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The Role of Civil Society in the Basque Country Peace Process



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Introduction

This report analyses the different organisations within Basque civil society and their roles in a conflict which has been referred to as the last armed struggle within modern Europe.¹

Society in Spain has seen varying degrees of polarisation between those in favour of independence (supported by the National Liberation Movement) and those against it. Both ETA (*Euskadi Ta Askatasuna*)² and the Spanish Government have played key roles in the armed conflict.

The Donostia-San Sebastián International Peace Conference held at Aiete palace on 17 October 2011 involved international mediators and figureheads and is seen by many to have prompted the declaration by ETA of a ‘final end to violence’.³ Since then, however despite some progress, the wider peace process has largely stalled. The central government, which has, since 2011, faced its most significant economic crisis since Franco, has faced a society that is more concerned with unemployment and economic recovery than terrorist attacks and violence.

1 For a more detailed summary of the history of the conflict in the Basque Country, please refer to DPI paper, *After ETA? Catalonia, Euskadi and the Spanish Constitution*, (DPI, London, December 2012)

2 The armed Basque and Nationalist separatist organisation, their name roughly translates as ‘Basque homeland and freedom.’

3 Eitb, 2011. *ETA anuncia el 'cese definitivo' de la violencia*.. Available at: <<http://www.eitb.com/es/noticias/politica/detalle/760584/eta-anuncia-cese-definitivo-violencia/>> (Accessed 17/07/13)

As a result, the Spanish government has had limited engagement in the peace process, despite their aspirations to see ETA dissolved. Some would claim that the Basque conflict has ceased to exist now that ETA is no longer operative and that the conflict is largely managed. However, many unresolved issues remain, including the disarmament process, the treatment of ETA-associated prisoners and social reconciliation in the aftermath of such a long-running conflict.

This report will identify the roles of different civil society organisations throughout the Basque peace process and in doing so will demonstrate the importance of the inclusive involvement of multiple organisations across the spectrum of civil society in facilitating the transformation of conflict and in maintaining long-term peace.

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Kerim Yildiz

Director

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February 2016

CIVIL SOCIETY ORGANISATIONS WITHIN THE BASQUE COUNTRY

The civil society organisations that exist within the Basque Country have largely been categorised by distinct and opposing affiliations: those in favour of the Spanish state and those in favour of Basque independence. The polarisation of these groups and their ideologies has resulted in mutual resentment, with both sides considering the other to be extremist, violent, disrespectful and antagonistic. Such polarisation and its dangers have been briefly summarised by the Basque writer, Ramon Saizarbitoria, who stated that the ‘the two sides are making more difficult something essential, the mutual understanding, putting thus more pressure on the society.’⁴

Taking Ramon Saizarbitoria’s statement into account, it is evident that these polarised organisations have, in the past, made it difficult to establish any common ground or a neutral space for constructive dialogue.

⁴ *La Pelota Vasca*, 2003, Alicia Produce, Directed by Julio Medem.

1. Victims' Associations and the Impact of their Political Links

The Association of Victims of Terrorism (AVT) was founded in 1981 by victims of terrorist attacks. As the most well-known association of victims, it aims to represent the victims (and their relatives) of attacks performed mainly by ETA, the Provisional Irish Republican Army (IRA), the First of October Anti-Fascist Resistance Groups (GRAPO) and Muslim extremist groups such as Al Qaeda.⁵

Currently the association helps more than 4,000 victims. Its main objective is to help and support all victims, as well as to raise awareness for these victims within Spanish society. The association predominantly receives its funding from Spanish governmental institutions such as the Ministry of Employment and Social Affairs, but is also subsidised by private funders and entities.⁶

The AVT is largely identified as having an affiliation with the pro-State right despite its own claims of possessing an 'apolitical nature'.⁷ This affiliation became prominent in the aftermath of the Madrid bombings on 11 March 2004, which saw 191 victims killed, in what was the most fatal terrorist attack in Europe at the time. The social

5 Asociacon Victimas Del Terrorismo. Available at: <<http://www.avt.org/victimas-del-terrorismo/>> (Accessed on 11/07/13)

6 Minutodigital, 2012. *La Asociación de Víctimas del Terrorismo se ahoga por la falta de subvenciones públicas*. Available at: <<http://www.minutodigital.com/2012/03/09/la-asociacion-de-victimas-del-terrorismo-se-ahoga-por-la-falta-de-subvenciones-publicas/>> (Accessed on: 10/07/11)

7 Asociacion Victimas Del Terrorsimo. *Historia Y Fines de la Avt*. Available at: <http://www.avt.org/historia-y-fines/> (Accessed on:12/07/13)

background of the large majority of the victims, predominantly as working class commuters, meant that the relatives and advocates of those killed were generally supporters of Prime Minister Zapatero's socialist government. In contrast to this, the AVT rejected all measures taken by Zapatero to initiate peace talks with the terrorist group responsible. The AVT for example, led a demonstration in Madrid in 2006, in response to the Basque parliament's assertion that in order for there to be an end to the violence there could be neither winners nor losers.⁸ The demonstration, marching under the slogan 'not in my name' claimed that contrary to the Basque parliament's declaration, there indeed did have to be 'winners (the Spanish people) and losers (the terrorists)'.⁹

Due to what some see as a polarising stance, leftist and nationalist parties have criticised the AVT heavily, while alternate associations of victims have accused the organisation of monopolising the representation of victims in Spain. In fact, the AVT's policies led to the formation of an alternative association, the March 11 Association of those Affected by Terror (11-M), founded by those who felt alienated by AVT's political orientation.

8 El País, 2006. *El Gobierno respalda que el fin del terrorismo no se plantee con 'vencedores ni vencidos*. Available at: <http://elpais.com/elpais/2006/02/18/actualidad/1140254220_850215.html> (Accessed on: 11/07/13)

9 Libertad Digital. *APOYO UNÁNIME DEL PP a la manifestación de la AVT: 'Hay que estar con las víctimas*. Available at: <<http://www.libertaddigital.com/nacional/apoyo-unanime-del-pp-a-la-manifestacion-de-la-avt-hay-que-estar-con-las-victimas-1276272603/>> <Accessed on: 10/07/13>

The Foundation of Victims of Terrorism was created in 2001 as a result of the Antiterrorist Pact signed by the Popular Party and the Socialist Party.¹⁰ Its aim is to promote and spread democratic values, defend human rights and support plurality and the freedom of citizens. The Foundation also aims to fulfil its role as ‘a useful tool for the understanding of the current situation of the victims of terrorism in Spain’.¹¹ The Foundation not only works with victims’ associations but also collaborates with civil society associations that look for a peaceful solution, such as *Basta Ya* or *Foro de Ermua*. In addition to this, the Foundation collaborates with universities and different foundations that were created in honour of victims.¹² Such victims include Gregorio Ordoñez, a conservative politician who was assassinated by ETA in 1995, and Fernando Buesa, a socialist politician who was killed in 2000.

Organising the relatives of victims into such associations has had important and recurring political implications. This is largely seen to be due to their almost universal affiliation with the Popular Party,¹³ a party which represents the right-wing and conservative ideology within Spanish politics.

10 Fundacion. *La Fundación colabora con las siguientes Instituciones, Entidades, Asociaciones, Fundaciones y Colectivos de Víctimas*. Available at: <http://www.fundacionvt.org/index.php?option=com_content&task=view&id=14&Itemid=30> (Accessed on: 13/07/13)

11 Fundacion. 2012. *Memoria De Actividades 2012*. Available at: <http://www.fundacionvt.org/images/fvt/pdfs/memoria/2012/4_estatutos.pdf> (Accessed on: 11/07/13)

12 Fundacion. *Quiénes Somos*. Available at: <http://www.fundacionvt.org/index.php?option=com_content&task=view&id=14&Itemid=30> (Accessed on: 13/07/13)

13 Populares, 2013. *Historia*. Available at: <http://www.pp.es/conocenos/historia_2.html> (Accessed on: 12/07/13)

For example, conservative Maria del Mar Blanco, was appointed as Head of the Foundation of Victims of Terrorism after her brother, Miguel Angel Blanco, a conservative city councillor was killed by ETA in 1997. Miguel Angel Blanco's kidnap and subsequent assassination on 13 July 1997 became a source of much protest within Basque society. As thousands took to the streets to take part in the largest anti-terrorism protests since 1968, it became evident that this was a turning point in the civil response to the violence in the Basque Country.

Taking into account the grief of losing a brother in such brutal circumstances and the symbolism of his death, Maria del Mar Blanco became an admirable figurehead both in the fight against terrorism and in the defence of its victims. However, she also represented the aforementioned politicisation of victims due to her proximity to the conservative party. After losing her seat on the Executive Committee of the conservative party she was appointed Head of the Foundation of Victims of Terrorism.^{14 15} The decision to appoint Blanco alienated many collaborators and members of the Foundation who felt that her political trajectory and affiliation overshadowed neutrality or concern for the victims.

14 Populares, 2013. *Comité Ejecutivo Nacional*. Available at: <http://www.pp.es/esp/comite-ejecutivo-nacional_12.html> (Accessed on: 10/07/13)

15 Política, 2012. *Mari Mar Blanco sustituye a Pagaza en la Fundación Víctimas del Terrorismo*. Available at: <http://politica.elpais.com/politica/2012/10/30/actualidad/1351600251_967429.html> (Accessed on: 11/07/13)

It is important to note that despite the widespread predominance of the AVT and the Foundation of Victims of Terrorism, several initiatives have flourished in the last decade with the intention of representing all victims. Leaving aside politics and differences of ideology, these initiatives search for an end to violence and a commencement of a new era for Basque politics and society. One of these initiatives, entitled the 'Glennree Initiative', led by the Victim Directorate of the Basque Government, is named after a peace and reconciliation centre in Ireland.¹⁶ ¹⁷ The Initiative's aim to 'tear down fears and taboos, after having overcome frustration and loss, and to look for a common ground for coexistence' is further supported by the diverse nature of its participants.¹⁸

These participants include both victims of ETA attacks and their relatives, the victims of terrorist groups who have killed ETA members and pro-independence non-violent sympathisers. Three of the signatories were relatives of victims of police brutality.¹⁹ Due to the diversity of its victims, the Initiative supports the assertion that 'violence cannot be justified and, therefore, truth, memory and

16 Naiz, 2012. *Victimas de ambos lados presentan una reflexión compartida*. Available at: <<http://www.naiz.info/en/actualidad/noticia/20120616/victimas-de-ambos-lados-presentan-una-reflexion-compartida-de-cinco-anos>> (Accessed: 12/07/13)

17 Lokarri, 2012. *Lokarri's Newsletter about the Basque Conflict*. Available at: <<http://lokarri.org/files/File/Lokarri%20s%20newsletter%20june%202012.pdf>> (Accessed on: 16/07/13)

18 Eitb, 2012. *Indarkeria mota desberdinen biktimen adierazpenaren testu osoa*. Available at: <<http://www.eitb.com/eu/albisteak/politika/osoa/907113/biktimen-adierazpena--glennree-ekimenaren-aurkezpenaren-testua/>> (Accessed on: 11/07/13)

19 Eitb, 2012. *ETAren, GALen eta Poliziaren biktimak, baruta lehen aldiz*. Available at: <<http://www.eitb.com/eu/albisteak/politika/osoa/907107/biktimen-adierazpena-etaren-galen-eta-bveren-biktimen-ekitaldia/>> (Accessed on: 11/07/13)

reparation rights must be provided to all victims'.²⁰ It is with this in mind that the Initiative 'has helped to go from knowledge towards empathy, rejecting the stereotypes and obstacles we all have'.²¹ The Initiative was launched on 16 June 2012 and has since ceased its activity due to their belief that they have now fulfilled their aims.

