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# An Analysis of the Basque Independence Movement and the Political Position of the Basque Country Within the Spanish State

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AN ANALYSIS OF THE BASQUE INDEPENDENCE MOVEMENT AND THE  
POLITICAL POSITION OF THE BASQUE COUNTRY WITHIN THE SPANISH

STATE

by

Ariel Bothen

A Thesis Submitted in Partial Fulfillment  
of the Requirements for a Degree with Honors  
(International Affairs-POS and Anthropology)

The Honors College

University of Maine

May 2014

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## **ABSTRACT**

The Basque desire for independence or self-governance has been a part of Basque political culture since the medieval era. The Basques have a history of democracy and preserved their self-governance in the face of invasion and domination for many centuries. The purpose of this thesis is to track the movement to the current day and address what has become known as “The Basque Question”, which refers to what exactly Spain should do with its Basque population and the Autonomous region. I address the two major aspects of the movement, which include the Basque terrorist group known as Euskadi Ta Askatasuna (“Basque Homeland and Freedom”) and the national political parties within the Basque region. I also examine the roots of the nationalist movement and how it relates to Basque identity. The conclusion is a policy recommendation for the Spanish government on how they should address the situation in light of recent elections within the Basque country and new developments with ETA.

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## Introduction

The Basque culture is one with historic origins. While less is known about the Basques before the 16<sup>th</sup> century when they were assimilated into the French and Spanish states respectively, their language is a major indicator of their historic presence. It is the only remaining language in Europe to predate Indo-European origins and is unrelated to any other. The language, known as “Euskara” or “Euskera”, like the Basque people, endured through the Roman conquest, the Moorish invasion, and all subsequent attempts at assimilation. This is an incredibly impressive fact, given that the Basque culture, despite its long existence prior to the 16<sup>th</sup> century, did not have a written history until the 10<sup>th</sup> century, from which a Basque phrase is found in the *Glosas Emilianenses*.<sup>1</sup> The first book written in Basque wasn’t published until 1545. For centuries, there was no formal government of the Basque country, and therefore no institution that could have aided in the continued existence of the Basque language or culture. Yet, it prevailed nevertheless. Government in early Basque history was actually very informal and highly localized. The period of the most visible change to Basque governance was certainly in the 19<sup>th</sup>, and especially the 20<sup>th</sup> century.<sup>2</sup> Today political activism is part of the Basque culture and while the Basque country is not without political divisions in itself, the theme that has arguably dominated Basque politics across history, is the domination by an external group and the struggle to keep their freedoms in the face of the “next threat.”<sup>3</sup>

Opportunities in the past century have come up to gain more independence or autonomy,

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<sup>1</sup> "European Partnership for Independence," *Euskal Herria*, 2012, accessed April 02, 2014, <http://www.epicentres.info/index.php/euskal-herria>.

<sup>2</sup> Cameron Watson, *Modern Basque History: Eighteenth Century to the Present* (Reno: Center for Basque Studies, University of Nevada, Reno, 2003), 17.

<sup>3</sup> *Ibid.*

and the Autonomy Statute of 1978 was a major step towards this goal, but in general negotiations, and especially actual implementation, have fallen short of expectations. The latest developments in regards to the Basque pro-independence terrorist group ETA and strong regional support for nationalist parties indicates that now may be the perfect time to open up the talks for negotiations on a new position of the Basque country in regards to the Spanish State.

### **Geography of the Basque Country**

The Basque country, known as “Euskal Herria” in the Basque language, consists of the seven historic provinces that are part of both France and Spain. They were officially separated into France and Spain respectively in 1512. The four provinces of Euskal Herria that lie within Spanish territory are Bizkaia, Gipuzkoa, Araba, and Nafarroa. Nafarroa forms its own province within Spain, as well as a distinct autonomous community, the capital of which is Pamplona, or “Iruñea” in Euskara. The other three provinces, Bizkaia, Gipuzkoa, and Araba, form the region in Spain called País Vasco and another one of the four autonomous communities in Spain. The capital of País Vasco is Vitoria, or Gasteiz in Euskara. Despite the literal translation of País Vasco from Spanish to English as the “Basque country” it is important to remember that Basques themselves see the Basque country as the original seven provinces, which to this day remain united through various cultural practices and the Basque language (though of varying dialects). So, while the Spanish autonomous community of País Vasco includes only four provinces of the Basque country, Euskal Herria refers to all seven historically Basque

provinces. In addition to the four Spanish Basque provinces, the three provinces in France that complete Euskal Herria are Lapurdi, Nafarroa Beherea, and Zuberoa.

It might seem natural that many people, when hearing that a person is Basque, ask whether they are French or Spanish Basque, but this distinction is divisive in the eyes of the Basque people. It does not have an appropriate answer because they are simply Basque. This is a testament to the cultural and social unity that remains today within Euskal Herria, despite the political differences and geopolitical boundaries. A more appropriate question to ask a person from Euskal Herria would be to ask their residence. It will often be answered with the response of either “Hegoalde” or “Iparralde”. Hegoalde is the Basque word referring to the four Basque provinces of Spain and means the “Southern side”. Iparralde is the term for the “northern side” of the Basque country, which includes the three Basque Provinces in France.



**Figure 1: Map of the Basque country**



Through this geographical explanation of the Basque country, we see that what the Basque country really is depends on whom you are asking. Politically, it gets even more interesting. The term “Euskadi”, like País Vasco is given to refer to the three Basque provinces of Spain that make up the Comunidad Autonoma Vasca (Basque Autonomous Community), but it has a political connotation that goes along with it. It refers to them through the lens that they are politically distinct from the three provinces of Iparralde and Nafarroa, a distinction that has been made because of the desire to push within the Spanish government for a sovereignty vote for the province of País Vasco.

All the geographic complexity and the convoluted definitions beg one to discover the origins of the current Basque nation. I use the term nation, because the Basque people, while clearly not fitting the modern definition of a “state” or a “nation-state”, clearly fulfill the requirements of a nation. They are a large aggregate of people (numbering 2.9 million people of whom 650,000 are euskaldunak, or Basque speakers) who share a common descent, history, language, culture, and sense of identity.<sup>4</sup> So how did this nation that lived from the tenth to the sixteenth century as essentially one kingdom with a loose form of unity become separated and absorbed into 2 distinct nation-states? The answer does not lie in a lack of cultural strength or unification of the Basque people, but rather the political organization of the time.

### **Euskal Herria on the Eve of Separation**

Euskal Herria endured centuries of domination by encroaching neighbors, but its early history was actually marked by a large degree of self-rule. The distant history of the Basques is quite controversial, and their origins have yet to be proven, but by the time of their first documented subjugation to a foreign power they were already a unique and distinct group. This was likely due in part to the geography of the region, which was unfertile and mountainous, and thus unappealing to outsiders, and its distance from the Mediterranean, which was the focus of the Roman Empire’s conquest. The Roman Empire, nevertheless, was the first to conquer Basque land and their domination lasted from the 1<sup>st</sup> century B.C. to the 5<sup>th</sup>.<sup>5</sup> Their method of rule allowed for continued self-government, however, as the political organization was very relaxed, which allowed the

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<sup>4</sup> Basque Language-Hispanic Studies-University of Birmingham, 2014, accessed February 26, 2014, <http://www.birmingham.ac.uk/schools/lcahm/departments/hispanic/about/basque/language.aspx>.

<sup>5</sup> Mikel Sorauren, *Historia De Navarra, El Estado Vasco* (Pamplona: Pamiela, 1999).

Basque people to retain their traditional leadership and laws. Upon the collapse of the Roman Empire, Germanic tribes known as the Visigoths, and the Franks claimed land in the Basque country as well and fought multiple battles to gain control.

The Visigoths established feudalism in the Basque country, and out of it grew a noble class through land consolidation. This period marked the only real time in early history that Basque self-government was drastically limited, and even still this period was brief. When the rest of Spain was experiencing greater degrees of domination under the Kingdom of Castile in Southern Spain, the Basques were experiencing a return of self-rule in the Kingdom of Navarra.<sup>6</sup> Though the Kingdom of Castile managed to seize Basque territory in 1512 from the Kingdom of Navarra (which became confined to approximately the location of today's province of Navarra), the seized provinces, Bizkaia, Araba, and Gipuzkoa, were still permitted to retain much of their autonomy and rights that they had when part of the Kingdom of Navarra. These rights were contained in a series of charters known as *fueros*, which the King swore to uphold. In the creation of these *fueros*, the King also promised that all future kings of Castile (and later Spain) would swear to uphold this oath as well.<sup>7</sup> These *fueros*, known as the Foral system, is part of why Basques today still feel as though they have a distinct position or status in Spanish

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<sup>6</sup> According to legend, the Kingdom formed officially when Basque leader/chieftain Iñigo Arista was elected King of Pamplona, and led a revolt in 824 against the regional Frankish authority, which had gained power of Pamplona in 806 and 812. This demonstrates early on a history of democracy among the Basques. A very detailed history of Navarra can be read in Gregorio Monreal Zía and Roldán Jimeno

Aranguren, *Conquista E Incorporación Del Reino De Navarra a Castilla* (Pamplona-Iruña: Pamiela, 2012).  
<sup>7</sup> This process consisted of the Monarch travelling to Guernica and swearing loyalty to the *fueros* underneath an oak tree known as "The Great Oak", which had been the traditional location of assembly for local governance in early history. The historic tree died in 2004 and was felled the following year. Cameron Watson, "Basque Political Autonomy" (lecture, USAC Guest Lecturer, San Telmo Museum, San Sebastian, Spain, June 13, 2013).

society. The great historical impact of the Foral system has been retained today in different minor elements of the Spanish political system.<sup>8</sup>

The division of the Basque country into France and Spain officially came in 1513 with the Castilian conquest of Upper Navarra. The Northern provinces of Iparralde retained their independence until they were joined with France by way of “personal union” in 1589 when King Henry III of Navarre inherited the French throne as Henry IV of France, and in 1620 it was merged into the Kingdom of France.<sup>9</sup> A final international border was established between the French and Spanish crowns once and for all in 1659 with the signing of the Treaty of the Pyrennes.<sup>10</sup> After a series of wars both internally and through fighting off the various invaders, most notably the Moors, the modern Spanish state formed around various peoples who had Christianity in common.<sup>11</sup> Today Spain reflects this diversity in its many various groups with distinct language and cultural practices, of whom the Basques are just one. This history also makes it clear that the Basque sense of identity predates the modern state system.

