The Basque separatist group Eta’s decision to end its armed struggle has surprised many. Lawyer and international facilitator Brian Currin looks at the move towards non-violence and the challenges for peace ahead.

Why did Eta call it off?

Euskadi Ta Askatasuna (Eta) – which means Basque Country and Liberty – was born out of a group of students midway through the 40-year dictatorship of General Francisco Franco in the 1950s. They formed an armed movement for independence and socialism that challenged the all-powerful quasi-fascist state led by Franco. After the death of Franco in 1975, Eta continued its campaign of violence when Spain became a democracy and after Madrid granted the Basques an unprecedented level of autonomy. Their 52-year armed struggle cost close to a thousand lives.

The Franco dictatorship loathed Basque nationalism. Instead of supporting his campaign against ‘godless communism’ Basque nationalists were loyal to republican democracy which Franco regarded as the worst form of betrayal.

He treated them accordingly by, inter alia, banning the Basque language, Euskera, from public discourse even from sermons in parishes where the congregation spoke no other language. The catalyst for Eta’s extraordinary political growth during the 1960s was the dictatorship itself. Whenever the group carried out an attack, the Basque Country was saturated with indiscriminate police repression.

Spanish leftist parties had promised the Basques the right of self-determination along with democracy. When, after the death of Franco, they reneged on this promise a large sector of Eta felt betrayed, and accelerated a terrorist campaign, killing 90 people in 1980.

The response of Spain’s Socialist Party administration in the mid-1980s was oppression. Government ministers ran a dirty war against Eta that killed 27. Torture remained a common police practice. Spanish rights abuses in response to Eta’s campaign of violence post-Franco gave oxygen to the Basque Nationalist Left for which Eta saw itself as the liberators. The Spanish Government introduced more oppressive security legislation that included the Party Political Law 10 years ago, which resulted in the banning of Batasuna, the political party representing the pro-independence left.

Peace processes over the past 15 years, during which Eta declared numerous ceasefires, have failed. The last peace process ended in 2007, a few months after Eta had detonated a huge bomb at Barajas airport in Madrid. Not only was a multi-storey car park left in rubble but so too were the hopes and expectations of millions of people. And if an iota of trust had emerged from engagements between the protagonists during the 2006 – 2007 peace process that too was destroyed.

In 2007 no one would have predicted that within four years Eta would declare a unilateral, unconditional and internationally verifiable ceasefire, and 10 months later, before the end of 2011, a permanent and definitive end to its armed activity.

The question many people are asking is why and how did this happen?

Eta’s historic public statement on 20th October 2011 in response to the Declaration from the International Peace Conference in Donostia (San Sebastián) on 17th October 2011, declaring a definitive cessation of its armed activity, brought a successful end to a three-year conflict transformation process.

The predetermined objective of this process, which was spearheaded by the political leadership of the Abertzale Left, was to achieve a paradigm shift from political violence to exclusively peaceful means as a way of expressing and achieving their political objectives.

Getting to a point where an organisation, classified by its own Government and by the international community as a terrorist organisation, shifts unconditionally and unilaterally from violence to irreversible non-violence is unique when compared with other armed political struggles.

There are many factors which contributed towards this outcome and equally as many perspectives. These range from the extreme opposite views of defeat and destruction of
Eta by Madrid’s security forces to the strategic end of the armed phase of a struggle that has victoriously achieved its objectives. Reality, as we know, is always far more varied, complex and nuanced.

This article does not enable an extensive analysis of the many factors that contributed towards Eta’s uniquely unconditional and unilateral cessation of armed struggle.

From my perspective the main factors were:
- The realisation amongst Batasuna leaders that their prohibition from participation in democratic politics was undermining their political cause of self-determination;
- A willingness to listen and respond to the demands of their constituency to conceptualise a new political project;
- An acceptance by Batasuna’s top leadership that the only viable new political project would be legalisation of their political party, and a willingness to give robust leadership to do whatever was necessary to achieve legalisation;
- The deep and wide consultation undertaken by Batasuna leaders amongst their entire constituency to explain and motivate the need for a political commitment to exclusively peaceful means that would be irreversible, irrespective of how unpopular that message might be to hard line elements within their constituency;
- Batasuna leadership’s ability to engage and collaborate with social and political groups in the Basque Country with whom there had previously been very little trust;
- A willingness by social and political groups who were deeply sceptical of pro-independence left leaders’ bona fides and motives to take political risks and engage with them;
- The rejection of violence by a significant part of Basque society;
- The involvement of the international community and in particular Eta’s ceasefire commitment to the signatories of the Brussels Declaration, the establishment of the International Contact Group for the Basque Country in January 2011 and the International Ceasefire Verification Commission a few months later, and the participation of world leaders at the International Conference for Peace in San Sebastián in October 2011;
- Finally, the success of Bildu, a newly formed coalition of pro-independence parties, in the 2011 March elections.

