



**After ETA?
Catalonia, Euskadi and the Spanish Constitution**

Ned Thomas





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11 Guilford Street
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www.democraticprogress.org
info@democraticprogress.org
+44 (0)203 206 9939

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Foreword

DPI aims to foster an environment in which different parties share information, ideas, knowledge and concerns connected to the development of democratic solutions and outcomes. Our work supports the development of a pluralistic political arena capable of generating consensus and ownership over work on key issues surrounding democratic solutions at political and local levels.

We focus on providing expertise and practical frameworks to encourage stronger public debates and involvements in promoting peace and democracy building internationally. Within this context DPI aims to contribute to the establishment of a structured public dialogue on peace and democratic advancement, as well as to create new and widen existing platforms for discussions on peace and democracy building. In order to achieve this we seek to encourage an environment of inclusive, frank, structured discussions whereby different parties are in the position to openly share knowledge, concerns and suggestions for democracy building and strengthening across multiple levels. DPI's objective throughout this process is to identify common priorities and develop innovative approaches to participate in and influence the process of finding democratic solutions. DPI also aims to support and strengthen collaboration between academics, civil society and policy-makers through its projects and output. Comparative studies of relevant situations are seen as an effective tool for ensuring that the mistakes of others are not repeated or perpetuated. Therefore we see comparative analysis of models of peace and democracy building to be central to the

achievement of our aims and objectives.

This paper aims to examine and compare the sources of conflict and processes of negotiation and conflict resolution within the Spanish state in relation to the autonomous communities of Catalonia and Euskadi - roughly from the death of Franco in 1975 up to the 2012 elections in both these communities. While the years of armed conflict between ETA and the Spanish state in the Basque Country contrast with the negotiated evolution of Catalan autonomy, the end of armed conflict now allows us also to perceive elements of underlying similarity and convergence.

With thanks to Ned Thomas,¹ the author of this paper.

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1 Ned Thomas is the Founder and President of the Mercator Institute for Media, Languages and Culture, at Aberystwyth University in Wales. He was also, at different times, President of Welsh PEN, and a board member of Academi, which is now called Literature Wales, both literary associations of writers. Ned Thomas' previous roles and achievements include his position on the Board of the European Bureau for Lesser-Used Languages at the time of drafting of Council of Europe's Charter of Regional or Minority Languages, as well as his position on the drafting committee of the Universal Declaration of Linguistic Rights. Additionally, he is Former Director of the University of Wales Press, and the Founder-Editor of the English-language cultural magazine Planet - the Welsh Internationalist. His book in English, *The Welsh Extremist - A Culture in Crisis* (1971), was influential in the 1970s Welsh language movement, and his recent memoir, *Bydoedd*, was awarded Welsh-language Book of the Year in 2011. Ned Thomas has taught at Aberystwyth University in Wales; at the University of Salamanca in Spain and at Moscow State University, and was for a short period at the *Maitre de Conférences* at the *École des Hautes Études en Sciences Sociales* in Paris. He has also been a journalist with Times Newspapers and Editor of the British Government's Russian-language quarterly magazine *Angliya*.

General Background

(a) the Basque Country

The Basque Country, *Euskal Herria*, *Vasconia* are all terms which have traditionally described the home of the Basque people located north and south of the Pyrenees, on both sides of the border between France and Spain and facing the Atlantic. Today, the term *Euskal Herria* often has a political connotation, since the maximalist nationalist claim has been for an eventual state uniting all the Basque lands.

The three historic Basque provinces north of the French-Spanish border have no administrative existence within the modern French pattern of regions and departments but within the Spanish state the four historic provinces have kept their traditional borders. Three of these, Araba, Bizkaia and Gipuzcoa (Álava, Vizcaya and Guipuzcoa in the Spanish spelling) since 1979 make up the Basque Autonomous Community of Euskadi. The fourth, Navarra (Nafarroa in Basque) has its own separate statute of autonomy. Before industrialization and the rise of modern nationalism, it was in defence of their provincial charters of rights that Basques rallied, often supporting absolute monarchy (as the granters and defenders of these rights) against centralizing liberal regimes. This happened also, but to a lesser degree, in Catalonia.

The Basque language, *Euskara*, is the central feature of Basque

self-definition - indeed the language itself defines a Basque as a Basque-speaker and the country as the country of Basque-speakers. For many, however, this has to be a symbolic identification. Today the language is spoken by 27 per cent of Basques in all territories (714,136 out of 2,648,998). Of these, 663,035 live in the Spanish part of the Basque country and the remaining 51,100 live in the French part. Unlike the other languages of the Iberian peninsula, Basque is not a Romance language, nor indeed is it an Indo-European language and has not successfully been linked to any other linguistic grouping. Its unique character and seeming impenetrability have sometimes led to romantic mystification but have also made it the object of prejudice which goes beyond that commonly experienced by minority languages.

The Basque Autonomous Community has a population of 2,155,546 and covers an area of only 7,234 square kilometers (1.4 per cent of the Spanish total) but today ranks first in Spain in terms of per capita income with regional gross domestic product per capita being 40 percent higher than the European Union average and 33.8 percent higher than Spain's average in 2010, at €31,314 EUR. Industrial activities were traditionally centered on steel and shipbuilding, mainly due to the rich iron ore resources found around Bilbao. The estuary of Bilbao was the centre of the Basque Country's industrial revolution during the nineteenth and the first half of the 20th century. These activities decayed during the economic crisis of the 1970s and 1980s, giving ground to the development of the services sector and new technologies. Today,

the strongest industrial sectors of the Basque Country's economy are, machine tools, present in the valleys of Bizkaia and Gipuzkoa; aeronautics in Gasteiz-Vitoria (the capital); and energy in Bilbao. Through the period of the Eurozone financial crisis, Euskadi has outperformed Spain as a whole.

(b) Catalonia

The term Catalunya (Catalonia in English) today refers to the territory of the autonomous community. It lies to the south of the Spanish-French border at the eastern end of the Pyrenees and faces the Mediterranean. It covers an area of 32,114km, has an official population of 7,535,251 and consists of four provinces: Girona, Lleida, Taragona and Barcelona. Barcelona is its capital and largest city. As in the case of the Basque Country, there exists a wider concept that embraces all the communities that speak the Catalan language and their territories - those north of the French-Spanish border, those in the two autonomous communities of Valencia and the Balearic Islands, and smaller communities in Aragon, Murcia and the small enclave of Alghero in Sardinia; also the mini-state of Andorra where Catalan is the only official language. Collectively these are known as the *Països Catalans* which, according to the context, may or may not reflect a distant political aspiration.

In 2008, the regional GDP of Catalonia was €216.9 billion, the highest in Spain, and it ranked fourth in per capita GDP in Spain

at €30,700, behind the Basque Country, Madrid and Navarra. Over 30 percent of the land in Catalonia is devoted to agriculture, but it is tourism and other service industries, including finance and banking, which dominate its economy.

