

# Achievements and challenges in the peace process of the Basque Country

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**Peace Process in Basque Country features, above all, for an absolute unilateralism;** ETA is the only one making steps forward, while the Spanish Government is only accepting them, without offering any compensation. This policy paper focuses in analyzing the political moment and the challenges that the peace process will have to face on the mid-term: the recent disarmament, the situation of prisoners and, specially, historical memory.

## Context

The peace process in the Basque Country recently seemed (only seemed) to be at something of a standstill. However, ETA's disarmament has publicly reactivated the process. Before analysing this disarmament and the probable – and also desirable – new steps that might now be taken, it seems advisable to define some singular characteristics of this peace process.

Bilaterality is what characterises a conventional peace process. The end of a violent conflict is articulated through an agreement between the two sides involved, in which both sides make a commitment – with greater or lesser guarantees – that each will take the necessary measures to make the peace permanent. Bilaterality is therefore a basic characteristic of a peace process.

In the case of the end of ETA's violence, the open scenario that characterises the process is that of unilaterality. It seems inevitable that all the acts and decisions corresponding to the process aimed at establishing a stable peace – which began with the definitive and unilateral cessation of violence by ETA – will only be assumed by ETA. This is because the other side – the Spanish government – has not made any commitment to act or take compensatory measures with respect to the actions and decisions taken – and that will eventually be taken – by ETA.

As a result we find ourselves facing a process in which it

is foreseeable that one – and only one – of the violent actors – ETA – will take a series of successive measures, without any compensatory measures in return, directed at erasing the negative consequences of the violence. Arms, prisoners, recognition aimed at reconciliation, etc.

Perhaps the process described does not merit the qualification of a peace process. However, we will continue using this term so as not to create more confusion than is strictly necessary.

## Analysis

### Disarmament

It was foreseeable that the recent disarmament would have the unilateral character described above. ETA delivers its weapons and the other side – the government – gives nothing in return, nor does it guarantee that anything will be given. However, the form in which the disarmament has taken place presents some different features. It is well known that verification of the delivery of weapons was carried out by a non-state committee and that, above all and coinciding with the moments of the delivery, a massive event was carried out involving multiple representatives of Basque civil society. It can be considered that the objective of this mediation and the support of civil society for the act of delivery was to avoid the option, unacceptable for ETA, of surrendering arms and militants as an expression of its defeat. It both made

possible and achieved the goal of carrying out the desire, unanimously felt by Basque society itself, of ETA's disarmament.

Linked to the above objective, the social mobilisation that took place could mean a certain recognition of ETA's leading role by some sectors of Basque society. Recognition and, at the same time, the desire for disarmament. It can be supposed that ETA's message through this process of delivery is to make clear that it is not a vanquished, isolated and abandoned organisation that finds itself forced to surrender its weapons to its enemy Other, to the state. It is a group that, albeit only in a symbolic form, delivers its weapons to the society in which it emerged, which is now asking it to lay down its weapons. ETA understands that present-day Basque society, at the moments of the delivery, recognises that discourse and to that extent recognises the organisation.

## **ETA can only make decisions aimed at getting the best possible outcome of their definitive withdrawal from the use of violence**

With this staging of the disarmament, it can be supposed that ETA is trying to modify – to soften – the fact of being condemned forever to a strict unilaterality. It does not expect, it cannot expect, that with this assertion of its still existing – but very limited – leading role, to demand that the state should negotiate concessions. But what it can and does expect is that the state should not view it as an organisation that acts as if it were defeated, as a result ensuring that the state should take decisions that affect it, bearing in mind its – moderately active – existence (especially penitentiary policies).

In any case, it has yet to be seen the extent to which these suppositions, discourses and perceptions correspond to the truth. Without any question, the government's conception and demand of defeat is not credible. In a situation of defeat, the only thing the vanquished side can do is surrender its weapons to the enemy that has defeated it and flee. This is not the case. Nor, however, is it tenable to describe or interpret the process of disarmament from the other extreme. As being guided by a relative bilaterality. Let us consider this.

ETA lost the political and armed confrontation that it started over fifty years ago. It lost it because Basque

society in general and in particular those who supported and legitimated the organisation, told it that it had lost that war. They told and convinced ETA that it should therefore abandon the war. That ETA had lost the war because, in all certainty, maintaining its armed struggle was never going to attain either its partial goals or, of course, its total goals. ETA accepts that message from society and as a result recognises *de facto* that its strategy has failed; that it has lost and therefore it should abandon its armed option. It therefore abandons it forever. ETA also loses in its direct confrontation with the state. Systematically, progressively and very significantly, it loses its operational capacity. Loss of strategic meaning and loss of operational capacity. ETA therefore loses on its two fundamental fronts. ETA is not a vanquished organisation, one that is defeated in all the dimensions and with all the consequences implied by those concepts. But it is an organisation that has lost its strategic, violent confrontation with the state and at the same time it has lost the conviction – its conviction – that it could at some point gain something from that confrontation... with that strategy.

