

the
basque
conflict

the basque conflict

There is a great international demand for information on the so-called Basque conflict. Despite being one of the longest running European problems there is widespread ignorance on the origins and evolution of the conflict. This document sets out to provide some general notions on the situation.

This report has been prepared by the social movement for dialogue and agreement in the Basque Country, Elkarri. It aims to summarise the situation, with all the advantages and disadvantages involved. On the positive side we would highlight the capacity to

explain the problems in a synthetic, summarised way although there will be other ideas and points that will need more detailed explanation. For any further information you can consult our website at www.elkarri.org

Euskal Herria, Euskadi, or Basque Country (Basque Country) are the names most commonly used to refer to the people located on the shores of the Bay of Biscay and on the two sides of the western Pyrenees that separate the Spanish and French States.

At present, what has been historically and culturally called the Basque Country is divided into three political-administrative structures: one in the French State and two within the Spanish State.

The southern part of the Basque Country, located to the south of the Pyrenees, is part of the Spanish State. The population of these territories is 2,873,512 and they cover 20,644 square kilometres.

Although irregularly, and something that is currently the subject of political controversy, these people have maintained their own identifying characteristics throughout the centuries, and this means that a large part of the population shares a collective conscience of belonging to a differentiated people.

These identifying feature, for the community that shares this sense of belonging, can be found the very history of the Basque People, in its geography, in political sovereignty that has been maintained at different levels over the centuries, and in the survival of a particular culture and language. Among these, euskera (the Basque language) stands out; it is one of the oldest Indo-European languages in Europe whose origins, strangely enough, are unknown.

Nevertheless, the wide variety of sensitivities regarding what is Basque is one of the characteristic features of contemporary Basque society. The centuries of coexistence and relations between the different communities that have lived in this area have given rise to Basque, Spanish, French, Spanish Basque or French Basque identities existing alongside the others.

1 Introduction

The Basque problem could be said to go back to the search for the origins of Basque culture itself. However, this report sets out to describe the key factors in what we consider as the Basque conflict in its most recent phase. It is a conscious choice that, in the search for clarity, may omit certain important historical elements.

Franco's dictatorship

We could begin in the historical period known as Franquismo. Following the coup d'état that overthrew the Republican Government in the Spanish State in a bloody military conflict (1936-39), General Franco established a dictatorship that was to last for forty years.

The standardised idea of the State applied by Franco, together with the fact that Basque nationalist forces fought on the side of the Republic, meant that the Basque Country suffered strong repression of any Basque

2 Recent history

politics

symbol during that period, and the total suppression of systems of self-government.

The Transition

The death of Franco on 20th November 1975 led to the previously pacted monarchy of Juan Carlos I de Borbón. The new Head of State appointed a government that was charged with transforming the Spanish political system into a democracy that could stand alongside that of other Western countries.

The Basque nationalists and some left-wing formations wanted a break with the previous regime, but in practice it was replaced by a transition process from dictatorship to democracy.

The challenges faced by this process were to deal with claims for basic democratic freedoms, amnesty for political prisoners, and the claims for sovereignty of the nations that made up the State, especially Catalonia and the Basque Country, the vanguard of political struggle during Franco's regime.

The Spanish Constitution of 1978

On 6th December 1978 the Spanish Constitution was approved in a referendum. Spain became a social and democratic state under the Rule of Law, assumed Parliamentary Monarchy as its political system, and acknowledged and guaranteed the right to autonomy of the nationalities and regions that made it up. At the same time, the Constitution protected and respected the Historical Rights of the Basque Foral (Chartered) Territories, and the new system took place within the framework of the Constitution itself and the new Statutes of Autonomy.

However, the Constitution did not succeed in satisfying the claims of the Basque nationalists, whose amendments were rejected. As a result, in the referendum on the Constitution they advocated abstention or a vote against. In this context, 38.6% of Basques voted in favour of the

2 Recent history

politics

Constitution and the rest voted against or abstained (the majority).