The industries of the Basque Country and Catalonia developed within the Spanish state and enjoyed a high degree of protection including during the Franco period. With the coming of the European Union their position on the French border has given them speedier access to European markets than the rest of Spain has, while allowing them continued though no longer protected access to their Spanish hinterland.

Following industrialization, Catalonia, like the Basque country, has attracted consecutive waves of inward migration from the rest of Spain and beyond. The trend continues, contributing to the economic dynamism of the regions but also posing the question of how to create a society which can include the immigrant population linguistically and culturally. As in Euskadi there are in Catalonia today excellent opportunities for immigrants and others to learn the language of the autonomous communities but these may well arrive believing that they are moving within a monolingual Spanish environment. Catalan, however, starts with the advantage that, like Spanish and Galician but unlike Basque, it is a Romance language which has a certain degree of transparency to speakers of the surrounding Romance languages.

The Catalan language, Català, rests on a much stronger

demographic base than Basque both in terms of absolute numbers and as a proportion of the population. Throughout the Catalan lands today over nine millions speak the language and as many as 11 million understand it. In Catalonia proper there are 5,698,000 self-defined capable speakers of the language in a population of 7,535,251, with a considerable further number able to understand Catalan.

In a turbulent and sometimes violent history and under a variety of political dispensations, Catalan has at various times been banned or discriminated against but has survived as the language of the people to see periods of resurgence and cultural flowering. Similarly it has at different times developed civic institutions of its own only to see them abolished.

Under the Second Republic Catalonia achieved a statute of autonomy in 1932, and at the height of the Spanish Civil War in 1936 a similar statute was granted to the Basque provinces by the Madrid government, but by then much of Basque territory had already been occupied by Franco's troops.

The Civil War and the Franco Years

Catalonia and the most populous Basque provinces were from the start loyal to the elected Republican Government in Madrid, but many in Navarre and some in Araba allied themselves with the military insurgents. Catalonia resisted the military on a variety of ideological grounds - Socialist, Communist, P.O.U.M and Anarchist as well as Nationalist, and witnessed a civil war within the civil war between some of these factions (see George Orwell's *Homage to Catalonia*). The Basque provinces of Bizkaia and Gipuzkoa while mobilizing against Franco as part of the Spanish Popular Front, nevertheless showed a high degree of national cohesion in the face of the military onslaught. The Catholic Church which in Spain generally gave its blessing to Franco's insurgency, in the Basque Country sided with the people and did not experience the burning of churches and assassination of priests that occurred elsewhere. A specifically Basque army was formed and sought unsuccessfully to defend Bilbao. When in 1937 Franco ordered Hitler's *Luftwaffe*, which was supporting his campaign, to bomb the town of Gernika (an event commemorated in Picasso's *Guernica*), he was not only introducing into modern warfare the new barbarism of bombing defenceless civilians, but aiming a deliberate blow at the Basques as a people. For Gernika was a kind of unofficial capital where the representatives of the communities of Bizkaia traditionally assembled under the tree of Gernika.

The years that followed Franco's victory were dark years for all

whom the regime perceived as enemies, whether on class grounds or national grounds. Catalonia and most of the Basque Country were regarded as traitor-provinces. In addition to the executions and imprisonments, the tight military control and absence of free trades union which were suffered across Spain, Catalonia and the Basque provinces had their recently acquired statutes of autonomy removed, together with most signs and symbols of their separate identities. Euskara, the Basque language, was virtually driven underground, something which proved harder to enforce in the case of Catalan which was the spoken language of millions, but in Catalonia too the language was banned from public life.

As the Second World War drew to an end there was a general expectation in Spain itself and among the Spanish, Basque and Catalan governments in exile, that the Allied armies would topple the Franco regime which had come to power with the aid of Hitler and Mussolini. Addressing the Basque Battalion in Bordeaux, General De Gaulle announced that he would cross the Pyrenees with them. But, as the tide of war turned, Franco had been gradually distancing himself from his German and Italian allies and now presented his regime as crusaders against Communism - which was emerging as the West's new enemy. By 1952 the United States had established a nuclear submarine base in southern Spain and later France began selling Mirage fighter jets to Franco.

ETA in the Franco period

Many people across Spain now felt a sense of betrayal and despaired of outside intervention. As time went on the feeling also grew that the exiled governments were increasingly out of touch with life inside the country. It was in this atmosphere that the Basque movement which grew into ETA was born, in the first place as a student society dedicated to reclaiming a knowledge of Basque language and history. A new generation of young nationalists felt that Basques inside Spain would now stand or fall by their own efforts. This generation was to launch the very successful industrial cooperatives of Arrasate (Mondragon), start the Basque-language schools movement and develop ETA, first into a political movement and then into an an armed force.

ETA was officially founded as a political movement in 1959 and at first engaged only in symbolic violence against the symbols of Francoism. The first deaths occurred in an unplanned encounter with the Spanish police in 1968 and escalated into something approaching a low-level war in the early 1970s (Franco's last years) when forty thousand Spanish troops were stationed in the Basque provinces. Both ETA and the Spanish military knew that Franco's death was on the horizon, and his last years are considered to have been among the most repressive of the general population in the Basque Country.

Although ETA's members were never very numerous, they enjoyed widespread support in this period within the Basque population and

support from Communist countries, from Libya's Qaddafi, and from left-wing opinion in the West. When leading ETA members were sentenced to death at the Burgos Trials in 1970, world opinion forced the Spanish government to commute the sentences and Jean-Paul Sartre declared that the defendants deserved support not simply as anti-fascists but as Basques, whose resolve to use their own language in court was itself a revolutionary act.

ETA was from the start a left-wing movement and developed a third-world Marxist ideology of national liberation. It had been founded in the days of the Algerian war of independence, and the Vietnam war was ongoing until 1975, the year of Franco's death. But ETA suffered internal schisms relating, ostensibly, to the priority to be given to class and national factors (cf. the Provisional and Official IRA in Ireland) and by the time of the transition to democracy had passed from the hands of the more culturalist founders, several of whom now resigned from the movement. Research done on the composition of ETA suggests that what had started as a group of middle-class students did in time succeed in attracting a more working-class membership including from among those of immigrant background, and in the process became more hard-line and Marxist-Leninist.

Preparing for the end of the Franco Regime

The transition to democracy in Spain, when it arrived after Franco's death in 1975, was a managed transition and the result of negotiation and behind-the-scenes dialogue between the more reformist members of the Franco government and a wide range of other players, including the monarchy, and very importantly, an alliance of parties, movements and individuals on the non-revolutionary left, The Junta Democratica de Espana (JDE). This was put together very largely by the efforts of the constitutional lawyer and academic Tierno Galvan (later Socialist mayor of Madrid) who, when the time came, wrote the preamble to the new constitution. He took the view that given the complete control exercised by Franco's army, any attempt at a leftist revolution would simply precipitate forty more years of military rule. Compromises would therefore be needed.