### **The Legacy of the Foral System**

From the time the Basque country was absorbed into France and Spain, until well into the 18<sup>th</sup> century, all seven provinces had created economic networks of trade and exchange with each other.<sup>12</sup> The agricultural farmstead was a typical home for the majority of Basque people and operated as a miniature socioeconomic unit. For this

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<sup>8</sup> One example of this is the name of the province of Nafarroa, which in Spanish is officially called the “Comunidad Foral de Navarra”.

<sup>9</sup> "Iparralde: "North-side" of the Basque Country," North American Basque Organizations, Inc., accessed April 06, 2014, <http://www.nabasque.org/iparralde.html>.

<sup>10</sup> Cameron Watson, *Modern Basque History: Eighteenth Century to the Present*, 42

<sup>11</sup> Cameron Watson, "Basque Political Autonomy" (lecture).

<sup>12</sup> Ibid.

reason, little need for a cash income existed, and trade was conducted between families and across greater regions out of mutual need. One example of this was the exchange of pigs from Nafarroa Beherea and the cheeses of Zuberoa for the wheat, wine, and olive oil of Nafarroa.<sup>13</sup> Special rights appointed to those in Hegoalde and to an extent Iparralde, as part of the *fueros* system and carried over through assimilation, included the status of a tax-free zone at the borders of Euskal Herria.<sup>14</sup> This historical background is in part the reason why the Basque Autonomous Region and Navarra enjoy more fiscal autonomy than the other regions of Spain today.

The foral system was established throughout the dominions of the Kingdom of Castile as a necessary way to maintain peace between the central political authority in Madrid, and the diverse local populations that were consolidated under its control. For the Basque people, these *fueros* were even more important because they had been their form of governance under the Kingdom of Nafarroa, even though at the time they were merely orally kept laws, and not written down.

A key aspect to the foral system, that existed first in Hegoalde and later Iparralde, were the local councils, known as “*juntas*”, “*cortes*”, or “*hermandades*” within Hegoalde.<sup>15</sup> These councils exercised a great deal of authority and even acted as a check on the central authority in Madrid at times. The *juntas* retained the right to veto laws made by the crown, the process called the “*pase foral*”.

Another aspect of the *fueros* that distinctly applied to the Basque people though in varying degrees is what is known as “collective nobility”. One-sixth of the Basques in

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<sup>13</sup> Ibid.

<sup>14</sup> Cameron Watson, *Modern Basque History: Eighteenth Century to the Present*, 37.

<sup>15</sup> Historically, these *juntas* had existed as democratic, open forums. The word *fuego* comes from this history and the Spanish word “*afuera*”, meaning “outside.” Cameron Watson, *Modern Basque History: Eighteenth Century to the Present*, 37.

Nafarroa Beherea, one-eighth of those in Araba, and all in both Bizkaia and Gipuzkoa received “noble” status.<sup>16</sup> What this meant was a guarantee of property and land rights, and in Zuberoa, it even specified that all inhabitants of the province were “free, of free condition, and with no trace of servitude”.<sup>17</sup> This provision meant that gaining freedom from feudal servitude was significantly easier for Basques than it was for those in other parts of the Kingdoms of Spain or France. Another provision of one of the various fueros agreements that was unique to the Basques was their exemption from military service outside of the Basque country.

Many of these fueros, or at least aspects of them, have remained today in the statute system that outlines the rights of the Basque Autonomous Region and political organization to the rest of Spain and the Central Government.<sup>18</sup> The process of political assembly to discuss the fueros and their special application is also likely to be part of why Basques have been more politically inclined throughout history than many of the other distinct cultural groups that came under the control of Spain. Nevertheless, there are certain powers, such as the traditional right of the juntas to veto crown laws, which do not have modern day equivalents in the Basque Autonomy Statute that governs the region today.

### **Economic Development and a Demographic Shift**

While the Basque region had been of only minor economic importance before the 18<sup>th</sup> century, a sort of pre-industrialization actually began as early as the 15<sup>th</sup> century with the iron ore production in Bilbao. Over time, this industry led the city to be renown

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<sup>16</sup> Ibid, 42.

<sup>17</sup> Ibid, 42.

<sup>18</sup> Cameron Watson, "Basque Political Autonomy" (lecture)

throughout Europe for the “manufacture of arms, agricultural implements and shipbuilding materials such as anchors and chains”.<sup>19</sup> Bilbao also served as an excellent location for a port with its navigable ocean inlet and made a very convenient channel for the wheat producing regions of Castile to the larger world market. It was an especially well positioned port because it was accessible all year long due to the moderate climate. This kind of industrial expansion was spurred on in part by the fueros that established Euskal Herria as a free-trade area. Other countries began to invest in Bilbao, which enhanced the speed of the industrial boom in the Basque country and gave Bilbao an economic importance that it had not previously known.<sup>20</sup> Where it had been used as a port for simple import and export of goods, it now had heavy industrial strength behind it.<sup>21</sup>

There was an issue with this boom, however. It required labor to sustain itself and money continuously needed to be reinvested. Luckily, many of the wealthier merchant families would reinvest their profits back into the local economy in the form of secondary and tertiary industries. But, these industries too demanded an increased number of workers. This eventually led to the migration of people to the Basque country to work in such industries. Initially they came from the North of Spain, and then increasingly from further and further south. This was one of the first steps in a major demographic change within Euskal Herria that would be complemented by the major exodus of Basque peoples in the Franco years that were yet to come.<sup>22</sup>

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<sup>19</sup> Ibid, 17.

<sup>20</sup> Cameron Watson, "Basque Political Autonomy" (lecture).

<sup>21</sup> Biarritz in France was another major city, although its success centered on Maritime industries, exploration, whaling, and shipbuilding. Basques actually became world-renown for their knowledge of ships and sailing and made up the majority of Columbus' crew when he sailed to the new world.

<sup>22</sup> Cameron Watson, "Basque Political Autonomy" (lecture).

While proto-industrial development began early, the takeoff experienced in the late nineteenth and early 20<sup>th</sup> centuries was almost unprecedented anywhere in Europe.<sup>23</sup> Lapurdi and Nafarroa Beherea, like Bizkaia, had access to iron-ore deposits though not to the same extent as Bilbao. In the early 1900s, these regions took off due to the production of railroad sleepers and cement.<sup>24</sup> The fishing industry that had been waning in Lapurdi under industrialization was revitalized in the early 20<sup>th</sup> century through modernizing and expanding industry. Cheap labor, a population increase, and the introduction of electricity helped enhance the takeoff of the industrial revolution throughout the Basque country.<sup>25</sup>

While the urban cities were growing at a rapid pace, the interior provinces of Euskal Herria remained economically stagnant, continuing their agricultural industry. It was much harder for these interior regions to embrace industrialization.<sup>26</sup> The majority population of Euskal Herria was made up of peasants and small farmers and their economy remained tied to the land. For them an industrial revolution did not occur until the 1950s and 60's. During this time, the population actually declined in Nafarroa, despite the huge increase in population along the coast. This led to a divergent Basque experience and a deepening social division. Industrialization in the maritime cities played an important role in the reshaping of Basque society, which in turn led to the creation of a political and cultural reality that altered the daily lives of the Basques in the area. In contrast, the Basques who were located more rurally (even if that meant only several kilometers outside of the city) struggled to maintain their lifestyle built on Basque traditional practices and an agricultural economy in which the family unit is the mode of

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<sup>23</sup> Cameron Watson, *Modern Basque History: Eighteenth Century to the Present* 118.

<sup>24</sup> *Ibid*, 123.

<sup>25</sup> *Ibid*, 122.

<sup>26</sup> *Ibid*, 124.



production. This stark contrast in many ways can still be seen in the areas surrounding the coastal cities today and we can now see how the economic changes that inevitably led to social and political changes presented a significant opposition to the stable *fueros* system that had been in place for around 300 years.<sup>27</sup> It is important as well for explaining the origins of the ideological differences between the coastal provinces and Nafarroa and Alava, and which later influenced the provinces decisions to choose the sides they did in the Spanish Civil War, with Nafarroa and Alava supporting the monarchists, and Bizkaia and Gipuzkoa on the side of the Republicans.

