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SPECIAL REPORT

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ABOUT THE REPORT

The international community lacks updated information on the latest stage of the Basque conflict—the longest enduring violent conflict in Western Europe—and the emerging opportunity for a peace process among the key parties to it. This report examines recent promising developments, outlines remaining obstacles, and offers recommendations to ensure that the present opportunities for peace in the Basque Country are not lost.

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The Basque Conflict

New Ideas and Prospects for Peace

Summary

- The recent announcement of a permanent cease-fire by the Basque separatist group Euskadi Ta Askatasuna (ETA) signals the most significant window of opportunity for the initiation of an all-party peace process between the Spanish government and the Basque community since 1998, when Prime Minister José María Aznar authorized a dialogue between Spanish officials and ETA in Switzerland.
- The first permanent cease-fire in ETA's bloody history arose from a complex combination of circumstances, including massive popular campaigns against violence, the political impact of a proposal by moderate Basque nationalists for a new Statute of Autonomy, and the election of a new Spanish administration disposed to new approaches toward the Basque issue.
- Two competing visions are currently clashing within the Basque community: there are those who want Spain to remain the only sovereign entity within the Basque territories and those who want a new sovereignty status to be agreed upon between Spanish and Basque institutions. At present, therefore, discussions within the Basque community are focused on the search for instruments of shared sovereignty that are adapted to a complex and plural social reality.
- The Spanish and Basque governments and key political parties are currently designing the methodology, agenda, and timeline for a multiparty dialogue process. Taking into account the current level of self-governance in the Basque territories and the demands of each party, the key issues to be negotiated lie in the areas of human rights, sovereignty, and territorial relations.
- To take full advantage of this unique opportunity for peace, it will be very important to achieve a broad consensus on the rules of the game before any public phase begins and to agree on decision-making mechanisms in order to preclude procedural disagreements in the negotiations. Further, a dialogue process like this requires the participation of all political traditions. This means that, as soon as possible, the Spanish government should establish legal formulas for the participation of the currently banned political representatives of the pro-independence Basque movement.

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- Basque and Spanish civil society organizations, nongovernmental organizations, and community leaders have played a major role in not only creating a conducive atmosphere for a breakthrough but also in making significant contributions to the principles, content, and methodology of the proposed process and challenging the positions of the political representatives. Although the political elite will lead the process once all-party talks are set in motion, civil society organizations from both sides will remain important to the process, particularly in explaining the complexities of a comprehensive agreement to their respective publics.

Introduction

On March 11, 2004, a series of bombs ripped through Madrid's commuter train system. The Spanish government, then led by José María Aznar, immediately cast blame on the Basque separatist group Euskadi Ta Askatasuna (ETA, or Basque Country and Freedom). Although investigations later revealed that Basque activists were not involved in the attacks—and that they had been the work of Islamist extremists—they momentarily focused the world's attention on the Basque conflict. While the international community has since refocused its sights on Iraq, Afghanistan, and the global war on terror, the announcement of a permanent cease-fire presents a unique opportunity for ending the Basque problem—the longest enduring violent conflict in Western Europe.

This opportunity has arisen from a complex combination of circumstances, including massive popular campaigns against violence, the political impact of a proposal by moderate Basque nationalists for a new Statute of Autonomy, and the election of a new Spanish administration disposed to new approaches toward the Basque issue. To give just one example of this new political environment, shortly after his election victory, Spanish prime minister José Luis Rodríguez Zapatero proposed a resolution—recently passed by an absolute majority of the Spanish Congress—that endorses dialogue with ETA if the organization turns away from violence. Indeed, the situation in Spain has improved so substantially at the confidence-building level that Basque political parties expect that the permanent cease-fire will inaugurate all-party talks focused on the reform of the current Statute of Autonomy.

