

Independence referendums. Catalonia in perspective

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Abstract

Is the political independence of a territory in a liberal democracy legitimate? Where does the referendum held in Catalonia on 1 October 2017 stand in relation to the comparative politics of cases of independence referendums around the world? We have analysed the first question, which is political and moral in nature, in previous studies based on the responses provided by the range of current theories on democracy. We primarily stressed the fact that the responses on legitimacy provided decades ago are insufficient today for both regulatory and institutional reasons. Characteristics of the institutional situation of the case, and more importantly its specific context, must also be included in the analysis. Thus, we should avoid providing simple, general responses to demands for secession. A secession may be legitimate, or more legitimate in some cases than in others. The analyses must be performed on a case-by-case basis – using the most appropriate conceptions in each specific case – while trying to avoid overly simplistic, generic conclusions. In this brief article, we shall analyse the second question above. We will review the history and current status of independence referendums in the world and then analyse the referendum held in Catalonia on 1 October 2017 in light of the data provided by comparative politics, in both democratic and non-democratic settings. We shall further distinguish between consensual and unilateral referendums and consider the conditions of actual access to statehood (effectiveness and recognition).

Key words: referendums, comparative politics, liberal democracy, Catalonia.

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1. Independence referendums

In the past 100 years, the number of states in the world has quadrupled. The United Nations has 193 members today, in contrast with the 50 states that were at around the time of World War I. On the other hand, there are around another dozen state entities which do not have or have little international recognition. The majority of these new entities have come from decolonisation processes, the outcome of movements in favour of self-determination in colonial territories (Griffiths 2016; Coggins 2011; Sambanis, Germann, and Schädel 2018). However, since the fall of Berlin Wall, the majority of cases of independence have occurred outside the colonial context and have been endorsed by the population of the new state. In fact, today independence referendums have virtually become a general rule in the recognition of new states within the international community.

A referendum is an instrument of direct democracy which is commonly used to legitimise not only secession but also a wide range of territorial transfers of power (Qvortrup 2014; López 2017). The origin of this democratic instrument can be found in the expansion of the principle of “popular sovereignty” via the democratic principle. This institutional practice dates from before the 20th century, but it gained ground after World Wars I and II as an almost indispensable procedure in terms of legitimacy, and in some cases even as a requirement stipulated by the international community

Until quite recently, territorial disputes have historically been resolved without resorting to referendums. They were resolved by two routes, which are not mutually exclusive: first, pacts between the political elites of the powers involved, regardless of whether or not they were democratically elected; and secondly, the use of force, including war, which often entailed the subordination of the occupied peoples, forced displacements and ethnic cleansing processes. These ways of creating new political units and shifting borders are virtually so common and well-known that it would be redundant to exhaustively survey them here (Roeder 2007; Griffiths 2016; Crawford 2007; Pavković and Radan 2007)

There have been almost 100 independence referendums since 1945, most of which have legitimised the creation of new states which are currently part of the international community (Mendez and Germann 2018) (see Appendix). The geopolitical contexts of these referendums are quite varied. In fact, approximately half of the states that have emerged between 1945 and 2019 have held referendums on the country’s independence, either before or after independence was proclaimed. Within this period, the fall of the Berlin Wall (1989) signalled a shift in the trend to use independence referendums.

If we examine the almost 30 referendums held before 1989, we find that the majority correspond to cases that were on the list of colonial territories of the Special Committee on Decolonisation created by the UN in 1961. Thus, even though these referendums were often preceded by violent conflicts of greater or lesser intensity, most of the referendums were agreed upon with the state authorities (colonial power), often with the authorisation or supervision of international bodies. Furthermore, many of these cases associated with the great powers (primarily the United States, the United Kingdom and France) are islands.

The list of independence referendums after the fall of the Berlin Wall encompasses around 60 cases with different characteristics than in the previous

era. First, the virtual disappearance of colonial territories means that the cases in this period reflect other political situations, although there were still several referendums in territories considered colonial by the United Nations (East Timor, New Caledonia). Secondly, around 20 cases are associated with the creation of new states after the political fall of the Soviet Union and Yugoslavia. This includes a cascade of referendums which were not only held during the collapse of these federations but are also associated with new territorial disputes within the seceded units (Ukraine, Serbia, Georgia, Azerbaijan, etc.). Finally, there are also 18 cases of overseas territories under the protection of the United States, the Netherlands and the United Kingdom.

