

The History of Ethno-National Referendums 1791–2011

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This article presents an overview of the total number of ethno-national referendums since the French Revolution to the present day. After establishing a typology of referendums, the article goes on to present the trends in their use from the beginning of the eighteenth century to the present day. While referendums are said to be about democratic legitimacy and idealistic principles, the history suggest that short- and long-term political calculations have been the main motivations for holding them and that their overall number have grown, especially in times of geopolitical upheaval.

Ethno-national referendums are not a uniform category. The referendum on devolution in Wales in March 2011 was vastly different from the referendum held on independence in South Sudan a few months before. Similarly, the referendum held in the Soviet Union in March 1991 was vastly different from the vote held in Saarland between Germany and France in 1955. In other words, the category “ethno-national referendums” is so broad that it might be meaningless. This is obviously a problem. Social science is—or ought to be—a cumulative endeavor. The research developed by scholars provides the basis for the research undertaken by a subsequent generation. Further, research in a subarea is often based on a larger framework developed for more general problems. This article is generally inspired by and based upon the taxonomy developed by Brendan O’Leary and John McGerry, who distinguish between, respectively, “difference managing policies” and “difference eliminating” policies.¹ Using O’Leary and McGerry’s definition we can thus have referendums on:

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1. Difference Elimination, that is, referendums that aim at legitimizing a policy homogenization, such as the *Anschluss*-referendum in Austria in 1938, and;
2. Difference Managing, that is, referendums aimed at managing ethnic or national differences, such as the referendums on devolution in Scotland, Wales, and Northern Ireland in 1997–1998.

Yet, in order to be more specific, this model is expanded by two categories. In addition to O’Leary and McGerry’s taxonomy we thus expand our model to include:

3. Secession Referendums, that is, plebiscites to endorse (or otherwise) a territory’s secession from a larger entity (for example, the referendum in Jamaica in 1963 or the referendum in Eritrea in 1991), and;
4. Right-Sizing Referendums, that is, votes dealing with the drawing of disputed borders between countries, such as the border between Croatia and Slovenia, which was the subject of a referendum in 2010.

This model can also be stated in a more logical way, namely by developing a typology of different types of ethno-national referendums.

Broadly speaking, we can distinguish between referendums, which are initiated by politicians who take diversity as an accepted fact and want to manage these differences, and on the other hand, referendums held by politicians who do not accept diversity. The former may be categorized as “homogenizing” referendums. The latter may be categorized as “heterogenizing.”

Homogenizing referendums can be divided into “international” and “national,” and the same is true for “heterogenizing” referendums. Doing this, we get a two-by-two model of four logically possible types of ethno-national referendums (see Figure 1).

For example, heterogenic referendums can be either right-sizing referendums (international and heterogenizing), for example, the Saar-Plebiscite in 1955, or they can be internal, that is, held within a single state, for example, the referendum on the future of Greenland in 2009 and the referendum in Wales in 2011.

Homogenizing referendums can similarly be divided into *internally* held plebiscites (such as the poll in the Soviet Union in 1990 on maintaining Moscow control) or *external* plebiscites. For example, the referendums held in Latvia and Lithuania in the same year, while also homogenizing, were international, were secession referendums and are, hence, to be placed in the top-left corner of the model. Based on this model, we will analyze—or rather chronicle—the history of ethno-national referendums.

<p>International Homogenizing:</p> <p>Secession Referendums</p> <p>Example: Eritrea 1993</p>	<p>International Heterogenizing:</p> <p>Right-sizing Referendums</p> <p>Example: Schleswig Referendum 1920</p>
<p>National Homogenizing:</p> <p>Difference Eliminating Referendums</p> <p>Example: Egypt and Syria 1958</p>	<p>National Heterogenizing:</p> <p>Difference Managing Referendums</p> <p>Example: Wales 2011</p>

FIGURE 1 Typology of ethno-national referendums.

WHERE TO BEGIN?

Chroniclers are always faced with the fundamental problem: Where do you begin? It is possible to trace the ethno-national referendum back to ancient times—such as ancient Greece and the German tribes, but these votes were not like present-day referendums on sovereignty. The earliest plebiscites—defined as polls in which all (or almost all) adults are asked to vote for or against a proposition pertaining to ethno-national issues—was arguably the referendum held in Lyonnais in the 13th century. Lyonnais, then part of the Holy Roman Empire, wanted to escape the domination of the Church, and hence its “citizens claimed themselves subjects of the King of France and asked him to take them under his special care.”² This was by no means the only referendum held on sovereignty in those early years of democracy. In 1420, the citizens of Geneva were offered the choice of joining Savoy and with “unanimous voice” they rejected the proposal.³ And, a little more than half a century later, the French annexation of Metz, Toul, and Verdun provided the male citizens in those areas with the same opportunity. In the words of Eugène Solière:

When in the year of 1552 King Henri annexed Metz, Toul and Verdun, Bishop de Lénoncourt said to the inhabitants of Verdun, “that the King of France had come as a liberator and that far from using rigorous measures, he appealed to the free vote of the people.”⁴

The result—according to Solière’s somewhat uncritical recounting—was that “by universal suffrage the new French citizens were untied from the old yoke.”⁵

That such votes were far from uncommon has been further documented in the more critical work of Johannes Mattern. In his doctoral dissertation

The Employment of the Plebiscite in the Determination of Sovereignty, Mattern concluded that

We find in France in the sixteenth century a policy of opportunism which recognised, or even insisted upon, the principle of popular self-determination in the transfer of cities and territories if such self-assertion was favourable or could be forced into an expression favourable to France, but which refused to acknowledge any voice or opinion to those who wanted to conquer against their will, or to any section of the Kingdom which for some reason or other might wish to sever its former or forced connection to France.⁶

While in some sense, the French rulers employed what might be termed as a precursor of modern-day difference-eliminating referendums (see the next section), it is questionable if we can, in fairness, categorize these plebiscites as ethno-national referendums. In fact, given the current consensus in nationalist theories, it appears a bit anachronistic to call referendums before the French Revolution ethno-national.

“Nationalism,” noted Elie Kedourie famously, “is a political doctrine invented in Europe in the nineteenth century.”⁷ While Kedourie’s theory has received a fair bit of justified criticism,⁸ there is a general consensus across the different strands of nationalism studies that nationalism as a *political doctrine* only became a force at the beginning of the nineteenth century.

