

# When the People Have the Final Say: Lessons from Referendums in Peace Processes

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Referendum results live on a square in Medellín, Colombia 2016.  
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## Introduction: Referendums and Peace Negotiations

Referendums are increasingly common in contemporary peace processes, and for good reason. They are a powerful peacemaking tool that can boost the legitimacy of a peace process and its outcome, increasing public awareness and buy-in. A referendum can also present an important opportunity for societies in conflict to publicly discuss their differences without violence, and create a shared vision of a new future. However, referendum campaign periods can also heighten polarization, and actually cause a major setback for a peace process, which may justifiably make peacemakers hesitant to use them.

This policy brief offers recommendations for practitioners involved in peace negotiations that foresee holding a referendum. These recommendations are based on research on the Northern Irish (1996-98), Cypriot (1999-2004), and Colombian (2012-16) peace processes, and are illustrated with examples from these cases. This brief argues that peacemaking referendums mark a departure from the traditional secretive negotiations, where political elites and leaders of conflict parties are the exclusive decision-makers at the negotiation table. With a referendum, the broader population of a given context has the final say in crucial decisions of a peace process. Negotiators and mediators must account for this fact and do so from the start, making the referendum part of the process, not simply the end point.

## Confidentiality and Public Information

Peace negotiations have traditionally taken place between political elites and been conducted in secret. The public of-

ten has had little knowledge of the content of the negotiations until the final agreement was presented to them. However, exclusivity and secrecy significantly limit what and how much the public knows about the issues discussed, as well as the agreements concluded. When a referendum is held after a peace process conducted primarily in secret, people only have one or two months to grapple with agreements that are often extensive and highly legalistic, and where the underpinning political compromises are not always obvious. Moreover, when voters lack knowledge on the topic of the referendum, they rely on referendum campaigns for information, making the latter more competitive and heightening the potential negative impact of disinformation. This risks undermining peace.

In Cyprus, the secrecy and exclusive nature of the “Annan Plan” negotiations prevented public education and debate in the Greek Cypriot community until the agreement was announced in 2004. Faced for the first time in decades of UN-sponsored negotiations with the hard compromises that a solution for the Cyprus problem would entail, the community became highly vulnerable to a “no” campaign kick-started by their president’s fear-inducing messages. This detrimental effect of secrecy was curtailed in the Turkish Cypriot community by the greater engagement of civil society groups and other political parties during the negotiations. Intent on mobilizing the community to put pressure on their leader to cooperate in the negotiations, they stimulated public debate, and strove to inform the community at an early stage of the negotiations. More recently, in Colombia, the confidentiality of the negotiations between the Santos government and the Fuerzas Armadas Revolucionarias de Colombia (FARC) allowed the opposition party and other groups to fill a public information vacuum with disinformation. Dealing with strong right-wing opposition to the peace process, the government sought to hold confidential negotiations. Initially, the only information provided to

the public and the media came from short joint communiqués, but this eventually backfired. In 2014, concerned with growing speculation and disinformation campaigns, the delegations rendered public the partial draft agreements reached thus far. Also faced with a FARC delegation that rebelled against a confidentiality that they felt restricted their right to reach out to people in Colombia, the government delegation made its communications strategy more open. The shift, however, came too late. The confidentiality of the process fueled a strong spoiler campaign that from the start of the negotiations to the referendum (and its aftermath) tapped into anti-FARC sentiments and exploited public anxieties about the outcome of the process.

The lesson here is that when a peacemaking referendum is held, especially in the case of agreement referendums, it is crucial that the public is, as far as possible, informed about the issues and potential compromises being made at the negotiation table. Voter education cannot begin at the end of the negotiation process only to become a void to be filled by ensuing campaigns. Information must be available earlier. Parties, however, are unlikely to accept a fully transparent negotiation

process and overexposure would probably prevent any meaningful compromises from being

made. Therefore, confidentiality needs to be balanced with public information and education through an effective communication and inclusion strategy. A process that is inclusive, both politically and of civil society groups, will naturally be less secretive simply because there are more participants and more people who hold information about the process. Indeed, a well-crafted public communication strategy that effectively informs and educates the public on the compromises being made at the table is beneficial. It can be one delivered by mediators with the agreement of the parties or, as was the case in Colombia, by the parties themselves.