From this situation of accepting that it has lost, the only decision that ETA takes (that it can take today and in the future) is aimed at attaining the best possible consequences from its definitive withdrawal from that military strategy; prisoners, arrests, etc. What it hopes for from this new unilateral step is to obtain better positions – some benefit – in the processes of reparation for war damages.

But in no way does it seek – nor can it be interpreted as seeking – the establishment of new scenarios that enable, although this be in the medium-term and through a global legitimation, the reconsideration or recovery of former or similar strategies. Such relative bilaterality does not exist in what has happened. From the point of view of benefits, of direct and tangible concessions, absolutely nothing has happened. In the final instance, ETA has delivered its arms – or made them available to its eternal enemy. And this has brought it... nothing at all.

In any case, another interpretation that partly corresponds to the description of this process of disarmament could prove credible and relevant. The participation of civil society, or parts of it, in the process of disarmament, improves the position of ETA and its former political defenders. It gives them more legitimacy, not of course facing any eventual political negotiations, but with a view to achieving greater recognition (it could even include that of the government itself!) in its demands for addressing the damages incurred.

Civil society has taken on a leading role, a presence in one of the aspects of this network, this chain of unilateral decisions. At the same time this society presents itself as a defender of a decision by ETA, even though the decision was inevitable, this society awards – transfers – a leading role, recognition, to ETA; the

message that its proposals should at least be heard.

Facing the future, this process of disarmament makes it possible to redirect the solution of the unresolved consequences of the conflict.

## Prisoners

With the participation of civil society in this process, certain sectors of Basque society, which in any case are situated well beyond the milieu of the patriotic left, have in practice strengthened their resolve and claim to a leading role in demanding a just solution for the situation of ETA's prisoners. Basque society has acquired greater legitimation in the demand for a solution for the prisoners. Its experience protecting ETA's disarmament concedes one recognition to society. That which makes it emerge as a force that coincides in defending demands proceeding from ETA with respect to its prisoners. And it concedes another recognition to it. That of being a society in movement that supports the demands of ETA directed *precisely* at its progressive self-dissolution.

## Historical Memory

This – albeit minimal – social recognition, provides both ETA and the patriotic left (in its reference to the period when it supported ETA's violence) with a certain leading role in the construction of historical memory. Basque society today not only considers that both ETA and the patriotic left should say something about the past and their own past, but moreover that they have the right to do so and are able to do so. They have legitimacy, together with other collective historical subjects, to participate with their own narrative in the collective construction of memory.

In this respect, it should be recalled that some of the negative consequences of the violent confrontation are to be found in the existing social rupture. That historical memory – the shared narrative, or at least the confluent narratives, of what happened in this country – must be the basis on which practices of reconciliation and their satisfactory outcomes are established. And that ETA and the patriotic left should have a central role in both promoting and implementing those practices, together with the narrative that serves to support them.

We shall now consider that role, but it is advisable to do so within an overall reflection on the functionality, challenges and the process of constructing historical memory.

### A narrative, a shared critical reflection

Although it will be very difficult to achieve, there is a need to accompany and, at the same time, move beyond the accumulation of memory involving diverse and

dispersed memories, **with a common narrative**, with a *conventional historical memory*.

## Civil society has reinforced their agency and requirement of leadership in the demand of a fair solution for the ETA prisoner issue

It seems almost unthinkable to meet the challenge of achieving a single grand narrative. It therefore seems desirable that different narratives should be effected. Narratives of different moments, processes, events, etc. Proceeding from different rapporteurs of each different moment, process, etc. But the confluence of these narratives is also possible. Insofar as each rapporteur makes use of similar goals and analytical/evaluative frames and avoids the same risks, it will be possible to achieve a general, satisfactory result. Some of these indispensable confluences:

### Functionality

The function of this common narrative is to establish a series of events that are both true and recognised by all those who make the narrative and by all those who take it up and accept it. Thus, the aim of the narrative is that shared recognition should be the foundation – should be an especially relevant element – that facilitates reconciliation (more precisely, that makes this possible). This means it is essential that the narrative should basically focus on the description of events that have generated damages that have generated victims. The narrative must, on the one hand, describe events and conducts that unjustifiably and illegitimately violated justice, basic human rights – life – physical integrity and basic liberties. And, on the other, all those groups, irrespective of whether or not they participated directly in producing the narrative (it would be highly desirable that they should participate), should recognise the truthfulness of those violations described. That recognition of the damage and pain caused, and of their non-legitimacy and their non-inevitability, is what will enable those that recognise it to enter into a process of reconciliation, in conditions of fruitful rapprochement. Besides describing what it was that happened, the function of the narrative is to describe what occurred as

something negative and to describe where that negativity proceeded from. The function now is to ensure that those who did not experience those *evils* should become aware that that is what occurred and that it must not happen again. Both because of the intrinsic perversity of those events, and because *all* those who took part in them, as spokespeople or as their active or passive subjects, agree on that evilness and that any repetition must be rejected.