Therefore, Spanish authorities and most political analysts believe we are currently witnessing the most significant window of opportunity for the initiation of a peace process since the 1998 cease-fire, when official conversations between the government of Prime Minister Aznar and ETA took place in Switzerland. This window is being opened not only by conversations between the main Basque and Spanish political parties and governments but also by closed-door contacts between ETA and the Spanish authorities. If these discussions continue to progress positively and the cease-fire is verified by the governments, the table will be set for the start of peace talks. In fact, the Basque government and key political parties have already begun designing the methodology, agenda, and timeline for a multiparty dialogue process.

Background to the Conflict

The Basque Country is the name traditionally used to refer to the geographic area 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, however, this historic and cultural area is fragmented into three political structures: the two within Spain—the Basque Autonomous Community, which is comprised of three Basque provinces, and Navarre—have their own administrative structures, while the one within the Aquitaine region of France has no administrative structure of its own.

With a total population of just under 3 million, Spain's Basque regions are where most of the violence has occurred. They cover 7,970,656 square miles and currently rank above the European average in the principal indicators of economic and social development, while politically the Basque Autonomous Community and Navarre enjoy the highest level of self-governance of any nonstate entity within the European Union. Nonetheless, violence and political confrontations still undermine daily life there.

The Basque people have managed to preserve their self-identifying characteristics throughout the centuries and today a large part of the population shares a collective consciousness and an expressed desire to be self-governed. This shared consciousness survives through the Basque people's own unique culture, language, and political past. Indeed, over the centuries, the Basque Country has been able to maintain various levels of political self-governance under different Spanish political frameworks, such as absolute monarchies, the first and second Spanish Republics, and the current parliamentary monarchy. As a result, the Basque territories have long been able to retain, among other things, their own fiscal system and provincial parliaments.

However, tensions about the exact type of relationship the Basque territories should maintain with the central authorities have existed since the origins of the Spanish state and in many cases have fueled military confrontation, such as during the Carlist wars of the nineteenth century and the 1936–39 Spanish Civil War. This history of violent confrontation has left a lasting impression of resentment in the collective memory of many Basques.

Franco and the Spanish Transition to Democracy

Following the 1936 coup d'état that overthrew the Republican government and ignited a civil war, General Francisco Franco established a dictatorship that lasted for almost four decades. Because Basque nationalist forces fought on the side of the Republic, Franco's highly centralistic and authoritarian state fully suppressed Basque systems of self-governance and any visible elements of the unique, centuries-old Basque culture. Upon Franco's death in late 1975, the Spanish state appointed a new government, charging it with transforming the Spanish political system into a democracy that could stand alongside those of other Western countries. The challenges of this process involved addressing issues related to basic democratic freedoms, amnesty for political prisoners, and demands for sovereignty in regions such as Catalonia and the Basque Country.

In December 1978, the Spanish Constitution was formally approved in a nationwide referendum and Spain became a democratic state—a parliamentary monarchy—that guaranteed the protection of the nationalities and regions within its borders and their historical rights. These historical rights included the Basque peoples' right to autonomy in the territories that are known today as the Basque Autonomous Community and Navarre. Yet despite these guarantees, the proposed constitution did not succeed in satisfying all the aims of the Basque nationalists, who felt excluded from the constitutional decision-making process. As a result, the Basque nationalist parties advocated that voters not support the constitutional referendum, leading 54.5 percent of the Basque electorate to abstain from the vote.

The Highest Level of Self-Government in Europe

Following the referendum, the new Spanish government negotiated with the moderate Basque nationalists in order to achieve broader popular support for its nascent political system and agreed to grant a substantial level of autonomy to the Basque region. This agreement, which established Basque and Spanish as official languages in the region and officially sanctioned a Basque Parliament and president, was formalized in the Statute of Autonomy of Guernica, which was approved by the Basque Autonomous Community in a referendum on October 25, 1979. (A separate agreement similar to the Statute of

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The Basque Parliament supports a proposal for a new statute based on “free association” or “shared sovereignty” with Spain.