Based on this general description, we can conclude that the use of referendums to legitimise new states has become a widespread practice beyond the colonial context. In fact, if we examine the new states in the international system since 1989, Kosovo is the only new state to appear without a referendum (Griffiths 2016).

The Badinter Commission assembled for the conflict in Yugoslavia, officially known as the “Arbitration Commission of the Peace Conference of Yugoslavia”, is a relevant case. It was created by the EEC’s Council of Ministers in August 1991 and presided over by the president of the Constitutional Council of France, Robert Badinter. The president of the Spanish Constitutional Court, Francisco Tomás y Valiente, was also a member. Since the early 1990s, the opinions issued by this arbitration body on Yugoslavia have reinforced the thesis that the principle of self-determination should be rethought beyond decolonisation processes (Radan 2000). This commission recognised that international law did not specify the implications of the recognition of the right to self-determination for “all peoples”, as the UN does in its founding treaty signed in San Francisco in 1945. Furthermore, it used the principle of *uti possidetis iure* for the first time outside the colonial context to defend the integrity of the borders of the republics that used to comprise Yugoslavia, and it stipulated the use of referendums as a *sine qua non* condition for gaining international recognition (Pellet 1992; Kohen 2006). In this principle of international law, in the event of conflict, the affected territory maintains its borders until a subsequent decision is taken by the parties (Crawford 2007).

2. Independence referendums and liberal democracies

Even though there has been a constant succession of independence referendums in recent decades, very few of them have been held within liberal democracies. Furthermore, it is worth noting that the referendums held in these contexts only yielded favourable results for independence in Montenegro (2006). In the remaining cases, the results were negative, either because there was insufficient support for secession or because the constitutional rules were not met. For example, on the island of Nevis (1998), the “yes” vote did not achieve the two-thirds stipulated in article 113 of the federal constitution, even though 61.8% of voters did support it (see Table 1).

Thus, generally speaking, until now secession has not been a successful option in liberal democracies in the empirical sense. A variety of reasons have been cited. In some cases, the important role played by feelings or emotions like fear and trust has been mentioned. Thus, in plurinational democracies like Canada or the United Kingdom, the national minorities tend to feel confident

about their future when they have what they perceive as sufficient autonomy within the state to which they belong. Therefore, the state is not a strong enough threat to the individual survival of the sub-state entity. In contrast, when the state poses a threat to this survival, those minorities do not have guarantees that inspire trust. Yet this situation would not prevent the majority of plurinational democratic states from having regionalist, self-determination or pro-independence movements with greater or lesser citizen support depending on their historical, economic, cultural and/or institutional characteristics (Dion 1996; Sorens 2012; Coggins 2014). However, these are hypotheses which fit some cases better than others.

The advent of secessionist movements often comes with changes in the institutional design of the state and the negotiation dynamics of the national minorities' autonomy. The loss of political autonomy is often a crucial factor in explaining the emergence of these territorial demands (Siroky and Cuffe 2015; Siroky, Mueller and Hechter 2016).

Table 1. Independence referendums in liberal democracies

Case	State	Year	Secession	Voter turnout (%)	Support for independence (%)
Quebec	Canada	1980	No	85.6	40.4
		1995	No	93.5	49.4
Nevis	St Kitts and Nevis	1998	No	58	61.8
Montenegro	Serbia and Montenegro	2006	Yes	86.5	55.5
Scotland	United Kingdom	2014	No	84.6	44.7
		1967	No	63.9	0.6
Puerto Rico	United States	1993	No	73.5	4.5
		1998	No	71.1	2.6
		2012	No	78.2	5.5
		2017	No	22.2	1.5

Source: "Democracies and Independence Referendums. The Case of Catalonia", Report 1/2019, *Institut d'Estudis de l'Autogovern*, Barcelona, 2019.

