

## **Introduction – New Perspectives for the Basque Country in a Post-Conflict Scenario**

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On 20 October 2012 the Basque organisation ETA announced a permanent end to more than 40 years of armed activity. Three days earlier, at a conference held in San Sebastian, an array of prominent international figures, led by Kofi Annan and Basque sovereignist political and social forces, had formally requested the armed organisation to come to an end and the Spanish and French governments to view that decision favourably and hold talks with ETA on the technical consequences of the conflict.

This meant the beginning of the end of a long period of Basque history marked by the use of violence as an instrument of political action, and a long trail of human rights violations that caused more than a thousand deaths and even a larger number of victims as a result of the conflict. It has opened up a new stage of normalisation in the Basque Country, though this new social and political context that differs considerably from previously is not without its difficulties. The gradual political and electoral relocation of Basque left-sovereignist groups (*izquierda abertzale*) that had been previously outlawed, and the holding of new Basque Parliament elections in October 2012, represent major milestones in this change of the Basque paradigm. This opens up a new Basque scenario that also requires new perspectives of analysis and research.

In fact, we can hold the view that two different conflicts have run in parallel in the Basque Country (or *Euskadi*) in the last few decades. On the one hand, the Basque Country has found it difficult to fit in or adapt to the Spanish constitutional framework since the nineteenth century. The difficulties in the political relationships

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between the Basque Country and Spain started off with the arrival of the constitutional movement and the questioning of the age-old political system that characterised the Basque territories. The Basque idiosyncrasy has not disappeared during this long period, and has led to deep divisions within Basque society itself, and between it and the rest of Spanish society. The so-called Spanish political transition towards democracy after General Franco's death did not solve this old problem between the Basque Country and Spain. This is demonstrated by the little support that the 1978 Constitution had in the Basque Country and, above all, the disparate support it had in the Basque Country compared to the rest of the Spanish State. There is, therefore, a short democratic legitimacy of the Spanish Constitution in Basque society, which can be considered only partially remedied by the majority support to the subsequent Statute of Autonomy of 1979, which was however directly rejected by some leading supporters of sovereignty. Moreover, there is an increasing questioning of the statutory framework by sovereignty sectors as the system developed over the following decades. This leads to the long, unresolved confrontation between those who advocate for the sovereignty of Basque citizens, who would be free to decide their political statute democratically, and those who deny that sovereignty, arguing that it can only be understood as that of the whole Spanish people, who are overwhelmingly opposed to any secessionist or even asymmetric solution. The electoral or sociological support to the two opposing blocks of Basque politics appears to not have undergone major changes over the last 30 years.

In addition to the political conflict that brings to light two national identities and two sovereignty projects that are mutually exclusive, on an ideal theoretical dimension the Basque Country has undergone a civic or civil conflict over the last decades, caused by the use of violence as a weapon of political action. Violence has been used in the form of terrorism by the ETA organisation in the name of independence and socialism ideals, causing more than 800 deaths since 1960. This adds to the violence exerted by other terrorist groups of a different nature—uncontrolled groups, or armed or security forces of the Spanish State—which caused more than 160 deaths in the same period. Meanwhile, anti-terrorist policies have been fiercely criticised by various social and political sectors, as well as by international institutions, as they are said to have violated human rights or facilitated their violation. At the same time, the majority of Basque society has reacted by opposing any form of violence from a very early stage, although social contexts have evolved

significantly since the time of the dictatorship until more recent years. Although the legitimacy or justification of terrorist or institutional violence have always had little support, threats, kidnapping, murder, extortion, ill-treatment, *incommunicado* detentions, punitive prison policies, closure of media, social or political institutions and the like have strained the Basque society and the debate on political conflict. Thus, the political conflict we referred to earlier on the titleholder of sovereignty, or on the type of self-government that corresponds to the Basque Country, could not be developed in a context of social peace and political normality, as it did in other minority nations such as Catalonia, Quebec, Scotland or Flanders. In contrast, the opposing political stances on various national conceptions were tarnished by direct or indirect accusations related to the civil conflict that stemmed from the constant violation of human rights.

This special issue of JEMIE presents some views on the new scenario that has opened up in the Basque Country once the civil conflict in its most grotesque forms can be considered completed or extinct. Therefore, this issue presents four views or perspectives of analysis that match the quadrants of a scheme based on two combined criteria. On the one hand, two of the contributions focus on aspects of what we have called the civic or civil conflict, which has entered a new phase of resolution or completion with ETA's statement in October 2011. On the other hand, the other two contributions address the traditional political conflict, whose management can now benefit from the ease of tension on one of the sides. In turn, two of the views included here mainly refer to the study of data and facts that help us to understand the current Basque context. The other two contributions seek to provide a forward-looking approach in terms of proposal or prognosis.