The Spanish Constitution of 1978

Following the death of General Franco in 1975 Spain became a parliamentary monarchy; that is, a social representative, democratic, constitutional monarchy in which the monarch is the head of state and the prime minister, whose official title is 'president of the government', is the head of government.

The Parliament is bicameral. Members of the Congress of Deputies are elected through proportional representation by universal suffrage, and the government is formed by the party or coalition that has the confidence of the Congress, usually the party with the largest number of seats. A second chamber, the Senate, has a more territorial character since it consists of four senators directly elected by each province plus a number indirectly elected through the legislatures of the autonomous communities. The Senate also has a unique function which allows it in exceptional circumstances to suspend the powers of an autonomous regional government should it be held to be acting against the general interest of the nation. The Senate has never had to exercise this function but its intervention in the event of a constitutional impasse is not inconceivable and may become relevant in present circumstances.

This new pattern of governance came in with the adoption of the new Spanish constitution of 1978, which paved the way for statutes of regional autonomy. These recognized the right of different nationalities and regions within the state to have substantial though differing levels of devolved government within their territories, and guaranteed their right to use their distinctive languages on those territories, though always within the overall framework of Spanish democracy and solidarity between regions.

This model was in many ways exemplary and differed fundamentally from Franco's unitary and monocultural Spain where, under strong, indeed dictatorial, central control, all forms of political opposition

were repressed. Nevertheless, the Spanish Constitution of 1978 inevitably reflected the historical context within which it was drafted. Autocrats in the outgoing regime had to be reassured as well incoming democrats. Everyone knew that Franco's still unreformed army and Guardia Civil stood ready to intervene, and for them the unity of the Spanish state was sacrosanct. Indeed a coup had been planned for November 1978 to thwart the transition to democracy but was discovered in time. The later notorious attempted coup of February 1981 was triggered largely by events in the Basque Country, but failed, due to the intervention of King Juan Carlos in support of democracy.

While the preamble to the Constitution expressed the will to protect individual Spaniards and the peoples of Spain in the exercise of their human rights and the practice of their cultures and traditions, languages and institutions, individual articles reflected the pressures of the time and sowed the seeds of future problems:

‘The Constitution is founded on the indissoluble unity of the Spanish nation, the common and indivisible homeland of all Spaniards, and recognizes and guarantees the right to autonomy of its constituent nationalities and regions.’ (Article 2)

‘Indissoluble’ and ‘indivisible’ are words which insist on ruling out self-determination or possible secession. Since Article 6 notes that the formation and activities of political parties are free ‘within respect for the Constitution and the law’ it proved possible to

portray independentist parties or those claiming the right to self-determination as unconstitutional. It could also be construed as support for terrorism, since ETA, which engaged in armed struggle, claimed these same rights on behalf of the Basque people. This led to a series of left-nationalist parties and alliances being disqualified from the electoral process because of alleged connections to ETA and in 2002 the Spanish government passed the *Ley de Partidos* (Law of Parties), which had an even broader remit: it allowed the banning of any party that directly or indirectly condoned terrorism or sympathised with a terrorist organisation. This disqualified Batasuna, and continued to do so even after that party had publicly renounced support for violence. One may contrast this with the situation in Northern Ireland in the UK, where Sinn Fein was at no time excluded from standing for election although it at one time supported not only the concept of a united Ireland but the armed struggle of the IRA.

Furthermore in Article 8 of the Spanish Constitution the armed forces were given the mission of defending the sovereignty and independence of Spain but also ‘its territorial integrity and constitutional arrangements’ which many construed as a veiled threat of intervention should secessionist parties ever gain power. Finally, in Article 92 the Spanish Constitution specifically reserved the right to call a referendum on matters of constitutional importance to the King acting on a proposal from the President of the Spanish Government. This is a live issue today, as the majority party following the Catalan election of 25 November

2012 has promised to organize its own popular consultation on independence although this cannot have the legal force of a referendum as defined by the Spanish Constitution. This again contrasts with the arrangements recently set in place by agreement between the UK and Scottish governments for a referendum on Scottish independence which will have legal force.

Although opinion polling is likely to have been less dependable during the years of armed conflict in the Basque Country, and although referenda are notoriously sensitive to the immediate political climate, the evidence which exists from the early years of the twenty-first century suggests that, had they been given the choice, a majority of citizens in both Catalonia and Euskadi would quite possibly have voted to remain within Spain. But recent years have seen opinion in the autonomous communities become more favourable to independence. The open discussion of that possibility has certainly become commoner and more democratically respectable, which may perhaps be connected to the slow demise of ETA.

There are other sources of friction which derive from the Spanish Constitution which have less to do with the circumstances of its writing and more to do with the tensions implicit in operating a plurinational state. The first of these has to do with languages, a sensitive issue in both Catalonia and the Basque Country.

The first two clauses of Article 3 read:

‘Castilian is the official Spanish language of the State. All Spaniards have a duty to know it and the right to speak it.’

‘The other languages of Spain shall also be official in their respective autonomous communities in accordance with their respective Statutes.’

While the first clause understandably sought to establish a common language across the Spanish state, the overriding *duty* to know Castilian has in practice undermined the right to use the regional languages in dealing with many public authorities and services, since these can insist on the duty to know Spanish. While the autonomous governments have been able increasingly to provide the services for which they are responsible in Catalan or Basque as well as Castilian, there still remain many public bodies which operate across the Spanish state and which use only or mainly Castilian within the autonomous communities. The more normalized the regional language becomes (and this is particularly true in Catalonia) the more anomalous the exceptions have come to seem. The ‘duty to know Castilian’ also allows much of the private sector, and particular the larger Spain-wide companies, to operate internally in Spanish only and to require their Catalan employees to work in Castilian.

The asymmetric nature of devolution within the Spanish state grew from a readiness to recognize different historic rights, different

degrees of cultural difference and different levels of aspiration. In the longer term, and particularly in times of austerity, the variety of arrangements, including fiscal arrangements, can make it more difficult to compare like with like and to establish a consensus on the meaning of solidarity between the various regions, a principle enshrined in the Constitution.

But these difficulties arising from elements in the 1978 Constitution only emerged in the longer term. When the Spanish Constitution was put to a nationwide referendum in 1978 it was approved by 87.87 per cent of the votes cast on a high turnout of 67.11 per cent (90.46 per cent and 67.91 in Catalonia). In the Basque provinces however, the historic Basque Nationalist Party (EAJ-PNV) recommended abstention on the grounds that Basque opinion had not been sufficiently consulted and the various left nationalist groupings advocated rejection. The result was that 69.12 per cent of the votes cast were in favour and 25.34 per cent against on a low turnout of only 44.65 per cent. While the rules governing the referendum only required a simple majority in favour, which was clearly achieved, this result allowed opponents of the new Constitution to claim that it was never endorsed by a majority of Basque electors. This has been the position of left-nationalists in the Basque Country and the main justification advanced by ETA for continuing the armed struggle after independence.

The Statutes of Autonomy of 1979

Regional government in Spain is based on the various and differing statutes of autonomy, which make for a highly decentralised but asymmetrical system of 'nationalities and regions' which together constitute the nation. The nation, however, via the central government, retains full sovereignty according to the Constitution.