2. Pro-Independence Associations and the Legal Processes Brought Against Them

The pro-independence ideology has a long and deep history in the Basque Country. Forming a wide social network, those in support of the pro-independence ideology have as a result of their opinion found themselves inadvertently linked to ETA. This association has in many cases led to a 'witch hunt' or demonization of those taking a pro-independence stance, regardless of any actual affiliation with ETA or other armed groups. For example, the closure of the Basque newspaper *Egunkaria* and imprisonment of the paper's board of directors, has since been considered illegal due to the lack of evidence of any actual wrong-doing.²²

20 Eitb, 2012. *ETAren, GALen eta Poliziaren biktimak, batuta lehen aldiz*. Available at: <<http://www.eitb.com/eu/albisteak/politika/osoia/907107/biktimen-adierazpena-etaren-galen-eta-bveren-biktimen-ekitaldia/>> (Accessed on: 12/07/13)

21 Eitb, 2012. *Indarkeria mota desberdinen biktimen adierazpenaren testu osoa*. Available at: <<http://www.eitb.com/eu/albisteak/politika/osoia/907113/biktimen-adierazpena-glenncreek-ekimenaren-aurkezpenaren-testua/>> (Accessed on: 12/07/13)

22 Hoy, 2010. *La Audiencia Nacional ve ilegal el cierre de 'Egunkaria'*. Available at: <<http://www.hoy.es/v/20100413/nacional/audiencia-nacional-ilegal-cierre-20100413.html>> (Accessed on: 11/07/13)

The associations analysed in this section represent varying sectors of society, ranging from youth associations that developed cultural and grassroots activities, to the association of prisoners and relatives of terrorist prisoners. Most of these associations have at some point faced legal action and imprisonment of their members. As a result they have often changed their names and leaders in order to continue with their activities. Furthermore, the different Spanish governments have often placed conditions on such associations' activities and have advertently created obstacles blocking their operation.

a. Pro-Independence youth associations

The *Koordinadora Abertzale Sozialista* (KAS) started its activities illegally in 1975 with the main goal of coordinating and uniting all of the different associations that had flourished around the ETA.²³ The KAS was divided into the following factions, and this structure remained largely the same throughout the history of the Basque armed conflict: ETA as the armed wing, *Herri Batasuna*²⁴ as the political party, *Jarrai* as the youth association, LAB as the trade union and *Gestoras Pro Amnistia* as the defender of the prisoners.²⁵ The KAS was banned in 1998 for being an integral part of ETA.²⁶

23 TRAC. *Koordinadora Abertzale Sozialista (KAS)* Available at: <<http://www.tracking-terrorism.org/group/koordinadora-abertzale-sozialista-kas>> (Accessed on: 12/07/13)

24 This name is roughly translatable as 'Union of the People.'

25 This name is roughly translatable as 'Management for the Amnesty.'

26 El Pais, 1998. *Atutxa plantea que se dé un plazo a KAS, Jarrai y las Gestoras para acabar con su 'alegalidad.'* Available at: <http://elpais.com/diario/1998/08/26/espana/904082409_850215.html> (Accessed on: 13/07/13)

The youth association of the KAS, *Jarraia*, became the first legal youth association to be founded in the Basque Country. As the most well-known pro-independence youth association and working within the process of national construction, its main aims were for guaranteed independence, socialist advancement, the defence and protection of the right of auto-determination, territorial integrity and the promotion of the Basque language. In 2000, *Jarraia* merged with *Gazteriak*²⁷ giving way to a new youth organisation *Haika*.^{28,29} In 2001 *Haika* was banned for acting as a core part of ETA's structure. This association became evident through *Haika's* admission that it had provided financial aid to ETA and the proven membership of many of ETA's members within these youth associations prior to joining ETA. In addition to this, *Haika's* link to the *Kale Borroka*,³⁰ the activities of which consisted mainly of threatening graffiti and the burning of bank offices, skips and empty buses, provided another source of negative attention for the organisation.

27 This name is roughly translatable as 'Young people.'

28 La Haine, 2013. Available at: <http://lahaine.org/paisvasco/haika_revolucionaria.html> (Accessed on: 15/07/13)

29 This is roughly translatable as 'stand up'

30 This is roughly translatable as 'street fight'

After the criminalisation of *Haika*, as with most associations of the pro-independence movement, the organisation changed its title and resumed its activities under the name of *Segi*.³¹ However, by December 2001, *Segi* was included in the European list of terrorist organisations and declared illegal in 2002 for seeking to achieve the same goals as ETA.³² It was officially defined as a terrorist organisation in 2007. In 2009, 34 people were arrested on the basis of their relationship with *Segi*, provoking large scale demonstrations, predominantly in Bilbao.³³ The demonstrators protested against the criminalisation of the youth with the slogan: ‘all projects, all rights’.³⁴

Importantly, this process of criminalisation did not apply in France and so *Segi* was able to continue its efforts until its eventual dissolution in 2012; a development which was the result of the group’s distancing and loss of perspective regarding the Basque youth.³⁵

31 This is roughly translatable as as ‘to continue’

32 Ek Aurkitua. Available at: <<http://borrokagaraiia.wordpress.com/2013/04/19/segi/>> (Accessed on: 14/07/13)

33 Diariorvasco, 2009. *Rubalcaba da por descabezada la cúpula de Segi tras la detención de 34 personas*. Available at: <<http://www.diariorvasco.com/20091125/politica/rubalcaba-descabezada-cupula-segi-20091125.html>> (Accessed on: 10/07/13)

34 El Pais, 2009. *Miles de personas se manifiestan en Bilbao contra las detenciones de Segi*. Available at: <http://elpais.com/elpais/2009/11/28/actualidad/1259399824_850215.html> (Accessed on: 12/07/13)

35 Rtve. es, 2012. *Segi, la cantera de ETA, anuncia su disolución por la represión policial y al estar ‘agotada.’* Available at: <<http://www.rtve.es/noticias/20120615/segi-cantera-eta-anuncia-su-disolucion-tras-varios-anos-acoso-policial/536159.shtml>> (Accessed on: 15/07/13)

Despite its dissolution, *Segi* reinforced its previous activity and assured the Basque youth that they need not regret their previous involvement.³⁶ Part of its membership reformed the association in 2013 with the name of *Ernai*, which managed to reflect the contemporary peace process and new feminist involvement.^{37 38 39}

b. Alternative pro-independence associations

Another manifestation of the pro-independence civil society associations is the *Gaztetxes* and *Herriko Tabernas*. The *Gaztetxe* largely take the form of squats or occupied buildings and hold many different activities such as concerts, workshops and conferences. These houses are open to everyone, despite their obvious link to the pro-independence movement. Due to their precarious legal position, many of them have been closed down by the police or through judicial decisions.⁴⁰ In addition to this, many have been accused by the conservative Spanish right of acting as training grounds for ETA member.

36 Rtve. es, 2012. *Segi, la cantera de ETA, anuncia su disolución por la represión policial y al estar 'agotada.'* Available at: <<http://www.rtve.es/noticias/20120615/semi-cantera-eta-anuncia-su-disolucion-tras-varios-anos-acoso-policial/536159.shtml>> (Accessed on: 12/07/13)

37 Diarivasko, 2013. *Nace Ernai, la nueva organización juvenil de la izquierda abertzale.* Available at: <<http://www.diarivasko.com/20130302/mas-actualidad/politica/nace-ernai-nueva-organizacion-201303021320.html>> (Accessed on: 13/07/13)

38 Roughly translatable as 'awake'

39 Ernai. Available at: <<http://ernaigazte.cc/>> (Accessed on: 13/07/13)

40 <http://www.elmundo.es/elmundo/2011/09/22/paisvasco/1316720856.html> (Accessed on: 14/07/13) <http://www.noticiasdenavarra.com/2010/05/05/vecinos/cuenca-de-pamplona/nabai-critica-el-cierre-del-gaztetxe-de-baranain> [15/07/13]

Alongside the activities of the *Gaztetxe*, the political party tradition of the establishment of public houses also developed. The *Herriko Taberna*⁴¹ performs similar social functions to the squats of the *Gaztetxe* and are an important source of funding for many of the civil society association activities. In 2002, 55 *Herriko Tabernas* were seized after pro-independence political parties were declared responsible for many violent acts against public property. The authority's seizure of such properties was considered as an attempt to gain access to the money and therefore the funding of these pro-independence parties.⁴² In 2006, an additional investigation was carried out and 120 *Herriko Tabernas* were closed under accusations of involvement with the Basque Liberation Movement, that is, for being part of ETA.⁴³ All of the pro-independence political parties, both illegal and legal, criticised the decision and in 2007 the closure was declared illegal on the grounds of there being no evidence to support the decision.

41 Roughly translatable as 'village tavern'

42 lavanguardia, 2002. *La Ertzaintza precinta la herriko taberna de Lezo sin que se produzcan incidentes*. Available at: <<http://www.lavanguardia.com/politica/20020829/51262760407/la-ertzaintza-precinta-la-herriko-taberna-de-lezo-sin-que-se-produzcan-incidentes.html>> (Accessed on: 16/07/13)

43 Belt, es, 2006. *El Tribunal Supremo registra las 'herriko tabernas' tres años después de ilegalizar Batasuna*. Available at: <http://www.belt.es/noticiasmdb/home2_noticias.asp?id=2136> (Accessed on: 11/07/13)

c. Associations for prisoners

The other cornerstone of the pro-independence movement, alongside the youth associations, are associations created in order to support, help and gather prisoners and their relatives. Prisoners have always been an integral part of the Basque independence narrative. Their situation has been analysed in many reports and Amnesty International has presented different documents to the Spanish Government regarding accusations of torture, mistreatment and harsh antiterrorist policies. It has been reported that those arrested have often been isolated for 72 hours and have had sentences imposed on them far harsher than those given for similar crimes and offences in other parts of Spain.⁴⁴

However, the most criticised measure applied by the State in relation to prisoners is the dispersal of the Basque terrorist prisoners. Spanish legislation establishes that all convicts must be imprisoned as close as possible to their home, but in the case of the Basque terrorists, the opposite policy has been imposed. These prisoners are moved as far as possible from the Basque Country and dispersed in different prisons throughout Spain in an attempt to prevent them internally organising themselves.⁴⁵

44 El Pais, 1985. *La ley antiterrorista, un estado de excepción encubierto*. Available at: <http://elpais.com/diario/1985/04/22/espana/482968810_850215.html> (Accessed on: 12/07/13)

45 Intereconomia. Available at: <<http://www.intereconomia.com/noticias-gaceta/politica/politica-penitenciaria-dispersion-reinsercion-20120427>> (Accessed on: 16/07/13) <www.etxerat.info> (Accessed on: 11/07/13)

This measure is the centre point of the demands of the founders of *Etixerat*, who are relatives and friends of prisoners.⁴⁶ This association aims to bring the prisoners home and to also collaborate with all the political and social forces in order to find a peaceful and definitive solution.⁴⁷ ⁴⁸ *Etixerat* has a wide support base as it intertwines different aspects of the conflict. The problems faced by relatives due to the perceived unequal application of law is seen to be an issue of social injustice rather than one of politics and armed conflict. The association publishes many reports on the situation of the prisoners and gathers every month to demonstrate against policy measures.⁴⁹ Despite the association's declaration of providing democratic representation, it fundamentally considers the conflict to be a consequence of the denial to let the Basque people seek independence and is therefore not seen to be neutral.⁵⁰

46 Roughly translates as 'to home'

47 Intereconomia. Available at: <<http://www.intereconomia.com/noticias-gaceta/politica/politica-penitenciaria-dispersion-reinsercion-20120427>> (Accessed on: 16/07/13) www.etxerat.info> (Accessed on: 11/07/13)

48 Intereconomia. Available at: <<http://www.intereconomia.com/noticias-gaceta/politica/politica-penitenciaria-dispersion-reinsercion-20120427>> [16/07/13] www.etxerat.info> (Accessed on: 11/07/13)

49 Etixerat, 2013. *Ante el comienzo oficial del curso en la UPV, reivindicamos el derecho de nuestros familiares a estudiar en la UPV*. Available at: <http://www.etxerat.info/al-bisteak.php?id_saila=6&lang=es> (Accessed on: 13/07/13)

50 Etixerat. *Etixerat elkarte*. Available at: <<http://www.etxerat.info/nortzu.php?lang=eu>> (Accessed on: 15/07/13)

CASE STUDY: The process and implications of criminalisation in the case of *Egunkaria*

The legal processes brought against pro-independence associations have all been supported by varying degrees of evidence. However, the legal action brought against *Egunkaria*, the Basque newspaper, caused indignation amongst the vast majority of the Basque population. Since its foundation in 1990, until its closure in 2003, the newspaper was the only publication of its kind entirely produced in the Basque language. Edited in Spain and distributed in both Spanish and French parts of the Basque Country, the publication's editorial stance was never ideologically defined. Despite this, some media outlets considered it to be related to the Basque pro-independence ideology and largely ignored the diversity of its staff and affiliates.⁵¹

On 20 February 2003 the newspaper was closed and seized for its alleged involvement in the business conglomerate of ETA. In addition to this, ten contributors, mainly from its board of directors, were arrested. The closure of the newspaper provoked a large scale response within the Basque society, with the controversy spreading across the Spanish and international media.⁵²

51 <http://www.deia.com/2010/04/12/politica/euskadi/que-es-euskaldunon-egunkariar> [13/07/13]

52 <http://www.publico.es/espana/278065/euskadi-se-moviliza-contr-a-el-juicio-de-egunkaria> [09/07/13] http://politica.elpais.com/politica/2012/10/16/actualidad/1350375157_861398.html [08/07/13]

The main arguments for opposing the judicial decision were based on the weak evidence presented by the judge and the implications for the freedom of the press.⁵³ Large-scale demonstrations were held and almost all sectors of society were opposed to the decision.⁵⁴

After seven years of trials and condemnations, all the implicated parties were absolved and all court decisions were annulled. This decision was founded on the grounds that no solid evidence of any link between the newspaper and the terrorist group was found.⁵⁵ The public outcry against the closure of *Egunkaria* was considered to be a turning point in the conflict. This Basque protest revealed the civilians' indignation against harsh policies that had been in place for many years.