Autonomy was approved without a referendum in Navarre on March 15, 1982.)¹ The agreement also saw the transfer of significant powers to the Basque government. For example, the region was given a high degree of fiscal autonomy and the ability to collect taxes and regulate its own tax contribution to the state treasury. Additionally, the agreement allowed for the creation of an autonomous Basque police force, Basque radio and television stations, and autonomous education and health systems. In practice, the statute allowed for the highest level of self-governance of any subnational entity in Europe.

While 53 percent of the population of the Basque Autonomous Community voted to accept the Statute of Autonomy, 41 percent abstained. Therefore, twenty-five years after its approval, its application and implementation are still the subject of heated political controversy. Today, the Basque Parliament supports a proposal for a new statute based on “free association” or “shared sovereignty” with Spain. The political impact of this proposal, if realized, would allow the Basque Parliament and presidency the right to define any potential changes in the current relationship between Spain and the Basque Autonomous Community. (In Navarre, the political dynamics are very different than in the Basque Autonomous Community. The majority of the population does not feel Basque and wants no change to the status quo. The Navarre government, therefore, is not interested in such a proposal.) The Spanish Parliament, however, arguing that the proposal exceeds the state's current constitutional limits for regional autonomy, has rejected it. The Basque government has since requested negotiations with the Spanish government about the proposal, expressing a clear will for compromise.

A Modern History of Violence

In December 1958, ETA was formed by certain nationalist elements that considered the moderate nationalists too passive, both in their defense of Basque culture and in their opposition to Franco's dictatorship, but its move to the so-called “armed struggle” was gradual. At first, its efforts were limited to bombings, hold ups, and sabotage that caused only material damage. During this initial period, the police were able to detain members of ETA, but the authorities within Franco's regime refused to discuss ETA's demands, which prompted the organization's first planned killing on August 2, 1968. Its most well-known killing during the Franco era was of Admiral Luis Carrero Blanco, president of the Spanish government and the man who Franco intended to be his successor.

Since its inception, ETA has caused more than 800 deaths, left hundreds of people wounded, performed multiple kidnappings, and made innumerable attacks and threats against various sectors of the population, including political representatives, security forces, businessmen, judges, journalists, and academics. At the same time, many members of this organization have died at the hands of paramilitary groups and security forces, or as a result of maltreatment and torture while in police custody. At present, more than 700 ETA-affiliated individuals are incarcerated in Spanish and French state prisons; several hundred more are thought to be hiding in countries around the world, escaping from legal action by the Spanish and French courts.

Lacking majority support among the Basque people, and cognizant of public support for the 1998 cease-fire, ETA has recently begun to modify its negotiating strategy. Rather than continuing its demands for direct negotiations with Madrid so that it might reach an agreement in the name of the Basque people, ETA now accepts the legitimacy of the Basque political parties and their right to discuss with Spain the fundamental issues that affect the Basque community. However, most Spanish and Basque political actors do in fact believe ETA should have direct contact with the central government so that the situation of its prisoners and other similar issues can be discussed.

Significantly, in its most recent communications, ETA has positively acknowledged some of the socialist government's initiatives. As confidence-building measures progress, the political representatives of the self-identified Basque National Liberation Movement (MLNV)—which includes ETA, the political party Batasuna, and the trade union Assem-

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blies of Patriotic Workers (LAB), among other organizations—will undoubtedly be willing to participate in all-party talks centered on the creation of a new political agreement between Spain and the Basque regions.

What Is the Conflict about?