On the other hand, the majority of democracies do not have constitutional clauses on secession. In fact, of the cases listed in Table 1, we can only find two that have this kind of clause: Serbia and Montenegro, and Saint Kitts and Nevis. In Serbia and Montenegro, article 60 of the 2003 Constitution provided for the separation of one of the two members of the state. In Saint Kitts and Nevis, article 113 of the Constitution provides for the separation of Nevis via procedural rules which, as mentioned above, stipulate two-thirds support for secession in order for it to thrive. In Montenegro, the rules on referendums were the subject of controversy: the EU proposed a 55% majority of votes in favour of secession with a voter turnout threshold higher than 50%, requirements that the two parties involved accepted (Oklopčić 2012).

Other constitutions also contain secession clauses, such as those of Ethiopia, Liechtenstein, Slovakia, South Africa, Sudan, Uzbekistan and Afghanistan (Habtu 2005; Elkins et al. 2014; Weill 2018). Article 50 of the Treaty

on European Union, which establishes states' rights to be a part of it, can also be considered a case which regulates secession. In this sense, the EU resembles confederal models (Requejo-Nagel 2019). However, the majority of states constitutionally stipulate their territorial integrity as a defining element of the constitutional order, as a limitation on constitutional amendments or even as a limitation on the exercise of fundamental rights (Weill 2018; Venice Commission 2001).

This overall scene has not prevented independence referendums from being held in two cases with close similarities to Catalonia, namely Scotland and Quebec, via political agreement (United Kingdom) or an open interpretation of the liberal-democratic principles contained in the Constitution (Canada). In Scotland, the independence referendum held in 2014 was possible thanks to an agreement between the executives in London and Edinburgh, namely the *Agreement between the United Kingdom Government and the Scottish Government on a referendum on independence for Scotland* (dated 15 October 2012), which included a law change approved by the Westminster Parliament via section 30 of the Scotland Act on devolved powers. This transfer of authorities referred to campaign, financing and cooperation regulations between the governments under the principles of mutual interest and respect, as well as open communication. It also contained both executive powers' commitment to work together constructively, regardless of the outcome of the referendum. The question agreed to in the referendum held on 18 September 2014 was: "Should Scotland be an independent country?"

In Quebec, the independence referendums of 1980 and 1995 did not require a political agreement between the executive powers of the two political entities, but instead they were held within Quebec's authorities and legislative framework. However, in the event of an affirmative vote, the referendum and its consequences were agreed upon between the governing Parti Québécois, the opposition Action démocratique du Québec and the Bloc québécois, a federal pro-sovereignty party. This agreement led to the bill called the *Loi sur l'avenir du Québec*, which reached Parliament but was never approved. The question on the referendum held in 1995, which is much less clear than the subsequent Scottish question, referred to this bill, to the agreement among the parties and to the idea of a new economic and political association with Canada. It asked: "Do you agree that Quebec should become sovereign, after having made a formal offer to Canada for a new economic and political partnership, within the scope of the bill respecting the future of Quebec and of the agreement signed on June 12, 1995?"

In both cases, parliamentary support for the demand for independence had majority support in each of the respective parliaments but did not achieve 50% of the vote in the elections which preceded the referendums (a situation similar to Catalonia today).

3. Unilateral referendums and statehood

The new states that appeared in different waves in the early 20th century achieved the status of statehood in very different ways, often without using the institutional procedure of the referendum, which has only become widespread in recent decades, as mentioned above. Comparative studies point to the fact that attaining state sovereignty is the outcome of an interaction between two factors: the

practical *effectiveness* of the state itself as an actual power in a given territory, and *recognition* by other states and other political stakeholders in the international community. This interaction between effectiveness and recognition has many different forms (Coggins 2014, 2011; Griffiths 2016), and within it, referendums are used as a procedure to legitimise previous agreements or future declarations of independence, regardless of whether they are held consensually or unilaterally (see Table 2).

