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Referendums: A Legitimate Democratic Tool or a Mechanism for Nationalist Co-optation?

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*Scholars and practitioners need to delve deeper into how referendums affect liberal democracy. They can be co-opted by various groups to advance nationalist and exclusivist political agendas, warns **Maria Koinova**.*

Referendum as a tool of political pressure

referendums discussed in this blog entry

USSR	preservation of the USSR	1989	YES
Macedonia	against Albanian minority	2004	failed due to low turnout
Bulgaria	against Turkish-speaking minority	2009	failed in preparations
Republika Srbska	rejection of Bosnia's state war crimes court	2011	failed in preparations
Croatia	only same-sex marriage	2011	YES
Crimea	secession from Ukraine to Russia	2014	disputed result, but YES
Iraq	status re-negotiations for Kurd minority	2014	under discussion
Scotland	independence from the United Kingdom	2014	scheduled for 18/10
Catalonia	status re-negotiations with Spain	2014	scheduled for 9/11



Since the beginning of 2014 referendums have been persistently in the international limelight. [A swiftly conducted referendum in Ukraine's Crimea on 16 March 2014](#) shattered the world when it supposedly legitimized the region's joining with Russia. Russia defended its de facto territorial land grab by instigating this referendum and then pointed to an official endorsement of Crimea's annexation through a 96.77% of the referendum's vote. Using this referendum as a model, on May 11 pro-Russian [separatists in the Eastern Ukrainian areas of Donetsk and Luhansk conducted their own referendums](#) seeking self-determination for their self-proclaimed republics. These referendums exacerbated tensions in the region: more fighting broke out and European observers were taken hostage.

At the end of May, Masoud Barzani, President of the Kurdish Regional Government (KRG) in Iraq, [threatened the central Iraqi government](#) to conduct a referendum to renegotiate the Kurdish region's relationship with Baghdad, should Baghdad fail to address his demands. Some of them relate to rejecting a third term in office of the current Iraqi president, and the reconfiguration of the central Iraqi budget to grant the KRG higher revenues from the oil exported from its territories. On a more peaceful but still contentious note, the referendum on Scottish independence, scheduled for September 18, 2014, has entered a new phase since the end of May. In the next 16 weeks there will be [official campaigning to present arguments for and against Scottish independence](#). This autumn there is also a referendum scheduled in Catalonia asking for independence from in Spain, however [Madrid have already made it clear it will not recognise the results of the referendum](#), naming it 'unconstitutional'.

This is an indisputably wide range of using referendums to legitimate policies. But how democratically legitimate are such policies indeed? As a tool of direct democracy – in contrast to representative democracy – referendums are considered highly authoritative because they allow for an unmediated expression of the popular will. But, as Qvortrup (2014) argues,

referendums are considered legitimate, when the rules of their engagement are negotiated between the stakeholders in advance, and the referendum is conducted afterwards. This was definitely not the case in the recent referendums in Ukraine, nor in other historical cases, when benign and not-so-benign autocrats – threatened domestically or internationally – have used referendums to justify their policies. At the end of the Soviet Union the communist leader Michael [Gorbachev resorted to the use of referendum](#), as did nationalist leaders of the disintegrating Yugoslavia.

I take this discussion further and focus particularly on the relationship between referendum and liberal democracy. In the past decade and especially after the economic crisis hit Europe and other parts of the world, anti-migrant and anti-minority sentiments have been growing, and populist and ultranationalist parties have been thriving. Operating in political systems with no viable alternative to democracy, such nationalist and exclusivist groups have been adapting to the established democratic “rules of the game,” and seeking to co-opt them. They have been using the procedure of referendum, or the threat of a referendum, to justify their nationalist goals. In the processes, they have been undermining liberal democracy. Let me demonstrate this argument by way of some examples.

In my recently published book [“Ethnonationalist Conflict in Postcommunist States”](#) (University of Pennsylvania Press, 2013), I discuss the role of the Macedonian diaspora, primarily from Australia, which inaugurated a civic referendum together with the Macedonian nationalist VMRO-DPMNE party in 2004. They wanted to oppose the decentralization reforms aimed at giving more self-government rights to the minority Albanians in Macedonia. The referendum asked voters whether they supported a proposal to retain the municipal boundaries existing before [the Ohrid Framework Agreement](#) which put an end to the brief 2001 internal warfare between Albanian guerrillas and the Macedonian army. The EU and the US put enormous efforts to keep the voters away from the polls. The EU launched a massive public campaign linking nonparticipation in the referendum with commitment to EU integration. The US provided a highly tangible benefit by recognizing the country with its constitutionally proclaimed name. The referendum went ahead, but gathered only 27% turnout, and eventually failed. Thus, the ruling coalition was further enabled to introduce decentralization reforms.

The EU exerted similar pressure to prevent the conduct of a referendum in Republika Srpska, a constitutive part of Bosnia-Herzegovina. Milorad Dodik, Republika Srpska’s President, [called in 2011 for the inauguration of a referendum “to reject Bosnia’s state war crimes court and special prosecutor’s office established in 2005 by international decree.”](#) This presented one of the most serious crises that Bosnia-Herzegovina experienced with the EU after the Dayton Peace Accords (1995), since the referendum attempted to roll back the existing democratic achievements. If the referendum were in fact conducted, it would have resulted in heavy EU sanctions towards Republika Srpska, as the High Representative to Bosnia-Herzegovina, Valentin Inzko, claimed.

In my book I also discuss the highly controversial role of the ultra-nationalist party Ataka in Bulgaria, especially in exacerbating ethnic tensions and attacking Muslims and ethnic Turks. Former Prime Minister Boyko Borissov, of the populist Citizens for the European Development of Bulgaria (GERB) party, who depended until July 2011 on Ataka’s parliamentary support for his government, agreed easily to a 2009 proposition of Ataka’s leader Volen Siderov [to hold a popular referendum on whether Turkish language broadcasts should continue in the Bulgarian media](#). This policy had been introduced as an effect of EU conditionality to increase minority representation in the state media. Only a quick outcry from other Bulgarian parties and the European Parliament convinced Borissov to withdraw his support for the referendum.

Being part of the EU does not preclude parties or groups from using EU referendum for exclusivist purposes. In December 2013, less than six months after Croatia joined the EU, a Catholic citizens group called “On Behalf of the Family” inaugurated a referendum to ban same-sex marriage. Unlike in the referendums in previously discussed countries, this one was conducted and succeeded. Much to the dismay of EU officials, but not to local politicians, 65% of Croatians voted to change the constitutional definition of marriage to be considered “a living union of a woman and a man.” [On the pages of the Guardian Horvat argued:](#) “Anti-minority moves in Croatia are symptomatic of a Europe-wide slide back to the worst nightmares of the 20th century.” For him Croatia is not an outlier, but is getting close to other countries in Western and Eastern Europe, where anti-minority sentiments are growing rapidly. In Greece, for example, [there was a recent proposal to hold a referendum to ban the erecting of a mosque in Athens](#), although Athens has been heavily criticized of being the only capital in Europe that has no mosque.

In conclusion, most of the current discussion on referendums is focused on whether and when referendums become legitimate. While this discussion is fruitful from the perspective of a procedural democracy, scholars and practitioners need to delve deeper into how such referendums affect liberal democracy. They can be co-opted by various groups to advance nationalist and exclusivist political agendas. In a world of growing anti-minority sentiments, we need more than less of this discussion.

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