The support for Bildu in the March 2011 elections was an incontrovertible message from the pro-independence Basque society of their endorsement for democratic politics above violent conflict. My assessment then was that Eta would absorb the message and in a relatively short time take the next inevitable step from ceasefire to irreversible cessation of armed activity, which would remove the final obstacle to the legalisation of Sortu, a newly formed pro-independence left political party, and pave the way for a transparent, inclusive and sustainable peace process in the Basque Country.

This is approximately where things are at the moment, but not without significant difficulties.

The first challenge is how to consolidate peace. To do that, it is necessary to identify the immediate and future political and social challenges.

Broadly speaking, there appear to be three main challenges, immediate, short to medium term and medium to long term. The declaration emerging from the International Conference on 17th October 2011 recognises these challenges.

From a video during which Eta announced their ceasefire in October.

In the first instance, the Spanish and the French Governments are called upon to respond positively to Eta’s statement declaring a definitive end to its armed activity and to agree to talks exclusively to deal with the consequences of violence. This is a critical step in order to begin essential processes to bring closure to decades of violence. The consequences of the violence, which are many and varied, cannot simply be left to resolve themselves. They are of such a nature that cooperation between the protagonists is necessary.
Eta has ended its armed activity, but inevitably the organisation must still possess dangerous weapons and explosives. Decommissioning requires a cooperative process. What happens to Eta leaders who are on the run and those who declared the end to armed activity and who will lead the decommissioning process from their side? Issues such as indemnity from prosecution and amnesty need to be discussed. There are more than 300 politically motivated prisoners dispersed in various parts of Spain and France. Their return to the Basque Country and the release of at least some categories of prisoners needs to be carefully managed. The extraordinary and stringent security laws, which are inappropriate in a normalised political environment, should be dismantled.

Surprisingly, neither France nor Spain has responded to the Declaration emanating from the conference which called upon them to respond positively to an Eta statement ending armed activity, and to engage with Eta on the consequences of the violent conflict, i.e. decommissioning, prisoners, exiles and victims. This is an essential step that has to happen irrespective of political sensitivities.

The short to medium term political challenge is to create an all inclusive forum for dialogue (multi-party talks) between all the political parties in the Basque Country to confront the causes of the political conflict and negotiate resolutions. This challenge is in the hands of the Basque parties and indications are that all but one political party is willing and ready to at least begin talks about talks. Realistically multi-party negotiations in the Basque Country are unlikely to begin until after the next regional elections scheduled for early 2013 but likely to take place earlier. Similar engagements need to be launched in the Community of Navarra and the Northern Basque Country in France.

The political product of all these negotiations will inform the nature and extent of subsequent political engagement, medium to long term, with the Spanish and French Governments if necessary, depending on the outcome of regional negotiations.

Socially, the most pressing and daunting challenge is reconciliation in Spain and in the Basque Country. The divisions are deep and entrenched. They did not begin with the formation of Eta in the 1950s. In modern history they go back to the internece Spanish civil war.

There are international models of reconciliation processes which may be instructive. But each country is unique, not only in relation to its conflict but also its national character, traditions, culture, religion etc.

Two other key social challenges to be addressed if peace and reconciliation are to be entrenched are the recognition of all the victims and social reintegration of prisoners.

In recognising victims, processes and mechanisms should be put in place to assist victims to deal with their loss, pain and suffering, bearing in mind that the peace process itself may, paradoxically, for many victims be an aggravating factor.

The number of prisoners and the length of sentences served in a country that has experienced political violence is often disproportionate. The end of violence invariably results in greater numbers of released prisoners, many of whom are long-term. Prison conditions are often worse for prisoners associated with terrorism and rehabilitation programmes are non-existent. As a result social reintegration of politically motivated prisoners is always a complex challenge. The current economic realities in Europe, particularly unemployment rates, will not make it easier.

Brian Currin is a South African lawyer. In 1994 he was appointed by Nelson Mandela to chair a Prison Audit Committee and was subsequently involved in the creation of the Truth and Reconciliation Commission. In the last few years he has been part of the international facilitators team involved in the search for a negotiated and democratic solution in the Basque Country.