53 <http://www.noticiasdenavarra.com/2013/03/01/opinion/tribuna-abierta/el-cierre-de-39euskaldunon-egunkaria39-reflexiones-10-anos-despues> [12/07/13]

54 http://elpais.com/diario/2003/03/14/paisvasco/1047674399_850215.html [11/07/13]

55 http://elpais.com/diario/2009/12/16/espana/1260918013_850215.html [14/07/13]

d. Associations for Peace

Associations for peace have played a fundamental role in the commencement of the Basque conflict peace process. These civil society associations flourished in the 1980s and 1990s with the ultimate goal of obtaining lasting peace and placing an emphasis on an end to the violence. Their lack of political affiliation enabled them to represent a large share of the population, which had become tired of polarisation and the relentless efforts to associate individuals with opposing political ideologies.

These peace associations were created as a result of three main factors: public fatigue concerning politicisation, the emergence of *Grupos Antiterroristas de Liberación*⁵⁶ (GAL) and the assassination of Miguel Angel Blanco.

The ongoing polarisation of civil society associations, although imposed from the ‘top down’, was sustained and promoted by the associations themselves. Even those associations that promoted an apolitical agenda often ended up siding with pro-State or pro-independence political parties.

56 Roughly translatable as ‘Antiterrorist Liberation Groups’

This made it increasingly difficult to find a neutral, common ground from which everyone could agree to participate in an open and constructive dialogue.⁵⁷ The associations for peace offered civil society the opportunity to open up this platform for dialogue and discuss the possibility of peace.

The creation of the Antiterrorist Liberation Group (GAL) also contributed to the creation of the apolitical associations for peace, in particular the creation of one of the first and oldest peace associations: *Gesto por la Paz*.⁵⁸ GAL was said to be combating ETA and the French interests in Europe, having accused France of hosting the terrorist group and allowing terrorist activity within its territory to go unpunished.

Since the inception of GAL, their connection to the government has been the subject of speculation. In particular, links to the Spanish police's Anti-Terrorist Unit, as well as to the Civil Guard earned the group the title of a 'para-police' unit.⁵⁹ This relationship caused great controversy during the 1980s and 1990s, resulting in a judicial inquiry and Supreme Court trial in 1994.

57 Carlos Martin Beristain. *EL CONFLICTO VASCO: VIOLENCIA, POLARIZACIÓN O ¿(RE)CONCILIACIÓN?* Available at: <<http://documentacion.aen.es/pdf/libros-aen/coleccion-estudios/violencia-y-salud-mental/parte8-violencia-del-presente-y-su-futuro-conflicto-y-postconflicto-en-espana/479-el-conflicto-vasco.pdf>> (Accessed on: 11/07/13)

58 Roughly translatable as 'gesture for peace'

59 El País, 1985. *Bandrés interpela al Gobierno sobre la presunta relación de policías con los GAL*. Available at: <http://elpais.com/diario/1985/05/17/espana/485128818_850215.html> (Accessed on: 16/07/13)

GAL commenced its activities after what it has been referred to as the 'Lead Years' from 1978 to 1980 during which ETA killed around 300 people. Due to the constant terror and the high number of terrorist attacks, the activities of GAL did not face complete condemnation at this point. Moreover, Spain was still a very young democracy and so many of its political representatives had also worked in politics during the previous Franco dictatorship. The consequence of this was that such individuals often maintained the policies and behaviours of the time, which were based on retaliation and repression.

GAL was active from 1983 to 1987 and is held responsible for 23 deaths and numerous cases of kidnap and torture. For example, in 1983 they kidnapped and killed Jose Antonio Lasa and Jose Ignacio Zabala. Both men were part of an ETA commando and fled the country when some fellow colleagues of the commando were arrested. By 1983 they were living in France and had applied for asylum. On 15 October they were kidnapped and held in the quarters of the Civil Guard in San Sebastián, Spain, before being tortured on the orders of General Galindo. Due to their physical condition post torture, the General, with the acknowledgement of the civil governor and another high-rank military, ordered their disappearance. They were buried in Alicante, 755 kilometres away. Their remains were found in 1985 but due to the condition of the bodies they could not be identified until 1995.

The judge condemned those involved in the kidnapping and killing of Lasa and Zabala to 365 years of incarceration, however most perpetrators were reprieved in just five.

The assassination of Lasa and Zabala, along with the fear provoked by the GAL, who not only targeted ETA members and its alleged affiliates, but in four cases, those who had no association with the pro-independence movement, remains one of the most poignant events in the recent history of Basque Country. Mass targeting and unprecedented retaliatory violence earned the conflict the name of the 'dirty war'.⁶⁰ These events and the reports of torture within state prisons and detention centres provoked many associations to ask for an end to all kinds of violence, both by ETA and the state.⁶¹

The last and thus most recent event that is considered to have triggered the emergence of the peace associations was the assassination of Miguel Angel Blanco. As it has been previously noted in regards to the development of victim associations, Miguel Blanco was a city councillor who was kidnapped and killed three days later on 13 July 1997.

60 Woodworth, Paddy, 2002: *Guerra Sucia, Manos Limpias: ETA, GAL y la democracia española*, Barcelona: Critica.

61 Deia, 2013. *Unanimidad en Ortuella en el rechazo a todo tipo de violencia*. Available at: <<http://www.deia.com/2013/05/09/bizkaia/margen-izquierda-encartaciones/unanimidad-en-ortuella-en-el-rechazo-a-todo-tipo-de-violencia>> (Accessed on: 15/07/13)

The town he was working in at the time of his death, Ermua, has since become not only a symbol of this conflict but also the centre point for the establishment of many of these peace associations.⁶² Miguel Blanco's death created what has been called 'the spirit of Ermua,' which referred to the spontaneous civil movement that emerged after his kidnapping and is considered the first categorical repudiation of ETA.⁶³ This spirit and what it represented was later used as a weapon between political parties, who blamed each other for not participating in its creation or for defending it afterwards. However, many associations flourished thanks to this new civil movement, such as the Miguel Angel Blanco Foundation and the Ermua Forum.^{64 65} Both associations were said to be continuing the apolitical path of *Gesto por la Paz* but quite quickly adopted strong political positions, rejecting any kind of negotiation with ETA and only accepting its complete abolition.

62 El Mundo, 2010. Ares: 'Blanco es el símbolo de un grupo que son los verdaderos héroes de Euskadi.' Available at: <<http://www.elmundo.es/elmundo/2010/07/14/pais-vasco/1279106466.html>> (Accessed on: 16/07/13)

63 La Razon.es, 2012. *El olvido del «Espíritu de Ermua» por Carmen Gurruchaga*. Available at: <http://www.larazon.es/detalle_hemeroteca/noticias/LA_RAZON_472855/6743-el-olvido-del-espíritu-de-ermua-por-carmen-gurruchaga#.UeUx8bKP71Q> (Accessed on: 16/07/13)

64 Fmiguangelblanco.es, 2012. Available at: <<http://www.fmiguangelblanco.es/>> (Accessed on: 09/07/13)

65 Foroermua. *Para que la justicia, la libertad y el bien común presidan la convivencia en concordia*. Available at: <<http://www.foroermua.com/>> (Accessed on: 09/07/13)

CASE STUDY:

The apolitical association for peace *Gesto Por La Paz*

Gesto por la Paz has played a very important role since its foundation in the mid-1980s. The association defines itself as a 'peaceful platform, based on civil, unitary, plural and independent foundations'.⁶⁶ They created the platform as 'an answer to the demands of civil society, derived from the incessant violence the society is suffering'.⁶⁷ The association has maintained its silence during terrorist attacks and police abuses. The reasons for doing so, according to Imanol Zubero, a sociologist and member of the platform, is because:

once we have committed the first assassination, once we are inside the lake of blood, the only way out is to keep on, we cannot go backwards because then we would have to explain what he have done.⁶⁸

Gesto por la Paz define their principles as the following;

to respect human rights, mainly right to live; it rejects all kinds of violence; to denounce the unethical and political use of violence; to promote respect within all democratic sectors; and, above all, to get all society members closer, to put an end to intolerance and to heal all social wounds.⁶⁹

66 Euskal Herriko Bakearen Aldeko Koordinakundea. *Definizioa*. Available at: <<http://www.gesto.org/eusk/definizioa.htm>> (Accessed on: 13/07/13)

67 Euskal Herriko Bakearen Aldeko Koordinakundea. *Definizioa*. Available at: <<http://www.gesto.org/eusk/definizioa.htm>> (Accessed on: 13/07/13)

68 La Pelota Vasca, 2003, Alicia Produce, Directed by Julio Medem.

69 Euskal Herriko Bakearen Aldeko Koordinakundea. *Printzipioak*. Available at: <<http://www.gesto.org/eusk/printzipioak.htm>> (Accessed on: 11/07/13)

These principles not only encapsulate many ideologies and movements that were left aside by the more politicised and polarised associations and institutions, but also granted *Gesto por la Paz* unprecedented credibility and acceptability. This in turn facilitated its presence in different peace processes and political meetings.⁷⁰

The importance of *Gesto por la Paz* was so great that some have claimed that it took the ‘street monopoly’ from ETA.⁷¹ Nevertheless, even with the widespread support of all social spheres, some sectors have criticised the association for ‘establishing the coward equidistance’.⁷² In response to such critiques, its members and other public figures have continued to answer with the assurance that: ‘what cannot be done is to follow the dogmatism of violence, the dogmatism imposed by guns or the force monopoly of the state’.⁷³ Therefore the association has continued to defend all victims of the conflict, and in doing so has aimed to represent the ‘honest story of the victim and their situation as a consequence of violence’.⁷⁴

70 El País. 2013. *Gesto por la Paz tuvo razón*. Available at: <http://politica.elpais.com/politica/2013/06/01/actualidad/1370099367_924362.html> (Accessed on: 11/07/13)

71 El País, 2013. *Gesto por la Paz tuvo razón*. Available at: <http://politica.elpais.com/politica/2013/06/01/actualidad/1370099367_924362.html> (Accessed on: 11/07/13)

72 La Pelota Vasca, 2003, Alicia Produce, Directed by Julio Medem

73 La Pelota Vasca, 2003, Alicia Produce, Directed by Julio Medem

74 Euskal Herriko Bakearen Aldeko Koordinakundea. *Definizioa*. Available at: <<http://www.gesto.org/eusk/definizioa.htm>> (Accessed on: 10/07/13)

By delegitimising violence, the humanitarian question emerges. As stated by Eduardo Madina, a socialist Member of Parliament and victim of an attack by ETA when he was 26 years old and in which he lost one leg: ‘nobody can become the judge of the life of other person, nobody can measure the price of a life, the amount of pain that is worthy’.⁷⁵ As journalists Javier Ortiz and Alvarez Solis, have stated; ‘there was a conflict before ETA emerged’ and therefore ‘maybe the terrorism is the product of those unsolved questions’.⁷⁶

Perhaps the most surprising element of the association’s lifespan was its dissolution on 4 May 2013, which was supported by 97 per cent of the members of the association.⁷⁷ Fabian Laespada, university lecturer and member of the platform, stated that it was ‘born with the conviction of disappearing one day’.⁷⁸ In their last event as an association, the members read a communiqué that declared:

We have done everything we could to put an end to the violence and its effects, the democratic principles and human rights being the only tool. Even if it is has been impossible to understand from a partisan approach, our voice is part of the tools on which the future of our society will be based.⁷⁹

75 La Pelota Vasca, 2003, Alicia Produce, Directed by Julio Medem

76 La Pelota Vasca, 2003, Alicia Produce, Directed by Julio Medem

77 El País, 2013. *Gesto por la Paz se disuelve tras 28 años de lucha contra la violencia*. Available at: <http://ccaa.elpais.com/ccaa/2013/05/04/paisvasco/1367670627_489631.html> (Accessed on: 14/07/13)

78 Eitb, 2013. *Gesto por la Paz se despide hoy con una última concentración en Bilbao*. Available at: <<http://www.eitb.com/es/noticias/politica/detalle/1358800/gesto-paz-disolucion--concentracion-bilbao/>> (Accessed on: 14/07/13)

79 Gesto Por La Paz, 2013. *ACTO DESPEDIDA DE GESTO POR LA PAZ Manifiesto final, 1 de junio de 2013*. Available at: <http://www.gesto.org/prensapdf/2013-06-01-MANIFIESTO_Final.pdf> (Accessed on: 07/07/13)

3. The Involvement of the Catholic Church

The Catholic Church has been accused by some of perpetuating an ambiguous position during the conflict and also of siding with the perpetrators of violence over the victims of their attacks.