## Political Inclusion

Referendums can provide new opportunities and platforms for peace spoilers. While excluding potential spoilers from peace negotiations may expedite the process of reaching an agreement, this approach can be particularly counterproductive when a referendum is held. Excluded actors may gain an incentive to manipulate public opinion against the peace process, and subsequently use the campaign periods to mobilize the public to vote against a peace agreement, spoiling the opportunity for peace. Spoiling campaigns typically exploit the

insecurities and polarization that characterize conflict societies through fearmongering and disinformation.

The main challenge for mediators is how to include difficult actors. They may refuse to be part of the process, as was the case of the Democratic Unionist Party (DUP) and the United Kingdom Unionist Party (UKUP) in the Good Friday Agreement (GFA) negotiations in Northern Ireland. When Sinn Féin finally joined the negotiations after the ceasefire of 1997, the two political parties refused to participate in the negotiations and went on to lead the “no” campaign in the 1998 agreement referendum. However, in Northern Ireland a clear majority of political parties and civil society groups supported and campaigned for the GFA, reducing the impact of the attempts to spoil the referendum. This was not the case in Colombia. There, the 2016 referendum put to a vote a peace agreement negotiated only between the Santos government and the FARC. After the “no” vote won by a margin of less than one percent, Santos was forced to renegotiate parts of the agreement to include the proposals from the Democratic Centre Party, which had opposed the negotiations from their inception.

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Allowing actors to oppose the process from the side-lines can be highly damaging

to a peace process with a referendum, even outweighing the difficulties their inclusion can cause to negotiations. Including actors skeptical of peacemaking in the negotiations in some capacity can prevent the emergence of referendum spoilers, or help lessen their impact on public opinion. In the case of a peace agreement referendum, increasing the number of groups and political parties with stakes in the agreement, who thus share accountability for how it is negotiated, can increase public support. In addition, political leaders and political parties have expertise and resources that allow them to undertake referendum campaigns to influence voters. Thus, the higher the number of political stakeholders supporting and actively campaigning for an agreement, the higher the likelihood that it will be adopted in the referendum. Furthermore, making public attempts to include spoilers, even if they refuse to be included, may neutralize their efforts to spoil the process since their unwillingness to cooperate with the peace process becomes publicly apparent.

The multi-party process used in Northern Ireland is not feasible in all peace negotiations. Nonetheless, beyond a seat at the table, indirect forms of political stakeholder inclusion, that do not involve actual representation at the table, can be envisioned. As in the re-negotiation of the peace agreement

in Colombia, proposals from other groups and political stakeholders can be made to the parties at the table. Alternatively, this can be done through a mediator. Formal or informal consultations of negotiators and mediators with other stakeholders is another alternative.

## Civil Society Inclusion

Including civil society groups in peace negotiations has the potential to ripen negotiations, increase grassroots support and political accountability and, consequently, bring about more durable agreements. It can also increase public support for a peace settlement in a referendum. Civil society can play an important role in informing and engaging the public in an active debate on the negotiations and the implications of the agreement, and help galvanize support for a peace agreement through their referendum campaigns. Engaging with and including civil society groups in the negotiations can potentiate these benefits.

Civil society's continuous engagement with the peace negotiations in Northern Ireland provided for the emergence of an active and successful civil society-led campaign. The active role that civil society played in pushing for an agreement later helped to mobilize support for it in the referendum, contributing to the high overall "yes" turnout. Their long-term engagement expanded into a resourceful and professionalized "yes" campaign that played an important role in delivering a coherent message based on the benefits of the "yes" vote and the negative consequences of a "no" vote at a time when the political parties were communicating mutually exclusive interpretations of the agreement. In fact, the civil society activists who led the campaign had unsuccessfully attempted to bring all the political parties supporting the agreement under the same umbrella campaign. A similar dynamic took place within the Turkish Cypriot community during the Annan Plan negotiations and the lead-up to its referendum in 2004. The people, contacts, organizations, and platforms that civil society groups created to support or influence the negotiations were thereafter marshaled to undertake an umbrella "yes" campaign that encompassed dozens of civil society and business groups and political parties. Despite the resounding success of these efforts, the Annan Plan was rejected due to the Greek Cypriot community's "no" vote victory, where civil society mobilization in favor of the agreement was too weak and came too late.