### **Cultural Assertion and Subsequent Repression**

While socio-economic shifts were occurring so too were some major socio-political changes. The ideas of the French Revolution and Enlightenment thinking reached the Basque country and took hold of a large portion of the population at the close of the 18<sup>th</sup> century.<sup>28</sup> The influenced areas were concentrated more on the coast, in parts of Bizkaia and Gipuzkoa because industrial development had led to a general acceptance in those specific areas of modernizing trends, and because the ascension of the middle class meant there was a wide base from which Enlightenment ideals could be well received.<sup>29</sup> This was especially so because the middle class felt deserving of a political influence that matched what they had gained in economic influence.

The effects of Enlightenment thought and the French Revolution led to various influential societies focusing their attention on maintaining their Basque ties. General

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<sup>27</sup> Cameron Watson, "Basque Political Autonomy" (lecture).

<sup>28</sup> The goal of The Enlightenment was to reform society through reason, challenging the ideas of religion and faith, and creating a sense of nationalism. The French Revolution emerged from Enlightenment ideals as a reaction to state oppression/inadequacy (See Watson, 48).

<sup>29</sup> Cameron Watson, *Modern Basque History: Eighteenth Century to the Present*, 163.

thinking, at least along the coast, became about asserting Basque cultural uniqueness rather than adhering to the ecclesiastical authority that diminished it. While the French Revolution proved successful in overthrowing the Monarchy in France, Spain's response to these events and the growing sense of Enlightenment fervor in the Basque country, was a return to Old Regime era politics and even further political centralization of Spain. The central authority in Madrid began to undermine Basque foral rights. Taxes were levied in a series of decrees in the 4 provinces of Hegoalde.<sup>30</sup>

Bizkaia was one of the provinces to respond most forcefully to the change in the foral system and the result was an even larger crackdown. In 1804, a major protest in Bilbao ended in the forceful intervention of several thousand Spanish troops and the shipping off of leaders to colonial penal colonies.<sup>31</sup> The following year, Madrid abolished the mayoralty of Bilbao and the "corregimiento", the monarch's administrative representative authority to the region. It was then placed under the control of a military commander, which served to advance the centralization of rule into the Basque heartland.<sup>32</sup> Bizkaia had come under de facto Spanish military authority and the right of assembly in the province was abolished.

The remainder of the century certainly fits the description of Basque history as a continuous effort to ward off what Robert P. Clark puts as, "the next threat to the freedom of the Basque provinces".<sup>33</sup> The beginning of the 19<sup>th</sup> century saw the invasion of Napoleon as well as his defeat, the return of the Monarchy and the absolutist reign of

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<sup>30</sup> Nafarroa in particular took a hit since it had maintained throughout conquest "a fully articulated medieval constitution, with an executive ministration (though not independent sovereignty), its own judiciary, and a Cortes of limited legislative power." Ibid, 69.

<sup>31</sup> Ibid, 70.

<sup>32</sup> Ibid.

<sup>33</sup> Cameron Watson, *Modern Basque History: Eighteenth Century to the Present*, 76.

Fernando VII, its subsequent fall, and the first of the Carlist Wars.<sup>34</sup> The Basque foral system was still intact at this time, albeit barely, and Basque politics and support, especially in the First Carlist War, backed whichever side gave them the most chance of maintaining the foral system.<sup>35</sup> Interestingly enough, as Cameron Watson describes, the significance of this period, and again especially the first Carlist War, was that the opposition to centralizing initiatives “[G]ave rise to a means of expressing specifically Basque grievances.”<sup>36</sup>

The Basque foral system was largely dismantled after the failure of the Carlists to win the First Carlist War. This led to gradual incorporation of Basque provinces into the Spanish state in both the political and administrative realms, and the end of the “pase foral”.<sup>37</sup> In the second half of the 19<sup>th</sup> century, progressive sectors of society seized the government and attempted a first republic, but major conservative opposition led to the Second Carlist War from 1872-1876, which was fought largely on conservative and religious principles.<sup>38</sup>

The beginning of the 19<sup>th</sup> century was characterized by disorganization in the political arena and attempts at centralization. After the second Carlist War was won by the liberal and military alliance of Madrid, a new political system was created with Alfonso XII as the monarch and a two-party political system.<sup>39</sup> Things for Madrid were not good though, as it was engaged in a colonial war against the United States, and was

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<sup>34</sup> The First Carlist War (1833-1839) was a dynastic war with ideological bases, that occurred in the context of major structural divisions of all areas of life—social, political, economic, and cultural (for more information see Watson, *Modern Basque History: Eighteenth Century to the Present*, 100).

<sup>35</sup> Cameron Watson, *Modern Basque History: Eighteenth Century to the Present*, 100.

<sup>36</sup> *Ibid*, 101.

<sup>37</sup> *Ibid*, 105.

<sup>38</sup> *Ibid*, 105.

<sup>39</sup> *Ibid*, 156.

struggling to maintain its overseas empire. The “image” it had managed to create of a model liberal state with a two-party democracy and constitutional monarchy was not enough to hold the political system together. In reality it was riddled with corruption that was only barely masked and the system began to gradually breakdown. Social discontent among the peasantry of Spain was high, although the Basque country was actually prospering thanks to an industrial boom. However, the biggest challenge Spain faced, especially in regards to the Basques, was its inability to create or maintain a sense of Spanish nationalism in a state with so many distinct national identity lines. The failure of the attempt at a republic became inevitable and known internationally, as Spain’s colonies disappeared and the country descended into military rule in 1923.

### **The Emergence of Basque Nationalism and Identity**

As outlined above, there was a massive influx of immigrants into Euskal Herria during the industrial revolution and throughout the areas economic success in the 19<sup>th</sup> century. As a result of so much diversity entering the traditional Basque territory, and because of the impact of industry fostering a need to speak Spanish in a commercial economy, the use of Euskara was in decline. For these reasons, and partially in opposition to the socialism that was growing out of this “foreign” working class, the political existence of a Basque nationalist sense began to emerge. Some of the factors that have been listed as origins for Basque nationalism, and that are important to reflect on, are given by José Luis del la Granja Sainz and presented in Cameron Watson’s book *Modern Basque History: 18<sup>th</sup> Century to the Present* and are as follows:

1. “Remote precursors. Between the 15<sup>th</sup> and 19<sup>th</sup> centuries, several writers constructed historical myths claiming a distinct

or unique quality to Basque culture. The elements of this myth making varied from mysticism associated with the Basque language to ruralism and egalitarianism as essential aspects of Basque culture, and an original Basque independence...

2. Nineteenth-Century Antecedents. During the nineteenth century, three general ideas greatly influenced the emergence of Basque nationalism: Romanticism, foralism, and Carlism. Building on an already established invented tradition, Romantic writers of the 19<sup>th</sup> century centered notions of Basque difference of the possession of the foruak. A foralist ideology... emerged at about the same time as Spanish liberalism's first attempts to create modern Spain. We might conclude that foralism appeared as a kind of original response to proto-state building, in Spain, just as Basque nationalism later emerged during the initial stages of the modern liberal Spanish state. The clash of Carlism and liberalism was physically played out in the two Carlist wars of the 19<sup>th</sup> century...
3. The Industrial Revolution. As we've seen, the social and cultural changes wrought by the economic changes of the late 19<sup>th</sup> century profoundly altered Basque society, at a pace that was violently swift by any standard. In the space of a generation, Hegoalde—more specifically Bizkaia/Bilbao and to a lesser extent certain areas of Gipuzkoa—were transformed from a generally homogeneous (socially and culturally speaking) to a profoundly plural society. Whereas the two variants of Spanish nationalism both fed off industrial progress... Basque nationalism initially came to represent the reactionary clamor against industrial modernity".<sup>40</sup>

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<sup>40</sup> Cameron Watson, *Modern Basque History: Eighteenth Century to the Present*, 173.

We see through this analysis that there were many components that contributed to the rise of Basque nationalism. Some of these components were modern, but others had been deeply rooted in Basque culture even before the modern Spanish state existed. The foral system, for example, played an even greater role in Basque history than is limited to the times in which it was in place – its effect was path-dependent, one might say.<sup>41</sup> Even when the foral system had long since been abolished it was remembered in Euskal Herria as evidence of a time of more autonomy whilst still under the Spanish crown. For this reason, its legacy existed long after and in fact served as a symbol for Basque nationalism. Cameron Watson demonstrates this connection with the example of “La Asociación Euskara de Navarra (Basque Association of Nafarroa) created by activists who wished to promote Basque cultural unity as a means of regaining the foruak”.<sup>42</sup> Some of its many activities included a gathering in which folklore would be told and promoted to enhance the sense of a Basque cultural unity. This kind of organizational success was an immense leap up from the disorganization of the Basque people at the onset of Spanish conquest.

One of the main catalysts for Basque nationalism was, in part at least, late-modern Spanish nationalism itself. Attempts to imprint a Spanish national identity on the Basques and the other minority groups of the country only intensified the Basques’ resolve to display their unique culture and sense of identity. One individual in particular became known as the founder of Basque nationalism, Sabino de Arana y Goiri.<sup>43</sup> Arana based

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<sup>41</sup> Paul Pierson, Increasing Returns, Path Dependence, and the Study of Politics. *American Political Science Review*, Vol. 94, No. 2, Jun., 2000.

<sup>42</sup> Ibid, 175.

<sup>43</sup> Cameron Watson, *Modern Basque History: Eighteenth Century to the Present*, 173.