Exercising the right to self-government granted by the Constitution, the 'nationalities and regions' have been constituted as 17 autonomous communities and (later) two autonomous cities (Ceuta and Melilla in North Africa). The form of government of each autonomous community is based on a parliamentary system, in which the executive power is vested in a 'President' and a Council of Ministers elected by and responsible to a unicameral legislative assembly.

The Basque autonomous community, however, is configured as a federation of the three constituent provinces, which since their incorporation to Castile in 1200 had been ruled locally by their own laws and institutions in what is known as the *fueros* or Foral System. These autonomous regimes, similar to the one for Navarre, were curtailed in the 19th century, largely suspended under Franco, but were restored by the Spanish Constitution of 1978. Many of their powers were then transferred to the new governments of the Euskadi and Navarra autonomous communities. However, the provinces still perform tax collection in their respective territories, coordinating with the Basque, Spanish and European authorities.

Referenda were held within the autonomous communities to approve the individual Statutes of Autonomy. The first regions to be recognised by the new Constitution were those described as ‘historic nationalities’ namely Euskadi, Catalonia and Galicia.

By the time of the referendum on the statute of autonomy for the three Basque provinces (Statute of Gernika 1979), the Basque Nationalist Party (EAJ-PNV) which had abstained in the earlier referendum had changed its position and now accepted the new constitutional arrangements. It recommended acceptance of the Statute but the left nationalist grouping *Herri Batasuna* opposed. *Alianza Popular*, the predecessor of today’s party of government in Madrid, the Partido Popular (People’s Party) also urged rejection of the Basque Statute of Autonomy, though for opposite reasons.

Of the votes cast in the Basque Country 90.3 per cent were in favour on a turnout of 58.8 per cent which was roughly comparable with the Catalan figures of 88.1 per cent on a turnout of 60.5 per cent. However, Basque voters had had to settle for the exclusion of Navarra from the Basque Autonomous Community of Euskadi because of local opposition and a switch in the position of the Spanish Socialist Party (PSOE). This has proved a long-running bone of contention since historically Navarra was an important part of the Basque territories and includes a Basque-speaking area which today does not enjoy the same level of language rights as obtains in Euskadi. The Euskadi Statute nevertheless kept open the possibility that the people of Navarra might one day wish to join the Basque Autonomous Community.

The persistence of ETA

The question outsiders naturally ask is why ETA should have continued to exist at all following the adoption of a democratic constitution in Spain and a statute of autonomy which gave very extensive powers indeed to the Basque Government. The years 1977-1981 in fact saw the high tide of ETA violence.

The leadership believed that a spiral of action leading to repression leading to a heightened level of resistance would bring national liberation, and the ideological justification they advanced has already been touched on, namely that they regarded the constitutional settlement as illegitimate, and it has to be said that the PNV's advocacy of abstention at the time of the referendum on the Constitution followed by its de facto acceptance of power under the new arrangements allowed ETA to portray that party as self-seeking, where from another viewpoint it was simply prudent and pragmatist.

It is unlikely however that ideological considerations alone would have secured active support for ETA in a substantial section of the population, and a passive unwillingness to condemn ETA's violence in a much larger group had there not been factors that affected people more closely. Democracy did not arrive with a clean institutional slate. In Franco's last years the Basque provinces had been in a virtual state of siege and the Spanish army was still felt to be an army of occupation. Moreover there was a strong suspicion

that following the failed coup of 1981 in the Congress of Deputies in Madrid, the army had been given a free hand in the Basque Country in return for a pledge of loyalty to the monarchy and the new democratic order. It is true that the army was slowly reforming itself but a deep distrust of the army continued for years and has not wholly disappeared. The new Basque police force, the *Erzaintza*, which would take over many of the roles of the Spanish police and Guardia Civil, only began to be rolled out gradually from 1982. Furthermore, the issue of Basque language rights in Navarre kept the Navarre issue alive for all Basques but was given greater salience in left nationalist rhetoric.

The total number of deaths for which ETA is responsible is by general agreement given at about 830, slightly under half the number attributed to the IRA. There was no inter-communal violence as in Northern Ireland and generally speaking ETA's victims were targeted individuals. Explosions in public places to disrupt the tourist industry took place outside the Basque country itself, and when the deaths of ordinary Basques occurred or of members of the new Basque police, these were regarded as mistakes and harmful to the cause. The Basque population at large was much more affected by the response of the Spanish security forces who found it harder to target ETA and resorted to mass arrests.

Conflict, once it reaches a certain level, has a momentum of its own: assassinations of political figures, police officers, Guardia Civil, kidnappings of businessmen and extortion, all by ETA, were

matched not only by police reprisals and torture (remarked on in several Amnesty reports on Spain) but by extra-judicial killings, attacks on Basque politicians in Madrid and the Basque Country by paramilitaries of the Grupos Antiterroristas de Liberacion (GAL) who also struck over the border in France from where ETA activities were often directed. This selection of atrocities is mentioned here not in any kind of attempt to create a balance-sheet but to underline the difficulty of stopping such a process overnight when as well as the memories so many older Basques have of military occupation you have on the one hand the families of ETA's victims and on the other the families of imprisoned ETA members who allege torture - all demanding justice. Both these groups exist today in substantial numbers and constitute a still unresolved legacy of conflict.

Negotiating an end to Conflict

From the earliest post-Franco days there were talks and rumours of talks between ETA and the Spanish government in Algeria, South America and elsewhere, often officially denied. There were truces and cease-fires, conditions set and broken, in good or bad faith as one side or the other would have it. Here we shall only take up the story of negotiation in its latest and most successful stages.

There is a general perception that the Centre-Right when in power in Madrid has taken a harder line than the Spanish Socialists. Notwithstanding this, the paramilitary GAL, which conducted the

dirty war against ETA and sympathisers in the 1980s, operated while the Socialists were in power, and indeed the Minister of the Interior at the time, Jose Barrionuevo, was later convicted and sentenced for his role in this. No Spanish government could afford to seem to be conciliating ETA, but all would have been glad to achieve a resolution. Sometimes the votes of the PNV and other constitutional regionalist parties also exerted influence, depending on coalitions and the size of parliamentary majorities in Madrid.

Until the mid-1980's France offered a kind of refuge and rear command post for ETA provided that it did not engage in French politics. But largely because of the developing war on French soil between GAL and ETA, the French government came round to the idea of extraditing terrorist suspects which proved an important gain for the Spanish Government. Later the sharing of intelligence between the two countries put further pressure on ETA, but it is very doubtful if a solution could have been enforced by military means alone had ETA continued to enjoy support on its home ground.