Table 2. Recognition and effectiveness at the time of the declaration of independence (examples)

	Recognition	No recognition
Effectiveness	Czech Republic (1993), Slovakia (1993), Slovenia (1992), Croatia (1992), Montenegro (2006)	Slovenia (1991), Croatia (1991), Crimea (2014)
No effectiveness	South Sudan (2011)	Kosovo (1991), Gagauz Republic (1991), Anjouan (1997)

Source: Authors

In the Czech Republic and Slovakia, no independence referendum was held because the political leaders of Czechoslovakia agreed to dissolve the country in 1993. This consensual dissolution paved the way for the “Velvet Revolution” in the transition to independence, which enjoyed international recognition. In contrast, in 1991 the government of Slovenia deemed it necessary to hold an independence referendum in order to legitimise its bid for secession from Yugoslavia, as the other republics of this state did, following the recommendations of the Badinter Commission. Thus, this was a government that had *de facto* effectiveness over the territory through the armed forces it controlled, yet international recognition to hold the referendum and declare its independence was not assured (González 2018). The referendum in Slovenia was held in December 1990, while the declaration of independence did not come until June 1991, upon which the first few states began to recognise it, although it did not become a UN member until May 1992. In a different context, South Sudan, the January 2011 independence referendum stemmed from implementation of the 2005 Naivasha Peace Agreement promoted by a regional coalition of countries. The subsequent declaration of independence was witnessed by the United Nations Secretary General. However, the authorities in the capital, Juba, were far from having practical effectiveness over the land (Frahm 2015).

Unilateral referendums do not fall outside the logic of political legitimisation. As demonstrated by the case of Slovenia before independence, for example, pro-independence governments tend to use the procedure of referendums to demonstrate support for their project (Gökhan Şen 2015). However, outside the former republics of the Soviet Union and Yugoslavia, referendums are institutional procedures that do not always lead to statehood. We have already mentioned that in liberal-democratic contexts, bids for independence have often been rejected at the polls. Unilateral referendums, that is, without the agreement of the parent state or the international community, tend to produce support in favour of independence, but they have seldom led to statehood outside the former federated republics of the Soviet Union and Yugoslavia. The successful cases of the Soviet republics when relying on *de facto*

referendums can be explained by the mutual recognition among the former members of the union, even the Russian Federation, and the final disintegration of the federal parent state. Yugoslavia is more complex and varies republic to republic. Slovenia and Croatia ended up coordinating with each other to declare independence, while the others trailed behind in doing so. Serbian hostility forced the international community to intervene, as well as entering a war in the units wanting to secede from Serbia, the dominant republic within the Yugoslav federation.

These experiences contrast with other *de facto* referendums which did not benefit from the application of the aforementioned principle of *uti possidetis*. Examples include Abkhazia (1999) and South Ossetia (2007) in Georgia, Nagorno-Karabakh (1991) in Azerbaijan, Transnistria (2006) in Moldova, and Kosovo (1991) in Serbia. More recent *de facto* referendums have been held in former Soviet territories, such as Crimea (2014), which had been annexed by Russia, and Luhansk and Donetsk (2014) in Ukraine. Outside this context, different territories around the world have also held *de facto* independence referendums, including Nagaland (1951), Rhodesia (1964), Anjouan (1997), Somaliland (2001) and Kurdistan (2017) (see Table 3).

Table 3. De facto independence referendums without recognition since 1945

Case	State	Year	Secession	Voter turnout (%)	Support for independence (%)
Faroe Islands	Denmark	1946	No	67.6	50.7
Nagaland	India	1951	No	n/a	99.9
Rhodesia	United Kingdom	1964	De facto	61.9	90.5
Nevis	United Kingdom	1977	No	n/a	99.7
Northern Cyprus	Cyprus	1985	De facto	78.3	70.2
Rehoboth	Namibia	1990	No	n/a	84.1
Kosovo	Yugoslavia	1991	No	87.01	99.98
Nagorno- Karabakh	Azerbaijan	1991	De facto	82.17	99.98
Gagauz Republic	Moldova	1991	No	85.1	95.4
Transnistria	Moldova	1991	De facto	78	98
Anjouan	Comoros	1997	De facto	94.8	99.7
Abkhazia	Georgia	1999	De facto	87.6	97.7
Kurdistan	Iraq	2005	No	n/a	98.8
South Ossetia	Georgia	2006	De facto	95.2	99
Transnistria	Moldova	2006	De facto	78.6	98.1
Crimea	Ukraine	2014	Annexation	83	96.8