Basque nationalist ideology on six components, race, language, religion, the union of all Basques, non-violent means, and original independence.<sup>44</sup>

Sabino saw the role of Catholicism as paramount to the Basque nationalist movement and actually valued connection to the church as more desirable than even independence. His emphasis on the union of all Basques was important for parts one and two of his nationalist ideology, race and language, because it meant he needed to view Euzkadi as all seven of the traditional Basque provinces.<sup>45</sup> Race as another factor is more controversial and in many ways Basque nationalism had a xenophobic element in its origins that could without doubt be attributed to the massive levels of immigration that occurred to the Basque country. Medical surveys have confirmed this racial distinction to an extent, which reveal that Basques have an extraordinarily high incidence of Rh-negative factor blood.<sup>46</sup> Language was the key distinct, defining aspect of Basque nationalism. This was partially because physiognomic characteristics of Basques that marked them as truly unique were (and are even more so now) hard to find. Thus, Arana fell back on language as the key racial distinction.<sup>47</sup>

Arana believed that the struggle for separation should be nonviolent and should follow parliamentary tactics if possible.<sup>48</sup> He had great faith in the workings of the democratic process and believed too that, “If Basques could only learn of their history, their culture, and their language, and if they had the freedom to vote for candidates who

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<sup>44</sup> Robert P. Clark, *The Basques, the Franco Years and Beyond* (Reno, NV: University of Nevada Press, 1979), 44.

<sup>45</sup> The term Euzkadi was created by Arana to denote the new ethnic nation and was derived from the name for the Basque language, Euskara. The political connotations associating it with independence are traceable the roots in Arana’s political views (See Clark 44).

<sup>46</sup> Robert P. Clark, *The Basques, the Franco Years and Beyond* (Reno, NV: University of Nevada Press, 1979), 45.

<sup>47</sup> *Ibid*, 46.

<sup>48</sup> *Ibid*, 46.

pledged to protect these things, then Basque nationalism would triumph at the ballot box, and in the parliament”.<sup>49</sup> Arana did not have a clear plan for what the Republic of Euzkadi would look like when it gained independence but clearly, one of the main objectives of Basque people was a return to the earlier state of autonomy they had achieved under the *fueros*. In 1895, the Partido Nacionalista Vasco (Basque Nationalist Party) was founded by Arana Goiri, as a highly Catholic, conservative political party.<sup>50</sup> The party’s main objectives were to advocate for the restoration of self-government and the “Basque race”. At the beginning, the party made it a requirement that its members prove Basque ancestry by having a minimum number of Basque surnames. As Robert P. Clark explains, “From this assertion [of the importance of Race]... Sabino concluded that each racial type deserved to rule itself, and to establish its own particular political order. Non-Basques were not to be allowed to settle in Euzkadi or to be employed there; and Basques were to be encouraged to marry within their race”.<sup>51</sup>

Robert P. Clark claims nationalism in general has progressed beyond racial definitions, instead giving way to “ethnic distinctions,” meaning more culturally based factors and a feeling of “Basque-ness.”<sup>52</sup> This was in part a necessity, however, given the decline in use of Euskara. Clark points to the Franco era fear and repression of Euskara as evidence, however, that it was still a formidable component of Basque nationalism.<sup>53</sup> Given these differing concepts of nationalism, it is not difficult to see why the Spanish and Basque views, of the “rightful” position of the Basques in relation to Spain, are so

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<sup>49</sup> Ibid.

<sup>50</sup> Robert P. Clark, *The Basques, the Franco Years and Beyond* (Reno, NV: University of Nevada Press, 1979), 43.xar

<sup>51</sup> Ibid.

<sup>52</sup> Ibid 44.

<sup>53</sup> Ibid 45.



different. The Spanish government did not condone the prevalent use of Euskara, let alone the idea of a distinct Basque identity enhanced by Basque conceptions of nationalism. Madrid's apparent failure to understand fully this division in the eyes of the Basques continues to be a detriment to the Spanish government's ability to form a comprehensive and effective policy in regards to the Basque region's political powers and rights.

### **The Franco Years and the Emergence of E.T.A.**

The military dictatorship of Miguel Primo de Rivera, which took power in 1923, suffered from a severe lack of direction. While Rivera had been a good general, he was a bad politician and in various ways alienated almost all sectors of society.<sup>54</sup> It crumbled, and in its place came the establishment of the very progressive Second Republic. Under the republic, there would be universal suffrage without restrictions, meaning both women and men, and many other progressive tendencies. The Republic began on April 14, 1931, when Alfonso XII abdicated the throne as a result of monarchical forces continuing to fail in municipal elections.<sup>55</sup> This Republic lasted for six years, and the Basque nationalists were very active politically in this time. In this period, Basque nationalists were committed to gaining independence without violence, but that required the legislature, known as the Cortes, to vote in favor of granting them that status. The PNV constituted the smallest number of seats in the Cortes during this time and could not manage to bring together enough political clout to effect this change.

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<sup>54</sup> Cameron Watson, "Basque Political Autonomy" (lecture).

<sup>55</sup> Robert P. Clark, *The Basques, the Franco Years and Beyond*, 51.

In Spain in general, there were too many conservative powers, such as the Church and big landowners, who opposed the new radicalism of the Republic, and so began the Spanish Civil War.<sup>56</sup> The war lasted from 1936 to 1939. Religious and economic issues came to the forefront and the provinces of Navarra and Alava feared the proletariat in San Sebastian and Bilbao, and thus abandoned the nationalist cause.<sup>57</sup> When the Spanish Civil War reached the Basque country, Bilbao and San Sebastián declared themselves in defense of the Republic, and the Carlist supporters of Navarra and Alava left those provinces claiming staunchly anti-republican positions.<sup>58</sup> General Emilio Mola had been relocated and stationed to control the army garrison in Pamplona, but this chance relocation put him in the perfect position for his dissident units of the Spanish army to get a foothold in an area with strongly negative feelings towards the regime.<sup>59</sup>

In the provinces of Vizcaya and Guipúzcoa, where the Basque Nationalist Party (PNV) was the most dominant political force, support came down on the side of the Republic, because it was believed to be the side that would give the Basques the most chance of regional autonomy (at the start of the Spanish Civil War the Statute of Autonomy had still not passed through the Cortes). Unfortunately, it would be the losing side of this battle, with Generals Sanjuro, Mola, and Franco leading the rebellion to an ultimate victory in 1939.<sup>60</sup> The war slowly progressed with the fall of one city after another in the Basque provinces of Vizcaya and Guipúzcoa. In Navarra and Alava, anyone suspected of sympathizing with Basque nationalism or the Republic were tracked

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<sup>56</sup> Cameron Watson, "Basque Political Autonomy" (lecture).

<sup>57</sup> Robert P. Clark, *The Basques, the Franco Years and Beyond*, 52.

<sup>58</sup> *Ibid*, 58.

<sup>59</sup> Robert P. Clark, *The Basques, the Franco Years and Beyond*, 57.

<sup>60</sup> *Ibid*.

down and imprisoned or executed without due process.<sup>61</sup> The same was true however for those captured by the “Defense Committee of the Popular Front”, which was an amalgamation of left political parties and labor unions that ruled the streets of San Sebastian in the early days of the War, before the PNV got a handle on the situation.<sup>62</sup> The Defense Committee practiced this same, indiscriminate violence to anyone who was believed to sympathize with the rebels.

The border city (between France and Spain) of Irun was struck first by General Mola’s troops and quickly fell, followed by the provincial capital city of San Sebastian on September 13<sup>th</sup>, 1936. It too, was easily taken by the rebels whose equipment consisted of vastly superior tanks and armored cars.<sup>63</sup> With the fall of San Sebastian, civilians began retreating to Bilbao where it was believed the Basque resistance would be stronger. In the wake of each fallen city, anarchists set fire to the Basque towns. The Basques did manage to put up quite a fight and by September, had managed to throw several thousand infantry battalions together, which eventually were supplied ironically enough, with weapons purchased from Germany.

In October, the Spanish Cortes, which was meeting in Valencia, because Madrid had been besieged, voted to approve the Autonomy Statute, which had been delayed in July when the rebellion broke out. The Basque nationalists soon realized however, that the Republic felt “little obligation to extend aid to the new constituent republic of “Euzkadi.”<sup>64</sup> José Antonio de Aguirre, representing the PNV, became the first president

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<sup>61</sup> Ibid, 61.

<sup>62</sup> Ibid, 60.

<sup>63</sup> Ibid, 62.

<sup>64</sup> Ibid, 64.

of Euzkadi, and the restoration of autonomy to the Basques was considered complete.<sup>65</sup> General Mola's troops, however, were gaining strength thanks to the help and reinforcement of Italian and Moorish troops and German aircraft. The focus shifted from October 1936 to March 1937 to Madrid due to the winter weather, but as spring came back around, Mola and Franco concluded Bilbao must be taken swiftly so as to restore momentum to the rebellion, and to secure the city's valuable iron ore and industrial might.<sup>66</sup>

President Aguirre faced many problems in trying to organize before the spring offensive. There were far too few with actual professional military training, and political discontent, especially dissident political leaders, meant battalions would withdraw from crucial battles as a way of displaying their discontent with Aguirre's policies.<sup>67</sup> The Basque nationalists had barely any arms and equipment and a blockade in the Bay of Biscay by the rebel navy made this even more problematic. They were simply underequipped, so Aguirre tried to combat this issue by launching the construction of the famous "Belt of Iron" which aimed to encircle Bilbao with a network of fortifications that included barbed wire, trenches, and concrete machine gun bunkers.<sup>68</sup> Clark mentions that this sort of defense likely lured the Basques into a false sense of security, when in reality there were major gaps in the fortifications and the whole defense lacked depth (the construction of multiple lines). All these issues were magnified when the engineer officer of the Belt, Captain Goicoechea, deserted the Basque cause and gave up all his

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<sup>65</sup> Ibid, 65.