ETA was from the start a highly ideological movement, and was affected by the collapse of Communism. An organization which had placed itself within the grand narrative of national liberation movements worldwide now found itself increasingly isolated and proscribed as a terrorist organization. Over the last decade more and more of its supporters, and indeed the imprisoned leadership of Batasuna, came to feel that ETA had lost its ideological bearings

and that its armed struggle had become an end in itself, leading to strategic and tactical mistakes and loss of support in the population at large. All this led to acute frustration among political activists of the nationalist left – some of whom set up a new party mirroring ETA's aims but abjuring violence - see below under **Aralar**.

The successful peace process in Northern Ireland was also extremely influential. Although over the years ETA had made contact with, and received small quantities of arms and financial support from other revolutionary and insurgent movements, the identification with Northern Ireland went far deeper. The IRA was perceived as an equivalent organization fighting against an occupying power in a European context, a simplistic interpretation which did not take into account the complicating factor of inter-communal conflict which was absent in the Basque Country. The coming of power-sharing and the presence of Sinn Fein in government at Stormont seemed to open the way to similar possibilities in the Basque Country. It also put pressure on the Spanish Government to address the Basque question as a political rather than simply a military question.

On 17 May 2005, all the parties in the Madrid Congress of Deputies, except the Partido Popular, approved a Government motion (by 192 to 147 votes) authorizing the President to initiate peace talks with ETA, on condition of making no concessions and with the requirement that ETA give up its weapons. ETA declared a 'permanent ceasefire' that came into force on 24 March 2006 but

was broken by the Barajas International Airport bombings on 30 December 2006 in which two people died. At the time ETA cited lack of commitment and action on the part of the government to fulfill its obligations (inter alia, to move some 600 Basque prisoners closer to their families).

A further stage in the peace process came with offers of international mediation. In the Spring of 2010 a group which included four Nobel peace laureates, the Nelson Mandela Foundation and former Irish President Mary Robinson issued the Brussels Declaration which called on ETA to announce a permanent and verifiable cease-fire and on the Spanish Government to open peace negotiations once more.

In 2009 Batasuna, which had been disqualified from standing for election because of its ties to ETA and whose leaders had been imprisoned on suspicion of the same connection, began to change its position and eventually called on ETA to renounce the armed struggle. In September 2010 ETA declared a new ceasefire, and announced that the organisation wished to use 'peaceful, democratic means' to achieve its aims. That same month a wide cross-section of social movements in the Basque Country made the same call for an end to conflict, and in January 2011 ETA took the further step of declaring that the ceasefire would be permanent and verifiable by international observers.

The International Conference to Promote the Resolution of the Conflict in the Basque Country, more widely known as the Donostia-San Sebastián International Peace Conference, took place on October 17, 2011. It was organized by the Basque citizens' group Lokarri and included leaders of the Basque parties and six international figures known for their work in the field of peace and reconciliation: Kofi Annan (former UN Secretary-General), Bertie Aherne (former Taoiseach/Prime Minister of Ireland), Gro Harlem Brundtland (former Prime Minister of Norway), Pierre Joxe (former Interior Minister of France), Gerry Adams (President of Sinn Féin and member of the Irish Parliament) and Jonathan Powell (British diplomat who served as Downing Street Chief of Staff). Tony Blair, former Prime Minister of the United Kingdom, former US President Jimmy Carter (2002 Nobel Peace Prize) and the former US senator George J Mitchell (former United States Special Envoy in Northern Ireland and later in the Middle East) also supported the declaration which called on ETA to renounce all armed activities and ask for negotiations to end the conflict. Three days later — on October 20 2011 — ETA announced the 'definitive cessation of its armed activity'.

However, ETA at the time of writing has not disbanded and individual members continue to be arrested. The Spanish Prime Minister Mariano Rajoy declared recently that the Partido Popular will not negotiate with terrorists whether under threats of violence or announcements that they are laying down their arms, but will instead focus party efforts on remembering and honouring victims of terrorist violence.

This is indeed one of the matters that requires discussion side by side with the question of imprisoned Basques convicted or suspected of being members. Brian Currin, the lawyer who was instrumental in setting up the Truth and Reconciliation Commission in South Africa is part of an international mediators team supported by the Joseph Rowntree Foundation which hopes to address some of these questions, but the team has not been recognized by either the French or Spanish Governments nor by the main association of ETA's victims.

Attempts to revise the Statutes of Autonomy and their aftermath

Attempts by the autonomous governments to revise their statutes of autonomy and strengthen their own powers have run into serious difficulties in recent years but in circumstances which reflect the different political cultures of Catalonia and Euskadi and differing attitudes towards them in Madrid. In 2004 the Parliament of Euskadi narrowly approved the text of a proposed new statute (popularly known as the Ibarretxe Plan after the PNV's Prime Minister at the time) which called, among many other things, for the recognition of the Basque nation and its right to self-determination, an autonomous judicial system and the right in international sport to field teams representing Euskadi (as happens, for example, with the constituent nations of the UK but is not permitted in Spain). In 2005 that proposal was rejected outright by the Madrid Congress of Deputies by 313 votes to 29 with only

the Basque, Catalan and Galician nationalist deputies lending the proposal their support.

In Catalonia the text of a new statute began to be discussed in the early 2000s and over a period of three years was the subject of a two stage negotiation, facilitated when a tripartite coalition in Barcelona was formed led by the Party of Socialists of Catalonia, which is affiliated to the Spanish Socialist Party (PSOE). It was the latest development in a political tradition of compromise between the autonomous Catalan and the Spanish central governments but also owes a great deal to the pivotal role at the time of the Socialists' Party of Catalonia as a two-way intermediary. In the first stage the Catalan political parties agreed on the text of a new statute which was approved overwhelmingly by the Catalan Parliament in 2005; in the second, the text was re-negotiated, amended by the Spanish government, and finally accepted by a good majority in the Madrid Congress of Deputies the following year.

The Estatut was then ratified by a popular referendum on the 18 June 2006. Voter turnout was low at just under 50 percent, but the 'yes' side won handily with over 70 per cent of the total tally. The new statute's provisions gave the Catalan government more taxation powers and authority over judicial and immigration matters but also referred for the first time in a constitutional document to Catalonia as a 'nation'. It also made Catalan the 'preferential' language in Catalonia though still co-official with Castilian.

But the final wording of the Statute helped precipitate the fall of the tripartite government in Barcelona when Esquerra Republicana, the Left Republican Nationalists, withdrew their support from the coalition and what they perceived as a diluted document. Meanwhile the Partido Popular which had opposed the revised text, referred it to the Constitutional Court. Objections were also lodged by various Spanish regions alleging breaches in fiscal and educational matters of the principle of ‘solidarity between regions’ enshrined in the Constitution. The Court divided the Statute’s clauses into categories on which it made separate pronouncements, finding 14 clauses unconstitutional, including one dealing with the co-officiality of languages. It accepted the description of Catalonia as a ‘nation’ in the Preamble, but ruled that this had no legal weight, and that Spain remained the only nation recognised by the Constitution.