Engaging civil society groups in negotiations tends to stimulate them to establish platforms for collaboration that can be used to generate stronger "yes" campaigns during a referendum. Inclusion can take many forms, from direct participation by providing civil society groups a seat at the table, to indirect inclusion through, for example, the creation of fora and holding formal or informal consultations with negotiators and mediators. The opportunity to engage and shape the negotiations will mobilize these groups at early stages of the process, helping develop stronger "yes" campaigns that can make up for hesitant or ambivalent political party campaigns, as well as serve as platforms that unite them. Not all civil society groups will necessarily support an agreement or reconciliation. Nonetheless, the Colombian, Northern Irish and Cypriot experiences have shown that they are better suited than other actors to deliver campaigns that are less divisive, making use of reconciliatory messages that reduce polarization in the referendum and its aftermath.

## Timing the Decision

Support for the peace that is being negotiated and designed at the negotiation table cannot be fostered in a short one- to two-month period from the day the agreement is made public to the day of the referendum. Support needs to be built over a longer period of time and, for that very reason, needs to take place alongside the negotiations. This requires that the negotiations allow for timely public information and education on the most important commitments made by both sides and their implications. When referendums are held, inclusion, voter education and mobilization are also necessary to reduce polarization during the referendum and diminish its potentially negative effects on agreement implementation and societal transformation. For all these reasons, the decision on whether to hold a referendum or not can neither be taken at the last minute, nor following a negotiation process that has been distant to the public, as was the case in Cyprus. In contrast, in Northern Ireland, the GFA referendum was agreed upon before

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any agreement discussions and amounted to an important component of its inclusive approach.

The decision to hold a referendum, therefore, should ideally be made at the outset of the peace process, or as early as possible thereafter in order to allow for the overall design of the negotiation process to be shaped to that reality, in particular with regard to inclusion and public communication.

## Conclusion and Recommendations

Holding a referendum in a peace process presents a great challenge to peacemaking practice, but also presents itself as an exceptional opportunity to galvanize wide support for peace. In order to capitalize on it, however, it is important that negotiators and mediators understand that the emergence of referendums in peace processes is at odds with the traditional exclusive and secretive negotiations that only involve political elites and leaders. In fact, mediation strategies that are considered effective in reaching an agreement within a short timeframe can be counterproductive when the final agreement has to be ratified by a referendum. Referendums require peace negotiations that are more inclusive and allow for public information and education. This leads to the following recommendations:

- Secret negotiations are problematic for peace processes with referendums. Confidentiality needs to be balanced with public information and education through an effective public communication strategy agreed upon by the parties at the table;
- Excluded actors may have an incentive to manipulate public opinion against the peace process and ultimately spoil the referendum. Including potential referendum spoilers to some capacity in negotiations can help prevent their emergence and manage their impact on public opinion;
- Civil society groups are important referendum campaigners and play a crucial role in informing and educating citizens, therefore, they should be included to some capacity from the inception of formal negotiations;
- To hold or not to hold a referendum in a peace process cannot be decided at the last minute. The decision has to take place at the outset of the process so as to allow for wider societal inclusion required for voter education and mobilization.

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### About

[Joana Amaral](#) is a postdoctoral research fellow at the Center for Conflict Studies at the University of Marburg in Germany. She is the author of the book "Making Peace with Referendums: Cyprus and Northern Ireland" published by Syracuse University Press. Her research and publications have focused on peace negotiations and mediation, particularly on issues related to inclusion and public participation. She is currently leading a research project on public disclosure in the Colombian and Northern Irish peace negotiations funded by the German Foundation for Peace Research.

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