Recent opinion polls show that a majority of the population in the Basque Autonomous Community believes that the Basque people have the right to determine the type of relations they maintain with the Spanish state—whether the future relationship involves a continuation of the status quo, more autonomy, a confederal arrangement, or full independence. A significant minority, meanwhile, believes that Spanish society as a whole should decide on any possible modification to the political status quo. Additionally, 36 percent of the population demands a profound reform of the 1978 Statute of Autonomy and 16 percent rejects the statute altogether. Only 12 percent of the population sees no need for a change in the statute, while 27 percent advocate minor changes to it, such as transferring the negotiated powers (social security, ports, etc.) that have not yet been turned over to Basque institutions.²

As these polls demonstrate, two competing visions are currently clashing within the Basque community: there are those who want Spain to remain the only sovereign entity within the Basque provinces and those who want a new sovereignty status to be agreed upon between Spanish and Basque institutions. Basque nationalists resent that the decision-making process for defining the Basque Autonomous Community's constitutional status is controlled and regulated by the state. Although this control rests within democratic institutions, the nationalists still interpret it as a fundamental limitation on their collective freedom. Madrid considers this nationalistic approach to be an unrealistic, limited, and negative reading of the current political system. Yet this perceived limitation remains a fundamental issue that must be creatively addressed because it has been fueling the nationalists' demands for decades.

Any peace process in the near term will aim to transform this thinking into a more positive approach. If a bilateral consensus could be reached on any new political agreement, the Basque conflict would be transformed. As a way to make such an agreement possible, key Basque parties are currently exploring mechanisms of popular consultation—such as a nonbinding referendum—that could be accepted by all political traditions.

Consequently, the Basque conflict is now transitioning from a destructive cycle of violence to a cycle of political dialogue, creative thinking, and highly promising initiatives for peace. As in any period of transition, the patterns of behavior of the past and the nascent processes of the future are interacting in complex and contradictory ways. The old ways have not died out completely, and the new ways have yet to take hold. At present, therefore, a series of initiatives are underway to set up processes of political dialogue in an environment poisoned by years of violence and confrontation.

Principal Actors and Their Political Goals

The parties to the Basque conflict are the Spanish government, the Basque government, the political parties represented in the autonomous parliament, and the MLNV, which includes ETA.

The Spanish Government

The current Spanish administration supports—for the first time since the country's transition to democracy—federalist reforms to the autonomous territorial system created in 1978. To this end, and in light of the many social, political, and technological changes of

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the last thirty years, the government has initiated a process of constitutional reforms that will address those issues that could not be adequately addressed during Spain's transition to democracy. The most controversial issues concern the definition of nationalities and regions within Spain, new economic and fiscal agreements between the autonomous communities and the central government, and the decentralization of the judiciary system.

This first constitutional reform process affects not only the Basque people but also the autonomous communities of Catalonia, Valencia, and Andalusia, among others. Even though the discussions and negotiations over the Basque question are positioned within a broader, institutional framework, useful talks are currently taking place between the Spanish and Basque administrations in order to improve trust-building mechanisms and to create new approaches to the key issues. For example, the Basque Autonomous Police may be allowed to join the European Law Enforcement Organization (Europol) so that it can exchange information with French police about antiterrorist matters, which is a long-standing demand of the Basque government. As a result—and despite the Spanish Parliament's rejection of the Basque government's proposal for a new statute—the reform process has generated a historic political opportunity for new agreements, not likely to be repeated for decades.

Regarding the Basque nationalists demand that the Basque Autonomous Community be given the right to redefine its relationship with Spain, Prime Minister Zapatero understands that Basque political forces themselves need to reach some consensus on the issue. Therefore, following successful talks, he would likely agree to put a new Statute of Autonomy to a referendum within the Basque community, offering a compromise to one of the most important aspirations for Basque nationalists.

The Basque Government

The Basque Parliament supported a proposal presented in December 2004 by the autonomous government for a new statute based on free association or shared sovereignty with Spain. This initiative followed the legal procedures established by the Spanish Constitution to reform the actual charter, but it did not reach the next phase of political negotiations within the Spanish Parliament. A large majority of representatives in Madrid rejected it outright, arguing that the proposal exceeded the current constitutional limits of autonomy. The Basque government disputed this view, stating that in the context of the European Union, the Spanish Constitution should be interpreted in a flexible way in order to find a more inclusive agreement between the Basque provinces and Spain, thereby satisfying the goals of all different political traditions.