<sup>66</sup> Robert P. Clark, *The Basques, the Franco Years and Beyond*, 65.

<sup>67</sup> Ibid, 68.

<sup>68</sup> Ibid, 69.

knowledge of it to the rebels.<sup>69</sup> The belt also had a major weakness, in that it lacked any capacity to defend against aerial bombardment.

Franco and Mola had enlisted the help of the Germans, and German pilots began to drop bombs, in part for the purpose of testing the effects of their new incendiary bomb technology, on civilian populated towns. First, they dropped them on the town of Durango, which was strategically located on the way to Bilbao, and second, on the town of Guernica, which had always been of historical, political and cultural significance to the Basques. According to Clark, these bombings were “the first time in the history of warfare that a civilian population had been attacked from the air for other than military reasons”.<sup>70</sup> Guernica had a population of 7,000 and had even more on the day it was attacked since it was the weekly market gathering where farmers from out of town journeyed in to sell their produce. Guernica has since become associated with the atrocities of war, as German fighters and bombers dropped both explosives and incendiary bombs, and unleashed machine gunfire on the fleeing population.<sup>71</sup>

Franco’s goal was to create a homogenous, authoritarian and modern, Spanish state. This meant specifically targeting the strong ethnic and racial minorities and in particular those that had caused difficulty in the Spanish Civil war, i.e. the Basques. Franco was truly a dictator in all senses when it came to the Basque people and their culture. To understand the severity with which he began to oppress the Basques, there is a telling quote. General Gil Yuste, the Spanish military governor who was appointed to the Basque province of Araba, wrote during the Civil War, “These abominable separatists do

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<sup>69</sup> Ibid.

<sup>70</sup> Ibid, 70.

<sup>71</sup> Ibid.

not deserve to have a homeland...Basque nationalism must be ruined, trampled underfoot, ripped out by its roots".<sup>72</sup> Towards the end of the war, all of Euskadi came under the control of Franco's troops. As much as the Basques suffered before the fall of Bilbao, they suffered even more in the remaining years of the Spanish Civil War in which Franco had total control over Basque territory, and throughout the rest of his dictatorship.

The origin of the modern conflict between Basque separatists and the Spanish government can be found in this time period. The Basques whom had managed to retreat to the port of Santoña after the fall of Bilbao in June 1937, awaited evacuation after surrender to the Italians, but their evacuation never came. After two days of waiting on loaded ships to embark as refugees to Britain, the Basques were ordered to disembark and at the orders of General Franco were transported in buses and other vehicles to concentration camps and to the local prison to await transfer to other prisons and forced labor battalions.<sup>73</sup> Meanwhile, the Basques had formed a solid government in exile in Paris in 1937 and were protected by the sympathetic French government, which felt for the Basques under the oppressive Franco regime. Financially, it was supported by substantial contributions from exiled Basques in Latin American and Europe.<sup>74</sup>

Francisco Franco's dictatorship operated under many of the theories of Spain's previous dictator, Primo de Rivera.<sup>75</sup> Rivera had seen regionalism, which fostered and favored separatism, as the biggest threat to the unity of Spain. Franco shared this belief and began a crusade of fierce repression of all minorities but especially the Basques, whom he saw as the most organized and largest threat due to their performance in the

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<sup>72</sup> Robert P. Clark, *The Basques, the Franco Years and Beyond*, 80.

<sup>73</sup> *Ibid*, 75.

<sup>74</sup> *Ibid*, 79.

<sup>75</sup> *Ibid*, 50.

early part of the Spanish Civil War. In 1937 Franco had full control of the Basque Provinces and began suppressing Basque liberties and culture immediately. He ordered a purge of all Basque nationalists across all four Basque Provinces.<sup>76</sup> Property of known Basque nationalists was seized, including businesses and industrial centers like in Bilbao, and became hosts for weapons manufacturing to be used against the Basque people and the progressive Republic. Schoolmasters were fired from their jobs unless they could prove political neutrality and when the war had ended it only intensified.

Robert P. Clark notes that the most damaging act of suppression symbolically was the attempt to destroy the Basque language. Euskera was prohibited in all public places and one could go to jail even for having a casual conversation in Euskera on the street.<sup>77</sup> Furthermore, entries of births, marriages, and deaths that included Basque names were erased from the civil registries and replaced with Spanish equivalents. Inscriptions on tombstones that were in Euskera were even scraped off in places. This suppression of Euskera was especially damaging because of the culture's heavy reliance on oral literature as part of their major cultural practices, and as a means of identification of race and culture. Perhaps most egregious was the fact that for at least two months after the fall of Bilbao, "countless hundreds of innocent civilians were rounded up on the street by day, and in their homes at night, driven to remote country areas, or to deserted graveyards, and executed summarily, without even the benefit of having a priest hear their confession".<sup>78</sup>

At the outset of WWII, the Franco government gave German authorities (who had succeeded in their occupation of most of France) a list of 800 important exiles from the

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<sup>76</sup> Robert P. Clark, *The Basques, the Franco Years and Beyond*, 80.

<sup>77</sup> Robert P. Clark, *The Basques, the Franco Years and Beyond*, 81.

<sup>78</sup> *Ibid*, 82.

Civil War, many of whom were Basque, and told them to apprehend and deport them to Spain.<sup>79</sup> Many fled to what was called the “liberated zone” in the south which was still governed by French officials and many were captured and returned to Spain. Those who remained in Vichy were spared but many thousands of Basques who remained in France were harassed and persecuted. Some were deported to concentration camps in Germany, but more were placed in French concentration camps and characterized as a threat to the pro-Nazi Vichy regime. Those that were able to escape as refugees were often split up from their families and it was hard to find a government who would accept them. The United States, for example, denied admission to Basque and Spanish refugees uniformly.<sup>80</sup>

Resistance movements formed and continued to operate in the face of Franco’s repressive dictatorship. The Resistance Committee operated on the Spanish side of the border in conjunction with the Basque Consultative Council, which was comprised of representatives from the major Basque political parties, the PNV, the Basque Republican Left, and the Basque Nationalist Action, along with a few from the Basque arm of the Spanish Socialist Workers Party.<sup>81</sup> The Council also worked closely with the important Basque union groups and was responsible for acting as a liaison between the Basque Government-in-Exile in Paris and the political forces, such as the Resistance Committee, on the Spanish side of the border. Every time the Committee organized any sort of activity, hundreds of Basques were swept up by Franco’s police forces and arrested, tortured, and left in prison without a trial for months at a time.<sup>82</sup>

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<sup>79</sup> Ibid, 88.

<sup>80</sup> Ibid, 91.

<sup>81</sup> Ibid, 102.

<sup>82</sup> Ibid, 104.



Another major tactic the Basque nationalists used were clandestine radio and newspapers that spread the word throughout the Basque region that the Euzkadi government was still alive and gaining strength. Meanwhile, Franco's government's response in this time was unwavering suppression and violence. When 250,000 workers struck in Vizcaya and Guipúzcoa in 1951, the government responded with swift and intense action, arresting more than 2000 in the first 24 hours and issuing beatings and job dismissals far and wide.<sup>83</sup> This strike fever actually spread to Alava and Navarra as well, but failed to take off in other parts of Spain, allowing Franco to concentrate all of his efforts on punishing the Basques.

As one might have predicted, however, these extreme acts of oppression provoked extreme responses and attitudes of resistance from the Basque people. Several positions emerged based on what people thought the resistance movement was really about. There were of course people who mainly viewed it as an economic struggle and joined prohibited Basque or Spanish unions, others who viewed it as principally political and supported the PNV, while still others believed the struggle to be about cultural repression and fought to preserve linguistic uniqueness and traditional practices.<sup>84</sup> However, generally the issue became the question of how best to rid themselves of Spanish domination. The PNV, which had continued to exist with a great degree of solidarity, believed in the approach of waiting for Franco's demise while maintaining the vitality of Basque culture.<sup>85</sup> While initially seeking the help of the great powers, it did not take very long for reality to set in that they would not do enough to drive Franco from

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<sup>83</sup> Robert P. Clark, *The Basques, the Franco Years and Beyond*, 25.

<sup>84</sup> *Ibid*, 107.

<sup>85</sup> *Ibid*, 111.

power. The PNV attempted to stay close with all of the anti-Franco underground movement groups in an effort to prepare the ground “for the emergence of a democratic political order in Spain once Franco was dead”.<sup>86</sup> They believed in waiting for a democratic or parliamentary solution to Spain’s problems, because the issue was with the whole of Spain and not just within the Basque country, and therefore a major shift would occur towards a democratic end. Other Basque nationalists believed that a more radical or aggressive approach must be taken to obtain independence for the fatherland, aside from the problems that lie within Madrid. A great sense of political participation rose up. While it hadn’t been dormant before, it had been left to the hands of the more elite for more than 100 years, but in 1955, the PNV pushed that the duties of every citizen included attending PNV meetings and participating “[A]ctively in the gatherings, taking an active interest in the problems faced by the Party, and suggesting solutions to these obstacles.”<sup>87</sup> The PNV was largely concerned with organizational matters, like raising money to support the resistance activities, but they also took on activities meant to preserve and strengthen various aspects of their culture, like music, art and folklore. For example, the PNV supported clandestine Basque language schools and aimed to send the message that “the continuation of Spanish domination was futile, for the strength of Basque culture would prevail, just as it had prevailed in earlier, less complicated times.”<sup>88</sup> While the PNV took to working the political system and doing what they could to preserve Basque culture, another group emerged that favored the approach demanding action be taken in order to gain Basque independence.