To be sure, nationalist ideologies might have ethnic origins.⁹ Yet, they were only used politically after the French Revolution.¹⁰ It is for this reason that it makes sense to use the French Revolution as our starting point.

THE HISTORY OF ETHNO-NATIONAL REFERENDUMS SINCE 1791

Since 1791, when Avignon voted to change its sovereignty and join France (after what we call a Right-Sizing Referendum) literally hundreds of referendums have taken place. Sometimes the plebiscites have concerned the drawing of borders, at other times the ethnic composition in the state, and at yet other times the division of powers between different ethnic groups living in the territory. What distinguishes these referendums from the previous polls, for example, the plebiscites in Metz and Verdun in the sixteenth century, was that the referendums held in the wake of the French Revolution were consciously based on the notion of popular sovereignty. Whereas, previously, the referendums were not grounded in a particular ideology, the language and the thinking behind the plebiscites in the soon-to-be French cities were based on the view that support of the people had become the gold standard of legitimacy—indeed, the only standard. This was clearly

expressed by the French National Assembly when this body passed a resolution regarding the recently held vote in Avignon:

Considering that the majority of the communes and citizens have expressed freely and solemnly their wish for a union with Avignon and France...the National Assembly declares that in conformity with the freely expressed wish of the majority...of these two countries to be incorporated into France.¹¹

The referendum was not held under optimal circumstances (many people had been displaced). Yet, the fact that dissent was recorded, and the fact that the result was not the customary 99.9% known from the twentieth-century totalitarian states perhaps suggests that the results were broadly fair. In total 101,004 out of an estimated 152,912 estimated voters voted “yes.”¹²

The expression by the people—or a majority of them—did not impress the titular ruler of Avignon, namely the Pope. The Pontiff complained—through a cardinal—that the consequences of the vote would be that “henceforth everybody [would be able] to choose a new master in accordance with one’s pleasure.”¹³ A view that the Holy Father steeped in the doctrine of *rex dei gratia* found plainly “absurd.” But the “absurdity” was quickly gaining ground. That the people—or the nation—were ultimately to decide their own fate. Napoleon was one of the enthusiasts for referendums (see Table 1).

As Johannes Mattern concluded about a century later in a passage, which deserves to be quoted verbatim:

The French Revolution proclaimed the dogma that we now term self-determination. . . . The mental and logical process was simple. The people *are* the state *and* the nation; the people are sovereign. As such they have the right to decide, as the ultima ratio, by popular vote and simple majority, all matters affecting the state and the nation. A people held by force and against their own will within the boundaries and under the sovereignty of any state are not in reality part of that state. They have,

TABLE 1 Difference Eliminating Referendums in France 1800–1852

Date	Issue	Yes	Turnout
7 Feb. 1800	Napoleon as Consul and new Constitution	99.9	43.1
2 Oct. 1802	Napoleon as Consul for Life	99.7	51.2
11 June 1804	Imperial heredity for Bonaparte Family	99.9	43.3
31 May 1815	Restore modified imperial constitution	99.7	18.8
21 Dec. 1851	Constitutional Powers to Louis Napoleon	92.1	79.9
21 Dec. 1852	Louis Napoleon as Emperor	96.7	79.9

Source: Morel (1996).

consequently, the right to declare their separation from the dominant state and proclaim their independence.¹⁴

The best proof of this paradigmatic shift towards a doctrine based on the sovereignty of the people was the simple fact that the restoration of the French monarchy after Napoleon's Waterloo was sought legitimized, not by reference to the divine right of kings but by a plebiscite, albeit, not a particularly fair one at that.¹⁵ To be sure, the referendums were probably anything but fair. "The referendums were characterized by authoritarian mobilization and fraud" and the "electorate was subjected to strong pressure."¹⁶ Yet, the norm had been established that referendums somehow conferred legitimacy on the result.

HIGH TIDES AND LOW EBBS ETHNO-NATIONAL REFERENDUM USE IN THE NINETEENTH CENTURY

The use of ethno-national referendums in the nineteenth century seems to cluster around periods of high and low use. In the period after the French revolution—possibly under influence of such theorists as Rousseau, Herder, and Fichte—issues pertaining to national issues were submitted to votes in areas such as, among others, Savoy, Nice, and Geneva.

Most of these were right-sizing referendums; though the referendum in 1802 on the independence of the Helvetic Republic (Switzerland) is a partial exception to the rule.

After the defeat of Napoleon and the French (the ideologists of national self-determination), the referendum somewhat lost its appeal; though the restored monarchy of France—as we saw—did not dare *not* to put the Bourbon rule to a (rigged) vote.

The 1820s and the 1830s were periods of draught in terms of referendum submitting issues to a vote among the people? This, perhaps not surprisingly, changed after the 1848 revolutions. The upheavals in several countries in the revolutionary year were attributed to nationalist sentiments by writers as different and unsympathetic to nationalism as Karl Marx and Heinrich Heine. The latter spoke of "the emancipation of the whole world, especially in Europe, where people have reached maturity."¹⁷

In the wake of the reawakened nationalism, a number of irredentist groups began movements that led to a reuse of the idea of referendums as a mechanism to resolve ethno-national conflict.

The trigger to this use of the referendum was not—at least not initially—high-minded principles à la Rousseau but the practical use of the referendum as a means of generating support of legitimacy, which had helped Louis Napoleon (Napoleon III) to win power in 1851.

While not an ethno-national referendum—ethnic differences were not the main issue in France in the early 1850s—Napoleon III inspired other would-be leaders to use the referendum to resolve conflict.