Some external analysts note favorably that moderate Basque nationalists are expressing for the first time—although in a controversial way—their desire to remain part of the Spanish state based on a mutually agreed-upon relationship.

The MLNV

ETA and Batasuna, the outlawed pro-independence party, did not fully support the moderate nationalists' proposal for a new agreement with Spain. However, they reacted positively to the possibility of a popular consultation, thus opening the door to future negotiations and signaling a willingness to adapt long-standing demands to current socio-political dynamics.

While the MLNV advocates for in-depth constitutional reforms as a condition for stopping the violence, ETA's constituency in recent years has begun to demand that ETA's leadership make its positions more flexible. Indeed, ETA supporters are now, for the first time, clearly questioning the legitimacy and utility of violence.³

These changes within the MLNV contribute to an increase in maneuvering space for an agreement. They also imply that the MLNV has a more flexible and realistic approach to

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its historical demand of self-determination and unity for all Basque territories located in both Spain and France.

New Possibilities for Dealing with Sovereignty

The profound transformation of the classic symbolic elements of the nation-state within the context of the European Union, defined by the disappearance of internal borders, a common monetary system, and transnational armed forces, has also greatly contributed to the prospects for a resolution of the Basque conflict. Discussions are no longer focused primarily on the creation of a new Basque nation-state—in fact, 32 percent of the Basque population does not want an independent Basque Country, while only 23 percent supports independence and 34 percent has no clear preference.⁴ Rather, today's discussions within the Basque community are focused on the search for instruments of shared sovereignty that are adapted to a complex and plural social reality.

Indeed, creative ideas are emerging from current negotiations, promising a significantly broader consensus and a more solid foundation for peace than ever before. Historically, this conflict has been deeply influenced by the limitations of the nation-state to accommodate, within the same political and legal framework, different nationalities with aspirations of self-governance. As shown, the key political actors to this conflict, the Spanish government, the Basque government, and the MLNV, have substantially modified their traditional positions regarding territorial organization and national sovereignty. Today, current leaders are setting forth more flexible strategies that contemplate formulas of shared sovereignty, which in a negotiation process could result in a compromise based on a broader consensus than that achieved by the current Statute of Autonomy.

This new approach for finding a solution to the Basque conflict is particularly relevant to the international debate about formulating creative and modern solutions to similar conflicts over identity and sovereignty. A successful outcome to the process would deepen the trend begun by many others in search of complex political solutions that transcend the classic understanding of the nation-state. For example, the notion of shared sovereignty—a formula for complex interdependent relations—is of significant relevance to the broader international community. It has already been successfully implemented in other areas of the world and is likely to become an increasingly potent and transcendent model for conflict resolution and peace building.

A Window of Opportunity for Peace

In most violent conflicts, peace can only be created through a combination of balanced advances on the local, political, and international fronts. Significantly, the Basque conflict has already witnessed advances on each of these fronts, allowing for an unprecedented window of opportunity for peace.

The Contribution of Civil Society

During the last few years, the Basque and broader Spanish publics have clearly come to demand an end to the violence and the opening of a peace process based on all-party talks. Contrary to other peace processes in which political leaders must sell the idea of peace to their citizens, 73 percent of the Basque population actively favors a comprehensive peace agreement. Further, pacifist groups already enjoy wide-scale and active support on both sides.

Today's discussions within the Basque community are focused on the search for instruments of shared sovereignty.

Pacifist groups enjoy wide-scale and active support on both sides.

Zapatero is playing a proactive role in creating the necessary conditions for a peace process.

Political Factors

The recent election of Prime Minister Zapatero—coupled with former prime minister Aznar's miscasting of blame on ETA for the terrible bombings in Madrid—has galvanized political and social will within Spain for addressing the Basque problem. Further, unlike Aznar, Zapatero is playing a proactive role in creating the necessary conditions for a peace process.