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<sup>86</sup> Ibid.

<sup>87</sup> Ibid, 113.

<sup>88</sup> Ibid, 115.

### **Euzkadi ta Askatasuna**

Euzkadi ta Askatasuna (“Basque Homeland and Freedom”) is the Basque terrorist organization that has been fighting for an independent Basque country since its creation in 1959. It grew out of a student group that found its origins in 1952 because of frustration with the conservative policies of the PNV. The first several years were merely directed at “mutual education [rather than] at taking steps to achieve independence” since they realized their lack of experience with political action.<sup>89</sup> They quickly grew however, and merged with more small groups of young people and eventually took the name “Ekin” after a mimeographed newsletter they had begun to publish.<sup>90</sup> From 1954-1957 Ekin grew in strength and was invited to join with the youth section of the PNV, called EGI (Euzko Caztedi, “Basque Youth”). They did so, however, within two years, split off again because of differences in ideology. The Ekin youth believed the PNV leadership was cowardly and had deep-seated resistance to political change, while the PNV believed the Ekin group lacked patience.<sup>91</sup> Their break led to the founding of ETA, on July 31<sup>st</sup> 1959.<sup>92</sup>

Quickly, the group’s strategies turned violent, drawing on precedents such as the terror unleashed during the Napoleonic War and the bombing of Guernica during the Spanish Civil War. ETA’s members were primarily from working class families and students and on July 18<sup>th</sup> 1961, ETA attempted its first act of sabotage on a number of trains carrying Franco supporters to celebrate the 25<sup>th</sup> anniversary of the military uprising

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<sup>89</sup> Robert P. Clark, *The Basques, the Franco Years and Beyond*, 157.

<sup>90</sup> *Ibid.*, 156.

<sup>91</sup> *Ibid.*

<sup>92</sup> This is the feast day of Saint Ignacio de Loyola, the patron saint of Guipúzcoa and Vizcaya.

that began the Civil War.<sup>93</sup> Their intention was to derail the cars without hurting anyone, but they were unable to even derail them due to the placement of their devices. Still, the Spanish government reacted strongly. Over 100 people were arrested and tortured and about 30 were taken to prison for interrogation, then sent to exile or jail for 15-20 years.<sup>94</sup> This only increased ETA's commitment towards the direction of guerilla tactics in the 1960's as a way to advance their quest for an independent Basque country. Money and psychological impact in this time were the central tenants of their strategy and were aimed at avoiding even more disastrous countermeasures from the Spanish government.<sup>95</sup>

The earliest death in the Spanish Civil Guard-ETA cycle of violence, while somewhat inconsistent from source to source, was Civil Guard José Pardines and ETA member Javier Echebarrieta in 1968 during a shootout in Gipuzkoa.<sup>96</sup> Echebarrieta became a martyr for ETA's cause and helped grow their ranks. ETA responded with the assassination of Commissioner Meliton Manzananas in Burgos: the action that is most often cited to be the first planned attack by either side. It is also important to note that there were many different breaks within the organization, starting as early as 1967, because many did not agree with the violent tactics the group was using.<sup>97</sup> These breaks might well have been why ETA had little success during the Franco years.

Franco's death in 1975 marked the start of Spain's transition to democracy. The Monarchy was restored and King Juan Carlos, the current King of Spain, was named to the throne. ETA's violent actions continued and the group killed the mayor of the Basque town Oyarzún for allegedly being a "police informer" on November 24, 1975, just 4 days

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<sup>93</sup> Robert P. Clark, *The Basques, the Franco Years and Beyond*, 157.

<sup>94</sup> Ibid.

<sup>95</sup> Ibid, 160.

<sup>96</sup> Cameron Watson, *Modern Basque History: Eighteenth Century to the Present*, 326.

<sup>97</sup> Robert P. Clark, *The Basques, the Franco Years and Beyond*, 160.

after Franco's death and two days after Juan Carlos was named King.<sup>98</sup> Despite this attack, the next day King Juan Carlos proclaimed a general amnesty for nearly all of Spain's political prisoners, and a reduction of prison terms for those that remained.<sup>99</sup> It was expected that about 15,000 common criminals and political prisoners would benefit from the amnesty. In just three days, around 250 prisoners had already been freed. Even as ETA incidents continued, the amnesty moved forward and in February of 1976, the government had released 6,500 prisoners.<sup>100</sup> This transition period for the Spanish government marked yet another division in ETA, as a separate political arm was created distinct from the military arm of the organization. On July 30, 1976, King Juan Carlos' amnesty was extended to all political prisoners except those sentenced for terrorist acts. This meant that between 400 and 500 of the 650 political prisoners would be freed immediately.<sup>101</sup> As Franco's reign of terror was finally seemingly over, it appeared the new King's tactics might have almost been enough to appease the Basque terrorist group and commit them to purely democratic means of achieving their goals. Unfortunately, this did not come to be.

More attempts were made by Juan Carlos to appease the Basque country's political desires, though not without much prompting. País Vasco demanded regional autonomy, but after plans for such autonomy had been postponed, a paralyzing strike in Bilbao occurred and firefights between protestors and local police forces broke out.<sup>102</sup> Violence in the region continued and any favor granted to the Basques, such as the order by the Spanish Interior Minister Martín Villa to tolerate the public displays of the Basque

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<sup>98</sup> Ibid, 268.

<sup>99</sup> Ibid.

<sup>100</sup> Ibid, 269.

<sup>101</sup> Ibid, 272.

<sup>102</sup> Ibid, 274.

flag, the Ikurriña, were too little too late. More and more protestors took to the streets and in return police forces became increasingly oppressive. In 1976 many neo-Francoists and rightists called for a military seizure of power of the Basque region after the President of the Provincial Assembly of Guipúzcoa, Juan de Araluce, was machine gunned to death in the streets of San Sebastián in the middle of the day, in high traffic.<sup>103</sup> Araluce had been a trusted advisor of King Juan Carlos. This act marked one of the most highly visible declines in public support for ETA since its founding.

### **Creation of the Autonomous Communities**

In 1977, shortly after Franco's death, the Basque Provinces, and subsequently Navarra, received pre-autonomy legal and administrative status and were officially granted status as an Autonomous Community in 1978.<sup>104</sup> The Spanish government insisted that all autonomous regions would possess the same powers, resources and responsibilities during their transitional phase. There would also be rights that were consistent for all autonomous communities and define their operation, one of which being that the governments would consist of a "[P]opularly elected parliament, a president elected by the parliament, and a Supreme Tribunal of Justice. [It] will enjoy considerable financial autonomy, including the right to levy its own taxes and to charge for its services in its territory, as well as the power to charge for licenses and permits, and to receive income from the rent or other use of public property such as buildings or land".<sup>105</sup> In

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<sup>103</sup> Robert P. Clark, *The Basques, the Franco Years and Beyond*, 274.

<sup>104</sup> Robert P. Clark, "Madrid and the Ethnic Homelands: Is Consociational Democracy Possible in Post-Franco Spain?," in *Politics and Change in Spain*, by Thomas D. Lancaster and Gary Prevost (New York: Praeger, 1985), 74.

<sup>105</sup> Robert P. Clark, *The Basques, the Franco Years and Beyond*, 360.

contrast, the full establishment of an autonomous region would be specific to each case and individually negotiated by the parties involved.<sup>106</sup>

Some elements of structure are important to note in regards to the autonomous communities and the Spanish Central government. One of the big distinctions created in the 1978 Constitution was between “Provinces” and the new “Autonomous Communities”. The term “province” implies nothing more than a transfer of administrative duties from Madrid to the region, while “autonomous community” includes transfer of limited sovereign powers.<sup>107</sup> Of further importance, is that Spain’s democratic system resembles a model of devolution like that in Great Britain, not federalism like in the U.S. or Canada.<sup>108</sup> This means that the Spanish government retains the right to alter or even withdraw “Autonomous Community” status under certain conditions. The decentralization and the devolution of powers to the regions occurred in part as a natural next step for the country. Spain had become a modern industrialized state with a population of more than 35 million people during Franco’s 36 year reign. Clark explains that as other industrial countries have discovered, many of the problems that come with modernization, such as urban congestion, low income housing, the need for health care and mass education, “cannot be resolved adequately if the central regime retains full control over policies that are nation-wide in scope”.<sup>109</sup>

The Autonomy Statute that was negotiated for the Basque country granted the Basque government exclusive jurisdiction over matters affecting social security, health,

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<sup>106</sup> The only exception to this was the development of the Catalan region, since it was the first to be established, it had more flexibility to bargain, whereas all others had to adhere to the model set by the Catalan Generalitat (See Clark *The Basques*, 365).

<sup>107</sup> Ibid, 91.

<sup>108</sup> Ibid, 76.

<sup>109</sup> Robert P. Clark, *The Basques, the Franco Years and Beyond*, 349.

welfare, labor relations and working conditions, education, culture, communications media, environmental protection, and control over transportation and agricultural and fisheries.<sup>110</sup> This meant that for the most part, the Basques would be able to have the freedom to govern themselves in both cultural and economic matters in the way they see fit, and that meet their specific needs as a group. Even more significant, for the first notable length of time since the foral system, the Basque Provinces were free to conduct their own affairs in an openly democratic system.