It is true that the relationship between ETA and the Catholic Church is long and well-documented and many priests are thought to have allowed ETA meetings within their churches.⁸⁰ This includes the first assembly of the group, which was held in the monastery of Belloc in France in 1962.⁸¹ However, accusations against the Basque clergy have been used for political reasons and, in reality, as with the rest of society, the clergy do not have a single unified position. While some priests have declared that they are pro-independence, others have declared their support for the Spanish state and have even been threatened by ETA members.^{82 83}

Jose Maria Setien Alberro, Bishop of San Sebastián between 1970 and 2000, is one priest who has advertised his support for the pro-independence movement.

80 La Pelota Vasca, 2003, Alicia Produce, Directed by Julio Medem

81 El Mundo, es, 2005. *El monasterio de Belloch, testigo del origen de ETA*. Available at: <<http://www.elmundo.es/elmundo/2005/02/11/espana/1108145394.html>> (Accessed on: 16/07/13)

82 El Mundo, 2006. *EL MUNDO TV investiga las relaciones de la Iglesia vasca con ETA*. Available at: <<http://www.elmundo.es/elmundo/2006/11/16/espana/1163673835.html>> (Accessed on: 12/07/13)

83 Cronica, 2002. *Cura opositor al nacionalismo vasco demanda ser escoltado*. Available at: <<http://www.cronica.com.mx/notas/2002/21712.html>> (Accessed on: 13/07/13)

As a result, he is representative of the movement of the clergy that indirectly but passionately defends the nationalist cause.⁸⁴ Setien has been harshly criticised for defending the right of the Basque Country to self-determination and for not openly condemning the violence carried out by ETA. Instead, Setien has argued that 'the Church has to denounce the abuses, the tortures and the dispersion of the terrorist prisoners'.⁸⁵ Setien and his colleague, Uriarte, Bishop Emeritus of San Sebastián and mediator following the truce of 1998, have been identified as leaders of the clergy that maintained that 'being Basque is being nationalist'.⁸⁶ However, the recent appointments within the Catholic Church have diminished the presence of nationalism within the clergy. These recent appointments have been the subject of controversy and accusations that the appointments have deliberately excluded those with a relationship or special affiliation with the Basque Country and its history.⁸⁷

84 El País, 2003. *Entre Dios y la patria*. Available at: <http://elpais.com/diario/2003/08/23/babelia/1061594234_850215.html> (Accessed on: 11/07/13)

85 El País, 2007. 'En el fondo, los miembros de ETA son revolucionarios.' Available at: <http://elpais.com/diario/2007/10/21/espana/1192917610_850215.html> (Accessed on: 12/07/13)

86 El País, 2008. *El viraje del clero vasco*. Available at: <http://elpais.com/diario/2008/04/07/sociedad/1207519202_850215.html> (Accessed on: 13/07/13)

87 El Mundo, es, 2010. *Egibar opina que el nombramiento de Munilla responde a un 'diseño político'*. Available at: <<http://www.elmundo.es/elmundo/2010/01/09/paisvasco/1263039901.html>> (Accessed on: 15/07/13)

The role of Catholicism and of politically motivated clergymen should not be underestimated in relation to the conflict in the Basque Country. The Basque Nationalist Party, which has arguably comprised the biggest political force in Basque Country, is representative of the traditionalism and conservatism that has prevailed in the Basque Country. Importantly, this traditionalism is reflected in the ongoing existence and influence of the Catholic Church. Indeed, the original name for the Basque Nationalist Party (EAJ) is translated as ‘Basque Party for God and the Old Laws’,⁸⁸ reflecting the historic importance of Catholicism within the movement.

88 Eaj-Pnv. *Historia eta ideología*. Available at: <http://www.eaj-pnv.com/eusk/conoce_historia.php> (Accessed on: 12/07/13)

THE PEACE PROCESS DEVELOPMENT AND IMPLICATIONS

1. The Different Reactions to the Peace Process

The involvement and presence of international experts, prominent figures and respected mediators was largely considered a positive element of the Basque peace process. However, Not all reactions to the process were positive.

The victims' associations and many right-wing parties rejected the offer of participation in the process, and ETA itself was accused of using the truces as an opportune moment for rearmament.⁸⁹ Moreover, the position of some associations linked with ETA has been unclear and as a result they have been accused of participating in bad faith:: that is, while these groups appeared willing to engage with the process, they were also making demands that were evidently unachievable in the initial stages of the process.

2. Steps Towards the Peace Process

On 5 September 2010 ETA unilaterally declared their intention to stop the 'offensive armed attacks.'⁹⁰ This declaration was made through a video sent to the BBC and later to the newspaper *Gara* (the usual media outlet used by ETA to inform the public of their

89 Eitb, 2011. *Las treguas de ETA*. Available at: <<http://www.eitb.com/es/noticias/politica/detalle/496144/las-treguas-eta/>>(Accessed on: 15/07/13)

90 EL Mundo, es, 2010. *Nuevo 'cese de las acciones armadas'*. Available at: <http://www.elmundo.es/eta/negociaciones/tregua_2010_anuncio.html>(Accessed on: 11/07/13)

attacks and decisions).⁹¹ However, ETA did not specify in this video whether this decision was temporary or permanent, despite seeking the participation of the international community and prestigious mediators.

On 25 September 2010 the pro-independence political parties, both legal and illegal, signed the declaration '(f)or a scenario of peace and democratic solutions'. This document declared that the Basque Country had the chance to 'channel the political conflict and violent confrontation towards a peace scenario', and ultimately aimed to obtain a declaration from ETA of a definitive and verifiable ceasefire.⁹²

These declarations were welcomed by State political parties and associations, but were also considered to be overly mild in tone. Nevertheless, this step was significant within the Basque Country as these parties were seen to represent the wider pro-independence community. Therefore, for the first time it was evident that all opposing sides were rejecting violence and asking for a political resolution.

91 El Mundo, Es, 2010. *Nuevo 'cese de las acciones armadas'*. Available at: <http://www.elmundo.es/eta/negociaciones/tregua_2010_anuncio.html> (Accessed on 13/07/13)

92 Eitb, 2010. *ACUERDO PARA UN ESCENARIO DE PAZ Y SOLUCIONES DEMOCRATICAS*. Available at: <http://www.eitb.com/multimedia/documentos/2010/09/26/353226/Genika_gazt.pdf> (Accessed on: 11/07/13)

In addition to this step, the declaration became even more significant when Arnaldo Otegi, leader of the banned *Herri Batasuna*, the largest pro-independence political party, declared for the first time that ‘armed violence is incompatible with the pro-independence strategy’.⁹³

On 11 January 2011, ETA declared a ‘permanent, general and verifiable’ ceasefire.⁹⁴ However, wary State political parties refused to submit a statement in response, as it was not the first time the group had made the promise of a ceasefire. Eventually, the Spanish vice-president declared: ‘We face the same group and the same claims as we always have, this is not the end and this is not news’.⁹⁵ Similarly, the spokesperson of the opposition, Maria Dolores de Cospedal, affirmed ‘no other communiqué than the one announcing the dissolution of the group and the end of its criminal activities is going to be accepted’.⁹⁶

93 El País, 2010. ‘*La estrategia independentista es incompatible con la violencia armada.*’ Available at: <http://elpais.com/elpais/2010/10/17/actualidad/1287303417_850215.html> (Accessed on: 13/07/013)

94 Eitb, 2011. *ETA declara un alto el fuego 'permanente, general y verificable.'* Available at: <<http://www.eitb.com/es/noticias/politica/detalle/577620/eta-declara-alto-fuego-permanente-general-verificable/>> (Accessed on: 11/07/13)

95 Cadena Ser, 2011. *Reacciones al alto al fuego de ETA: A la espera de confirmarse 'con hechos.'* Available at: <http://www.cadenaser.com/espana/articulo/reacciones-alto-fuego-eta-espera-confirmarse-hechos/csrsrpor/20110110csrsrnc_8/Tes> (Accessed on: 14/07/13)

96 *ibid.*

Throughout 2011, the Spanish Government continued arresting ETA members, declaring that; ‘this is still a military fight and to be won militarily.’⁹⁷ Meanwhile, the previously banned pro-independence political parties presented a new party called *Sortu*.⁹⁸ The promoters of *Sortu* urged for a declaration of its legality claiming that the political project complied with all legal requirements, rejected violence and was not a continuation of a former organisation.⁹⁹ Despite these arguments, the party was denied the right for inscription as the court considered it to be the continuation of the previously banned groups. Notably, however, for the first time, the decision was not taken unanimously.¹⁰⁰ The denial of *Sortu’s* legality was confronted with popular demonstrations and public statements.¹⁰¹ In the same month that *Sortu* was criminalised, ETA declared it was ready for an informal verification.

97 Deia, 2013. *El Gobierno español sepulta la negociación con un golpe de efecto a la estructura de ETA*. Available at: <<http://www.deia.com/2013/05/08/politica/euskadi/el-gobierno-espanol-sepulta-la-negociacion-con-un-golpe-de-efecto-a-la-estructura-de-eta>> (Accessed on: 14/07/13)

98 This is roughly translatable as ‘create.’

99 Europapress, es, 2013. Los 10 promotores de Sortu instan a declarar su legalidad porque el partido la cumple ‘en todas sus dimensiones’ Leer más: Available at: <http://www.europapress.es/euskadi/noticia-10-promotores-sortu-instan-declarar-legalidad-porque-partido-cumple-todas-dimensiones-20110208125928.html> (Accessed on: 15/07/13)

100 El País, 2011. *El Supremo acuerda ilegalizar Sortu por solo dos votos de diferencia*. Available at: <http://elpais.com/elpais/2011/03/23/actualidad/1300871849_850215.html> (Accessed on: 13/07/13)

101 Radio Cable, 2011. *Internet opina: Han ilegalizado Sortu por criterios políticos no jurídicos* - See more at: <http://www.radiocable.com/io-ilegalizacion-sortu763.html#sthash.yvqLXqD9.dpuf>. Available at: <<http://www.radiocable.com/io-ilegalizacion-sortu763.html>> (Accessed on: 15/07/13)

The declaratory document was sent through the usual newspaper and stated that ETA was still committed to the 'the process for a democratic resolution'.¹⁰² In addition to this, on the 28 April 2011 ETA declared the end of extortion, putting an end to 40 years of demanding and collecting what was named 'revolutionary tax'.¹⁰³

These steps and processes changed the perception of ETA within Basque society, which had now started to accept these developments as the group's definitive attempt at a resolution. In reaction, the pro-independence political parties, both the illegal and legal organisations, decided to establish a coalition called *Bildu*.¹⁰⁴ During the launch of this coalition, gunfire broke out between two members of the group and the French gendarmerie.¹⁰⁵ Nevertheless, the new coalition reacted quickly and firmly, condemning the violence and affirming that this incident would not break the ceasefire.¹⁰⁶