Donetsk Oblast	Ukraine	2014	De facto	74.9	89.1
Luhansk Oblast	Ukraine	2014	De facto	75	96.2
South Tyrol	Italy	2014	No	15	92.2
South of Brazil	Brazil	2016	No	2.9	95.7
Catalonia	Spain	2017	No	43	90.2
Kurdistan	Iraq	2017	No	72.2	92.7

Source: “Democracies and Independence Referendums. The Case of Catalonia”, Report 1/2019, *Institut d’Estudis de l’Autogovern*, Barcelona, 2019.

When *de facto* independence referendums have not led to secession, there have also been a number of effects or political consequences. In some cases, they have led to repression by the parent state and an aggravation in the conflict, as happened in Kosovo after 1991. In this case, the pro-independence movement, which had always been pacifist under the leadership of Rugova, was transformed into a violent movement, and the demand for secession ultimately led to the war from 1996-1999; this, in turn, required the intervention of NATO after the Rambouillet Agreement which the state authorities did not accept, and it ultimately led to independence. In Anjouan (1997), the ban on pro-independence parties and the arrest of its leader led the secessionists on this island to hold an independence referendum which ended with the military occupation of the island by the Comoros army.

In other cases, *de facto* referendums have also led to internal legitimisation and a “freeze in the conflict” in light of the lack of international recognition. This is the case of the Republic of Transnistria, which has a *de facto* government over the territory that is not recognised by any state (the region is officially part of Moldova).

In some cases, the third effect of *de facto* referendums has been enshrining the right of secession in the constitution. For example, the island of Nevis held a first unilateral referendum in 1977 in order to legitimise its separation from Saint Kitts when it was still part of the British Empire. Later, when these territories earned independence (1983), the new constitution from the same year recognised Nevis’ right to secession. In this way, the inhabitants of the island agreed to be part of a federation with Saint Kitts, although in 1998, as mentioned above, a large majority (61.8%) once again voted to separate from Saint Kitts, although it did not reach the two-thirds that is constitutionally required.

Finally, the requests to be annexed to Sweden – which can be considered *de facto* referendums – signed by the majority of the inhabitants of the Åland islands when Finland won independence from Russia (1917) did not succeed, but they did generate a jurisprudence that is relevant to international law on self-determination, as well as a special autonomous system for these Swedish-majority islands which is still in force today (Crawford 2007; Gökhan Şen 2015, 43–44).

4. The referendum of Catalonia on 1 October 2017

The referendum held in Catalonia on 1 October 2017 was a peculiar case of unilateral referendum. Catalonia's geopolitical context is not comparable to the *de facto* referendums discussed in the previous section. The majority of the *de facto* independence referendums examined above were held within the context of regimes that were falling apart, in transition or authoritarian. In Catalonia, the referendum was held in a consolidated liberal democracy within the European Union. It nonetheless shares some elements with other unilateral referendums.

First, the causes of the 2017 referendum are similar to those of other referendums of this kind. The practical decrease of political self-governance, especially after the recentralisation process undertaken primarily since 2000 and the Constitutional Court ruling against the Statute of Autonomy of Catalonia (Ruling 31/2010), as well as practical deficits in the institutional procedures for effectively channelling demands for high-quality political and economic self-governance, are the elements that can also be found in other contexts (González, Ucelay-Da Cal, and García-Planas 2017; Requejo 2017; Amat 2017; Cuadras-Morató 2016).

Secondly, the referendum sparked a reaction in the parent state similar to other cases. The state's reaction was repressive: at first it futilely tried to prevent the referendum from being held, while later it legally persecuted the political and social leaders that promoted it. Finally, Catalonia's autonomy was struck down by the first-time application of article 155 of the Spanish Constitution, in which the central government took control of its institutions for several months.

This is a referendum primarily led by Catalan civil society (citizens and social organisations). The pro-independence political leaders who called it did not apply the result immediately. Even though they ended up declaring independence largely symbolically on 27 October, under no circumstances did the Catalan institutions use government force to effectively apply that declaration. In this sense, the referendum on 1 October can be classified more like the requests (Aland) and non-violent referendums implemented by civil disobedience than the *de facto* referendums held with governmental effectiveness (Transnistria, Abkhazia, etc.).