This was especially true in Italy. The fragmented Italian states had long wanted unity and unification (indeed, no less a writer than Machiavelli was largely motivated to write *The Prince* with the aim of “seizing Italy and free her from the barbarians”).¹⁸ The Italians had been briefly unified under Napoleon, but the French Emperor had treated Italy as a vassal state (he made his sister Elisa Baciocchi ruler of Naples and his son was crowned king of Rome).¹⁹

In the wake of the 1848 and the geopolitical changes that resulted from this, the Italian political elites saw an opportunity to make the century-old dream into reality. Motivated by power-political and *realpolitik* considerations, Napoleon found it opportune to support the various Italian states and advocated the use of plebiscites to settle the issue. From the point of view of enthusiasts of national self-determination, this *Realpolitik* aspect was overshadowed by the apparent success of the (largely) peaceful referendums. Philip Goodhart writes:

It was in Italy that self-determination referendums had their finest hour. In 1848, 551,000 of the 661,000 qualified voters in Lombardy voted for immediate union with the Kingdom of Sardinia; in 1870, 68,466 Romans voted for inclusion in modern Italy. Between these two polls, referendums were held in Tuscany, Emilia, Sicily, Naples, Umbria and Venetia. It is fair to say that the modern Italian state was built by a series of referendums in which overwhelming majorities turned out to vote for the unification of their country. The process was directed by the Italian Statesman the Conti di Cavour, who claimed that the “Dukes, the Archdukes and the Grand Dukes have been buried under the pile of ballots deposited in the electoral urns of Tuscany and Emilia.”²⁰

The situation in the United States was less glamorous. The referendum has been deep seated in American political culture since the War of Independence. The referendum had been used early on in the life of American Republic to resolve issues pertaining to sovereignty. The first example was in 1788 in Massachusetts. By the mid-1850s, it had become commonplace to consult the citizens in major issues of constitutional importance.²¹

It was not surprising, therefore, that Texas, Virginia, and Tennessee submitted the decision to secede from the Union to the voters. What is perhaps interesting is that the support for secession was not unanimous. In Tennessee, for example, 104,019 voted for secession while 47,238 voted against, and in Texas the figures were 34,794 for and 11,235 against. Not endorsements of epic proportions—and perhaps this should have caused the Confederate leaders to think again.

However, the proverbial die was already cast, Rubicon had been crossed, the referendums could change little and had little influence one way or the other on the outbreak of the Civil War.²²

Following the referendums in Italy and the United States in the middle of the nineteenth century, the use of the referendum died down once again. A referendum was proposed on the issue of Schleswig-Holstein, a predominately German-speaking part of the Kingdom of Denmark, but the idea was rejected and apart from a plebiscite in the tiny St. Bartholomew. No referendums were held in the last decades of the 19th century in non-English dominated areas.

The use of referendums in other parts of the world, namely that which was under the rule and dominance of English-speaking peoples was somewhat different. Under the influence of the British, several referendums were held but not with the aim of homogenizing or right-sizing. The referendums held in British territories were predominately to do with difference managing (for example, the several votes in Australia and the vote in Canada).

To be sure, the British were not adverse to using the referendum as a tactical means of international politics (for example, in the case of the referendum in Moldova in 1857—where the referendum was a convenient excuse to curb the influence of the Russian Empire after the Crimean War). Here at the request of the British, a poll was held to unify the two territories Moldavia and Walachia (previously an area that had been under Turkish Suzerainty, though often dominated by Russia²³) under the name Romania. However, it should be noted that the referendum was anything but free and fair; “Intimidations and arrests were not infrequent” and up to “nine-tenth of the population were denied the right to vote,”²⁴ and that the vote only was held after some “bizarres manoeuvres diplomatiques.”²⁵

But in the other cases where no great issues of power-politics was at stake, the use of the referendum by the British was run in an amicable and principled way; for example, the case of the secession of the Ionian Islands to Greece followed a pattern that seems to be closer to the ideals of John Locke than to that espoused by Fichte. Locke had written “The legislative cannot transfer the power of making laws to any other hands. For it being but a delegated power from the people, they who have it cannot pass it to others.”²⁶

While it seems unlikely—even (or especially!) in Whitehall—that foreign policy is based on philosophical principle, these ideals seem, in part, to have influenced the position to submit the issue to the people.

But this was the exception. The British—unlike the French—were not enamored by the idea of referendums to resolve issues of sovereignty. Whereas the French readily submitted the question of sovereignty of St. Bartholomew from Sweden to France to a plebiscite,²⁷ the British were generally opposed to this course of action. In the case of the transfer of

sovereignty of Heligoland (an island close to Germany), the government rejected a referendum. Lord Salisbury, the Foreign Secretary rejected a proposal by Lord Rosebury (the later Prime Minister) for a plebiscite stating that “My answer must be negative. The *plebiscite* is not among the traditions of this country. We have not taken a *plebiscite*; and I can see no necessity of doing so.”²⁸

The same view was taken by the Prime Minister William Gladstone, who told the House of Commons that he was similarly opposed to a referendum. The proposal for a referendum was rejected in the House of Commons by 172–76.²⁹ This does not mean that the referendum was not used at all by the British, or rather of people of British extraction. Referendums were held in Canada (Nova Scotia), South Africa (Natal), and in Australia.

The British were keen to grant autonomy to certain areas—those with a sizable white population—such as the present-day Canada and Australia. The same was true as far as South Africa was concerned. After the enmities of the Boer War had died down, a conference was held among the South African colonies with a view to establishing an autonomous union within the British Empire. Based on the recommendations of the conference, the UK Parliament passed the South Africa Act 1909, which was subsequently to be ratified by the South African colonies. However, in Natal, the smallest of the hitherto existing states, there was some concern that a unitary state would be detrimental to the interests of the province. While the South Africa Act was passed in its entirety in Transvaal and the Orange River parliament’s opposition in Natal was so strong that the local administration decided to call a referendum. That settled the issue. Support for Union was strong—perhaps because there was little alternative. The South Africa Act was passed by 11,121 votes to 3,701.³⁰

The establishment of Canada in 1867 had not involved any official referendums. The poll held in Nova Scotia in 1967—on leaving the newly established federation—was an unofficial one and was ignored by the authorities, despite 65% voting for separation.³¹

The situation was different in Australia, but not because of British pressure, but rather because the political class in Australia—under the influence of radical populist ideas from America—felt compelled to win support from the constituents before going ahead with the process of federation. That the Australians ratified the unification of their country through a series of plebiscites was not due to their British legal and constitutional heritage, but rather a result of the more progressive ideas they had received from another settler society, namely the United States.³²

The 1891 Constitutional Convention agreed that before proceeding with federation, the constitution for governing the new nation should be approved by the people.³³ The intention was affirmed at the Corowa People’s Convention in 1893.³⁴ To implement this, enabling legislation was passed in each colony. In 1898, referendums on the Commonwealth Constitution

TABLE 2 First Round of Referendums in Australia 1898

1898	Yes	No
New South Wales	71,595	66,228
South Australia	35,800	17,320
Tasmania	11,797	2,716
Victoria	100,520	22,090

Bill were held in New South Wales, South Australia, Tasmania, and Victoria (see Table 2). A majority of “yes” votes was recorded in each colony but in New South Wales the enabling legislation required a quota of 80,000. This was not achieved. In 1899, as a result of amendments to the Constitution recommended by New South Wales, the colonies organized a second round of referendums (see Table 3). This time New South Wales required only a simple majority of “yes” votes. Queensland also joined the process. Majorities were achieved in all colonies.