International Factors

International attempts to resolve the Basque conflict have been limited. In 1993-94, the Carter Center explored with the parties to the conflict the possibility of serving as an external mediator and in 1999 the Swiss government facilitated the only official meeting to date between Spanish officials and ETA. Both initiatives were based on the condition of approval by the Spanish government.

More recently, ongoing efforts by peacemakers from Northern Ireland have been focused on establishing bilateral relations between political organizations from Northern Ireland and the Basque areas. The purpose of this exchange has been to identify lessons learned from both conflicts and to facilitate private communications between political leaders facing similar challenges. Recently, these initiatives have taken on a public dimension as a result of statements made by Gerry Adams in the European Parliament, who offered his assistance to advise both Spanish and Basque political leaders. Meanwhile, Father Alec Reid, one of the key mediators involved in verifying the decommissioning of the Irish Republican Army (IRA), has been successfully involved in trying to persuade ETA to develop an exclusively political strategy. Father Reid has also successfully established new communication channels between Basque activists and the socialist administration in Madrid.

Additionally, the attacks of September 11, 2001, and the subsequent U.S.-led war on terror have contributed to the changing dynamics of the Basque conflict. If it was difficult for ETA to justify its violent activities in the international field before the attacks, today it is practically impossible for it to do so. Any attack by ETA would cause it to be associated with organizations such as al Qaeda and interpreted as a threat to international security. ETA does not want to be seen in such a negative light. Therefore, ETA has begun to reposition itself as an organization akin to the IRA and has been deeply influenced by the IRA's decision to substitute violence and intimidation with an exclusively political strategy.

Principal Obstacles

Despite the positive developments currently being witnessed, the situation in the Basque Country remains volatile. Therefore, the following issues must be creatively and comprehensively addressed before and during any peace process to neutralize the most destructive elements of Basque and Spanish politics.

Human Rights Violations

With the absence of mortal attacks, improvements have been made in the area of human rights violations in the last few months. Examples of these violations include attacks and threats by ETA against distinct groups and economic interests and reported cases of poor treatment and torture of imprisoned ETA members. Further, most of the 700 ETA prisoners in Spain and France are serving sentences in prisons that are hundreds of miles away from the Basque area and are, therefore, isolated from their families. (In early 2006, two Basque prisoners died under questionable circumstances while in custody. According to Spanish authorities, one committed suicide and the other suffered a heart attack.)

While these human rights violations have sufficient destructive capability to block the course of current initiatives, a violation of the cease-fire would be devastating. It would undoubtedly break the conflict's current equilibrium and provoke a return to the past, when the conflict was defined by violence and a lack of communication between the two sides.

Banning of Political Parties

Under Prime Minister Aznar, several organizations and political parties associated with the MLNV were banned and relevant mass media outlets were closed down, having been accused of collaborating in terrorist activities. These judicial processes were highly criticized by Human Rights Watch and Amnesty International.

At present, Batasuna, which was outlawed by the Spanish Supreme Court in April 2003 for its links to ETA, cannot conduct its activities with any normalcy. Further, its political representatives face a variety of judicial processes that are putting them in jail. At a time when visionary political leaders from all sides are needed, the exclusion of one of the principal parties and its leaders from any peace process would present a major obstacle to meaningful advancement. Additionally, the legalization of this party would make it possible for ETA to designate Batasuna as its political representative.

Lack of Public Acknowledgment of the Victims

More than 800 families have lost a relative since 1968 and hundreds more have been physically and psychologically affected by the conflict. Most of the associations and foundations that represent the interests of the victims state that the victims' voices are not being heard in the emerging discussions. According to these groups, discussants are inattentive to the concerns of victims and proposals for the inclusion of victims groups in the peace process have been met with considerable hostility, thereby denigrating the victims' memories and adding to their families' suffering. As numerous international experiences teach, constructive participation of all victims' groups from the beginning of talks would be a significant contribution to alleviating some postconflict challenges.