The Basque General Council, born in part out of the continued issues with ETA, was tasked with managing the transition of the region to autonomy, though its creation was delayed for more than three months after the pre-autonomy decree had been issued.<sup>111</sup> Despite delays in some areas, financial agreements needed to be negotiated and in 1980 the “conciertos económicos” established that the Basque region would levy and collect its own taxes as a region (rather than just provincially) that could be used how the regional government saw fit. Only a portion of the taxes would go to Madrid and it would be in lieu of payment of personal or corporate taxes directly to the Spanish government.<sup>112</sup> Today, the Basque country pays 10% of its taxes to the Spanish government each year.<sup>113</sup>

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<sup>110</sup> Ibid, 81.

<sup>111</sup> One major aspect of this delay was in trying to confer the proper status onto the region of Navarra. Navarra constitutes about half of the territory of the Basque region but Navarra feared joining with the province of País Vasco because it had gained certain special privileges with the Spanish government that dated back to the nineteenth century and feared that it would lose them. Navarra also had representation in the central parliament in Madrid and did not want to lose its distinct ability to affect decisions there. Other issues existed as well, but eventually the decision to grant Navarra its own autonomous status ended the discussion.

<sup>112</sup> Robert P. Clark, "Madrid and the Ethnic Homelands: Is Consociational Democracy Possible in Post-Franco Spain?," in *Politics and Change in Spain*, 76.

<sup>113</sup> Judith Matloff, "Basque-ing in Peace," *Basque-ing in Peace* | World Policy Institute, 2013, accessed April 13, 2014, <http://www.worldpolicy.org/journal/fall2012/basque-ing-peace>.



With restrictions on Basque activities finally lifted, a revival of Basque culture took place. While the underground Basque language schools known as “ikastolas” had existed clandestinely throughout the decades, the Autonomy Statute allowed public schools to now offer classes in Euskara, which in turn generated hope of restoring Euskara to a modern, working language. According to Clark, polling evidence from the 1978 referendum on the Spanish constitution even pointed in the direction that “Basque culture seems to be absorbing non-Basques, and converting Spaniards into Basque nationalists”.<sup>114</sup> Despite all the political progress and a clear opening up to Basque cultural rights, ETA continued with its violent attacks. Instability in Madrid from both the political left and the right led to an aborted coup in 1981. The combination of these incidents caused Spain’s political elite to dramatically slow the process of decentralization.<sup>115</sup>

### **ETA’s Bloodiest Years and Spain’s Counter-terrorism Policies**

When Franco died, ETA did not disband as one might have imagined, though the opportunity to peacefully do so was there. There were many actors who intervened at the outset of Spain’s transition to democracy in the conflict with ETA, to try and put an end to its armed activity. On the right, counter-terrorism and police tactics were implemented to try and subdue ETA’s commando units, while on the left, attempts at negotiation and conciliatory efforts tried to bring an air of diplomacy to the situation.<sup>116</sup> The disjointed efforts probably counteracted each other, however, and all attempts continually failed, but

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<sup>114</sup> Ibid, 365.

<sup>115</sup> Robert P. Clark, "Madrid and the Ethnic Homelands: Is Consociational Democracy Possible in Post-Franco Spain?," in *Politics and Change in Spain*, by Thomas D. Lancaster and Gary Prevost (New York: Praeger, 1985), 64.

<sup>116</sup> Robert P. Clark, *The Basques, the Franco Years and Beyond*, 367.

the Spanish government pressed on. One of the Spanish police's major experts on ETA, Sainz Gonzalez, after arriving in Bilbao, announced that he wanted to establish a dialogue with the Basque insurgent group, recognizing that their issues were political and not necessarily a simple matter of law enforcement.<sup>117</sup> Unfortunately, ETA was at first not interested and their obstinacy led to the creation of anti-terrorist laws that were shortly put into effect. The government began to launch a series of counter-attacks against ETA with the mission of crushing the organization once and for all.<sup>118</sup> Clark notes, "More than 50 experienced police officers were gathered together in Bilbao to form the nucleus of the anti-ETA strike force".<sup>119</sup> The force detained former ETA members for days at a time without charge, and raids captured and arrested more than 200 ETA members, all made legal through the new powers the forces had acquired from a cabinet decree.

While the political prisoner count had fallen to practically zero by the end of 1977 thanks to King Juan Carlos' numerous amnesty decrees, it increased again with the crackdown and creation of the new counter-insurgency forces. By 1978, ETA members accounted for 111 of the 243 political prisoners in Spanish jails.<sup>120</sup> Many families of prisoners were again concerned with torture, which there continued to be evidence of, though it was in no way carried out to the extent that it was under Franco. The biggest prisoner rights issue of the day, and the present day for that matter, was the government's tendency to move prisoners from one jail to another without informing anyone. This practice actually began before the special counter-terrorism forces were established. One

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<sup>117</sup> Ibid, 369.

<sup>118</sup> Ibid, 368.

<sup>119</sup> Robert P. Clark, *The Basques, the Franco Years and Beyond*, 369.

<sup>120</sup> Ibid, 371.

example of it occurred in December of 1978, when 97 Basque prisoners were moved to the maximum-security prison at Soria because of an anticipated “mass escape” plan. While this sparked mass outrage at the Spanish government in Madrid, this period also marked a change in public opinion towards ETA.

Generally speaking ETA’s violence was denounced, but it was largely believed to be isolated to political figures and the Guardia Civil in early years, which allowed some to be sympathetic to ETA’s cause.<sup>121</sup> From 1978 onward, however, the escalating violence and number of civilian casualties made it harder and harder to justify ETA’s actions. The PNV went from mutually denouncing both the institutional violence caused by the Spanish police and Government, and ETA, to putting most of its criticism on ETA throughout the course of 1978. In March, the PNV communiqué read “The Basque Nationalist Party manifests its most energetic repudiation of such acts, considering them directly directed at the creation of a climate of political instability and evolution toward the liquidation of the incipient democracy in Euskadi”.<sup>122</sup> One figure that illustrates the degree to which ETA’s violent activity spiked in this period is reported by Clark and states, “[O]nly 74 people had lost their lives to ETA attacks during the entire period between 1963 and 1977, nearly that many [60] were killed by ETA violence in only one year [1978]”.<sup>123</sup> Clark’s book which is the source of these figures, was published in 1979, and he stated that based on the 50 to 60 deaths which had already been reported in the first 6 months of the year, it is likely that ETA will have its highest level of killing yet if figures are projected for the rest of the year.<sup>124</sup>

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<sup>121</sup> Ibid, 375.

<sup>122</sup> Ibid, 374.

<sup>123</sup> Ibid, 377.

<sup>124</sup> Ibid.

Clark was right. In 1980, ETA had its bloodiest year yet, killing 118 people.<sup>125</sup> It seemed the progress made through Juan Carlos' amnesty program and political decentralization had been largely undone by the group's terrorist acts. The Spanish government, frustrated with ETA's increasing use of violence and refusal to negotiate or enter into dialogue, reverted to more oppressive and violent tactics themselves, in order to gain control of the terrorist organization. The years of 1975-1981, and 1983-1987, were marked by the "dirty wars."<sup>126</sup> The second of these "wars" involved "Grupos Antiterroristas de Liberación", antiterrorist liberation groups (known as GAL or also "death squads"), carrying out assassinations, kidnappings and torture on ETA members and many civilians.<sup>127</sup> The GAL seemed to be able to operate on both sides of the French/Spanish border with ease and complete exemption from local authorities, carrying out assassinations in public places like cafés and bars. Many believed that the dirty war tactics would stop after the first war because of the general elections which yielded the first Socialist prime minister in decades, but the Interior Ministry remained in the hands of right-wing Franco supporters, and the dirty wars continued with a second round.<sup>128</sup> The support for ETA that had been consistently dwindling in the second half of the 1970s experienced a renewal of enthusiasm based on sympathy after the creation of GAL during the second of the dirty wars and its horrible tactics. This gave ETA the increased support among Basques it needed to remain active (albeit not without strong opposition by many),

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<sup>125</sup> James Robbins, "Spain Wants More than Basque Eta Arms Gesture," BBC News, February 21, 2014, accessed April 03, 2014, <http://www.bbc.com/news/world-europe-26291032>.

<sup>126</sup> The two periods were interrupted briefly in 1982 because of the failed military coup d'état and the general elections that followed. The coup aimed to dissolve the Republic and give absolute power to the King.

<sup>127</sup> Paige Whaley Eager, "Chapter 5: Tiger, Etteras, and Republicans: Women and Ethnonational Political Violence," in *From Freedom Fighters to Terrorists: Women and Political Violence* (Aldershot, England: Ashgate, 2008), 149.