## One of the negative consequences of the violent confrontation has been the existence of a social fracture

### The problem of the context

This narrative focus on what we could call the negative dimensions, shows us the extent to which that narrative on violations should only be a part inserted in a general narrative. Without doubt it can be affirmed that the emergence, appearance, maintenance and development of that illegitimate violence against human rights and basic freedoms by the state and by ETA, is related to the political and social context of those long years. They were violations that attempted to be political responses derived from the political demands proceeding from a general context. It therefore seems convenient to insert the narrative in the description of a general context. But on the other hand – and this constitutes a central dilemma – an excess of contextualisation could dilute the specific narrative. A description of the context with multiple causal chains might result in the constitutive events of the historical memory losing relevance, and also – which is more serious – present them as justified.

In our case the violations that occurred from the end of the civil war to the present have their origin in the existence of a general political and national conflict. But their commencement and execution – and execution in all its dimensions – are not an inevitable consequence, they are undesired and marginal with respect to the general strategy that defines and marks the conflict. They are relevant in themselves and are therefore owed an evaluation that is also autonomous. The form and breadth of the description of those general conflicts

cannot be carried out in a manner that enables them to eliminate or erase the avoidability, the autonomy, of the concrete events analysed.

### The writer subject

It would be desirable for all the political groups, social collectives, institutions, etc., to give their approval to this conventional memory, to this shared narrative. And that all of them in turn should have previously narrated and written their part – their prominent role – in the conventional memory, in the common reflection.

By way of a conclusion, a couple of reflections that provide a little more specification about who should be the main writers of the two sides of the narrative. In the first place, concerning the human rights violated by ETA.

It seems legitimate, and moreover closer to the truth, that the analysis, the narrative, should be done from the perspective of a community, from a *We*, in which without doubt ETA and the patriotic left had a leading role. But this *We* can be widened to include other groups or people who formed part of the ensemble of networks that was opposed to the Francoist state before and later, even a position of rejecting violence in opposition to the present democratic constitutional system. Within that *We* as writer, there must therefore be people who were directly involved, but also people who were relatively close to that violent strategic option. In this way the narrative will be more close-fitting. More truthful.

On the other hand, it should be recalled that a narrative of a *We* is always made, at least implicitly, against a narrative of the *Others*. It is from that real existence of a *We* and some *Others* that the delegitimation of the *Others* with respect to the *We* is produced. But the argumentation against such delegitimation is solid. Only from proximity, from – at least initially – a common framework of understanding, definition and great goals of transformation, is it possible to describe and evaluate with greater veracity what has happened, what was decided in that common framework of the *We*.

Nor, however, should that distrust and reasonable scorn with respect to the criticism proceeding from the *Others* lead to the construction of a narrative exclusively shaped by negating what the Other affirms.

The second, and brief, reflection arises from considering who is going to make the narrative of the violation of human rights proceeding from the state

during Francoism and up until the present. This is a brief reflection, because it is highly improbable that the state will recognise, and much less participate in, a joint reflection with other groups that have been opposed to it all of those years, opposed to all its acts against life, freedom, etc.

## Best scenario would be that they all grant their approval to this constructed memory, to this shared story

This suggests that this part of this shared reflection will probably have to be written by experts and historians. Which should not be too difficult given the evidence of those crimes. The battle will have to be fought later on. To achieve the support (or at least tolerance) of the greatest number of government actors for that joint writing.

### Recommendations

- The government of the state should not maintain its absolute passivity and inaction with respect to the decisions of ETA, since this undermines the possibilities of transforming the conflict and reconciliation.
- ETA must continue taking measures unilaterally, without compensatory measures in return, with a view to obtaining the best possible consequences from its definitive withdrawal from the military strategy.
- Civil society, which has acquired a leading role in the process of disarmament, must continue its dual positioning in face of ETA. On the one hand, demanding its disarmament, by doing so it precisely confers a certain recognition on ETA's leading role. Recognition and disarmament at the same time.
- Basque civil society, beyond the sectors close to the patriotic left, should maintain its resolve and its demand for prominence in the claim for a just solution to the situation of ETA's prisoners.
- Historical memory, the shared narrative or at least the confluent narratives of what happened, should be the foundation of reconciliation. It should be recalled that one of the negative consequences of the violence has been social rupture.

- That common narrative should include the description of the violation of rights and recognition of the harm and pain caused and of their non-legitimacy and avoidability.

- All the political and social groups should support the memory and shared narrative. In turn, all of them will have previously recounted and written down "their" part.

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