Methodology of the Peace Process

Although the cease-fire is a powerful reality—and the Spanish and Basque governments and main political parties are willing to participate in inclusive talks—the sides have yet to agree on the methodology for transforming the political roots of the conflict. Without such agreement, the cease-fire could collapse. At present each party has its own perspective on how the process and talks should be formulated and unfold. For example, while the Spanish government has offered to reform the Statute of Autonomy following the model established by the Catalan government, the Basque parties want the process to have a broader focus. At this historic moment, therefore, it is vitally important that the two sides find—as soon as possible—a methodology and agenda for a process that all agree to.

Contents of an Agreement

Now that the cease-fire has been announced, the parties face two other key challenges: building confidence in the process and identifying the possible contents of a new agreement. Taking into account the current level of self-governance in the Basque areas and the demands of each party, the key issues to be negotiated lie in the areas of human rights, sovereignty, and territorial relations.

At this historic moment, therefore, it is vitally important that the two sides find—as soon as possible—a methodology and agenda for a process that all agree to.

Human Rights

The negotiating parties and governments will likely apply those human rights principles that have successfully guided peace negotiations in other parts of the world to the Basque process. Functionally speaking, the key parties in the process should make an unequivocal commitment to defend political ideas exclusively through peaceful means, honor the memory of the conflict's victims, guarantee the participation of the victims' families, allow the participation of all political traditions, and address concerns about the treatment and proper detention of ETA prisoners.

Sovereignty

The most difficult dimension of the political discussions will involve addressing the key demand of the nationalists and agreeing on a formula for organizing popular consultations, such as nonbinding referendums. Within the current political and legal framework, the power to hold such consultations or referendums belongs solely to the Spanish government. However, this problem could be overcome if a new agreement were to grant the Basque Parliament and the Navarre Parliament the authority to engage in popular consultations—that is, if the majority of the political parties in the Basque territories actively solicited this authority.

The nationalists would interpret the authority to hold popular consultations as a profound change in the dynamics of the conflict because Basque society would have a concrete and tangible instrument with which to exercise its right to decide its future. At the same time, the Spanish government could argue that a broad agreement on the mechanisms through which to consult the population does not imply a fundamental modification of the current legal framework. From this point of view, such an agreement would introduce a mechanism for strengthening democratic principles and civil society participation in the Spanish state.

Theoretical support for such an agreement comes from legal analyses conducted by informed experts and authors of the current Spanish Constitution, notably Miguel Herrero de Miñón and Ernest Lluch, the former Spanish minister of health who was killed by ETA in 2000. A process of all-party talks will need to decide on the desired mechanisms and necessary political consensus to regulate this agreement.

Territorial Relations

The territorial relations between the Basque Autonomous Community, Navarre, and the Basque provinces in France could also be normalized without traumatic changes in the existing political framework. For example, the creation of a Euroregion, defined by the Council of Europe as a form of transnational cooperative structure between two or more territories located in different European countries, could significantly improve the political, economic, social, and cultural relations among the Basque territories in Spain and France—provided, of course, that majorities in each of the territories desired such a development. Concurrently, the Spanish and French Constitutions could also build on substantial, preexisting cooperative initiatives among regions and provinces on matters of common interest, such as infrastructure development, security, cultural heritage preservation, and tourism.

Recommendations

Facing this great window of opportunity for peace—and taking into account the issues described above—the following recommendations are presented for institutions, political parties, and international organizations involved or willing to support a peace process.

The most difficult dimension of the political discussions will involve agreeing on a formula for organizing popular consultations.

The creation of a Euroregion could significantly improve the political, economic, social, and cultural relations among the Basque territories in Spain and France.

Encourage the Participation of Civil Society

To date, Basque and Spanish civil society organizations, nongovernmental organizations, and community leaders have played a major role in not only creating a conducive atmosphere for a breakthrough but also in making significant contributions to the principles, content, and methodology of the proposed process and challenging the positions of the political representatives. Although the political elite will lead the process once all-party talks are set in motion, civil society organizations from both sides will remain important to the process, particularly in explaining the complexities of a comprehensive agreement to their respective publics. Civil society organizations will likely be vital in generating broad support for the process and giving the public a sense of ownership in it. Specifically, civil society organizations could play a positive role by collecting proposals and opinions from individuals and influential entities through public advisory forums. In turn, an independent representative or commission could present these proposals and opinions to the negotiating parties.