Ultimately, the results of the referendum show its limited political legitimizing power, since even though it had a considerable voter turnout given the hostile circumstances created by the state (43.03%), it was far from reaching the majorities observed in other cases. It should be borne in mind that unlike *de iure* referendums, like the ones in Quebec (1980, 1995) and Scotland (2014), the reliability of electoral control, vote counts and results in *de facto* referendums is always lower. In any event, the fact that the parties opposed to independence did not issue a call for participation and rejected the referendum, coupled with the police actions on 1 October, meant that the vast majority of voters were in favour of independence, although voter turnout did not reach 50% of the census of voters (see Table 4).

Table 4. Results of the referendum on 1 October 2017

	Support (%)	Votes
Yes	90.18	2,044,038
No	7.83	177,547
Blank	1.98	44,913
Nullified	0.01	19,719
Voter turnout	43.03	2,286,217

Source: Government of the Generalitat de Catalunya

The political consequences of the 1 October referendum in the middle and long term are unknown and impossible to determine given the current empirical data. The political situation created after the suspension of Catalan autonomy and the elections on 21 December 2017, held within the context of the application of article 155 of the Spanish Constitution, make it logical to posit a “freeze in the conflict”. The pro-independence movement still has the absolute majority in the Parliament of Catalonia (December 2019), despite the state’s repressive reaction during the legislature. On the other hand, the Spanish government, led by the socialist party (PSOE) since the summer of 2018, has not proposed any kind of programme or model of future relations between Catalonia and the state.

Comparative experiences may lead us to believe that the 1 October referendum may signal a turning point for Catalan and Spanish politics in the middle term. Thus, although they took place under different geopolitical and historical circumstances, the experiences of Nevis and the Aland Islands show that this kind of referendum may pave the way for a new constitutional order or political agreements on deeper self-governance. However, the Spanish constitutional doctrine currently in place (2019) would require a constitutional reform to hold a potentially consensual (not unilateral) independence referendum (Castellà 2018). Despite the low likelihood of this happening in the near future, scholars have proposed different formulas to include what is called the “right to decide” in the Constitution or legal regulations (IEA 2019; Virgala 2017; Aláez 2015; CATN 2014; Ruiz Soroa 2013).

In short, as we concluded in the IEA report *Democracies and Independence Referendums. The Case of Catalonia* (2019, 31): “The legitimacy and institutional improvement in liberal democracies is a dynamic process that never reaches an endpoint. In terms of emancipation, democracies are more a journey than a final destination. Cases when consensual agreements are not reached by peaceful means and are instead resolved with violent methods are a failure for democracies. Without recognition and accommodation of national pluralism, there will be no legitimate political project in Catalonia. The potential solutions must be politically established based on *equitable reciprocity* within the state’s national pluralism. Otherwise, political Catalanism will have no other practical alternative than independence, despite all the structural, procedural and unforeseen difficulties that this objective entails in practical terms.”

5. Conclusions

1) In the past three decades, referendums have become virtually essential to legitimise new states in the international community. Far from being an anomaly, this institutional procedure of direct democracy has been used extensively since World War I and has been part of the process of creating almost all the new states since the fall of the Berlin Wall (1989).

2) Within the context of liberal democracies, independence referendums and especially secessions have been empirically infrequent processes to date, except in some plurinational democracies.

3) The outcomes of demands for secession vary according to factors both internal and external to the independence movements. Attaining statehood depends on the interaction between *de facto* effectiveness and recognition of the new political unit. The quest for recognition demands high levels of legitimacy which are often “proven” via a referendum. In terms of effectiveness, it requires *de facto* control over the territory, which only seems possible in contexts in which the parent state is weak and/or the international community is involved. In both cases, strong governing structures in the secessionist unit are needed.

