

FROM CONFLICT TRANSFORMATION TO AIETE AND BEYOND IN EUSKAL HERRIA

By Brian Currin

To understand Madrid and Paris' response to the Aiete Declaration in October 2011, which is not what we had hoped for, it would be helpful to reflect on what preceded it.

The Spanish Government's official position on the conflict in the Basque Country has always been that it is not a political conflict. Madrid referred to ETA as a band of criminals and terrorists, and included in that category all pro-independence left activists who did not condemn ETA, irrespective of whether they had committed acts of violence or promoted violence, with the result that for the past decade, until recently, Abertzale Left politics i.e. Batasuna was banned.

Although France never outlawed Batasuna in Iparralde southern France, the northern Basque Country, it too has always insisted that the conflict is not a political one worthy of a political resolution.

Notwithstanding Spain's public position, paradoxically Socialist Governments and Popular Party Governments have, since 1998, attempted on numerous occasions to find a negotiated political resolution with ETA.

What in my mind has undermined those worthy attempts at a political resolution – besides ETA's refusal to end its armed campaign and Batasuna refusal to condemn ETA violence – is Madrid's official position that the conflict does not have a political dimension.

Why do I say that? Let me answer that with another question. How do French and Spanish governments justify to their people a negotiated political resolution to a violent conflict with bandits, criminals and terrorists, if according to government propaganda the demands underlying the armed struggle are devoid of any political justification?

And if the Basque conflict is defined as ETA violence only, does that not undermine an essential step in conflict resolution: exploring and analysing the underlying causes of the conflict without which problem-solving is surely not possible??

It would seem that for the Spanish and French governments the resolution of the conflict has one dimension only – the dissolution of ETA.

On the other hand, from the perspective of Abertzale Left, the post Franco Spanish Constitution of 1978 violates the cultural, social, civil and political rights of Basque People by denying them their right to self-determination.

Madrid's response is: Spain is a constitutional democracy; the status of the Basque Country as an autonomous community is a product of that Constitution and; Government has neither a need nor a mandate to introduce constitutional amendments providing for Basque independence.

In my assessment, these opposing political perspectives are the essence of the Basque political conflict and not ETA violence, which is in fact a symptom and not the cause of conflict.

I have been asked to describe my own role the resolution of the conflict.

I was approached by Batasuna leadership as long ago as 2004, in anticipation of an emerging new peace process, to advise them on issues relating to the release of political prisoners as part of a political resolution to the violent conflict. I had been involved in similar issues in both my own country, South Africa, and in Northern Ireland where, at the time, I was still the chairperson of a Commission established by the Good Friday Agreement, mandated to manage the early release of prisoners whose offences were politically motivated.

So my role in the Basque Country was to be a very specific and specialized one to be implemented as the peace process unfolded within a couple of years. I should have known better: a one year project in Northern Ireland was already in its 5th year. It eventually took 14 years.

My role in the Basque Country changed and evolved to meet the political realities of the day. As the years went by I came to see myself as a catalyst, enabler, facilitator and agent for a sustainable peace process by promoting a conflict transformation process which would, I hoped, result in the irreversible end to ETA's armed campaign and the legalization of Batasuna which were, in my view, essential requirements for a successful peace process.

This work was supported and resourced by Lokarri a Basque NGO dedicated to a peaceful resolution of the conflict.

As we know, both these objectives have been realized – a very big surprise to many – not least of all to Madrid.

All credit must go to the collective hard work and determination of courageous political leaders and social movements in the Basque Country, driven by a resounding demand from the Basque people for a new political project devoid of violence and intimidation.

There is another factor that played a key role in restoring democracy to the Basque Country: the engagement of the international community, albeit timid, cautious, sometimes reluctant and incremental – except for Sinn Fein under the leadership of Jerry Adams. I would go so far as to say that the Basque Country would probably not be where it is today without Sinn Fein's support and encouragement.