One of the interesting things about the referendums and the federalizing process was the explicit “Difference Eliminating” rhetoric adopted by the “founding fathers.” Alfred Deakin, the Prime Minister of the new federation, explicitly stressed that “the unity of Australia is nothing if that does not imply a united mixed race. A united mixed race means not only that its members can intermix, intermarry and associate without degradation on either side, but implies one inspired by the same ideas; an aspiration towards the same ideals.”³⁵

Not all future states rushed to federation. Especially mineral rich Western Australia was hesitant. By 1900, the colony had still not taken steps to hold a referendum. In protest, residents of the Eastern Goldfields took steps to form a separate colony. This set the ball rolling. Finally, on 31 July 1900, when the Commonwealth Constitution Bill had already been enacted by the British Parliament, a referendum was held in which a large majority voted in favor of federation. Yet, as one observer has noted, “unlike the Italians, it [Australia] experienced no *Risorgimento*. The turnout in federal referenda was lower than for parliamentary elections.”³⁶

TABLE 3 Second Round of Referendums in Australia 1899

1899	Yes	No
New South Wales	107,420	82,741
Queensland	38,488	30,996
South Australia	65,990	17,053
Tasmania	13,437	791
Victoria	152,653	9,805
Western Australia	44,800	82,741

Source: AEC (2011).

The most celebrated referendum to be held before the First World War was perhaps the 1905 poll in Norway when Norway's parliament *Stortinget* in 1905 sent notification to Sweden that Norway seceded from the union established in 1814. The response was initially negative. The Swedish *Riksdag* responded that the union was two-sided, and that in strict legal terms, the union cannot be dissolved without the consent of the King and the Riksdag. Yet, the Swedes conceded that the request would be accepted if it was proceeded by "a fairly conducted plebiscite."³⁷

The statement went on to say, that if the "conditions [of a fair referendum] were complied with negotiations would be entered into."³⁸ The Swedes had not expected that the Norwegian Prime Minister Christian Michelsen would take up the challenge and organize the referendum. Michelsen, according to a recent study, "had 'teft'- this strange and almost animalistic ability to sense, feel and gauge things as opposed to the ability to analyse, calculate and rationally assess. The ability to use this ability in action even while in the middle of the maelstrom."³⁹ Using more familiar political phraseology, it is perhaps equally accurate to say that Michelsen, a lawyer and merchant from Bergen in Western Norway, had—to use a Machiavellian term—*Virtù*.⁴⁰

And when more than 99% in an apparently "fairly conducted plebiscite" voted to sever the ties between the two countries, Sweden almost immediately entered practical negotiations in the border town of Karlstad and divided the spoils in an amicable way. That this was possible had, perhaps, just as much to do with the fact that the Swedes were not an aspiring power, and that the relationship with Norway was not economically or politically beneficial to Stockholm.

Of the 43 ethno-national referendums held from the French revolution to the end of the First World War, a majority were in the category of right-sizing referendums (23 in all; see Table 4). The remaining referendums were, respectively, 13 difference-managing referendums and 7 secession referendums. Interestingly, none of the referendums held in the first century or so of the ethno-national referendums were difference-eliminating referendums—perhaps an indication that this type of referendum belongs to the age of totalitarian government (see further below).

But this aggregate statistic only tells part of the story. Eleven of the difference-managing referendums took place in Australia where the six former commonwealth states sought to manage their differences and to establish a relationship, which could lead to a firmer relationship.

REFERENDUMS AFTER THE FIRST WORLD WAR

In the wake of the First World War—at the behest of the American President Woodrow Wilson—eight referendums were held to right-size the borders between the previously warring states.⁴¹

It can always be discussed if these referendums resolved the issues of irredentism that so preoccupied the Versailles Conference. Further

TABLE 4 Ethno-National Referendums From the French Revolution to the First World War

Country	Area	Year	Difference Eliminating	Difference Managing	Secession Referendums	Right-Sizing Referendums
France	Avignon	1791				1
France	Savoy	1792				1
France	Nice	1792				1
Belgium	Wallonia	1793				1
France	Moselle	1793				1
France	Mulhouse	1798				1
France	Geneva	1798				1
France	Switzerland	1802			1	
France	France	1816	1			
Italy	Lombard	1848				1
Italy	Regio	1848				1
Turkey	Romania	1857				1
Italy	Parma	1860				1
Italy	Sicily	1860				1
Italy	Tuscany	1860				1
Italy	Naples	1860				1
Italy	Marches	1860				1
Italy	Ombrie	1860				1
France	Savoy	1860				1
USA	Texas	1861			1	
USA	Virginia	1861			1	
USA	Tennessee	1861			1	
Britain	Ionian Islands	1863				1
Italy	Venice	1866				1
Canada	Nova Scotia	1867			1	
Denmark	Viurgin Islands	1868				1
Italy	Rome	1870				1
Sweden	St. Bart	1877				
Australia	Tasmania	1898		1		
Australia	NSW	1898		1		
Australia	Victoria	1898		1		
Australia	South Australia	1898		1		
Australia	Western Australia	1898		1		
Australia	Queensland	1899		1		
Australia	South Australia	1899		1		
Australia	Tasmania	1899		1		
Australia	Victoria	1899		1		
Australia	NSW	1899		1		
Australia	WA	1899		1		
Sweden	Norway	1905			1	
UK	Natal	1909				
Russia	Finland	1918			1	
Denmark	Iceland	1918		1		
Finland	Aaland	1918			1	

the fact that referendums were held in territories that were claimed by Germany—or in which there was a German majority (for example, Tyrol and Alsace-Lorraine)—suggests that the referendums were not as neutral and idealistic as Woodrow Wilson had wanted. Wilson did not—as commonly

assumed—mention referendums in his famous Fourteen Points speech to Congress on 8 January 1918, but it was clear from the context that the 28th president wanted the decisions regarding the borders to be taken by the peoples concerned.⁴² As he said in another speech at the time:

