1964	Malta	independence	no
1964	Southern Rhodesia	independence	no
1967	Puerto Rico	commonwealth	no
1967	Gibraltar	status quo	no
1968	Eq. Guinea	independence	no
1971	Lybia	to join UAR (not implemented)	no
1973	North. Ireland	stay in UK	no
1974	Tuvalu	separate from Gilbert	no
1974	Comoros (-Mayotte)	independence	yes
1975	Northern Cyprus	independence	no
1975	Northern Marianas	commonwealth status	no
1975	Sikkim	joins India	no
1976	Guam	to remain US	no
1976	Mayotte	to remain French	no
1977	Aruba	independence from Holland ⁸	no
1977	Virgin Islands	autonomy from US	no
1977	South West Africa	independence	no
1979	Greenland	autonomy from Denmark	no
1980	Quebec	sovereignty from Canada (fails)	no

1982	Guam	commonwealth status	no
1982	Greenland	withdrew from EC	no
1983	Micronesian fed	assoc. with USA	no
1983	Marshall islands	assoc. with USA	no
1983	Palau	free assoc with US (fails to get 75%)	no
1984	Palau	free assoc. with USA (fails)	no
1984	Morocco	to join UAR (not implemented)	no
1987	Palau	free assoc. with US (fails)	no
1987	New Caledonia	remains French ⁹	no
1990	Slovenia	independence	no
1990	Palau	free assoc. with US (fails)	no
1990	Serbs in Croatia	autonomy (unofficial)	?
1991	Serbs in BH	remain part of Yugoslav(unofficial)	no
1991	Serbs Krajina	unite with Serbia (unofficial)	?
1991	Croatia	independence	no
1991	USSR (Gorbachev refer.)	reform Union	no
1991	Lithuania	independence	no
1991	Estonia	independence	no
1991	Latvia	independence	no
1991	Georgia	independence	no
1991	Armenia	independence	no
1991	Ukraine	independence	no
1991	Macedonia	independence	no
1991	Kosovo	independence (unofficial)	no
1991	Serbs Slavonia	join Serbia (unofficial)	?
1991	Serbs BH	remain part Yug. (unofficial)	no
1991	Azerbaijan	independence	no
1991	Uzbekistan	independence	no
1991	Turkmenistan	independence	no
1991	Muslims in Sandjak	autonomy (unofficial)	?
1991	Serbs Slavonia	unite with Serbia (unofficial)	?
1992	Bosnia Herzegovina	independence	no
1992	Albanians Maced.	independence (unofficial)	?
1992	Montenegro	to remain part of Yugoslavia	no
1993	Puerto Rico	commonwealth	no
1993	Serbs BH	form Serb state (unofficial)	?
1993	Serbs Krajina	united with Serbia(unofficial)	?
1993	Virgin Islands	autonomy ¹⁰	no
1993	Eritrea	independence from Ethiopia	no
1994	Crimea	de facto separation Ukraine ¹¹	no
1994	Moldova	independence	no
1995	Cree of Northern Quebec	opposed to Q. sov. (unof.)	no
1995	Quebec	sovereignty (fails)	no
1997	Nevis	independence ¹²	no
1997	Anjouan Nzwani	secede Comoros to France (not implem.)	no
1998	Puerto Rico	commonwealth status	no
1999	Timor	independence (to be implemented)	no

(mentioned as future likely possibilities)

200?	Aruba	independence?
200?	Faroes	independence?
200?	Soudan	independence?
200?	Montenegro	independence?

RESERVE
COLLECTION

200? Western Sahara independence?
 201? New Caledonia independence?

* Up to the Saar referendum of 1935, the best source is Wambaugh (1920,1935); for a comprehensive list of referendums covering those studied by Wambaugh and more recent consultations, see Butler and Ranney (1994). See also the Keesing's Archives and the Europa Yearbook for the post WW2 period. Not included are the calls for separation by means of regular election as in East Pakistan in 1970. Not include either are the referendums on membership in the EU.

1. Henri II asked for a vote before annexing the territories to the French crown. It is not clear who was consulted.
2. The United Kingdom, who had the protectorate over the islands, organise the vote.
3. There was no vote. Germans opposing Belgian sovereignty had to register their opposition in person.
4. 0.4% for France, 8.8% for League, 90% for Germany
5. the referendum was unofficial.
6. Choice of commonwealth status, integration to US or independence
7. The north voted 60% to join Nigeria. In the south 70% voted to join the French Cameroun
8. As of January 2000, formal independence has still not been achieved.
9. The question was whether to remain linked to France or be independant. 59% voted. The referendum was boycotted by Kanaks separatists. The independanc referendum planned for 1998 was postponed by 15 to 20 years by agreement in 1988. In the meantime power is to be decentralised.
- 10 This was the fifth referendum since 1954. It was not considered valid because less than 50% of the electors had voted.
11. A multi barrel question aksed for autonomy of the Crimea as well as return to parliament of 1922. The latter would have implied independence. Kiev nullified the referendum as illegal. Negotiations led to a compromise.
- 12 Independence has been postponed because of the unstable political and economic situation of the island