A turning point was, undoubtedly, the Brussels Declaration of March 2010. With the support of around 15 international human rights organisations and 5 Nobel Peace Laureates, which included Mary Robinson and Archbishop Desmond Tutu, I presented a declaration at the European Parliament in Brussels calling upon ETA to declare a permanent, irreversible and internationally verifiable ceasefire in return for which the signatories of the declaration undertook to support the establishment of an international contact group for the Basque Country to play an enabling and facilitative role in a future peace process.

An essential element to that role would be the formation of multi-party tables in Euskal Herria: the Basque Autonomous Community in Spain, the Community of Navarra in Spain and in Iparralde France, to resolve, through negotiations, the political dimension of the conflict. ETA's concern was that once they relinquish arms Madrid's position would be that the conflict has been resolved and there is nothing to talk about.

As we now know: an accurate prediction.

Ten months after the Brussels Declaration, in January 2011, ETA responded positively by declaring a ceasefire that met all the requirements of Brussels Declaration.

Previous ceasefire declarations had been the result of engagement between Madrid and ETA. It wasn't difficult for ETA to breach commitments to Spain. ETA justified its own violations on the basis that Spain breached commitments made to them. Mutual breaches and mutual distrust permeated every aspect of their relationship.

But it would be a different matter breaching a commitment to the likes of Desmond Tutu, Mary Robinson, John Hume and the Nelson Mandela Foundation. When ETA made that commitment I was convinced in my own mind that the ceasefire was indeed irreversible.

During 2010, before ETA's ceasefire declaration, as a way of sending a clear message of our commitment to the establishment of an international contact group in the event of the conditions being met, Paul Rios from Lokarri and I consulted with most major stakeholders – political parties, social groups, civil society – to seek a mandate for the ICG in the event of its establishment.

Emerging from those engagements, the broad mandate was formulated: To expedite, facilitate and enable the achievement of political normalization in the Basque Country.

Political Normalization was defined to be: an inclusive and transparent political dispensation based on exclusively democratic means in the total absence of violence or threats of violence from whatever source, where a broadly shared legal and political frame would be agreed upon which would guarantee a scenario of stability where all democratic projects could be both defended and materialized. All of this would be based upon the principle of respect for the Basque society's democratic will, political plurality, democratic principles and rules and procedures in force.

One of the first actions of the ICG after it was convened at the beginning of 2011 was the establishment of an independent International Verification Commission. ETA had agreed to verification of its ceasefire. Attempts by the non-governmental verification body to engage the support of Madrid and Paris were rejected. Their position was that the State Security apparatus would continue to monitor ETA.

Since its creation the International Verification Commission has issued numerous reports over the past 18 months, all of which have repeatedly confirmed ETA's compliance with its ceasefire declaration which includes all actions associated with its armed activities, including the collection from business of so called revolutionary tax. This alone made a significant impact on the socio-political environment.

Implementation of our mandate to initiate multi-party talks has proved challenging. There was resistance amongst some political parties to engaging in any form of negotiations about the future of the Basque Country whilst ETA violence remained a potential threat. For them a ceasefire was not enough.

The ICG also identified a need to consolidate the gains and build confidence in a peace process which might require steps from Madrid and Paris. Many previous ceasefires had literally gone up in smoke: as a result there was little trust and much cynicism in the Basque Country.

To make progress, the ICG in partnership with Lokarri and supported by four international organisations, Berghoff Foundation, NOREF, the Desmond and Leah Tutu Legacy Foundation and the UK based Conciliation Resources convened the International Conference to Promote the Resolution of the Conflict in the Basque Country.

The purpose of the conference was twofold: firstly to brief carefully chosen international politicians who had themselves played significant roles in the resolution of political conflicts and; secondly to receive from them a roadmap, which would, hopefully, pave the way towards a final and definitive resolution to the conflict.