For its detractors, the key to this rejection lies in the non-recognition of the right to self-determination of the different nations that make up the State, and the fact that the Constitution charges the Army with guaranteeing the territorial integrity of the State. At the same time, the formula of the incorporation of Navarre into the Basque Autonomous Community was criticised by this sector because the administrative difficulties involved made the incorporation almost impossible.

Statute of Autonomy and Amejoramiento Foral (improvement of the Charter)

At a later date, and within this process of transition from a dictatorship to a democracy, a system of self-government was negotiated for the three regions to constitute themselves as the Autonomous Community of the Basque Country, and also a similar status for Navarre. The result of this debate was the Statute of Autonomy of Gernika, which was approved in a referendum on the 25th October 1979. The official status of the Basque and Spanish languages was established, as were the powers and institutions: the Parliament, the Government and its President (Lehendakari). Among the powers (competences) transferred, the following stand out: the 'Concierto Económico' (an agreement to regulate the Community's contribution to the State Treasury after collecting the main taxes directly), the Autonomous Police Force, the setting of the Basque Radio and TV station, autonomous education and health systems, etc. Basically, one of the highest levels of self-government in Europe.

At the same time, the Additional Disposition of the Statute laid down that acceptance of the autonomous government system "does not imply the renunciation by the Basque People of the rights that may correspond to them as a result of their history, and which could be brought up to date in accordance with the provisions of the legal code".

All the political parties took part in the negotiations except the independence-seeking left wing, which recommended abstention because they considered the measures insufficient. In this case, 53% of the citizens of the Basque Autonomous Community voted in favour and 41% abstained.

Political impasse

However, twenty years after it was approved, the application and implementation of the Statute is still the subject of political controversy and there are still over 30 competences to be transferred that are being claimed by the Basque Government and Parliament, one of the main areas being the administration of the social security system.

In the case of Navarre the process has also been quite conflictive, and the equivalent of the Statute (the Ley de Amejoramiento Foral) was approved without a referendum. In any case, support for Basque nationalist parties in Navarre has never been above 25% of the votes cast.

In this context, the laws that hoped to constitute a great hope for peace through a high level of self-government have not achieved the objective of solving the Basque conflict.

ETA emerged in December 1958, half-way through the period of Franquismo. The group was born of the dissatisfaction of certain nationalist sectors who considered that the moderate nationalists were too passive in their defence of Basque culture and against the dictatorship. Initially it was a political group that limited its operations to propaganda.

First phase: up to the conversations in Algiers

The move to the so-called "armed struggle" was gradual. Initially it was limited to bombs, hold-ups and sabotage that only caused material damage. During this period the police detained members of ETA but there were no human casualties as a result of its operations. The first non-fortuitous death at the hands of ETA occurred on 2nd August 1968, and from then until Franco's death the action that had the greatest impact was the attack on Admiral Luis Carrero Blanco, President of the Spanish Government and virtual successor of Franco.

Many ETA members were detained or died during this period, a particularly notable case being the kidnapping of the Basque refugees Joxi Zabala y Josean Lasa by the GAL (an armed para-police organisation) in

3 Recent history

violence

October 1983. Their bodies, with evidence of brutal torture, were discovered in the spring of 1995. High-ranking figures from the Spanish Ministry of the Interior have been involved in the activities of the GAL, who committed 27 killings during their period of armed activity.

During this period ETA defended direct negotiations with the Spanish Government. An attempt was made in the so-called "conversations in Algiers" between the Socialist government of the time and a delegation from ETA. Following the failure of these conversations in January 1989 the Spanish Government deported six ETA members to the Dominican Republic, including the three interlocutors appointed by ETA in Algiers. These three people, Eugenio Etxebeste, Belen González and Ignacio Arakama are now in Spanish prisons but ETA still considers them as their official interlocutors in any attempt at dialogue.

