



Process To and After an “Independence Referendum”

Introduction

Negotiations for the terms of an independence referendum may take place between the nationalists, meaning the unique group of people in language, culture, religion and ethnicity¹²³ desiring to secede, and the government which exercises sovereignty over the territory.

Referendum Under ‘Normal’ Conditions

If terms can be agreed, then the independence referendum can be held with its result binding and respected by the international community.

If you do not have the respect of the international community or, the ability to have the favour of at least one international country agreeing to your secession, then the referendum is of no value at all. Therefore, it is of crucial importance that all **17 Fundamental Steps for Secession and Declaring a UDI**⁴ have been conducted to prove to the international community you have taken all steps humanly possible to exhaust all internal remedials with the existing government. This process, to prove evidence to the international community and to gain their favour, can only be properly conducted over a period of minimum five to ten years.

The ULA Congress prides itself with this sound track record as proven on our website.

Referendum Under ‘Abnormal’ Conditions

Independence referendums can be held without the consent of the national or federal governments, then the international community will rely on several other factors, e.g. were the local people⁵ oppressed by the central government or not, to decide if the result can be recognized or not. Once again, the nationals must have a solid track record with overwhelming factual evidence to prove that they are/were indeed oppressed over years.

The ULA Congress has the condemning factual evidence spanning years since the process started in 2014, with overwhelming proof powerfully communicated to the ANC government, the various embassies, governments and political leaders of the world, as well as to the UN and other civil rights organizations.

¹ The most complex attempt to define minorities as a conceptually autonomous category is made by UN special rapporteur Francesco Capotorti, according to whom minorities are groups “numerically inferior to the rest of the population of a State, in a nondominant position, whose members—being nationals of the State—possess ethnic, religious, or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language.” Francesco Capotorti, Study on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities (United Nations Center for Human Rights 1991), U.N. Doc E/CN.4/Sub.2/384/Add.1–7.

² Although no international treaty defines the term “people” for the purposes of self-determination, it is generally accepted that this classification entails a subjective element, such as a common belief by members of the group that they share the same characteristics and beliefs and thus form a common unit, as well as an objective element, such as common racial background, culture, ethnicity, religion, language, and history. Michael P. Scharf, Earned Sovereignty: Judicial Underpinnings, 31 DENV. J. INT’L L. & POL’Y 373, 373–79 (2003).

³ Article 1 of International law refers to self-determination.

⁴ 17 Fundamental Steps for Secession and Declaring a UDI, Factual Evidence, 2020: <https://www.ulacongress.com/factual-evidence/>

⁵ Unique people by culture, traditions, religion or language.



Referendum Terms

Various issues can be discussed in negotiations, such as the date and timing of the poll, as well as voter eligibility. For these instances, common electoral practice is often widely used, although there can be deviations, as seen with the lowering of the voting age (16) for the 2014 Scottish Independence Referendum.

Other issues to be negotiated include what question or questions should be on the ballot, and what the voting options should be.

Negotiations notably need to address what would make a result binding. For some independence referendums, a simple majority is required for one option. In other cases, a quota can be used, where a certain percentage of the vote or the electorate needs to be in favour of an option for it to be binding.

Successful negotiations can be hard to achieve for nationalists, as governments can be reluctant to give up sovereignty.

After the Referendum Under 'Normal' Conditions

In the event of a vote for independence, there may be negotiations on the terms of secession for the territory from the sovereign state.

A declaration of independence for a new state is then made, and international recognition can follow, as well as membership of international organisations such as the United Nations.

'Abnormal' Conditions can follow after a "Refuse Referendum"

In the event of a vote for independence, without the consent of the national or federal governments, then the international community get involved, as there are no terms of secession nor an agreed territory from the sovereign state (mother country). A declaration of independence for a new state is then made without their consent. This normally results in a war and the land conquered during the war, as in the case with Israel who expanded their landmass area substantially, is normally included in the new country, thus, the landmass of the desired secession landmass area can increase substantially, **all depending on the minorities' cooperation during this time.**

With the declaration of independence, international recognition can follow, as well as membership of international organizations such as the United Nations. This is the single most crucial point as you will need the recognition and support of the international community – only one country needs to agree.

Conclusion

As mentioned, international recognition is the "single most crucial point" as you will need the protection and support of the international community.

This is the very reason the ULA Congress have followed international law explicitly so as to benefit from international support and protection, i.e. the "Elie Wiesel Genocide and Atrocities Prevention Act of 2018" directs the US Department of State to provide additional training for Foreign Service Officers assigned to a country experiencing or at risk of mass atrocities, such as genocide or war crimes. It was signed into law by President Trump on 14 January 2019.