102 Eitb, 2011. *ETA afirma que se muestra dispuesta a una verificación 'informal'* Redacción. Available at: <<http://www.eitb.com/es/noticias/detalle/626681/eta-afirma-se-muestra-dispuesta-verificacion-informal/>> (Accessed on: 17/07/13)

103 Eitb, 2011. *ETA anuncia a los empresarios vascos y navarros el fin de la extorsión*. Available at: <<http://www.eitb.com/es/noticias/politica/detalle/645911/eta-anuncia-empresarios-vascos-navarros-fin-extorsion/>> (Accessed on: 16/07/13)

104 Roughly translatable as 'to unite'

105 El Mundo es, 2011. *Detenidos por disparar a un gendarme dos de los etarras más buscados*. Available at: <<http://www.elmundo.es/elmundo/2011/04/10/espana/1302430786.html>> (Accessed on: 16/07/13)

106 El Mundo es, 2011. *Bildu expresa su 'rechazo' pero subraya que el alto el fuego 'sigue en vigor'*. Available at: <<http://www.elmundo.es/elmundo/2011/04/10/paisvasco/1302448101.html>> (Accessed on: 15/07/13)

As has happened in the past to other pro-independence parties, members of *Bildu* have been accused of being associated with terrorist groups and banned organisations. Despite this, the coalition was allowed to participate in the local elections, during which it demonstrated its electoral strength with its candidates securing mayoral offices in many important towns.¹⁰⁷ The pro-independence movement did, however, continue to face ongoing state accusations and legal battles. On 17 September 2011 Arnaldo Otegi and Rafa Díez, leaders of the criminalised political party *Herri Batasuna* were sentenced to ten years imprisonment for attempting to rebuild a banned organisation. This sentence was passed despite *Herri Batasuna's* public condemnation of continuing the violent conflict.¹⁰⁸ Reactions to this sentencing were prompt and even the president of the Basque Government declared, '(i)t is understandable that this decision creates discomfort and frustration within the Basque society, especially regarding the moment we are living'.¹⁰⁹ The court responsible was accused of ignoring political changes and positive advancements in their decision making.¹¹⁰

107 Eitb, 2011. *Bildu irrumpe como segunda fuerza en la CAV, por detrás del PNV*. Available at: <<http://www.eitb.com/elecciones/municipales-forales/detalle/664056/bildu-irrumpe-segunda-fuerza-cav-pnv/>> (Accessed on: 16/07/13)

108 El País, 2011. *La Audiencia Nacional condena a Otegi a 10 años de cárcel como dirigente de ETA*. Available at: <http://politica.elpais.com/politica/2011/09/16/actualidad/1316157236_525464.html> (Accessed on: 17/07/13)

109 Eitb, 2011. *Arnaldo Otegi y Rafa Díez, condenados a 10 años en el caso Bateragune*. Available at: <<http://www.eitb.com/es/noticias/politica/detalle/737698/arnaldo-otegi-rafa-diez-condenados-10-anos-caso-bateragune/>> (Accessed on: 17/07/13)

110 El País, 2011. *La Audiencia ignora el giro 'abertzale' y condena a Otegi como dirigente de ETA*. Available at: <politica.elpais.com/politica/2011/09/16/actualidad/1316203627_187841.html> (Accessed on: 17/07/13)

In spite of these challenges, in light of the pro-independence movement's move towards a democratic resolution, a collective of Basque prisoners (traditionally considered the advocates of ETA's hard line) also expressed their intention to support a democratic resolution. In the past, their ideological stance had often made negotiations difficult, but the group declared on 23 September 2011 that 'beyond all limits and obstacles that the states that keep us captive impose, the collective expresses its firm intention to help promote the democratic process'.¹¹¹ This democratic declaration was soon reaffirmed by another collective of prisoners. Both the Basque and Spanish governments described this move as an unprecedented step towards a real democratic and peaceful solution.¹¹² The effect of this move was additionally reflected in the political sector and ultimately caused another unprecedented event. By the end of the same month the socialist Basque President proposed a 'pact for concord'.¹¹³ The central tenets of this pact were the plurality of the Basque society, the final end of ETA, a change in the penitentiary policy and the legality of democratic political parties. The pact also considered the progressive rapprochement of the prisoners and stated, '(t)errorism, as we have known it, is over'.¹¹⁴

111 Eitb, 2011. *Texto íntegro del comunicado del EPPK (Colectivo de presos de ETA)*. Available at: <<http://www.eitb.com/es/noticias/politica/detalle/743673/texto-integro-comunicado-eppk-colectivo-presos-eta/>> (Accessed on: 12/07/13)

112 Eitb, 2011. *Texto íntegro del comunicado del EPPK (Colectivo de presos de ETA)*. Available at: <<http://www.eitb.com/es/noticias/politica/detalle/743673/texto-integro-comunicado-eppk-colectivo-presos-eta/>> (Accessed on: 12/07/13)

113 Rtve, es. *López propone acercar presos de ETA, para afianzar una posible paz en la que habrá vencidos*. Available at: <<http://www.rtve.es/noticias/20110929/patxi-lopez-propone-acuerdo-para-concordia-incluye-acercar-presos-eta/465010.shtml>> (Accessed on: 17/07/13)

114 Eitb, 2011. *Patxi López propone un pacto que contempla el acercamiento de presos*. Available at: <<http://www.eitb.com/es/noticias/politica/detalle/746439/patxi-lopez->

3. The International Contact Group and Peace Conference on 17 October 2011

The Brussels Declaration was presented in March 2010, in which international signatories welcomed ‘the proposed steps and new public commitment of the Basque pro-independence to exclusively political and democratic means’ and appealed to ETA to ‘support this commitment by declaring a permanent, fully verified ceasefire appropriately responded to by the Spanish Government’.¹¹⁵ Signatories of this declaration included Archbishop Desmond Tutu; President FW de Klerk; Betty Williams; Mary Robinson and John Hume.

Given the subject matter of the declaration, it was determined that there was a need to create a small separate group of international experts which has a more operational focus.¹¹⁶ As such, the International Contact Group was born on 12 November 2010 following a consultation process involving different political and social actors in the Basque Country and Spain. The mandate of the group was defined as being :

To expedite, facilitate and enable the achievement of political normalization in the Basque Country; to promote, facilitate and enable the legalisation of the pro-

propone-pacto-contempla-acercamiento-presos/> (Accessed on: 17/07/13)

115 International Contact Group, 2010. *Brussels Declaration*. Available at: <<http://icg-basque.org/documents/brussels-declaration/>> (Accessed on: 16/07/2013)

116 International Contact Group, 2010. *History*. <http://icgbasque.org/history/> (Accessed on: 16/07/13)

independence parties; to encourage confidence building measures; to generally build confidence in the minds of the public; and to mediate, if called upon the parties, in the event of deadlocks.¹¹⁷

The International Contact Group and the pro-independence political sector created a commission for the verification of the ceasefire in September 2011. The commission was comprised of six members: Ronnie Kasrils (South Africa), Ray Kendall (United Kingdom), Chris Maccabe (United Kingdom), Ram Manikkalingam (Sri Lanka) and General Lieutenant Satish Nambiar (India).¹¹⁸ The Spanish Government in response declared that they did not need ‘any help to verify the ceasefire’.¹¹⁹

Later that year, on 17 October 2011 a peace conference involving international, Basque and Spanish public and political figures was held at the Palace of Aiete in San Sebastián.

117 International Contact Group, 2010. *Mandate*. Available at: <<http://icgbasque.org/mandate/>> (Accessed on: 16/07/13)

118 Eitb, 2011. *Currin crea una comisión de verificación del alto el fuego de ETA*. Available at: <<http://www.eitb.com/es/noticias/politica/detalle/746021/currin-crea-comision-verificacion-alto-fuego-eta/>> (Accessed on: 16/07/13)

119 Lainformacion, 2011. *La izquierda abertzale crea una comisión de verificación del alto el fuego de ETA*. Available at: <http://noticias.lainformacion.com/policia-y-justicial/terrorismo/la-izquierda-abertzale-crea-una-comision-de-verificacion-del-alto-el-fuego-de-eta_925Au7sJfxlxrylgoqUGd/> (Accessed on: 16/07/13)

The significance of the attendees, along with the last minute presence of the Basque socialists, distinguished the meeting from others of a similar nature in the past.¹²⁰ Some of the international figures that attended the meeting included Kofi Annan, Gerry Adams, Jonathan Powell, the French ex-Minister of Defence Pierre Joxe and almost every sector of the Basque society, other than the Popular Party (the then-ruling party in Spain).

Lokarri, a citizen network that works in the Basque Country to promote peace, dialogue and reconciliation, has an estimated 2,000 members and a community of participants numbering more than 30,000 people.¹²¹ *Lokarri* was of vital import for the development and promotion of the peace process, as its two key focuses were 'the task of facilitating dialogue and communication among Basque political parties and the promotion of direct citizen participation.'¹²² The activity of the network was articulated using three complementary structures: a social observatory for the process of peace and reconciliation, an exterior network of support for dialogue and a citizen network for agreement and consultation.¹²³

120 Eitb, 2011. *El aval de Annan y Adams acelera la expectativa del final de ETA*. Available at: <<http://www.eitb.com/es/noticias/politica/detalle/757224/el-aval-annan-adams-acelera-expectativa-final-eta/>> (Accessed on: 16/07/13)

121 Lokarri. Available at: <<http://www.lokarri.org/index.php/en/>> (Accessed on: 17/07/13)

122 Lokarri. Available at: <<http://www.lokarri.org/index.php/en/>> (Accessed on: 17/07/13)

123 Lokarri. Available at: <<http://www.lokarri.org/index.php/en/about-lokarri/what-we-do/>> (Accessed on: 17/07/13)

Together with the International Contact Group, the Berghof Foundation, Conciliation Resources, the Desmond and Teah Tutu Legacy Foundation and the Norwegian Peacebuilding Resource Centre, *Lokarri* played a key role in promoting the conference.¹²⁴

The conference received coverage in the Spanish and Basque media which both analysed the event for signs of symbolic importance. For instance, the pro-independence supporters' decision to wear ties symbolised the oncoming of peace as Arnaldo Otegi had previously declared the wearing of ties would only happen when peace was about to come.¹²⁵ More than fifty agencies and freelance journalists covered the whole conference with the clear expectation that this was a turning point for peace.

The declaration issued as a result of the peace conference highlighted that the attendees 'believed that the time has arrived and there is a clear chance to end the last armed confrontation in Europe'.¹²⁶ Despite this, they did not want to 'impose anything, but to offer their ideas based on their own experience solving long-standing conflicts'.¹²⁷

124 Eitb, 2011. *Expectación ante la Conferencia de Paz que impulsará el fin de ETA* Available at: <<http://www.eitb.com/es/noticias/politica/detalle/757263/expectacion-conferencia-paz-impulsara-fin-eta/>> (Accessed on: 16/07/13)

125 Eitb, 2011. *Las corbatas de la paz*. Available at: <<http://www.eitb.com/es/noticias/politica/detalle/757788/las-corbatas-paz/>> (Accessed on: 16/07/13)

126 Eitb, 2011. *La declaración íntegra de la Conferencia de Paz*. Available at: <<http://www.eitb.com/es/noticias/politica/detalle/757942/la-declaracion-integra-conferencia-paz/>> (Accessed on: 16/07/13)

127 Eitb, 2011. *La declaración íntegra de la Conferencia de Paz*. Available at: <<http://www.eitb.com/es/noticias/politica/detalle/757942/la-declaracion-integra-conferencia-paz/>> (Accessed on: 16/07/13)

The main points and wishes expressed by the declaration were:

a declaration of ETA claiming the definitive cessation of the armed activity, a request of dialogue with the Spanish and French Governments and the recognition of all victims and the pain inflicted healing personal and social wounds.¹²⁸

Only the Popular Party, who did not attend the conference, considered the declaration ‘unacceptable for any democrat, as ETA had to put an end to violence without further ado’.¹²⁹

128 Eitb, 2011. *La declaración íntegra de la Conferencia de Paz*. Available at: <<http://www.eitb.com/es/noticias/politica/detalle/757942/la-declaracion-integra-conferencia-paz/>> (Accessed on: 16/07/13)