The decisions of the Constitutional Court precipitated a wave of protest, bringing over a million people on to the streets of Barcelona on 10 June 2010 in a demonstration led by six former and serving prime ministers of Catalonia. ‘We are a nation. We shall decide’ was the slogan of the day. Unofficial referenda on independence were organized in many municipalities and on the 11th September, 2012, a pro-independence march drew a crowd of over 1.5 million, following which the President of Catalonia, Artur Mas, called for new parliamentary elections on 25 November 2012 to elect a parliament that would offer Catalans a vote on independence for Catalonia.

The Parliament of Catalonia subsequently voted to hold a 'referendum or consultation' during the four years of the next legislature. This parliamentary decision was approved by a large majority of MPs: 84 voted affirmative, 21 voted negative and 25 abstained. An opinion poll revealed that half the population of Catalonia supported secession from Spain. The two major factors cited were the decisions of the Constitutional Court already referred to and the fact that Catalonia contributes 19.49 per cent of the federal government's tax revenue, but only receives 14.03 per cent of federal spending. The constitutional debate now merged with the economic debate in the run up to the Catalan election of 25 November 2012 with opponents of independence arguing that the Catalan economy was too dependent on its internal Spanish market to risk secession.

Political parties and the autonomous communities

This section deals only with the larger parties except where a smaller party is particularly relevant to the evolving narrative. Large numbers of parties and shifting alliances contest elections at all levels within the Spanish state.

None of the parties described here with the exception of those which fall under the heading of **Izquierda abertzale** (the Patriotic or Nationalist Left in the Basque Country) have supported the use of violence for political ends during the post-Franco period; indeed they have denounced its use though with varying degrees

of vehemence at different times. At the time of writing, all the constituents of the Nationalist Left in the Basque Country known to the author, and as a result the main political movements within this current have gained substantial representation both at provincial level and in the Basque Parliament.

It would be wrong to think that there was no armed nationalist group or support for violence in Catalonia during the post-Franco years. Between 1978-1995 **Terra Liure** (Free Land) carried out a small number of explosions, shootings and kidnappings and was responsible for one death which it acknowledged was a mistake. Unlike ETA however it did not carry the prestige of having resisted Franco. Other movements in Catalonia were prepared to defend violence in the struggle for Catalan and Basque independence but they are not described here. All were small groups which never gained widespread credibility nor did they exist within a supportive left-wing national culture as ETA did. When Terra Liure disbanded, several of its members joined **Esquerra Republicana** which was by then taking a stronger independentist line.

All the parties described here in the narrative with the exception of the **Partido Popular** (People's Party) and those which openly advocate independence, today favour some version of increased autonomy, federalism or free association within Spain and within Europe, and these ideas are being increasingly discussed and reformulated in the face of rising calls for self-determination or independence.

(a) Spanish parties and those affiliated to them

Spain's political system is a multi-party system, but since the 1990s, two parties have been predominant in Spanish politics, the Spanish Socialist Workers' Party (PSOE) and the People's Party, the Partido Popular (PP).

The **People's Party (PP)** is a centre-right party and currently in power in Madrid where it swept to power in the 2011 with a majority of the votes in every province of Spain outside Catalonia and Euskadi except Sevilla. It has a modest but steady following in Catalonia and a sometimes larger but more volatile one in Euskadi. In Catalonia it has won up to 13 per cent of the vote in elections to the autonomous Parliament and in Euskadi has on one occasion gone as high as 23 per cent, but in both places it is regarded as the natural home of those on the centre-right who think primarily as Spaniards, which is not surprising since the party has been a consistent opponent of autonomy and the extension of autonomy.

This perception derives not only from the party's record in office but also from its origins and association with its leading architect, Manuel Fraga Iribarne. He was a minister in the Franco government and later Minister of the Interior during the transition to democracy when he dealt harshly with strikers and nationalist groups. In both regions the party has had difficulty in shaking off its image as the heir of Franco. With the passage of time and the death of Fraga at the beginning of 2012 one might expect this to become

easier, but faced with the present calls for self-determination and independence, many of the party's core supporters are likely to think their earlier opposition to autonomy vindicated.

In both autonomous communities the party has the further problem that on economic issues the centre-right ground has been occupied by the nationalist parties Convergence and Union in Catalonia and the Basque Nationalist Party in Euskadi both of which have ruled singly or in coalition for most of the post-Franco period.

The **Spanish Socialist Workers' Party (PSOE)** can claim a long historical connection with the socialist traditions of Catalonia and the Basque Country in the period before the Spanish Civil War. Post-Franco, however, the trajectories of the Socialist Parties regionally have been rather different.

The **Socialists' Party of Catalonia (PSC)** is loosely affiliated to the Spanish Socialists centrally but has shown greater independence from the centre than its Basque equivalent. It has formed part of two recent governments in Catalonia in coalition with the left-nationalist party Esquerra Republicana and an alliance of Leftists and Greens, and has also held power in the City of Barcelona. Culturally it has embraced the Catalan language and offered itself on many questions as the Catalan socialist alternative to the centre-right nationalist Convergence and Union party. It has thus become a full part of Catalan political culture and an important two-way intermediary with the Spanish Socialists in Madrid.

For most of the post-Franco period it has occupied much of the left of centre ground in Catalan politics, where only in the last decade has it been seriously challenged by the historic left-nationalist party Esquerra Republicana. In the elections of 25 November 2012, however, Esquerra Republicana came second to the nationalist Convergence and Union party, driving the Party of Socialists of Catalonia into third place in terms of seats though not of votes cast.

In the Spanish Basque Country, the **Socialist Party of Euskadi** (PCE, later PCE-EE), though inheriting local socialist traditions from before the Civil War, was only set up with the transition to democracy in 1977, and then as a branch of the central Spanish Socialist Workers' Party (PSOE). In 1993 it set out to become a more Basque-identifying party when it absorbed Euskadiko Ezkerra. This was a small party which came with a complicated and mobile history of alliances and had started on the fringes of ETA.

PCE-EE has come second or third in Basque Parliamentary elections according to the fluctuating electoral fortunes of the nationalist left who have from the very beginning of the post-Franco period contested the left-wing ground, not only electorally but through a wider political culture that extends into the trade unions, and the ecology and feminist movements where the Socialists would expect to find their natural constituency. Whereas enmity between nationalists and the People's Party is something to be taken for granted, that between left-nationalists and Socialists is sometimes bitterer since they are contesting the same ground.

The Party's only opportunity to lead a government in Euskadi came in 2009, when the banning of the left-nationalist party Batasuna led many of its supporters to abstain from voting in protest. This allowed a coalition of the Socialist Party of Euskadi and the People's Party to take power from the centre-right nationalists of the PNV. This alliance with their natural enemies at the Spanish level lost the socialists support on both national and class grounds and reinforced the perception of the party as centralist in its priorities. For this, the party paid a heavy price in the Basque elections of 2012 by which time ETA had renounced violence. The left of centre nationalist alliance EH Bildu reaped the peace dividend when it took power in the provincial election in Gipuzcoa and came second in the 2102 elections to the Basque parliament.