4) In most of the unilateral independence referendums, the immediate effects have mainly entailed state repression in differing degrees of intensity. Catalonia is no exception. In the short or middle term, in some cases this kind of referendum has led secession to be stipulated in the constitution, as in Nevis, or special autonomy to be granted, as in Åland. However, they are both islands, and inslands tend to have their own logic in terms of both the comparative politics of federal entities and secession processes (Iceland, Ireland). In other cases, unilateral referendums have led to a “freeze in the conflict” or the appearance of *de facto* states which are not internationally recognised, when the requirement of the political power’s *de facto* effectiveness in a territory is met (Transnistria).

5) In liberal democracies, the acceptance of the result of the referendum by both parties in dispute has taken shape in several ways: a) the establishment of an agreement on the independence referendum between the parent state and the secessionist unit (United Kingdom-Scotland); b) the laws of the secessionist unit combined with non-belligerence of the parent state (Canada-Quebec); and c) regulation via rules established by international actors (Serbia-Montenegro). In these cases, if the supporters of independence win, the referendum includes both the effectiveness and the international recognition of the new state unit.

6) In cases in which there is no agreement or regulation of the referendum according to the rules established by international actors, to be successful the secessionist unit has to have either material structures and resources which ensure its practical effectiveness as a new state entity or the recognition of important international actors.

7) The referendum of Catalonia on 1 October 2017 is special as a unilateral case that occurred within the context of a liberal democracy (and within the European Union). However, the lack of effectiveness and international recognition acted in a context with: a) proven resilience and lack of acceptance of the political and constitutional status quo and of the consequences of the judicialisation process that the referendum sparked among much of the Catalan population, and b) a lack of effective proposals from the state institutions to find

ways to resolve the underlying conflict (lack of recognition and political and constitutional accommodation of the state's national pluralism).

8) The current situation of Catalonia (December 2019) leads us to believe that in the short and perhaps middle term, the effect may be stabilisation of the “freeze in the conflict”. However, it is too early to evaluate the impact beyond the immediate consequences, which may also have a range of political and constitutional effects, as we have seen in other cases.

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Appendix

De iure and *de facto* independence referendums, 1945-2018

Case	State	Year	Voter turnout (%)	Support for independence (%)
Cambodia	France	1945	80.3	100
Mongolia	Mongolia	1945	98.5	100
Faroe Islands	Denmark	1946	67.6	50.7
Nagaland	India	1951	n/a	99
Algeria	France	1961	73.8	75
Western Samoa	New Zealand	1961	77.6	85.4
Algeria	France	1962	91.9	99.7
Malta	United Kingdom	1964	79.7	54.5
Rhodesia	United Kingdom	1964	61.9	90.5
Puerto Rico	United States	1967	63.9	0.6*
Equatorial Guinea	Spain	1968	91.7	64.3
Anguilla	United Kingdom	1969	75	99.7
Northern Mariana Islands	United States	1969	65.3	0.6*
Comoros	France	1974	93.3	94.6
Northern Cyprus	Cyprus	1975	70	99.4
Micronesia	United States	1975	52.6	59.1*
Marshall Islands	United States	1975	35.2	5.2*
Palau	United States	1975	42.2	34.4*
Guam	United States	1976	n/a	6*
Aruba	Netherlands	1977	70.1	95.2
Djibouti	France	1977	77.2	99.8
Nevis	United Kingdom	1977	58	99.7
Quebec	Canada	1980	85.6	40.4
Ciskei	South Africa	1980	59.5	99.5
Palau	United States	1983	78.6	44.4*
Micronesia	United States	1983	63.2	58*
Marshall Islands	United States	1983	83	4.41*
Cocos Islands	Australia	1984	100	3.5*
Palau	United States	1984	78.6	44.4*
Northern Cyprus	Cyprus	1985	78.4	70.2
Rehoboth	Namibia	1990	n/a	84.1
Slovenia	Yugoslavia	1990	93.5	88.5
Kosovo	Yugoslavia	1991	87	99
Lithuania	Russia	1991	84.5	93.2
Estonia	Russia	1991	83	78.4
Latvia	Russia	1991	87.6	74.9
Georgia	Russia	1991	90.6	99.5
Croatia	Yugoslavia	1991	83.6	93.2