Second stage: the demand for self-determination

In March 1992 the leadership of ETA was detained in Bidart, the biggest setback ever received by the organisation. Until then, ETA's strategy was based on the demand for political negotiations between the organisation and the Spanish government. Following the detentions in 1992, ETA's negotiation strategy changed considerably. The so-called "Democratic Alternative" included a new set of proposals that contemplated two different scenarios, one between ETA and the Spanish State and the other between Basque political players.

This proposal stated that once a first stage had been overcome, in which the Spanish State "should recognise the right to self-determination and the territorial unity of Euskal Herria, and guarantee respect for what

3 Recent history violence

the Basque people democratically decide”, ETA would declare a “ceasefire” that would give rise to a “democratic process in which Basque citizens would decide all the aspects related to the organisation and future of Euskal Herria”.

From then on, notable events were the fatal attack on the Basque police sergeant Joseba Goikoetxea in November 1993 and actions against the Partido Popular (PP) in 1995: the killing of the President of the PP in Gipuzkoa, Gregorio Ordóñez, in January and the failed attack on the Spanish President José María Aznar. The death of the Partido Popular local councillor Miguel Angel Blanco led to major public demonstrations against the action.

Third stage: the truce of 1998

The major development in this period was that ETA made its claims directly to the Basque nationalist parties without going through the government in Madrid. From that moment on, as far as ETA was concerned the possibilities of violence ending depended on getting a nationalist agreement. Indeed, ETA would justify the continuity of violence because an agreement had not been achieved on sovereignty in the terms proposed by this organisation.

During this phase the longest truce by ETA occurred in 1998. It later renewed its activities with a violent offensive against politicians, journalists, members of the judiciary and armed forces, and some of its most notable victims were the Socialist politician Fernando Buesa or the University lecturer Ernest Lluch.

The conflict in figures

Total number of people killed:	1046
People killed through actions by ETA:	831
ETA members killed in confrontations with the police:	76
ETA members killed in their own actions:	48
People killed by para-police and paramilitary actions:	92
Number of people missing:	5
Number of police arrests for this reason:	11.000*
Number of Basque political prisoners in Spain and France:	505
Number of people kidnapped by ETA:	76

*The figure of arrests is approximate.

Sources: Basque Government, Asociación de víctimas del País Vasco (Covite) and the Asociación de familiares de presos vascos (Senideak).

Until 1988 the effects of the so-called "Spanish Transition" were experienced in the Basque Country. They were the years in which a series of negotiations between ETA and the State in Algiers finally failed. At the same time the new autonomous institutions gradually emerged.

Ajuria Enea

The name of the residence and offices of the President of the Basque Government.

From 1988 to 1998 attempts to find a solution to the Basque conflict took place through the "Pact of Ajuria Enea". This agreement, signed by all the political parties except the independence-seeking Left aimed to

4 Recent events

establish a unified strategy against ETA's violence. The basis of the agreement was the Statute of Autonomy, the need and importance of police action in the eradication of violence and the possibility of a solution through dialogue, provided that there was evidence of a desire to give up violent acts. The texts of the Pact of Ajuria-Enea put on record the existence of a dispute between the Basque People and the Spanish State.

However, the last years of the meetings of the Pact of Ajuria Enea were characterised by a series of discussions and disagreements as a result of the different interpretations made by the political parties regarding a solution through dialogue, and the non-fulfilment of the Statute of Autonomy on the part of the Madrid government.

The pact of Lizarra

On 12 September 1998 an important turning point occurred. Four political parties, together with a number of trade unions and social movements, signed the Declaración de Lizarra in which they adopted a methodology to solve the conflict that was similar to that used in the Irish peace process. Immediately afterwards (on 16 September) ETA called a unilateral, unconditional and indefinite ceasefire. These events opened up a process of change or transition in the Basque conflict, from one of chronic and violent confrontation to one of possible peace and agreement.