(c) Autonomist and Independentist Parties

The larger regional parties, the Basque Nationalist Party (EAJ-PNV) from Euskadi and *Convergència i Unió* (Convergence and Union) (CiU) from Catalonia, have at times played key roles in Spanish politics as well as on their own home territories, but here we are concerned with their presence in the autonomous communities.

The **Basque Nationalist Party (EAJ-PNV)** is the oldest and largest nationalist party in the Basque Country. It was founded in 1895 as a Catholic conservative party which saw itself as defending the 'Basque race' at a time of large-scale immigration. Today it describes itself as Basque, democratic, participatory, plural, and

humanist. It is a centre-right nationalist party which has favoured greater autonomy and under a recent President wished to include the right to self-determination in the proposed new statute of autonomy. It led the short-lived autonomous government of the Basque Country in 1936-37, the Basque government in exile, and every Basque Government in the post-Franco period up to 2009 when it lost power for reasons explained earlier. In 2012 it was returned to power though not with an absolute majority, and at the time of writing is governing from a minority position though knowing that another nationalist party is in second place in the Basque Parliament.

Whereas the PNV has strong support throughout the Basque Country, that support is markedly greater in the province of Bizkaia and its capital Bilbo/Bilbao while the left-nationalist parties and alliances do better in the neighbouring province of Gipuzcoa. Some have seen this as a reflection of historic rivalries, others as reflecting the PNV's closeness to the larger companies in Bilbao. More difficult to explain is the consistent electoral success the PNV enjoys in the industrial working-class areas of Bilbao where many of the voters are immigrants or from immigrant stock. One might think that as immigrants they were seeking to attach themselves to the more moderate form of nationalism in their adopted country were it not for the fact that there is some evidence that a later wave of working-class immigration has lent support to the radical nationalist left.

In 1986 the PNV suffered a bitter schism when its first post-Franco President was forced out of the party and established **Eusko Alkartasuna (EA)** (Basque Solidarity), a social democratic, modernizing and technocratic party which did no lasting electoral harm to the PNV. EA itself suffered an internal schism and is today quite a small party which has nevertheless been an important intermediary with the left-nationalist movement and one of the more centrist components in the centre-left nationalist alliance EH Bildu, since October 2012 the second largest political grouping in the Basque Parliament. EA supports the idea of an independent Basque Country but sees this as achievable through the European Union as a union of peoples, a federation of nations, not states. It is probably their influence that has brought the EH Bildu alliance to a more pro-EU position where the Nationalist Left was previously hostile to the EU project.

Izquierda abertzale (the Patriotic or Nationalist Left in the Basque Country)

It is convenient to speak of this whole current by the name its own constituent movements often use. To describe these individually from the death of Franco to the present day would require a substantial treatise and involve a forest of acronyms: in part because of the shifting factions of the left which sometimes followed splits or changes of leadership within ETA itself, but equally because alliances and parties considered to be linked to ETA or even merely sympathetic to its aims would be declared illegal and then

reconstitute themselves under other names. Also, when it came to elections, provincial and municipal, autonomous, Spanish and European, a number of parties and movements would often field a slate of candidates under a name which had no permanent existence.

This term has the further advantage of drawing attention to the fact that we are talking not only about parties but a whole raft of initiatives and activities that have constituted a kind of parallel culture alongside the official Basque culture that received the patronage of the PNV government. Thus, to take a relatively light-hearted example, at one time an officially organized class teaching Basque to adults would remain in the classroom, while one organized within the leftist activist culture might go out to paint graffiti in Basque.

In the earliest post-Franco elections left nationalists took as much as 28 per cent of the vote although in those days their elected representatives did not intend to take up their seats. Thereafter they rarely fell below ten per cent of the votes cast and rarely rose above fifteen per cent until the most recent elections, but the impact of this group on society was more than proportionate to its numbers because of the high level of activism.

Generally speaking, until recently, movements within this current have actively justified or refused to condemn the violence of ETA and have shared most of its aims including independence and the

reunification of the Basque lands. This makes their recent change of heart to adopt only political means to achieve their ends an extremely important shift in Basque politics. The renunciation of violence has seen this political current increase its percentage of the vote substantially in recent elections.

Aralar is a small independentist party established in 2001 by key figures on the nationalist left when they had failed to persuade the left-nationalist party Batasuna from the inside to renounce support for ETA's violence - which that party later decided to do. Aralar won the support, among others, of one of ETA's founding members, the respected writer and former Herri Batasuna senator in Madrid, Txillardegi. This was a crucial breaking of ranks which offered voters a set of policies close to those traditionally associated with ETA but linked to a resolve to attain these ends by political means only. The party itself has had only limited political success because it succeeded in bringing **Batasuna**, the main left nationalist party of the time, over to its own position. Aralar is nevertheless a founder member of the new Centre-left nationalist alliance in the Basque Parliament **EH Bildu**. Interestingly Aralar's origins are in Navarra which may keep the Navarra question on the agenda of Bildu.

That Batasuna was prevented from standing in the 2009 elections despite its earlier moves to put an end to the armed conflict was perceived by many as unfair both within Spain and abroad. There was a firmer foundation to criticism of the later attempt to ban

Batasuna's successor party **Sortu**. On 23 March 2011, when the peace process had advanced much further, the Spanish Supreme Court banned Sortu from registering as a political party on the grounds that it was links to ETA although it had been founded on a platform of explicitly condemning the use of violence. However, on 20 June 2012 the Constitutional Court decided that the decision taken by the Spanish Supreme Court undermined the right of association as a political party of Sortu's promoters, and Sortu was legalised as a political party. This was an important legal judgment in the context of the Spanish Constitution. Sortu then entered the Basque Parliament in the June 2012 elections as part of the **EH Bildu** alliance.

Convergència y Unió (CiU)(Convergence and Union)

This is the main nationalist party of Catalonia which governed between 1980 and 2003 under Jordi Pujol taking usually between 30 and 40 per cent of the vote but rising to as much as 46 per cent. It lost power for two parliaments in 2003 but came back in 2010 and was re-elected in 2012 having promised a popular consultation on independence.

It is a generally stable federation of the centre-right economically liberal Convergència and the smaller Catholic Christian Democrat Unió. The party urged a yes vote in the referendum on the Spanish Constitution in 1978 as it did in the referenda on the two statutes

of autonomy. It currently holds 16 seats in the Madrid Congress of Deputies which puts it in third position there and gives it substantial influence in Spanish political life.

Esquerra Republicana de Catalunya (ERC) Republican Left of Catalunya

This is a party with an undoubted independentist pedigree having at the time of its foundation in 1931 and again in 1934 announced an independent Catalan Republic. Its leader Lluís Companys was arrested at the time of the Second Republic, was prominent in the popular front resistance to Franco in the Spanish Civil War and was executed by Franco in 1940.