Acknowledge and Involve the Victims

Positive formulas should be developed that allow for the participation of the victims and their relatives in the process. The public acknowledgment of their suffering would both enrich the discussions and honor the victims' memories. Granting nonpartisan support for concrete initiatives, such as a project for collecting testimonies and honoring the victims' suffering, would contribute significantly to the healing process and would help both communities move forward. Even though the most dramatic effects of the violence and the names of those who suffered its consequences are public, very little effort has been made to promote public acknowledgment of each individual case or to convey the current situations of the affected families. Each story should be recorded and disseminated in a multimedia format to reach as wide an audience as possible. Such a massive storytelling exercise will undoubtedly provide much needed and deserved psychological support to those who have suffered losses.

Develop Trust-Building Mechanisms

Once the permanent cease-fire is verified the situation of ETA prisoners must be addressed. Current Spanish treatment of ETA prisoners not only violates the fundamental rights of the prisoners but also impedes an internal dialogue within ETA over whether to commit to a completely unarmed political strategy. Further, judging from similar experiences in Northern Ireland and South Africa, ETA prisoners themselves could play a positive role in a peace process if given the opportunity.

Guarantee the Inclusion of All Political Traditions

A dialogue process like this requires the participation of all political traditions. This means that, as soon as possible, the Spanish government should establish legal formulas for the participation of the currently banned and imprisoned political representatives of the pro-independence movement. However, should any political party decide not to participate in the process, their will should be respected and everything possible should be done to facilitate their inclusion at a later date, if and when they are ready to participate.

Specify the Procedures

Normally, the "talks-about-talks" discussion phase takes a great deal of time and negotiation because the methodology and agenda of a process will substantially influence its final outcome. It will be very important, therefore, to achieve a broad consensus on the rules of the game before any public phase begins and to agree on decision-making mechanisms in order to preclude procedural disagreements in the negotiations.

Civil society organizations will likely be vital in generating broad support for the process and giving the public a sense of ownership in it.

ETA prisoners themselves could play a positive role in a peace process if given the opportunity.

An online edition of this and related reports can be found on our website (www.usip.org), together with additional information on the subject.

Create an International Network to Assist the Process

Until those international bodies directly affected by the conflict—such as the relevant institutions of the European Union and the Organization for Security and Cooperation in Europe—agree to make a significant contribution to the process, it will be necessary to create an active network of international entities that follow the political talks and can serve as an advisory committee in matters of special relevance or difficulty. This network could also be very useful as a channel of communication between the local actors and the international community for the presentation of any future agreement.

Notes

1. The majority of Navarrese citizens, who do not consider themselves Basques, motivated the Spanish government's controversial decision to offer Navarre a separate agreement. Today, the main parties in Navarre clearly support the status quo, although Basque nationalist parties are supported by roughly 30 percent of the population there.
2. Euskobarometro, "Satisfacción con el Estatuto de Autonomía y evolución futura del mismo," May 2005, http://www.ehu.es/cpvweb/pags_directas/euskobarometroFR.html.
3. Prior to the announcement of the permanent cease-fire, less than 3 percent of the Basque population was "critically" supportive of ETA. Indeed, for the first time, a majority of those who had supported it in the past no longer saw violence as a legitimate political tool. In global figures, 77 percent of the population clearly rejected ETA's violence and 12 percent agreed with its goals but not with its violent methods. Euskobarometro, "Satisfacción con el Estatuto de Autonomía y evolución futura del mismo," May 2005.
4. Sociómetro Vasco 28, July 2005, http://www1.euskadi.net/estudios_sociologicos/sociometros_i.apl.

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