Peoples may now be dominated and governed only by their own consent. Self-determination is not a mere phrase. It is an imperative principle of action, which statesmen will henceforth ignore at their peril. The settlement of every question, whether of territory, of sovereignty, of economic arrangement, or of political relationship [must be] upon the basis of the free acceptance of that settlement by the people immediately concerned, and not upon the basis of the material interest or advantage of any other nation which may desire a different settlement for the sake of its own exterior influence or mastery.⁴³

But Wilson was not always true to his word. Indeed, a referendum organized by the council in Tyrol was ignored despite the fact that more than 90% voted for union with Germany. Given the subsequent historical development, it is tempting to suggest that some of these votes fanned the flames of discontent. This is an issue we shall return to below. But it is worth noting, as Bogdanor did in an essay in 1981, that “it was precisely in the those areas where plebiscites were refused (with the exception of Alsace-Lorraine)—Danzig, the Polish corridor and the Sudetenland—that were the subject of revisionist claims by the Nazis in the 1930s.”⁴⁴ Similarly, it is interesting that similar revisionist claims were not made in areas that were ceded after a referendum, such as Nord Schleswig in Denmark/Germany in which there was a large German-speaking minority. This is possibly because “frontiers that were fixed by plebiscite could not easily be undermined.”⁴⁵

After the First World War, the number of ethno-national referendums died down (see Table 5). The votes held between the two World Wars outside Germany were largely inconsequential, and in some cases almost political curiosities, such as the antipodean referendum in 1933 in Western Australia. On 8 April 1933, the premier and nationalist Sir James Mitchell’s government organized a plebiscite on secession alongside the State parliamentary election. Mitchell campaigned in favor of secession while the Labor party had campaigned against breaking from the federation. Sixty-eight percent of the 237,198 voters voted in favor of secession, but at the same time the Nationalists were voted out of office. Only the mining areas, populated by keen Federalists, voted against the move. The state sent a half-hearted petition to the British Parliament requesting independence. It got nowhere after the petition was ruled out of order because the convention dictated that it be made by the Commonwealth [of Australia] and not by the individual state.⁴⁶ The fact that Mitchell had lost the election effectively killed the proposal.

TABLE 5 Ethnic and National Referendums 1918–1945

Country	Area	Year	Difference Eliminating	Difference Managing	Secession	Right Sizing
Russia	Finland	1918			1	
Denmark	Iceland	1918		1		
Finland	Aaland	1918				1
Turkey	Kars, Batoumi	1918				1
Austria	Voralberg	1918				1
Germany	Nord Schleswig	1920				1
Germany	South Schleswig	1920				1
Germany	Allenstein	1920				1
Belgium	Eupen	1920				1
Germany	Marienweder	1920				1
Austria	Klagenfurt	1920				1
Germany	Upper Silesia	1921				1
Austria	Tyrol	1921				1
Austria	Salzburg	1921				1
Austria	Sophron	1921				1
UK	Rhodesia	1922		1		
Australia	Western Australia	1933			1	
Germany	Germany	1933	1			
Germany	Germany	1934	1			
Germany/ France	Saar	1935	1			
Germany/ France	Germany	1936				1
USA	Philippines	1935			1	
Germany/ Austria	Germany/ Austria	1938	1			

The proposal was still born and died away. The same cannot be said of the votes held in Germany, where Hitler (ab)used the referendum to eliminate differences and to create unity in the *Reich*. What is perhaps interesting (and disturbing) is that most of these votes—at least according to contemporary observers—were relatively fair. Writing about the withdrawal from the League of Nations referendum, a contemporary American observer noted: “Even after discounting intangible official pressure, of which there undoubtedly was a great deal, and downright coercion and intimidation at the poll of which there was probably *very little*, the electoral record remains an amazing one.”⁴⁷

ETHNO-NATIONAL REFERENDUMS AND DECOLONIZATION

In the immediate aftermath of the Second World War relatively few referendums on national and ethnic issues were held (see Table 6). Iceland voted

TABLE 6 Referendums in the Decolonizing Period

Country	Area	Year	“Yes” Vote	Turnout
Denmark	Iceland	1944	99.5	98
China	Mongolia	1945	98	64
France	Brigant	1945	90	—
Denmark	Faroe Islands	1946	50.1	64
India/Pakistan	Border	1947	57	51
Italy/France	Brigue	1947	92	99
UK	Newfoundland	1948	52	88
India	Jungadagh	1948	99	100
France	Chandernagor	1949	98	61
Belgium	Belgium	1950	57.6	92.4
USA	Puerto Rico	1951	67	58
India	Nagaland	1951	—	—
USA	Virgin Islands	1954	50	50
International	Saar	1955	32	96
France	Cambodia	1955	100	—
UK	Malta	1956	75	59
Ghana	Togoland	1956	98	84
France	Togo	1956	93	77
Egypt/Syria	Egypt/Syria	1958	99	—
France	French Somalia	1958	75	72
France	New Caledonia	1958	98	76
France	Saint Pierre and Miquelon	1958	98	85
France	Polynesia	1958	79.2	84.9
France	Guinea	1958	97	85
France	Oubangui	1958	99	79
France	Niger	1958	78	36
France	Chad	1958	99	66
France	Congo	1958	99	79
France	Upper Volta	1958	89	79
France	Dahomey	1958	98	55
France	Soudan	1958	98	45
France	Gabon	1958	92	77
France	Senegal	1958	97	81
France	Ivory Coast	1958	99.9	97
France	Madagascar	1958	78	82
France	Algeria	1958	96	79
France	Mauritania	1958	94	84
Egypt/Syria/Libya	Egypt/Syria/Libya	1958	99.9	—
France/Algeria	France/Algeria	1961	86	84
New Zealand	Western Samoa	1961	86	77
Cameroon		1961	65	89
West Indian Federation	Jamaica	1961	46	60
Algeria/France	Algeria/France	1962	99.7	75.6
Malaysia	Singapore	1962	71	90
Congo B	Congo B	1963	86.1	91.7
France	Equatorial Guinea	1963	62	92
Ghana	Ghana	1964	99.9	96.5
UK	Malta	1964	50.7	80

to sever its ties with Denmark. (The two countries had been part of a confederation since the First World War.) This decision to sever its ties with Copenhagen prompted the local government of the small Danish dependency Faroe Islands to hold a referendum in 1946. While a small majority voted for independence, the Danish government refused to recognize the result and the subsequent general election gave a majority to *Sambandspartiet* (the Unionist Party). The Danish Government subsequently granted Home Rule to the Islands, though with a considerable economic subsidy from Copenhagen.⁴⁸

In other places too, referendums were held on independence. Thus, Mongolia broke with China after Stalin had insisted on the Republic of China's recognition of Outer Mongolia's independence—something that it already enjoyed de facto even as it remained a part of China de jure. Chiang Kai-shek resisted the idea but eventually gave in. However, Chiang extracted a promise from Stalin not to support the Chinese Communist Party, in return for China giving up its claim over Outer Mongolia.⁴⁹ While the referendum was controlled by the Communist Party, it is noteworthy that the turnout was only 64%; though the outcome was 98% in favor of independence.⁵⁰ But, most of the ethno-national referendums in the post-Second World War Era were held to legitimize the process of decolonization, and the majority of these referendums were held in former French colonies.