The party's long-term aspirations extend to the wider Catalan lands. ERC urged rejection of the revised Catalan Statute of Autonomy in 2006 on the grounds that it did not do enough to increase the independence of Catalonia. In 2003 it joined in a tripartite government with Socialists and Leftists/Greens to oust Convergence and Union, who did not come back to power until 2010. In the elections of 2012 it came in second place in terms of seats behind *Convergència*, putting nationalist parties in the two first places and reinforcing the call for a referendum on independence.

Catalan Parliament elections of November 2012 order of parties by seats	Total seats 115
Convergència i Unió Centre-right. Supports referendum on self-determination	50
Esquerra Republicana de Catalunya independentist, pro-referendum	21
PSC Socialists of Catalunya Supports asymmetric federalism. Catalanist	19
Partido Popular de Catalunya Centre-right. Favours differential autonomies	13
ICV Alliance of Leftists and Greens Republican. Federalist. Catalanist.	9
CUP – Alternativa d’Esqueres Leftist. For independence	3

Euskadi Parliament elections of October 2012 Order of parties by seats	Total seats
EAJ/PNV Basque Nationalist Party Centre-right For self-determination	27
EH Bildu Left nationalist For independence and self-determination	21
PSC Basque Socialists Centre-left Constitutionalist	16
Partido Popular Conservative, Spanish, for Basque traditional rights	10
Union Progreso y Democracia – social-liberal anti- nationalist	1

Conclusions

This paper has sought to explain both the armed conflict in Euskadi and today's wider calls for self-determination in both Catalunya and Euskadi within the same historical frame and not in terms of national character or Basque exceptionalism as sometimes happens. The electoral picture in both autonomous communities is today remarkably similar after the recent elections, and the likely disappearance of ETA allows us to see that for most of the post-Franco period both Basques and Catalans elected moderate centre-right governments who prudently did not raise the question of self-determination.

At the time of writing the Spanish Constitution of 1978 the right to self-determination could not realistically be on the agenda given the attitudes of Franco's ministers and Army who still held power. For years the very notion was to be associated almost exclusively with ETA who had been fighting Franco's army since 1968. Another question that was left unresolved at that time and for the same reasons was the fate of the victims of Francoism across the whole of Spain who are only now being exhumed by their families from mass burial sites.

Today democracy in Spain has taken root and new generations have grown up who do not remember the Franco years or their immediate aftermath. Discussion of all constitutional possibilities has to be possible in a mature democracy, and the declaration by

ETA of a seemingly definitive end to hostilities helps make that possible.

One cannot rule out the possibility of a splinter on the Basque Nationalist Left returning to violence but it seems clear that it would have no future since it does not enjoy the support of the leadership of ETA's former political constituency, not to mention the wider Basque Community. Nor should one underestimate the capacity of the extreme Right in Spain to seek to provoke military intervention. ETA needs finally to disband and that will still leave unresolved matters that need addressing yet the present Spanish Government has shown no clear will to address them.

The right to self-determination does not exist under the present Spanish Constitution, but for democrats the demand is hard to resist if strongly expressed through the democratic process. Ironically, the greater the resistance to conceding this right, the more likely is it that an eventual vote would favour independence, which otherwise is by no means certain, since the economic arguments are not all on one side and not the same in Catalonia and the Basque Country. And there are further intermediate constitutional arrangements that might appeal more.

Any solution must also take on board the concerns of the poorer Spanish regions. Within any political unit there have to be mechanisms for some equalization and redistribution of wealth between richer and poorer areas. Catalonia in particular can be

compared to the comparatively prosperous city-regions of northern Italy who resent subsidizing the poorer South, and given the political history of Euskadi and Catalonia with the Spanish state, it might be easier for this redistribution to be carried out as part of European regional policy. It is a hopeful sign that even the Basque Centre-Left alliance now seems to have adopted a pro-European stance. But all these questions arise at a time when the future of the European project itself is less than certain.

Appendix:

DPI Board and Council of Experts

Director:

Kerim Yildiz

Kerim Yildiz is Director of DPI. He is an expert in international human rights law and minority rights, and is the recipient of a number of awards, including from the Lawyers Committee for Human Rights for his services to protect human rights and promote the rule of law in 1996, the Sigrid Rausing Trust's Human Rights award for Leadership in Indigenous and Minority Rights in 2005, and the Gruber Prize for Justice in 2011. Kerim has written extensively on human rights and international law, and his work has been published internationally.

DPI Board Members:

Nicholas Stewart QC (Chair)

Barrister and Deputy High Court Judge (Chancery and Queen's Bench Divisions), United Kingdom . Former Chair of the Bar Human Rights Committee of England and Wales and Former President of Union Internationale des Avocats.

Professor Penny Green (Secretary)

Head of Research and Director of the School of Law's Research Programme at King's College London and Director of the International State Crime Initiative (ICSI), United Kingdom (a

collaborative enterprise with the Harvard Humanitarian Initiative and the University of Hull, led by King's College London).

Priscilla Hayner

Co-founder of the International Center for Transitional Justice, global expert and author on truth commissions and transitional justice initiatives, consultant to the Ford Foundation, the UN High Commissioner for Human Rights, and numerous other organisations.

Arild Humlen

Lawyer and Director of the Norwegian Bar Association's Legal Committee. Widely published within a number of jurisdictions, with emphasis on international civil law and human rights. Has lectured at law faculties of several universities in Norway. Awarded the Honor Prize of the Bar Association for Oslo for his work as Chairman of the Bar Association's Litigation Group for Asylum and Immigration law.

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.

Professor David Petrasek

Professor of International Political Affairs at the University of Ottawa, Canada. Expert and author on human rights, humanitarian law and conflict resolution issues, former Special Adviser to the Secretary-General of Amnesty International, consultant to United Nations.

Antonia Potter Prentice

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, Mediator, and Terre des Hommes.

DPI Council of Experts

Dr Mehmet Asutay

Reader in Middle Eastern and Islamic Political Economy and Finance at the School of Government and International Affairs, Durham University. Researches, teaches and supervises research on Middle Eastern economic development, the political economy of Middle East including Turkish and Kurdish political economies, and Islamic political economy. Honorary Treasurer of the 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.

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 (İHAD) and Human Rights

Research Association (IHAD), Chief Editor of the Journal of the Human Rights Dialogue.

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.

Professor 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.

Martin Griffiths

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.

Dr. Edel Hughes

Senior 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.

Professor 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. Columnist, 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).

Jonathan Powell

British diplomat, Downing Street Chief of Staff under Prime Minister Tony Blair between 1997- 2007. Chief negotiator in Northern Ireland peace talks, leading to the Good Friday

Agreement in 1998. Currently CEO of Inter Mediate, a United Kingdom -based non-state mediation organization.

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.

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 also lectures on a wide variety of legal issues, both for the Bar Human Rights Committee and internationally.

Professor 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.

Professor Dr. Mithat Sancar

Professor of Law at the University of Ankara, expert and author on Constitutional Citizenship and Transitional Justice, columnist for Taraf newspaper.



11 Guilford Street
London WC1N 1DH
United Kingdom

+44 (0)203 206 9939

info@democraticprogress.org

www.democraticprogress.org