129 Eitb, 2011. *La Conferencia pide a ETA el cese definitivo y a los gobiernos diálogo*. Available at: <<http://www.eitb.com/es/noticias/politica/detalle/757933/la-conferencia-pide-eta-cese-definitivo-gobiernos-dialogo/>> (Accessed on: 17/07/13)

4. Ceasefire and Other Steps Towards Peace

A month after the peace conference ETA sent a video to the media announcing the ‘final end to violence’ and requesting that the French and Spanish governments open up direct dialogue with them in order to address the consequences of the conflict.¹³⁰ The video was sent to the usual media outlets in the Basque Country and to the *BBC* and the *New York Times*. In its statement, ETA defined the peace conference as being ‘of great political significance’ and fundamental in gathering ‘the elements for an integral solution to the conflict supported by the vast majority of the Basque society and the international community’.¹³¹ Despite this announcement, the group did not reject its past history and claimed, ‘(t)he struggle of many years has created the opportunity to attain peace’.¹³²

Civil society reactions to this declaration appeared promptly in the media. The AVT, which was not referred to in the statement, considered the declaration to be misleading, as ETA were yet to hand over its weapons and disband.¹³³

130 Eitb, 2011. *ETA anuncia el 'cese definitivo' de la violencia*. Available at: <<http://www.eitb.com/es/noticias/politica/detalle/760584/eta-anuncia-cese-definitivo-violencia/>> (Accessed on: 17/07/13)

131 Eitb, 2011. *ETA anuncia el 'cese definitivo' de la violencia*. Available at: <<http://www.eitb.com/es/noticias/politica/detalle/760584/eta-anuncia-cese-definitivo-violencia/>> (Accessed on: 17/07/13)

132 ABC, es, 2011. *Declaracion integra de ETA*. Available at: <<http://www.abc.es/20100905/espana/comunicado-201009051120.html>> (Accessed on: 17/07/13)

133 El Comercio.pe, 2011. *Cese definitivo de ETA produce entusiasmo y cautela*. Available at: <<http://elcomercio.pe/mundo/1320940/noticia-cese-definitivo-eta-produce-reacciones-positivas-cautela.>> (Accessed on: 17/07/13)

However, political parties and members of both the Basque and the Spanish Governments welcomed the declaration and considered it a victory for democracy, while noting that it would not be possible to forget the past entirely.¹³⁴ The Spanish president, for example, stated that ‘Spain will be a democracy without terrorism but not without memory’.¹³⁵

The final ceasefire declaration accelerated the process and the following year many steps were proposed. In January, the Basque President met with the Spanish President and proposed the rapprochement of the prisoners and the legalisation of the pro-independence sector, including in the case of *Sortu*.¹³⁶ Meanwhile, the International Verification Commission ascertained that ETA had ‘no intention to perform or organise any terrorist attack and that the process is irreversible’.¹³⁷ However, the commission recognised that ETA was ‘still a clandestine and armed organisation that still commits illegal acts like document forgery and keeps arsenals’.¹³⁸

134 Eitb, 2011. *ETA anuncia el 'cese definitivo' de la violencia*. Available at: <<http://www.eitb.com/es/noticias/politica/detalle/760584/eta-anuncia-cese-definitivo-violencia/>> (Accessed on: 17/07/13)

135 El País, 2011. *AETA pone fin a 43 años de terror*. Available at: <http://politica.elpais.com/politica/2011/10/19/actualidad/1319056094_153776.html> (Accessed on: 17/07/13)

136 Noticias de Alava, 2012. *El lehendakari plantea a Rajoy flexibilizar la política penitenciaria en favor de la reinserción*. Available at: <<http://www.noticiasdealava.com/2012/01/28/politica/euskadi/el-lehendakari-plantea-a-rajoy-flexibilizar-la-politica-penitenciaria-en-favor-de-la-reinsercion>> (Accessed on: 17/07/13)

137 Eitb, 2012. *ETA no tiene intención de volver a atacar, según los verificadores*. Available at: <<http://www.eitb.com/es/noticias/politica/detalle/820296/eta-no-volvera-comingo-atacar-comision-verificacion/>> (Accessed on: 17/07/13)

138 CIV, 2012. *Informe de la Comisión Internacional de Verificación (CIV)*. Available at: <<http://www.ivcom.org/documentos/documento/fecha/2012/01/26/informe-de-la-comision-internacional-de-verificacion-civ/>> (Accessed on: 17/07/13)

In February 2012 the pro-independence parties organised an event at which they expressed their deep regret for the painful consequences caused by their violent activities and also for their political protests which undoubtedly caused pain and humiliation for the victims.¹³⁹ The event also recognised:

the pain and suffering that the different manifestations of violence have produced in the Basque Country, both in terms of the violent activity of ETA and the repressive policies and dirty wars of the French and Spanish states.¹⁴⁰

Similarly, the Collective of Basque Prisoners declared in June that ‘we are aware of the inflicted pain and we consider the armed activity phase to be over’.¹⁴¹ They also called for amnesty and self-determination and declared that their release process must be facilitated.¹⁴² Moreover, the youth association *Segi* and the association *Askatasuna* (which had worked for the rights of the prisoners) announced their dissolution during the same month.

139 EL Pais, 2012. *La izquierda 'abertzale' manifiesta su 'profundo pesar' por las víctimas de ETA*. Available at: <http://ccaa.elpais.com/ccaa/2012/02/26/paisvasco/1330257673_697162.html> (Accessed on: 17/07/13)

140 Eitb, 2012. *OLÍTICAPROPUESTA La IA lamenta que su posición haya podido 'humillar' a las víctimas*. Available at: <<http://www.eitb.com/es/noticias/politica/detalle/837589/fin-eta-izquierda-abertzale--lamenta-dolor-generado-eta/>> (Accessed on: 17/07/13)

141 Gara, 2012. *EPPK respalda el cambio de ciclo y se abre a dar pasos en el futuro*. Available at: <<http://gara.naiz.info/paperezkoa/20120603/344970/es/EPPK-respalda-cambio-ciclo-abre-dar-pasos-futuro->>> (Accessed on: 17/07/13)

142 Eitb, 2012. *El EPPK repudia el arrepentimiento y apuesta por la amnistía*. Available at: <<http://www.eitb.com/es/noticias/politica/detalle/898262/fin-eta--eppk-dice-ser-consciente-multiple-dolor-generado/>>> (Accessed on: 17/07/13)

The youth association stated that its dissolution was the consequence of an internal discussion that had lasted for a year.¹⁴³

The declarations of the AVT since the conclusion of the peace conference at Aiete Palace, however, show no intention to enter into dialogue or to grant any concession. They claim that ‘the terrorists must be defeated, all put in jail, and no concession can be made with bullies that boast about their crimes’.¹⁴⁴ Moreover, any plan regarding the rapprochement of the prisoners or their reintegration has been considered by some to be ‘a punishment for the victims and an award for the criminals that believe that their struggle was worthy and that they have obtained what they were looking for’.¹⁴⁵

One of the most significant steps since the 2011 peace conference was taken in June 2012 when *Sortu* was de-criminalised by the Constitutional Court with the recognition that ‘the right to create political parties had been violated’.¹⁴⁶

143 Eitb, 2012. *Segi anuncia su disolución*. Available at: <<http://www.eitb.com/es/noticias/politica/detalle/906306/disolucion-segi--segi-anuncia-su-disolucion/>> (Accessed on: 17/07/13)

144 Lne, es, 2012. *La presidenta de la AVT: ‘En el fin de ETA debe haber vencidos.’* Available at: <<http://www.lne.es/espana/2012/02/14/presidenta-debe-haber-vencidos/1199084.html>> (Accessed on: 17/07/13)

145 La Gaceta, 2012. *La AVT tacha de ‘prematureo’ y de ‘cesión’ el plan de reinserción*. Available at: <<http://www.intereconomia.com/noticias-gaceta/politica/avt-tacha-prematureo-y-cesion-los-etarras-plan-reinsercion-20120426>> (Accessed on: 17/07/13)

146 Eitb, 2012. *El Constitucional legaliza Sortu*. <http://www.eitb.com/es/noticias/politica/detalle/909932/legalizacion-sortu--el-constitucional-legaliza-sortu/> (Accessed on: 17/07/13)

Similarly, the National Court acquitted 11 pro-independence supporters, who had been charged with belonging to, or collaborating with, ETA. However, in the same period, members of the youth association *Segi* (which had recently announced its dissolution) and some leaders of the pro-independence movement were also jailed for ‘active terrorist group membership, which demonstrates a mixed approach to civil society organisations by the judiciary.’¹⁴⁷

During the summer of 2012, ETA issued communiqués stating that its efforts to open up channels for dialogue had increased over the previous few months, ‘creating closer ties with international stakeholders and making adaptations internally required by the process’. They also formally denounced the positions of the Spanish and French governments, which they considered to be obstructionist.¹⁴⁸ On 27 September ETA issued a new statement which marked its final commitment to the process of liberation and to the opportunity to resolve the conflict.¹⁴⁹

147 Jurisprudencia, 2012. *Sentencia T.S. 488/2012 (Sala 2) de 13 de junio*. Available at: <<http://portaljuridico.lexnova.es/jurisprudencia/JURIDICO/139773/sentencia-ts-488-2012-sala-2-de-13-de-junio-deposito-de-artefactos-incendiaros>> (Accessed on: 16/07/13)

148 Rteve, es, 2013. *El comunicado de ETA es el séptimo desde que anunció el cese de la violencia*. Available at: <<http://www.rtve.es/noticias/20130326/comunicado-eta-septimo-desde-anuncio-cese-violencia/624923.shtml>> (Accessed on: 17/07/13)

149 Rteve, es, 2013. *El comunicado de ETA es el séptimo desde que anunció el cese de la violencia*. Available at: <<http://www.rtve.es/noticias/20130326/comunicado-eta-septimo-desde-anuncio-cese-violencia/624923.shtml>> (Accessed on: 17/07/13)

5. Recent Developments

Since the announcement of ETA's definitive ceasefire in 2011 and the decriminalisation of *Sortu* in 2012, there has not been, to date, any formal dialogue or negotiation between ETA and the Spanish or French governments. Indeed, one of the unique features of the Basque peace process has been the extremely limited engagement between ETA and the governments.¹⁵⁰ In this context, the role of civil society organisations has been significant in continuing to facilitate the transformation of conflict to long-term peace.

A newsletter issued by *Lokarri* in September 2012 proposed a change in focus in the Basque resolution process, placing society as the main protagonist in the peace process.¹⁵¹ *Lokarri* proposed that all of the institutions and stakeholders involved should decide their strategy and contribution to the peace process 'bearing in mind what Basque society wants in order to deal with the past, manage the present, and build the future'.¹⁵² This shift would force both ETA and the governments to take further steps ahead, not because of pressures placed by the opposing groups, but because of demands to be doing so by society.