However, the division of the political parties into two tendencies should be highlighted. One was represented by the parties who signed the Declaración de Lizarra, and the other by the remaining political forces.

The first group considers (with minor differences between them) that the process of peace and non-violence should be accompanied by a process of dialogue and agreement that would provide a solution to the underlying Basque conflict that affects the very basis of socio-political coexistence in the Basque Country. Its line is that the majority will of the Basques, expressed freely, clearly and democratically, should be respected. It particularly reproaches the Spanish government for its resistance to change, its refusal to hold political dialogue and its non-existent contribution to the peace process.

4 Recent events

The second group, led by the Government of the Partido Popular, considers that peace basically means the definitive laying down of its arms by ETA. They do not consider that political dialogue needs to take place at the same time. At most, the only possible dialogue would be between the institutions and within the limits of the Spanish Constitution, the Statute of Autonomy of the Basque Country and the Amejoramiento del Fuero in Navarre. They criticise the first group for its intention of gaining political advantages for the nationalist cause in exchange for peace. In general terms, the Socialist Party is within this group but with major conditions: it does not deny the political nature of the conflict, does not reject bilateral or multilateral dialogue, and is favour of introducing changes in the penitentiary policy that the Spanish government does not adopt.

The end of the ceasefire in December 1999, made more serious by a strong split in political life, has had clearly negative effects. A climate of political non-communication and fronts has emerged, encouraged by an ongoing polarisation and controversy. Any issue to do with the Basque conflict, whether basic or secondary, has been the subject of intense, noisy and tense controversy. Dialogue, quite common in previous years, is now almost non-existent between the political forces of the two tendencies.

To summarise this section, we could conclude that within this context of division there is a basic point of disagreement that is very important and relevant. For the first group, the "Basque problem" is one of a political nature related to the disagreement on the Basque scope of decision, one that should consider how to articulate respect for the majority will of the Basque people. For the second group, the conflict is the existence of ETA, and that once this organisation has disappeared any problems that might exist would be solved within the current political and institutional framework.

For its detractors, the Declaración de Lizarra represents a political strategy that aims to marginalize non-nationalist political parties, while the opinion of those who signed it is that its critics only want to bring about a change of government based on party reasons.

Given this situation, Basque society finds itself confused, with sentiments of despair and incredulity. All the opinion surveys made in the last twenty years show that 90% of the people of the area, regardless of their political thinking, demand a solution based on political dialogue. To date, however, it has not been possible to set up a multi-party forum that responds to this demand.

On 13 May 2001 elections to the Basque Parliament were held, preceded by a great debate on the model of solution to the conflict. Despite previous opinion polls, the parties that defended the peace process based on non-violence and political dialogue obtained strong support from the electorate as opposed to the options that opted for positions of strength.

Following the election the most important thing, from the point of view of the construction of peace, is that a page has been turned, both politically and socially, and a new cycle of opportunities has begun. In this new phase, peace and the political normalisation involved in living together peacefully are the two major unresolved matters.

5 Models to transform the conflict

Following the Spanish Transition to democracy, and forty years of dictatorship under Franco, the Basque Country has been suffering a dual problem: normalisation and violence. The socio-political framework has not achieved the necessary consensus and politically motivated violence has been violating human rights up to the present day.

There have been attempts and strategies to end this situation. Basically, they all come under one of three models: "the police solution", "force" y "non-violence and dialogue". The first two, a police solution and force, have been the dominant models. The result, in terms of factors that have contributed to maintaining the conflict within its current parameters, is clearly negative. The third, non-violence and dialogue has hardly had a chance, and the opportunities that have arisen have always been partial and incomplete.

The most important example of this last model was the attempt at a peace process that started with ETA's truce. Both occurred in September 1998 and offer a positive political balance: almost eighteen months without any politically motivated killings and unprecedented expectations of peace. Optimism and hope were keenly felt in both Basque and Spanish society.