The referendum on the 28 September 1958 was a consequence of prolonged ethno-national conflict in Algeria. As a result of the impasse there, Charles de Gaulle had been persuaded to return from his self-imposed internal exile in Colombey-les-Deux-Églises.

Charles de Gaulle initially seemed to confirm the Algerian settlers; he famously shouted “Je vous ai compris” when he arrived in Algiers in June 1958.⁵¹ But privately, he indicated that he had no intention of maintaining control of 9 million Algerians for the benefit of one million settlers. This attitude was manifest in the new constitution, which provided for the right of the overseas territories to request complete independence. In a referendum held throughout the *Union française*, all the former colonies voted to become members of the new commonwealth. Only French Guinea opted for complete independence. This solved an immediate problem for de Gaulle, but it did not solve the Algerian problem. Armed resistance continued, and following negotiations with the main resistance movement *Front de Libération nationale*, the parties reached an agreement on the *Évian Accords*, which subsequently was approved in a plebiscite in *both* France and Algeria. In April 1962, 91% of the French voters approved the agreement and two months later 99% of the Algerian voters followed suit.⁵² Given that the result was a French withdrawal, it is interesting how the referendum was framed and spun by the media. The headline in the *Guardian* left no one in doubt that the result was a victory for Charles de Gaulle: “The Good Sense of People Prevailed,” said the Manchester Newspaper on the 8th of

January 1961.⁵³ The paper went on to quote the French Prime Minister Michel Debré's exuberant statement in the wake of the publication of the result: "The reply of the voters is clear and striking . . . what a feeling of rallying, of unity and strength. The nation has surmounted its divisions and has expressed its deep confidence."⁵⁴ The referendum campaigns—held simultaneously in both France and in Algeria—had not given any indication of the "unity and strength" of which Debré's spoke. Indeed, on average 20 people had died every day during the referendum campaign. This number was, as the *Guardian* duly admitted, "not an unusual figure even when no polling is in progress."⁵⁵ Whether it was worth it, whether the referendum was a good idea, or, indeed, if there were other possibilities is a hotly debated question.

But apart from the French referendums and the large number of ethno-national referendums held in French-dominated areas in the 1950s and the 1960s, plebiscites on ethnic and national issues were relatively rare. Jamaica voted unilaterally to secede from the West-Indian Federation and Malta voted in two attempts to sever its ties with the United Kingdom. The years after the period of decolonization were meager years in terms of ethno-national referendums. Whereas the 1950s and the 1960s were characterized by referendums on secession and independence, the 1970s and the 1980s were characterized by referendums dealing with ethnic conflict management (for example, the polls in Greenland, Scotland, Wales, the Basque Country, Galicia, and Catalonia in 1979) and referendums on difference-eliminating policies in, among other places, Zaire (1984), the Central African Republic (1986), and the Ivory Coast in 1986. "Periods of peace are the empty pages in the history books," observed Hegel in his lectures on the *Philosophy of History*.⁵⁶ The same, it seems, is true as far as referendums are concerned. But this changed after 1989.

ETHNO-NATIONAL REFERENDUMS AFTER THE FALL OF COMMUNISM

There have been 157 ethno-national referendums since the Second World War. Thirty-four of these were held between 1989 and 1993 and were all more or less direct consequence of the fall of communism. That such momentous events shake the political kaleidoscope is not surprising, nor, perhaps, is it surprising that the developments left their mark on legal practice. There is a bit of a sea change in the new doctrine adopted after 1989. As Matthew Craven has observed, "Of the new states that were to emerge in the 1990s . . . most held plebiscites or national polls by way of authorization."⁵⁷ It became a norm in international law that countries ought to win approval from the people in order to be recognized as an independent state, and it

TABLE 7 Ethno-National Referendums 1989–2011

Country	Area	Year	“Yes”	Turnout
Philippines	Philippines	1989	—	50
Philippines	Philippines	1990	—	—
Yugoslavia	Slovenia	1990	94	93
USA	Palau	1990	60.8	—
Burundi	Burundi	1991	89.2	96.2
USSR	Lithuania	1991	91	84
USSR	Estonia	1991	77	83
USSR	Latvia	1991	74	88
USSR	Georgia	1991	98	90
USSR	Ukraine	1991	70	85
USSR	USSR	1991	75.3	73
USSR	Kourilles	1991	n/a	n/a
Georgia	South Ossetia	1991	98	90
Georgia	Abkhasia	1991	99	58
Yugoslavia	Croatia	1991	98	83
Croatia	Serbs	1991	98	83
Yugoslavia	Macedonia	1991	70	75
USSR	Armenia	1991	95.05	90
Bosnia	Serbs	1991	90	—
Serbia	Sandjak	1991	96	67
Serbia	Kosovo	1991	99	87
USSR	Turkmenistan	1991	94	97
USSR	Karabagh	1991	100	n/a
USSR	Uzbekistan	1991	98	94
Macedonia	Albanians	1991	99	93
Moldova	Transnistie	1991	99	n/a
Yugoslavia	Bosnia	1992	99	64
Yugoslavia	Montenegro	1992	96	66
Georgia	South Ossetia	1992	99	n/a
Bosnia	Krajina	1992	99	64
Canada	Canada	1992	45.6	—
Ethiopia	Eritrea	1993	99	98
Bosnia	Serbs	1993	96	92
USA	Puerto Rico	1993	48.4	73
Netherlands	Curocao	1993	17.9	—
Georgia	Abkhasia	1995	96	52
Quebec	Cris	1995	95	75
Canada	Quebec	1995	49.4	94
UK	Scotland	1997	74	60
UK	Wales	1997	50	50
Canada	Nunavut	1998	54	94
UK	Northern Ireland	1998	73	83
Comoros	Anjouran	1998	99.4	91
Sudan	Sudan	1998	100	n/a
St. Kitts and Nevis		1998	61.8	—
USA	Puerto Rico	1998	50.2	71
Indonesia	East Timor	1999	78.5	94
Somalia	Somaliland	2001	100	n/a
Cyprus	Cyprus	2004	24	89
Burundi	Burundi	2005	79	49
Spain	Catalonia	2006	73	49
New Zealand	Tokelau	2006	60	95