Macedonia	Yugoslavia	1991	75.7	96.4
Armenia	Russia	1991	95.1	99.5
Kosovo	Yugoslavia	1991	87	100
Turkmenistan	Russia	1991	97.4	94.1
Gagauz Republic	Moldova	1991	85.1	95.4
Transnistria	Moldova	1991	78	98
Ukraine	Russia	1991	84.2	92.3
Nagorno-Karabakh	Azerbaijan	1991	82.2	100
Azerbaijan	Azerbaijan	1991	95.3	99.8
Uzbekistan	Uzbekistan	1991	94.1	98.3
Bosnia and Herzegovina	Yugoslavia	1992	63.7	63.4
Eritrea	Ethiopia	1993	93.9	99.8
Virgin Islands	United States	1993	27.5	5*
Palau	United States	1993	64.4	68.4
Puerto Rico	United States	1993	73.5	4.5*
Curaçao	Netherlands	1993	56.8	0.4*
Moldova	Moldova	1994	75.1	97.92
Saba	Netherlands	1994	n/a	0.5*
Sint Eustatius	Netherlands	1994	44	0.2*
Sint Maarten	Netherlands	1994	65.2	6.3*
Bonaire	Netherlands	1994	66.5	0.2*
Bermuda	United Kingdom	1995	58.8	25.7
Southwest Cameroon	Cameroon	1995	66	100
Quebec	Canada	1995	93.5	49.4
Anjouan	Comoros	1997	94.8	99.7
Nevis	St Kitts and Nevis	1998	58	61.8
Puerto Rico	United States	1998	71.1	2.6*
Abkhazia	Georgia	1999	87.5	85.6
East Timor	Indonesia	1999	98.6	78.5***
Sint Maarten	Netherlands	2000	55.7	14.4
Chuuk	Micronesia	2000	n/a	90
South Ossetia	Georgia	2001	n/a	60
Somaliland	Somalia	2001	99.9	97.1
Bonaire	Netherlands	2004	57.1	0.5*
Saba	Netherlands	2004	77.8	0.8*
Kurdistan	Iraq	2005	n/a	100
Curaçao	Netherlands	2005	55	4.8*
Sint Eustatius	Netherlands	2005	56	0.6*
Montenegro	Yugoslavia	2006	86.5	55.5
Transnistria	Moldova	2006	78.6	96.6
South Ossetia	Georgia	2006	94.6	99.9

Nagorno-Karabakh	Azerbaijan	2006	87	99.3
South Sudan	Sudan	2011	97.6	98.8
Puerto Rico	United States	2012	78.2	5.5*
Sint Eustatius	Netherlands	2014	45.4	0.4*
Scotland	United Kingdom	2014	84.6	44.7
Puerto Rico	United States	2017	22.2	1.5*
Crimea	Ukraine	2014	83	97.5
Donetsk Oblast	Ukraine	2014	74.9	89.8
Luhansk Oblast	Ukraine	2014	75	96.2
South Tyrol	Italy	2014	15	92.2
South of Brazil**	Brazil	2016	2.9	95.7
Catalonia	Spain	2017	43	90.2
Kurdistan	Iraq	2017	72.2	92.7
New Caledonia	France	2018	80.6	43.3

* With multiple responses

** Without a clear territorial scope: the states of Paraná, Rio Grande and Santa Catarina.

*** Support to reject the proposed autonomy.

Note: The reliability of the results of the referendums is low in some cases. The table does not include referendums on autonomy.

Sources: Direct Democracy Database; C2D Centre for Research on Direct Democracy; Fernando Mendez and Micha Germann, "Contested Sovereignty: Mapping Referendums on Sovereignty over Time and Space", *British Journal of Political Science* 48, no. 1 (2018): 141–165; Dieter Nohlen, Florian Grotz, and Christof Hartmann, *Elections in Asia and the Pacific: A Data Handbook* (Oxford: Oxford University Press, 2001); Dieter Nohlen and Philip Stöver, eds., *Elections in Europe: A Data Handbook* (Baden-Baden: Nomos, 2010); Dieter Nohlen, Bernard Thibaut, and Michael Krennerich, *Elections in Africa: A Data Handbook* (Oxford: Oxford University Press, 1999).