150 Rios, Paul, 2014, 'Basque Country: Experiences from the Social Forum to invigorate peace', *Conciliation Resources*. Available at <<http://www.c-r.org/accord/legitimacy-and-peace-processes/basque-country-experiences-social-forum-invigorate-peace>> (Accessed on: 05/01/2016)

151 Lokarri, 2012. *Lokarri's Newsletter about the Basque Conflict*. <<http://lokarri.org/files/File/Lokarri%20s%20newsletter%20june%202012.pdf>> (Accessed on: 17/07/13)

152 Lokarri, 2012. *Lokarri's Newsletter about the Basque Conflict*. <<http://lokarri.org/files/File/Lokarri%20s%20newsletter%20june%202012.pdf>> (Accessed on: 17/07/13)

In December 2012, a peace forum was held in Bayonne in the French Basque Country, organised by *Lokarri*, *Bake Bidea* (a peace organisation in the French Basque Country) and the University of Bayonne.¹⁵³ At the end of the forum the representatives of Iparralde in the northern Basque Country signed a joint declaration in which they reiterated their commitment to the peace process. The president of the Basque parliament, Bakartxo Tejeria, acknowledged the work and the contributions towards peace made by different organisations outside of the parliament but considered that the 'parliament is the place to take decisions'.¹⁵⁴

In March 2013 a social forum was organised in Pamplona and Bilbao aiming to find solutions that would help to consolidate the peace process.¹⁵⁵ This initiative was organised, with international assistance and support, by a number of civil society organisations, including *Lokarri*, *Red ciudadana por la paz* (Citizens' Network for Peace), and *Bake Bidea*, *Ahotsak* (a network of political women who work on the peace process).¹⁵⁶

153 Forosocialpaz, 2012. *Bake Bidea*. Available at: <<http://www.forosocialpaz.org/entidades-organizadoras/bake-bidea/>> (Accessed on: 17/07/13)

154 El País, 2012. *El Foro de Baiona mantendrá su ciclo de debates sobre la paz en 2013*. http://ccaa.elpais.com/ccaa/2012/12/21/paisvasco/1356118807_935531.html (Accessed on: 17/07/13)

155 Lokarri, 2013, <<http://www.lokarri.org/index.php/en/social-observatory/the-reports/recommendations-of-the-social-forum-to-promote-the-peace-process>> (Accessed on: 05/01/2016)

156 Rios, Paul, 2014, 'Basque Country: Experiences from the Social Forum to invigorate peace', *Conciliation Resources*. Available at <<http://www.c-r.org/accord/legitimacy-and-peace-processes/basque-country-experiences-social-forum-invigorate-peace>> (Accessed on: 05/01/2016)

More than 600 people took part in the two sessions that discussed the issues of disarmament, the guaranteeing of all democratic human rights and freedom, the reinsertion of prisoners “on the run” and also how to deal with the past.¹⁵⁷ This forum placed citizens at the centre of the process, allowing society to make a substantial contribution through the process to a lasting peace.¹⁵⁸

Two months after the social forum, 12 recommendations were presented. This presentation of recommendations was another attempt to unblock and promote the peace process.¹⁵⁹ The social forum called for the promotion of dialogue and reconciliation that establishes solid bases for the future cohabitation, through the wide and active participation of the institutions, political parties and civil society.¹⁶⁰ It also tried to establish a prudent time frame for the controlled process, that would end in the dismantling of arms and military structures of ETA.¹⁶¹ It also stated that the penitentiary policy in place should be modified ‘to adapt to human rights as it goes against the humanitarian treatment of prisoners’.¹⁶²

157 Lokarri, 2013, <<http://www.lokarri.org/index.php/en/social-observatory/the-reports/recommendations-of-the-social-forum-to-promote-the-peace-process>> (Accessed on: 05/01/2016)

158 Forosocialpaz, 2012. *Presentación*. Available at: <<http://www.forosocialpaz.org/presentacion/>> (Accessed on: 17/07/13)

159 Eitb, 2013. *El Foro Social pide el desarme a ETA y la reintegración de los presos*. Available at: <<http://www.eitb.com/es/noticias/politica/detalle/1354026/foro-social-lokarri--recomendaciones-eta-presos-gobierno/>> (Accessed on: 17/07/13)

160 Eitb, 2013. *El Foro Social pide el desarme a ETA y la reintegración de los presos*. Available at: <<http://www.eitb.com/es/noticias/politica/detalle/1354026/foro-social-lokarri--recomendaciones-eta-presos-gobierno/>> (Accessed on: 17/07/13)

161 Lokarri, 2012. *Lokarri's Newsletter about the Basque Conflict*. <<http://lokarri.org/files/File/Lokarri%20s%20newsletter%20june%202012.pdf>> (Accessed on: 17/07/13)

162 Lokarri, 2012. *Lokarri's Newsletter about the Basque Conflict*. <<http://lokarri.org/files/File/Lokarri%20s%20newsletter%20june%202012.pdf>> (Accessed on: 17/07/13)

Despite this range of civil society-led activities in the 18 months following the Donostia-San Sebastián peace conference in October 2011, both ETA and the Spanish government continued to accuse the other of blocking the peace process by refusing to enter into direct negotiations.¹⁶³ In light of this perceived stalemate, *Lokarri* initiated a second Aiete Palace peace conference which was held in May 2013 and was seen by many to be an opportunity to revive the peace process.¹⁶⁴ The Basque President declared that the recommendations arising out of this second Aiete conference were ‘a step forward but every actor has to be aware of the work it has to develop’.¹⁶⁵ The Basque parties declared their adherence to the recommendations even if they did not fully support them. The Popular Party-led government, however, demonstrated its scepticism and lack of engagement by declaring that there was no peace process, as at that point in time, peace existed simply because ETA had stopped killing.¹⁶⁶

163 El País, 2013. *International mediators fail to fix timescale for full ETA disarmament*. Available at: <http://elpais.com/elpais/2013/05/28/inenglish/1369762910_474399.html?rel=rosEP> (Accessed on: 17/07/13)

164 El País, 2013. *International mediators fail to fix timescale for full ETA disarmament*. Available at: <http://elpais.com/elpais/2013/05/28/inenglish/1369762910_474399.html?rel=rosEP> (Accessed on: 17/07/13)

165 El Confidencial, 2013. *Los partidos vascos, salvo PP y UPyD, valoran los pasos del foro sobre paz*. Available at: <<http://www.elconfidencial.com/ultima-hora-en-vivo/2013/05/partidos-vascos-salvo-valoran-pasos-sobre-20130528-151490.html>> (Accessed on: 17/07/13)

166 El Confidencial, 2013. *Los partidos vascos, salvo PP y UPyD, valoran los pasos del foro sobre paz*. Available at: <<http://www.elconfidencial.com/ultima-hora-en-vivo/2013/05/partidos-vascos-salvo-valoran-pasos-sobre-20130528-151490.html>> (Accessed on: 17/07/13)

It has been suggested by some that the refusal by the Spanish government to engage in discussions with ETA during this period can be attributed to that fact that there were limited political benefits for the Spanish government, which saw no gain in doing so,¹⁶⁷ and indeed, the government itself has declared that ‘the issue is not important for the population and this government has to focus on the economy and the unemployment’.¹⁶⁸ In this climate, the government has maintained its official position since the 2011 ceasefire that ETA must fully disarm without any conditions (including in relation to ETA members who remain in prison).

Since mid-2013, ETA has taken steps towards unilateral disarmament, however these steps have been dismissed by the Spanish government as token gestures which do not constitute substantive steps towards full and unconditional disarmament. An historic – albeit controversial – first step towards disarmament was taken on 21 February 2014, when the IVC announced that ETA had taken steps to seal and ‘put beyond use a specified quantity of arms, ammunition and explosives’.¹⁶⁹

167 Whitfield, Teresa, *The Basque Conflict and ETA: The Difficulties of an Ending*, (December 2015), United States Institute of Peace, Special Report 384, available at <<http://www.usip.org/publications/2015/12/09/the-basque-conflict-and-eta-the-difficulties-of-ending>> (Accessed on: 04/01/2016), at p 10

168 El Pais, 2013. *Proceso (de paz) ‘abertzale.’* Available at: <http://ccaa.elpais.com/ccaa/2013/06/01/paisvasco/1370104750_304200.html> (Accessed on: 18/07/13)

169 Whitfield, Teresa, *The Basque Conflict and ETA: The Difficulties of an Ending*, (December 2015), United States Institute of Peace, Special Report 384, available at <<http://www.usip.org/publications/2015/12/09/the-basque-conflict-and-eta-the-difficulties-of-ending>> (Accessed on: 04/01/2016), at p 11

To corroborate this announcement ETA released a video to the BBC showing IVC members inspecting a small collection of arms.¹⁷⁰ While the IVC stated that it was confident that that this was a 'significant and credible' first step towards putting beyond operational use of all ETA's arms, ammunition and explosives',¹⁷¹ the event was dismissed by the Spanish government as tokenistic propaganda and IVC members were called before a magistrate in Spain's antiterrorism court to explain their involvement.¹⁷² This criticism was echoed in the Spanish media, with several conservative newspapers describing the move as a 'farce' and the centre-left paper *El País* observing that it was a gesture without substance as ETA had already promised to disarm in 2011.¹⁷³

In July 2014, ETA released another statement declaring that it had completed the process of dismantling the 'logistic and operational structures from the armed struggle' and will continue the process of disarming its remaining arsenal.¹⁷⁴

170 Whitfield, Teresa, *The Basque Conflict and ETA: The Difficulties of an Ending*, (December 2015), United States Institute of Peace, Special Report 384, available at <<http://www.usip.org/publications/2015/12/09/the-basque-conflict-and-eta-the-difficulties-of-ending>> (Accessed on: 04/01/2016), at p 11

171 The Guardian, 2014. *Basque separatist group Eta gives up token part of arsenal*. Available at: <<http://www.theguardian.com/world/2014/feb/21/basque-separatist-eta-disarmament>> (Accessed on 05/01/2016)

172 The Economist, 2014. *Guns, lies and videotapes*. Available at: <<http://www.economist.com/news/europe/21597955-government-sees-etass-offer-disarm-propaganda-guns-lies-and-videotape>> (Accessed on 05/01/2016)

173 The Local, 2014. *Newspapers dismiss ETA's disarmament 'farce'*. Available at: <<http://www.thelocal.es/20140222/spain-press-dismisses-eta-disarmament-farce>> (Accessed on 05/01/2016)

174 El País, 2014. *ETA reorganises to focus on politics*. Available at <http://elpais.com/m/elpais/2014/07/21/inenglish/1405937591_620234.html> (Accessed on 05/01/2016)

In this statement, ETA also stated that it would focus its efforts on political change, including in particular, the transfer of ETA members in prisons around Spain and the return of ETA fugitives still residing overseas.¹⁷⁵ This announcement was again dismissed by the Spanish government, which reiterated its calls for a full and unconditional disarmament.¹⁷⁶

Since mid-2014, various parties have proposed plans for the completion and verification of ETA's disarmament, however no plan has yet been accepted by both ETA and the Spanish government. One such plan was proposed by the pro-independence left-leaning coalition *EH Bildu* (formerly *Bildu*) in April 2015 and involved, amongst other things, the establishment of an independent international body to collect and destroy remaining weapons and the transfer of ETA prisoners to Basque jails and the introduction of an "early conditional release" programme.¹⁷⁷

175 El Pais, 2014. *ETA reorganises to focus on politics*. Available at <http://elpais.com/m/elpais/2014/07/21/inenglish/1405937591_620234.html> (Accessed on 05/01/2016)

176 Reuters, 2014. *Basque group ETA says dismantles its military wing*. Available at: <<http://uk.reuters.com/article/uk-spain-eta-idUKKBN0FP0B520140720>> (Accessed on 05/01/2016)

177 Irish Times, 2015. *Road map of Basque Country coalition aims to consolidate peace*. Available at <<http://www.irishtimes.com/news/world/europe/road-map-of-basque-country-coalition-aims-to-consolidate-peace-1.2192589>> (Accessed on 05/01/2016)

To date, the Spanish government has not responded to this proposed 'road map'. Since then, both Basque local elections in May 2015 and the Spanish national elections in December 2015 have drawn focus away from the protracted peace process.¹⁷⁸

While the disarmament process is not yet fully complete and there remain some outstanding points of contention, it is worth noting that *Lokarri*, one of the civil society organisations that has been central to the peace process, was formally disbanded on 7 March 2015. The organisation released a statement announcing that it believes the two key pre-conditions for peace have been met: 'an end to ETA's violence and the legalisation of *Sortu*'.¹⁷⁹ *Lokarri* believes that with the achievement of these two objectives the 'peace process is irreversible'¹⁸⁰ and accordingly their core goals have been achieved.

178 Whitfield, Teresa, *The Basque Conflict and ETA: The Difficulties of an Ending*, (December 2015), United States Institute of Peace, Special Report 384, available at <<http://www.usip.org/publications/2015/12/09/the-basque-conflict-and-eta-the-difficulties-of-ending>> (Accessed on: 04/01/2016), at p 11

179 Lokarri, 2015. Available at <<http://www.lokarri.org/index.php/en/social-observatory/the-reports/lokarri-concludes-its-path-as-a-social-movement-for-peace-and-coexistence>> (Accessed on 05/01/2016)

180 Lokarri, 2015. Available at <<http://www.lokarri.org/index.php/en/social-observatory/the-reports/lokarri-concludes-its-path-as-a-social-movement-for-peace-and-coexistence>> (Accessed on 05/01/2016)

Conclusion

Throughout the long history of the Basque conflict, civil society organisations have played important roles in shaping public opinion, representing the interests of various stakeholders and providing platforms for dialogue and change. Importantly, in the Basque context, where formal engagements between the government and ETA have been limited, civil society organisations have played an essential role in continuing to advocate for peace, maintaining the process of dialogue and engaging with the wider community.