TABLE 7 Ethno-National Referendums 1989–2011 (*Continued*)

Country	Area	Year	“Yes”	Turnout
Yugoslavia	Montenegro	2006	55.5	36
Algeria	Algeria	2007	97	79
Spain	Andalusia	2007	87	36
Denmark	Greenland	2008	76	72
France	Mayotte	2009	95	61
UK	Wales Southern	2011	63.5	35.6
Sudan	Sudan	2011	98.8	99.6

became recognized—at least in democratic states—that policies of difference management required positive approval from the citizens concerned.

As we can see from Table 7, most of the referendums held post-1989 were held in former communist countries. Thirty-one of the 60 votes were held in countries that were formerly ruled by a one-party communist regime, such as Eritrea (then part of Ethiopia), Ukraine, the Baltic States, and various successor states in the former Yugoslavia. Yet, other ethno-national referendums were—at least indirectly—a consequence of the end of the Cold war. The nationalist aspirations of the population of East Timor were well known before the fall of Communism, but for geopolitical reasons the United States supported Suharto’s regime. Once the threat from the Soviet Union was gone the United States loosened its grip and accepted (and some would even say encouraged) the fall of the autocracy, and as a result East Timor was allowed to vote on independence in 1999.⁵⁸ Of course, not all the ethno-national referendums held after 1989 are related to the end of the Cold War. The referendums in Canada in 1992 and in Quebec in 1995 are a result of an internal dynamic, and the same is true for the polls held in St. Kitts and Nevis in 1998 and the plebiscite in Burundi in 2005. But most of the votes relate to momentous effects. After the fall of communism and the events related to that, the number of ethno-national referendums fell again, and the few polls that are held.

CONCLUSION: 200 YEARS OF ETHNO-NATIONAL REFERENDUMS

The history of ethnic and national referendums started in the wake of the French Revolution. Nationalism and self-determination went hand in hand, and this was resolved through referendums. E. H. Carr, the British historian and theorist of international relations, observed correctly that

Self-determination and democracy went hand in hand. Self-determination might indeed be regarded as implicit in the idea of democracy; of if every man’s right is recognised to be consulted about the affairs of the political

unit to which he belongs, he may be assumed to have an equal right to be consulted about the form and extend of the unit.⁵⁹

History has moved a great deal since the age of Napoleon, but the idea that nations have a right—at least in principle—to determine their own affairs has become an unquestionable doctrine in international politics. Even the Bolshevik government of Lenin recognized the right of “all nations dwelling in Russia . . . the genuine right to self-determination.”⁶⁰ Of course, more often than not, this acceptance of the right to self-determination has been tempered by short- and long-term political calculations. But referendums on national and ethnic issues have not disappeared; indeed, overall their number have grown, especially in times of geopolitical upheaval.

NOTES

1. John McGarry and Brendan O’Leary, “Introduction: The Macro-Political Regulation of Ethnic Conflict,” in John McGarry and Brendan O’Leary, eds., *The Politics of Ethnic Conflict Regulation: Case Studies of Protracted Ethnic Conflicts* (London: Routledge, 1993), 1–40, and updated in Brendan O’Leary, “Introduction,” in Brendan O’Leary, Ian S. Lustick, and Tom Callaghy, eds., *Right-Sizing the State: The Politics of Moving Borders* (Oxford: Oxford University Press, 2001), 1–14.

2. Eugène Solière, *Le Plébiscite dans l’annexion. Étude historique et critique de droit des gens* (Paris: L. Boyer, 1901), 10–11.

3. *Ibid.*, 15.

4. *Ibid.*, 26.

5. *Ibid.*, 26.

6. Johannes Mattern, *The Employment of the Plebiscite in the Determination of Sovereignty* (Baltimore: Johns Hopkins University Press, 1921), 53.

7. Elie Kedourie, *Nationalism* (Oxford: Blackwell, 1960), 1.

8. In particular Brendan O’Leary, “In Praise of Empires Past: Myths and Method in Kedourie’s Nationalism,” *New Left Review* 18: 106–30 (2002).

9. A point forcefully made in Antony D. Smith, *The Ethnic Origins of Nations* (Oxford: Blackwell, 1986).

10. Ernest Gellner, *Nations and Nationalism* (Oxford: Blackwell, 1983), 97–99.

11. Cited in G. F. von Martens, *Recueil de Principaux traits d’alliance de paix* (Göttingen: J. C. Dieterich, 1801), 400–401.

12. Jean Laponce, *Le Référendum de souveraineté: Comparisons, Critiques et Commentaires* (Laval: PUL, 2010), 21.

13. Cardinal Ressonico quoted in Felix Freudenthal, *Die Volksabstimmung bei Gebietsabtretungen und Eroberungen. Eine Studie aus dem Völkerrecht* (Erlangen: Th. Blaesing, 1891), 3–4.

14. Johannes Mattern, *The Employment of the Plebiscite*, 77.

15. Laurence Morel, “Towards a Less Controversial Use of the Referendum, in Europe,” in Michael Gallagher and Pier Vincenzo Uleri, eds., *The Referendum Experience in Europe* (London: Macmillan, 1996), 68.

16. *Ibid.*, 68.

17. Heinrich Heine quoted in L. Gell *Aufbruch der Freiheit* (Frankfurt: Nikolai, 1998), 13.

18. Nicolò Machiavelli, “Exhortatio ad capessendam Italiam in libertatemque a barbaris vindicandam,” in Alessandro Capata, ed., *Machiavelli: Il Principe* (Rome: Newton, 2002), 95.

19. John A. Davies, “Italy: 1796–1870: The Risorgimento,” in George Holmes, ed., *The Oxford Illustrated History of Italy* (Oxford: Oxford University Press, 1997), 181.