The conference was carefully choreographed. The outcome was the Aiete Declaration signed by Kofi Annan, Gro Harlem Brundtland, Pierre Joxe, Bertie Ahern, Jerry Adams and Jonathan Powell: and subsequently endorsed by Tony Blair, George Mitchell and Jimmy Carter.

1. Called upon ETA to make a public declaration of the definitive cessation of all armed action and to request talks with the governments of Spain and France to address exclusively the consequences of the conflict.
2. If such a declaration were to be made it urged the governments of Spain and France to welcome it and agree to talks exclusively to deal with the consequences of the conflict.
3. They urged that major steps be taken to promote reconciliation, recognize, compensate and assist all victims, recognize the harm that had been done and seek to heal personal and social wounds.
4. In their experience of resolving conflicts they pointed out that there are often other issues that, if addressed, can assist in the attainment of lasting peace. They suggested that non-violent actors and political representatives meet and discuss political and other related issues, in consultation with the citizenry that could contribute to a new era without conflict. In their experience third party observers or facilitators help such dialogue. Here, such dialogue could also be assisted by international facilitators, if that were desired by those involved.
5. They stated their willingness to form a committee to follow up on their recommendations.

The declaration was dated 16 October 2011. On 21 October ETA responded by declaring a definitive end to their armed activities.

At the same time, as prescribed by paragraph 1 of the Aiete Declaration they requested talks with the Governments of Spain and France to discuss exclusively the consequences of the conflict.

Notwithstanding paragraph neither government has responded positively to ETA's declaration or agreed to talks to discuss the consequences of the violence. This request has for the past 13 months been repeated by ETA on numerous occasions and reinforced by prominent political leaders and the International Contact Group.

The only response from Spain has repeatedly been that ETA should dissolve unilaterally - for which discussions are not necessary. Implicit in this response is Madrid's position, namely that there is nothing more to the conflict than ETA violence. ETA dissolves – the conflict is over – life goes on.

And Paris concurs.

As hard as we try, members of the ICG cannot comprehend this response. In our collective experience violent conflicts do not end in that way. Violent conflicts have consequences that reach far and wide and deep:

- Where, to whom and how are arms decommissioned?
- Who decommissions them and what happens to those who surrender the arms?
- What is the status of exiles?
- What is the future of prisoners whose offences were politically motivated?
- What about prisoners who are serving sentences based only on indirect association with ETA and whose crimes are devoid of any violence?
- Can there be any justification for incarcerating prisoners hundreds of kilometres from their homes?
- What about leaders such as Arnaldo Otegi who is in prison notwithstanding his central role is taking violence out of Basque politics?
- What about penitentiary laws that discriminate against prisoners involved in politically motivated offences and as a result serve sentences far longer than other prisoners?
- What happens to released prisoner and who manages their reintegration into society?
- What about victims of the violent conflict on both sides?
- What about the perpetrators who need and want a mechanism to engage with their victims?

Are all these issues simply to be ignored with the sudden dissolution of ETA?

It must not be forgotten that ETA has been an organisation for more than 50 years. It consist of members – some in prison, some released, some in Spain and some in France and many in exile elsewhere in the world, particularly in North and South America.

Decommissioning of ETA does not only entail arms. It also entails combatants. What happens to them??

In the assessment of the ICG there must be movement. It is not enough to continue with an appeal to the governments to respond to the Aiete Declaration. Those who want to move the peace process forward to the next phase and in particular those who have the credibility to influence the two governments need to do whatever is necessary to understand why the

governments have not moved; what their needs and expectations are and; ascertain in unambiguous terms what is required to break the deadlock.

A few days ago the EU was awarded the Nobel Peace Prize. The ICG calls upon the EU to assist in moving this definitive Basque Peace Process to the next phase.

I would like to end on a positive note. As much as there is no progress between ETA and Spain and France, there are encouraging signs in the Basque Country, both north and south, where virtually every single political party is moving towards engagement with the objective of finding political resolutions to this conflict that has gone on for far too long.

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