This opportunity, however, has collapsed for the time being. As a senior Church figure close to the conversations between the government and ETA says: "the intransigence of one side and the impatience of the other" conditioned any progress.

Even during the ceasefire period the efforts of the central government to transform the conflict in the Basque Country have focused on trying to finish ETA through police action, although this not been achieved to date. Nevertheless, some Ministers have taken part in, or witnessed, attempts at dialogue with ETA during their term of office.

The most serious contacts were made during the Socialist party's time in office, through the contacts between the central government and ETA in Algiers. During this period, however, the police option saw a series of major events: the start of the extradition of Basque refugees (1984), or the strategy of dispersion of ETA prisoners from 1989 onwards. The papa-police organisation GAL also appeared on the scene at that time.

The present

The Basque conflict is now in a transition period between the end of a cycle of confrontation and the beginning of a cycle to solve the problem. Like any period of transition to a peace process, the situation is contradictory. It has features of the past and the future. The old ways have not died off completely and the new is yet to be born. At present there is a series of initiatives and attempts to set up processes of dialogue alongside very hard situations of violence and confrontation.

All the questions that have to do with the reasons at the heart of the Basque conflict are at a crossroads, a moment of uncertainty, need, of redefinition for the future and one where a new cycle is opening up.

5 Models to transform the conflict

Opportunities

Three factors should be highlighted on the positive side. Firstly, the hope and the attitude of Basque society. The tension seen at the political level is not reflected in the street. People are willing to be conciliatory regarding the future and are starting to express their disappointment for the strained political atmosphere. Social, economic, church and civil players represent society's critical voice, which clearly wants to move forward in the direction of non-violence and dialogue.

The second positive factor is the project to promote a forum for dialogue in which all political parties would be represented. It does not seem likely that this forum will be set up in the short term, mainly due to ETA's actions and the refusal to undertake political dialogue by the Madrid government, however it is a future scenario with capacity to change things.

The third positive factor has to do with one-off initiatives related to dialogue between different political formations. These have been taking place recently and, taken together, represent a positive trend.

Difficulties

Nevertheless, despite these positive elements the Basque conflict is in a state of deep crisis. Following the ceasefire, the situation now is that either this initial phase can be overcome to get a negotiation process going, or the current impasse may lead the situation to one in which violence spirals and social fracture becomes a possibility.

The Basque peace process is therefore facing two major obstacles to its progress. On the one hand, ETA's activity, which does not respect the majority will of Basque society for non-violence. On the other, the lack of peace initiatives coming from the Spanish government.

The present day is marked by a total, front offensive. The spiral of violence and non-communication feeds itself continuously. Terrorist attacks and police operations follow each other. The former will never triumph as a result of the overwhelming inequality of forces and the lack of majority support from the people. The latter are insufficient in themselves to prevent further violent actions and are incapable of achieving a lasting peace. Being a conflict with political roots, police pressure limits the effects but does not offer definitive results beyond the odd one-off success. The short-term perspective is, therefore, one of indefinite impasse unless new political initiatives can 'rescue' the process from its current stagnation.

Vis-à-vis the immediate future, and in the opinion of this social movement, there are seven priorities that should be worked on to overcome the present state in which the Basque process towards peace finds itself:

1.- Dialogue. It is essential to promote, starting now, multiple and crossed dialogues to find out the different points of view. A dialogue forum involving all the political parties is seen as the fundamental core to bring about convergence and solve the basic problems. We talk of a forum, although it should be set up within a flexible methodology in which, for example, there would be a specific forum for the Basque Autonomous Community, another for Navarre and any other mode of dialogue that is considered appropriate, provided that the principle of non-exclusion of any political current is respected.

The years have left a very clear balance. We know in detail the factors and actions that prolong, worsen and entrench the problem: violence and the refusal to hold a dialogue. There is also certainty about the factors that can transform the

situation and drive it forward: non-violence and political dialogue without exclusions. Basically, it is a question of trying out a political process similar to the one that led to the Good Friday Agreements in Stormont-Belfast, in the Irish case.