20. Philip Goodhart, “Referendums and Separatism,” in Austin Ranney, ed., *The Referendum Device* (Washington DC: American Enterprise Institute, 1981), 139.

21. Eugene C. Lee, "The American Experience 1778–1978," in Austin Ranney, ed. *The Referendum Device* (Washington DC: American Enterprise Institute, 1981), 46.
22. Mattern, *The Employment of the Plebiscite*, 119.
23. Laponce, *Le referendum de souveraineté*, 71.
24. Mattern, *The Employment of the Plebiscite*, 104.
25. Laponce, *Le referendum de souveraineté*, 71.
26. John Locke, *Second Treatise* (Cambridge: Cup, 1988) para. 141.
27. Mattern, *The Employment of the Plebiscite*, 116.
28. Lord Salisbury, *House of Lords Debates*, vol. 345, Col. 1311–1312, 19 June 1890.
29. Cited in Mattern, *The Employment of the Plebiscite*, 112.
30. Ellison Kahn, "On the Road to Republic," *Annual Survey of South African Law* 1:1 (1960).
31. Laponce, *Le Référendum de souveraineté*, 50.
32. George Williams and David Hume, *People Power: The History and Future of the Referendum in Australia* (Sydney, NSW: University of New South Wales Press, 2010), 7.
33. Colonial parliaments failed to approve the first draft of the constitution and the decision to hold a referendum was only reached after the members of a constitutional convention had been elected. See: Stuart MacIntyre, *The Concise History of Australia* (Cambridge: Cambridge University Press, 2004), 136.
34. *Australian Electoral Commission (AEC) Federation Fact Sheet 1 - The Referendums 1898–1900*, (n.d.), http://www.aec.gov.au/About_AEC/Publications/Fact_Sheets/factsheet1.htm (Accessed 30 June 2011).
35. Alfred Deakin, *Commonwealth Parliamentary Debates* 4: 4807 (1901).
36. MacIntyre, *The Concise History*, 138.
37. Karl Nordlund, *The Swedish-Norwegian Union Crisis. A History with Documents* (Uppsala: Student Literature, 1905), 365.
38. N. Eden, *Sweden for Peace* (Uppsala: Student Literature, 1905), 23.
39. Per Egil Hegge, "Christian Michelsen: Slagkraft Ja – Dokumentlesning: Nei" [Powerful: Yes Document reading: No], in Gudleiv Forr, Per Egil Hegge and Olav Njølstad, eds., *Mellem Plikt og Lyst: Norske Statsministre 1873–2010* (Oslo: Dinamo Forlag, 2010), 97.
40. This quality is, perhaps, best defined by Hannah Arendt. According to her definition, *Virtù* is "the excellence with which man answers the opportunities the world opens up before him in the guise of *fortuna*. Its meaning is best rendered by 'virtuosity', that is, an excellence we attribute to the performing arts (as distinguished from the creative arts), where accomplishment lies in the performance itself and not in the end product which outlasts the activity that brought it into existence and becomes independent of it. The virtuoso-ship of Machiavelli's *Virtù*, reminds us, although Machiavelli hardly knew it, that the Greeks always used such metaphors as flute-playing, dancing, healing, and seafaring to distinguish political from other activities, that is, that they drew their analogies from those arts in which virtuosity of performance is decisive"; Hannah Arendt, *Between Past and Future: Eight Exercises in Political Thought* (London: Penguin, 1977), 153.
41. See the classic study: Sarah Wambaugh, *Plebiscites since the World War* (Washington, DC: The Carnegie Endowment for International Peace, 1933).
42. J. L. Snell, "Wilson on Germany and the Fourteen Points," *Journal of Modern History* 26(4): 364–69 (1954).
43. Woodrow Wilson quoted in Lawrence T. Farley, *Plebiscites and Sovereignty: The Crisis of Political Legitimacy* (Boulder, CO: Westview Press, 1986), 3.
44. Vernon Bogdanor, "Referendums and Separatism II," in Austin Ranney, ed., *The Referendum Device* (Washington DC: AEI, 1981), 145.
45. *Ibid.*, 140.
46. George Williams and David Hume, *People Power: The History and Future of the Referendum in Australia* (Sydney, NSW: University of New South Wales Press, 2010), 8.
47. Arnold J. Zurcher, "The Hitler Referenda," *American Political Science Review* 29(1): 95 (1935); emphasis added.
48. J. H. Goodlad, "The Faroese Road to Autonomy: An Analysis of the Faroese Political System," *Sbeiland Life*: 1–26 (1987).
49. William B. Ballis, "The Pattern of Sino-Soviet Treaties, 1945–1950," *Annals of the American Academy of Political and Social Science* 277 (Report on China; Sept.): 167–76 (1951).

50. D. Nohlen, F. Grotz, and C. Hartmann, *Elections in Asia: A Data Handbook*, vol. II (Oxford: Oxford University Press, 2001), 490.
51. Martin Meredith, *The State of Africa: A History of Fifty Years of Independence* (London: The Free Press, 2005), 57.
52. "Proclamation des résultats du référendum d'autodétermination du 1er juillet 1962" [Proclamation of the result of the referendum on independence], *Journal Officiel de l'État*, 6 July 1962.
53. Darsie Gillie, "Vote Relieves Pressure of Ex-Generals," *The Guardian*, A1 (1961); see also "Editorial: De Gaulle Well Satisfied with Algeria Votes," *Manchester, The Guardian*, 9 Jan., A8 (1961).
54. Gillie, "Vote Relieves Pressure," A1.
55. "De Gaulle Well Satisfied with Algeria Votes," A8.
56. Georg W. F. Hegel, *Vorlesungen über die Philosophie der Geschichte* [*Lectures on the history of philosophy*] (Frankfurt: Suhrhampf, 2011), 29.
57. Matthew Craven, "Statehood, Self-Determination and Recognition," in Malcolm D. Evans, ed., *International Law*, 3rd edition (Oxford: Oxford University Press, 2010), 234.
58. Jonathan Steele, "Nation Building in East Timor," *World Policy Journal* 19(2): 76–87 (2002).
59. Edward Hallet Carr, *The Conditions of Peace* (New York: Macmillan, 1942), 39.
60. U. O. Umzurike, *Self-Determination in International Law* (Hamden: Archon, 1972), 162.

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