Neutrality plays a significant role in building legitimacy and respect for organisations working towards peace in a deeply polarised society. The experiences of the various organisations considered in this paper highlight both the challenges for civil society in representing the interests of stakeholders while maintaining neutrality, and the critical importance of that neutrality in order to effectively facilitate the transformation of conflict to sustainable peace.

Looking forward, the outcome of the recent general elections in December 2015 is likely to have significant implications on the peace process. While the full implications of the elections are yet to be realised, they have been described as producing the most confused and fragmented result in Spain's democratic history, with no party having a clear majority to form government. In the context of the Basque conflict, the success of the new left-leaning party *Podemos*

in the Basque Country (having won six Basque seats) is notable as the party represents something of a middle ground on the issue of Basque independence: while it does not support independence, *Podemos* is in favour of self-determination for the Basque Country and Catalonia and advocates for referendums in both regions on this issue.¹⁸¹ It remains to be seen whether and to what extent *Podemos* and other parties will influence the position of the new government on the final steps in the peace process with ETA and on the wider questions of at stake.

181 Irish Times, 2015. *No path to stability as poll fractures Spanish politics*. Available at <<http://www.irishtimes.com/opinion/no-path-to-stability-as-poll-fractures-spanish-politics-1.2474215>> (Accessed on 05/01/2016)

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Prof. David Petrasek: Associate Professor, Graduate School of Public and International affairs, formerly Special Adviser to the Secretary-General of Amnesty International, he has worked extensively on human rights, humanitarian and conflict resolution issues, including for Amnesty International (1990-96), for the Office of the UN High Commissioner for Human Rights (1997-98), for the International Council on Human Rights Policy (1998-02), and as Director of Policy at the HD Centre (2003-07).



Antonia Potter, Expert in humanitarian, development, peacemaking and peacebuilding issues. Consultant on women, peace and security; and strategic issues to clients including the Centre for Humanitarian Dialogue, the European Peacebuilding Liaison Office, the Global Network of Women Peacemakers, MediatEUR, and Terre des Hommes.



Jacki Muirhead, Practice Director, Cleveland Law Firm. Previously Barristers' Clerk at Counsels' Chambers Limited and Marketing Manager at the Faculty of Advocates. Undertook an International Secondment at New South Wales Bar Association.

DPI Council of Experts



Dermot Ahern

Dermot Ahern is a Former Irish Member of Parliament and Government Minister and was a key figure for more than 20 years in the Irish peace process, including in negotiations for the Good Friday Agreement and the St Andrews Agreement. He also has extensive experience at EU Council level including being a key negotiator and signatory to the Constitutional and Lisbon Treaties. In 2005, he was appointed by the then UN Secretary General Kofi Annan to be a Special Envoy on his behalf on the issue of UN Reform. Previous roles include that of Government Chief Whip, Minister for Social, Community and Family Affairs, Minister for Communications, Marine and Natural Resources, Minister for Foreign Affairs and Minister for Justice and Law Reform. Dermot Ahern also served as Co-Chairman of the British Irish Inter Parliamentary Body 1993 – 1997.



Dr Mehmet Asutay

Dr Mehmet Asutay is a Reader in Middle Eastern and Islamic Political Economy and Finance at School of Government and International Affairs (SGIA), Durham University, UK. Areas of focus include Turkish and Kurdish political economies, and Islamic political economy. He is the Honorary Treasurer of BRISMES (British Society for Middle East Studies) and of the International Association for Islamic Economics. His research has been published in various journals, magazines and also in book format.



Prof. Christine Bell: Legal expert based in Northern Ireland; expert on transitional justice, peace negotiations, constitutional law and human rights law advice. Trainer for diplomats, mediators and lawyers.



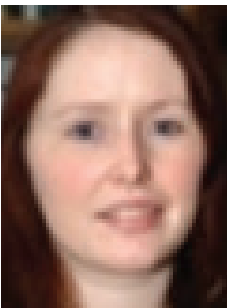
Cengiz Çandar: Senior Journalist and columnist specializing in areas such as The Kurdish Question, former war correspondent. Served as special adviser to Turkish president Turgut Ozal.



Yilmaz Ensaroğlu: SETA Politics Economic and Social Research Foundation. Member of the Executive Board of the Joint Platform for Human Rights, the Human Rights Agenda Association (İHGD) and Human Rights Research Association (İHAD), Chief Editor of the Journal of the Human Rights Dialogue.



Prof. Mervyn Frost: Head of the Department of War Studies, King's College London. Previously served as Chair of Politics and Head of Department at the University of Natal in Durban. Former President of the South African Political Studies Association; expert on human rights in international relations, humanitarian intervention, justice in world politics, democratising global governance, just war tradition in an Era of New Wars and ethics in a globalising world.



Dr. Edel Hughes: Lecturer, University of East London. Expert on international human rights and humanitarian law, with special interest in civil liberties in Ireland, emergency/anti-terrorism law, international criminal law and human rights in Turkey and Turkey's accession to European Union. Previous lecturer with Amnesty International and a founding member of Human Rights for Change.



Dr Salomón Lerner Febres: Former President of the Truth and Reconciliation Commission of Perú; Executive President of the Center for Democracy and Human Rights of the Pontifical Catholic University of Perú.



Martin Griffiths: Former Deputy Head, Kofi Annan's UN Mission to Syria. Founding member and first Executive Director of the Centre for Humanitarian Dialogue, Served in the British Diplomatic Service, and in British NGOs, Ex -Chief Executive of Action Aid. Held posts as United Nations (UN) Director of the Department of Humanitarian Affairs, Geneva and Deputy to the UN Emergency Relief Coordinator, New York. Served as UN Regional Humanitarian Coordinator for the Great Lakes, UN Regional Coordinator in the Balkans and UN Assistant Secretary-General.



Avila Kilmurray: A founder member of the Northern Ireland Women's Coalition and was part of the Coalition's negotiating team for the Good Friday Agreement. She has written extensively on community action, the women's movement and conflict transformation. Serves on the Board of Conciliation Resources (UK); the Global Fund for Community Foundations; Conflict Resolution Services Ireland and the Institute for British Irish Studies. Avila was the first Women's Officer for the Transport & General Workers Union for Ireland (1990-1994) and became Director of the Community Foundation for Northern Ireland in 1994. Avila was awarded the Raymond Georis Prize for Innovative Philanthropy through the European Foundation Centre.



Prof. Ram Manikkalingam: Visiting Professor, Department of Political Science, University of Amsterdam, served as Senior Advisor on the Peace Process to President of Sri Lanka, expert and author on conflict, multiculturalism and democracy, founding board member of the Laksham Kadirgamar Institute for Strategic Studies and International Relations.



Bejan Matur: Renowned Turkey based Author and Poet. She was a columnist for Zaman newspaper, focusing mainly on Kurdish politics, the Armenian issue, daily politics, minority problems, prison literature, and women's issues. Has won several literary prizes and her work has been translated into 17 languages. Former Director of the Diyarbakır Cultural Art Foundation (DKSV).



Monica McWilliams: Professor of Women's Studies, based in the Transitional Justice Institute at the University of Ulster. Was the Chief Commissioner of the Northern Ireland Human Rights Commission from 2005 2011 and responsible for delivering the advice on a Bill of Rights for Northern Ireland. Co-founder of the Northern Ireland Women's Coalition political party and was elected to a seat at the Multi-Party Peace Negotiations, which led to the Belfast (Good Friday) Peace Agreement in 1998. Served as a member of the Northern Ireland Legislative Assembly from 1998-2003 and the Northern Ireland Forum for Dialogue and Understanding from 1996-1998. Publications focus on domestic violence, human security and the role of women in peace processes.



Jonathan Powell: Jonathan Powell is founder and CEO of Inter Mediate, an NGO devoted to conflict resolution working in the Middle East, Latin America, Africa and Asia. Jonathan was Chief of Staff to Tony Blair from 1995 to 2007 and from 1997 was also Chief British Negotiator on Northern Ireland. From 1978-79 he was a broadcast journalist with the BBC and Granada TV and from 1979 to 1994 a British Diplomat.



Sir Kieran Prendergast: Served in the British Foreign Office, including in Cyprus, Turkey, Israel, the Netherlands, Kenya and New York; later head of the Foreign and Commonwealth Office dealing with Apartheid and Namibia; former UN Under-Secretary-General for Political Affairs. Convenor of the SG's Executive Committee on Peace and Security and engaged in peacemaking efforts in Afghanistan, Burundi, Cyprus, the DRC, East Timor, Guatemala, Iraq, the Middle East, Somalia and Sudan.



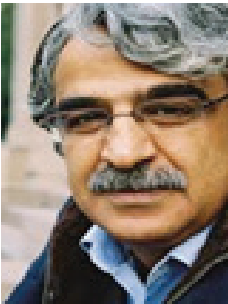
Prof. Naomi Roht-Arriaza: Professor at University of Berkeley, United States, expert and author on transitional justice, human rights violations, international criminal law and global environmental issues.



Rajesh Rai: Rajesh was called to the Bar in 1993. His areas of expertise include Human Rights Law, Immigration and Asylum Law, and Public Law. Rajesh has extensive hands-on experience in humanitarian and environmental issues in his work with NGOs, cooperatives and companies based in the UK and overseas. He is Founding Director of HIC, a Community Centred NGO based in Cameroon, and of Human Energy (Uganda) Ltd, and was previously a Director of The Joint Council for the Welfare of Immigrants (JCWI). Rajesh also lectures on a wide variety of legal issues, both for the Bar Human Rights Council and internationally, in India, Africa, Asia, and the USA.



Prof. Dr. Mithat Sancar: Professor of Law at the University of Ankara, expert and author on constitutional citizenship and transitional justice, columnist for Taraf newspaper.



Prof. Dr. Sevtap Yokuş: Professor of Law at the University of Kocaeli. She is a widely published expert in the areas of constitutional law and human rights law, and is a practitioner in the European Court of Human Rights.



David Reddaway: He now works as an adviser, board member and consultant in the private and university sectors. He was previously British Ambassador to Turkey and to Ireland; High Commissioner to Canada; UK Special Representative for Afghanistan; and Charge d’Affaires in Iran, where he had first worked during the Iranian Revolution. He also served in Argentina; India; and Spain. He was a Fellow at Harvard University and a volunteer teacher in Ethiopia. He read History at Cambridge, and Persian at the School of Oriental and African Studies in London.



Mark Muller QC: Senior advocate at Doughty Street Chambers (London) and the Scottish Faculty of Advocates (Edinburgh) specialised in public international law and human rights. He has many years’ experience of advising on conflict resolution, mediation, ceasefire and power-sharing and first-hand experience of a number of conflict zones, including Afghanistan, Libya, Iraq and Syria. Since 2005 he is Senior Advisor to the Centre for Humanitarian Dialogue, Beyond Conflict and Inter-Mediate. He is also a Harvard Law School Fellow and former Chair of the Bar Human Rights Committee and Head of Rule of Law for the Bar Council. He is the founder of Beyond Borders – a Scottish initiative dedicated to fostering peace and international understanding through cultural dialogue. He currently acts as Senior Mediation Expert for the Standby Team of Mediators of the UN Department of Political Affairs.



Joost Lagendijk: Columnist for the Turkish dailies ‘Zaman’ and ‘Today’s Zaman’, and a lecturer on EU Institutions and Policies at the Suleyman Shah University, Istanbul. He is also the author and editor of a number of books on European border issues, US and EU foreign policy strategies, and modern Turkey. From 1998 – 2009 Mr Lagendijk was a Dutch Green Left Party Member of European Parliament, where he focused on foreign policy and EU enlargement. He has also served as Chair of the Parliament’s Turkey Delegation and the rapporteur for the Parliament on the Balkans and Kosovo. From 2009 to 2012, Mr Lagendijk worked as a senior adviser at the Istanbul Policy Center in Istanbul.



Prof. Dr Ahmet Insel: A managing editor of Turkey editing house Iletisim and Head of the Department of Economics in Galatasaray University, Istanbul. Also a Professor at Paris 1 Panthéon-Sorbonne University. Author and columnist.



Ali Bayramoğlu: Writer and political commentator. He is a columnist for the Turkish daily newspaper Yeni Safak. Member of Turkey’s Wise Persons Commission Established by Prime Minister Erdoğan.



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