	<b>DIAGNOSIS</b> Analysis and Theories on Current and Past Data	<b>PROGNOSIS</b> Perspectives and Hypotheses for Future Developments
<b>CIVIC CONFLICT</b> On Human Rights Violations and Justice	Human Rights and Politically- motivated Violence in the Basque Country <b>Jon Landa</b>	Transitional Justice v. Traditional Justice: The Basque Case <b>Joxerramon Bengoetxea</b>
<b>POLITICAL CONFLICT</b> On National Identities and Sovereignty Demands	Basque and Spanish Identity in a Changing Context <b>Eduarne Bartolomé Peral</b>	A New Political Status for the Basque Country? <b>Eduardo Ruiz-Vieytes</b>

Thus, in relation to the civic conflict, **Jon Landa** illustrates the wide group of victims in *Euskadi* in the last 50 years, and the need to level legal standards for all of them, in order to facilitate a reconciliation process and the consolidation of peace and justice. His central thesis points to the fact that there are double standards when it comes to legally acknowledging victims of human rights violations not resulting from terrorist activities but rather from other sources. Politically-motivated violence in the Basque Country also comprises terrorism and illegal violence by apparatuses close to the State, *i.e.* abuses and serious violations of human rights by civil servants while acting within their official duty. Landa's article shows how these different types of violence have received so far a very different response by the public authorities, depending on whether the perpetrators of human rights violations belonged to the terrorist organization ETA, or to other terrorist groups involved in illegal counter-terrorist operations, or to civil servants abusing their official position. The article suggests adopting an integral approach towards all victims to be determined according to the principles of universality, interdependence and indivisibility, as the only possible firm basis for a peaceful reconciliation in Basque society.

From a complementary perspective, **Joxerramon Bengoetxea** addresses in his article the possibility of adopting formulae brought from other comparative experiences in transitional justice throughout the world that may contribute to peaceful coexistence in the Basque case. Within this more future-oriented contribution, Bengoetxea analyses the discourses developed around transitional justice from different disciplines, and introduces an attempt at conceptualising transitional justice as a useful tool in the Basque case. The article also explores the major issues that follow from experiences and policies developed in similar contexts, proposing a normative agenda for a Basque transitional justice.

Moving forward from the civic to the political conflict in the Basque Country, **Edurne Bartolomé Peral** shows us the main elements in the construction of collective, Basque- or Spanish-, oriented identities. Her claim is that the intensity of the confrontation (civic conflict) and the collective identities (political conflict) are independent elements and, as a consequence, the end of violence and the new scenario would have very little effect on the understanding or political expression of Basque or Spanish national identities in the Basque Country. After pointing out that there is no consensus in what being Basque means, and on what grounds people can define

themselves as Basque or “something else”—as there is no basic consensus yet on the territorial scope of the Basque Country or even symbolic questions as the name of the country, the flag, hymn or festivities—her article shows what kind of variables play a significant role in the national definition of Basque citizens. It emerges from the data that there is not an ethnic, but a civic and inclusive understanding of Basque belonging, and that no significant changes can be perceived in these definitions in the new post-violence scenario.

In relation with Bartolomé Peral’s article, the contribution of **Eduardo Ruiz-Vieytez** deals with the possible further outcomes of the political conflict. Knowing that collective identities have not significantly changed in the new scenario, demands for sovereignty should also remain similar in their electoral strength. The proposal put on the table by the new Basque Prime Minister after the 2012 elections on a new political status for the Basque Country to be agreed and democratically decided by 2015 will face significant obstacles. The new scenario will allow for a more rational and peaceful discussion, but the basic attitudes articulated by the four main political sectors of Basque society will remain. This will make it rather difficult to find the common point for agreement between unionist and sovereignist sectors, particularly in what Ruiz-Vieytez refers to as the “right to decide”. The possibilities for a substantial step forward in the sovereignty process remain remote at present, given that the fragmented Basque political scenario has not significantly changed. New alternatives may open in the context of a broader process of constitutional reform within the Spanish Kingdom in general, or in relation to Catalonia in particular. However, from the perspective of the Basque Country, the disappearance of the explicit civic conflict would only show with greater clarity the difficulty in generating political agreements able to satisfy the contradictory aspirations of the four main political perspectives of the Basque Country.

The four contributions of this special issue intend to raise new questions and offer data relevant for further research. The new scenario in the Basque Country opens a new door for both comparative and specific studies that will have to be address by scholars in the upcoming years. The Basque Country continues to be one of the most complex and interesting societies in Europe with reference to constitutional accommodation of diversity, self-government arrangements, and human rights protection in a deeply divided context. Other minority contexts may benefit from the analysis and experiences of the Basque Country and, at the same time,

*Euskadi* may benefit from relevant comparative analyses. European scholars of different disciplines have endless opportunities of research and exploration of the political and social dynamics of the new peaceful Basque society.