2.- Humanisation. The consolidation of this process requires measures aimed at humanising the conflict. Apart from being imperative in humanitarian and justice terms, these measures would contribute towards generating a climate of confidence and tranquillity, essential for the success of a peace process.

There are three priority areas in which these measures could be carried out. It is necessary to being a process of dialogue and consensus related to the treatment of victims in the peace process. It is also urgent to modify penitentiary policy so that the dispersion of prisoners is brought to an end. Likewise, it is necessary to succeed in ending acts of violence and sabotage in the streets.

3.- Foster a culture of conciliation and participation by society. The peace process means that the search for dialogue and agreement should not just take place at the level of the political elites, but also in society in general. It is therefore essential to disseminate and practice a culture of conciliation, understood as the development of society's ability and skills to solve its conflicts in a positive manner, without violence, through dialogue and with respect for the plurality of opinions. Moreover, the network of associations in this country could promote social participation and disseminate the consensus achieved (already there in society in general) that political dialectics do not succeed in reflecting.

6 Proposals

to construct
a future of peace

necessary to make progress towards a converging definition of the nature of the Basque conflict. At the present time this is one of the

be done on a 'bridging' definition that expresses the antagonistic visions that exist on the conflict.

One way of dealing with this could be: "Together with the consolidation of peace, the main (and differentiating) problem of

Basque socio-political coexistence, which has also been called the conflict or dispute, is the lack of a basic

agreement on the political rules of the game, or more specifically on the scope and framework(s) of decision. Its importance and specificity is essential because this basic consensus on rules and scopes of decision serves as a constitutional basis for integrated coexistence and is a necessary condition to ensure the normal confrontation of different identities, projects and political expressions. Given that this is missing at present, everyone needs to make an extra political effort based on dialogue and consensus to put right this lack of legitimacy offered by the current political

f r a m e w o r k " .

more intense contribution to the progress and consolidation of a peace process through support to the two main drivers that can best take it forward and consolidate it: multipartite dialogue and the humanisation of the conflict. Basically, it needs to establish a political agenda on the question.

Many observers regret that the Spanish government is not applying an active and positive policy similar to that of other governments involved in peace processes. In this sense, the Irish peace process is a benchmark that is very closely followed.

interdependence that arise from different experiences and contexts in our international context.

Sovereignty, self-government, or decision-making areas, are conflictive concepts that can be approached from the perspective of transformation of conflicts. In this respect, many intellectuals and experts believe that is possible to find new interpretations and applications of the ideas and concepts contained in constitutional frameworks.

In sum, propose a new common starting point. Taking legal instruments contained in existing systems as a base, formulae could be found that channel the process of dialogue through the freely and democratically expressed will of the people.

requires external help and facilitation. The international community, governments and institutions can also contribute to the

6 Proposals to construct future of peace

Basque conflict finally entering a process of peace and democratic solutions. We therefore propose the following, from different areas
o f s o c i e t y i t s e l f :

6 Proposals to construct a future of peace

7.1. Approach the Basque problem as a European question. The Basque case is a European problem; the priority of the citizens of this part of Europe is pacification and normalisation. If only for this reason, Europe is called on to respond to this demand.

7.2. Establish an official European position on pacification at supra-State level. This requires constructive criticism (and self-criticism) on the problem and its possible solutions. The vision and actions of the Spanish State, directly involved in the problem, is very important but should not be the only ones. Its information and proposals are inevitably partial and are conditioned by their process and history of confrontation. Other social and political points of view should complete the European definition of the Basque case.

7.3. Promote anything that can change things democratically, i.e. initiatives based on non-violence and dialogue without exclusions. European intervention in the Basque process towards peace should be defined, publicly or privately. Political resources need to be put into effect that are compatible, and operate in synergy, with the more constructive approaches of the socio-political players
w h o a r e d i r e c t l y i n v o l v e d .