<sup>128</sup> *Ibid*, 150.

as “Basque nationalists [now] believed that behind the shifting scenes of parliamentary democracy, the same Francoist fascist state apparatus was functioning as murderously and untouchably as ever.”<sup>129</sup>

### **The Slow Dissent of ETA Activity**

In 1987, ETA committed one of their most heinous crimes ever, when they planted a bomb in the parking garage of a Barcelona supermarket and killed 21 people, and injured another 45.<sup>130</sup> Eventually, the organization agreed to enter into discussions with the Spanish government. Ceasefires have been declared numerous times, in 1988, 1989, 1996, 1998, 2006 and most recently in September 2010. While all earlier attempts fell through, the most recent one in 2010 is still in place.<sup>131</sup> ETA’s separate factions pose one of the greatest obstacles to maintaining a ceasefire, as communication and agreement between all parties/factions is hard to maintain. During good times, there has been cooperation on both sides. One such example of this is the policy the Spanish government referred to as “reinsertion” (that existed during the second of the dirty wars), which allowed imprisoned ETA members, who were believed to have truly forsaken violence, to be released and free to rejoin society.<sup>132</sup> Unfortunately, the other side of this was that in an attempt to ensure that ETA did not impede this reinsertion process, the decision was made to move imprisoned ETA members who had previously been imprisoned with the Basque country, to prisons throughout all of Spain, resulting in some being as far away

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<sup>129</sup> Ibid 149.

<sup>130</sup> Ibid 137.

<sup>131</sup> United States, Department of State, START- The National Consortium for the Study of Terrorism and Responses to Terrorism, *Background Report: ETA Ceasefires by the Numbers* (2011), 3.

<sup>132</sup> Paige Whaley Eager, "Chapter 5: Tiger, Etteras, and Republicans: Women and Ethnonational Political Violence," in *From Freedom Fighters to Terrorists: Women and Political Violence* (Aldershot, England: Ashgate, 2008), 150.

from their families as the Canary Islands.<sup>133</sup> This action not only incited protest from ETA members but from community and family members across the Basque country as well, and marked another emergence of public political participation in the Basque country.

Cooperation between both French and Spanish police forces and the Spanish Civil Guard, has resulted in the capture of many leading ETA figures and severely reduced the organization's ability to carry out attacks. In 2002, French and Spanish forces managed to capture ETA's military chief Juan Antonio Olarra Guridi in Bordeaux. In 2004, 22 senior ETA members were arrested in southwest France, and in 2005, ETA's number two leader, Harriet Aguirre, was captured in Aurillac, France.<sup>134</sup> In 2006, what looked like a permanent ceasefire occurred. A DVD message from ETA was sent to the Basque television network and was broadcast over Spanish television.<sup>135</sup> Talks were officially opened between ETA and Spanish Prime Minister, José Luis Rodríguez Zapatero, and lasted for almost a year. The ceasefire collapsed, however, with the detonation of a car bomb in a parking building at the Madrid Barajas International Airport on the 30th of December.<sup>136</sup> Three more captures of military chiefs occurred in 2008 and another in 2009 and 2010, all in Southwest France.

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<sup>133</sup> Paige Whaley Eager, 150.

<sup>134</sup> "From First Blood to Ceasefire," *The Economist*, February 12, 2011, accessed April 05, 2014, [http://www.economist.com/blogs/dailychart/2011/01/eta\\_timeline](http://www.economist.com/blogs/dailychart/2011/01/eta_timeline).

<sup>135</sup> Paige Whaley Eager, 151.

<sup>136</sup> Amy Tikkanen, "ETA," *Encyclopedia Britannica Online*, October 20, 2011, accessed June 26, 2013, <http://www.britannica.com/EBchecked/topic/193771/ETA>.

### **Contemporary Situation: The Status of the Independence Movement**

The current prime minister of Spain is Mariano Rajoy of the conservative People's Party, who was elected Dec. 21, 2011 after winning 44.6 percent of the votes.<sup>137</sup> The party has been able to form a majority government and is a center-right party that opposes increased devolution of powers to autonomous regions and vehemently objects to negotiations with ETA.<sup>138</sup> Their major opposition party is the Spanish Socialist Workers' Party (PSOE), which is a center-left party. The PP, in the wake of the economic crisis has done its best to try and ignore developments in independence movements in the regions and address first and foremost the immediacy of the economic crisis.<sup>139</sup> Rajoy has diminished the issues (especially in regards to Catalan's proposed referendum on independence) by taking a legalistic approach to what many know requires a political solution. But, this is no surprise; as author and journalist Giles Tremlett puts it, opposition to Eta is part of the genetic make-up of Spain's political right, and the current government of Mariano Rajoy.<sup>140</sup>

On the regional level, in the most recent Basque parliamentary elections (October 21, 2012) the PNV secured a majority of the votes but the emergence of a new party that rose to second in the polls has caused expert analysts to describe the elections as a

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<sup>137</sup> "Election Resources on the Internet: Elections to the Spanish Congress of Deputies - Results Lookup," Election Resources on the Internet: Elections to the Spanish Congress of Deputies - Results Lookup, accessed March 31, 2014, <http://www.electionresources.org/es/congress.php?election=2011>.

<sup>138</sup> Giles Tremlett, "Basque Separatists Make Breakthrough in Spanish Elections," *The Guardian*, May 24, 2011, accessed March 26, 2014, <http://www.theguardian.com/world/2011/may/23/basque-separatists-breakthrough-spanish-elections>.

<sup>139</sup> Konrad Yakabuski, "Quebeckers Will Be Watching Catalonia," *The Globe and Mail*, July 22, 2013, accessed April 22, 2014, <http://www.theglobeandmail.com/globe-debate/quebeckers-will-be-watching-catalonia/article13338440/>.

<sup>140</sup> Giles Tremlett, "Basque Separatists Make Breakthrough in Spanish Elections."

“landmark”.<sup>141</sup> Euskal Herria Bildu (EH Bildu) is the successor party of the outlawed Batasuna party, which was the political party representing ETA. However, unlike their predecessor, the party has outright and publicly condemned the use of violence for political ends.<sup>142</sup> EH Bildu was created after the *abertzale* (Basque political left) parties of Eusko Alkartasuna, Aralar, Alternatiba, and many independents that had been part of Batasuna decided to merge into one.<sup>143</sup> This was possible in part because of the absence of violence from ETA. Because of the ceasefire declared in 2011, the region has been able to hold the first ever elections in which ETA wasn’t a looming factor, and yet a radical separatist party was still able to participate in the political arena.<sup>144</sup> When ETA’s political arm was active, it never managed to secure more than 20% of the vote, but EH Bildu, as the coalition of the *abertzale*, managed to gain 26% of the votes in May 2011 at local elections, and in November 2011 on the national level (as the Aiar party) with 24% of the votes.<sup>145</sup> This suggests that the absence of ETA’s violent activity finally allowed for the coming together of all separatist supporters into a united party. This is a similar situation to Sinn Fein’s rise following the IRA’s permanent ceasefire in Northern Ireland. Additionally, the economic challenges of Europe and Spain in general, are garnering more newfound support in the Basque country for independence.

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<sup>141</sup> "Spain's PM Rajoy Gets Mixed Regional Poll Results," BBC News, October 22, 2012, accessed April 02, 2014, <http://www.bbc.com/news/world-europe-20022218>.

<sup>142</sup> Ibid.

<sup>143</sup> Braulio Gómez Fortes and Laura Cabeza Pérez, *Basque Regional Elections 2012: The Return of Nationalism under the Influence of the Economic Crisis*, report, DOI: 10.1080/13597566.2013.798.650 (Bilbao, Spain: Regional and Federal Studies, Jun 10, 2013), accessed April 1, 2014, <http://www.slideshare.net/scarRodrguezVaz/art-brauli-oeuskadi>.

<sup>144</sup> Giles Tremlett, "Basque Separatists Make Breakthrough in Spanish Elections," *The Guardian*, May 24, 2011.

<sup>145</sup> Braulio Gómez Fortes and Laura Cabeza Pérez, *Basque Regional Elections 2012: The Return of Nationalism under the Influence of the Economic Crisis*, report.



**Table 1: Election Data from Basque Parliamentary Elections of 2012**

<b>October 21, 2012 Election Results - Euskadi Totals</b>			
Registered Electors	1,775,351		
Voters	1,135,568	64.0%	
Invalid Ballots	9,168	0.8%	
Valid Votes	1,126,400	99.2%	
Blank Ballots	14,640	1.3%	

  

<b>Ticket</b>	<b>Votes</b>	<b>%</b>	<b>Seats</b>
Euzko Alderdi Jeltzalea-Partido Nacionalista Vasco (EAJ-PNV)	384,766	34.2	27
Euskal Herria Bildu (EH BILDU)	277,923	24.7	21
Partido Socialista de Euskadi-Euskadiko Ezkerra (PSE-EE/PSOE)	212,809	18.9	16
Partido Popular (PP)	130,584	11.6	10
Unión Progreso y Democracia (UPyD)	21,539	1.9	1
Izquierda Unida-Los Verdes-Ezker Anitza (IU-LV)	30,318	2.7	0
Ezker Batua-Berdeak (EB-B)	17,345	1.5	0
Equo Berdeak-Euskal Ekologistak (EQUO)	11,625	1.0	0
Escaños en Blanco-Aulki Zuriak (Eb-Az)	11,480	1.0	0
Others	13,371	1.2	0

The PNV had several options to form a government including forming a minority government, or a majority with the help of either EH Bildu (yielding 48 of the seats total) or the PSE (yielding 43 seats).<sup>146</sup> They chose to form a minority government to address the various aspects of their campaigns by forming alliances with different partners on each issue. This is important because it was chosen despite the fact that a minority government was less favorable than an alliance between the two nationalist parties (even if by just a few percentage points). This suggests that while the nationalist parties have common ground on many issues, they have enough differences that Lehendakari, Inigo Urkullu, felt it best to work with various parties on an issue-by-issue basis.<sup>147</sup>

<sup>146</sup> Braulio Gómez Fortes and Laura Cabeza Pérez, *Basque Regional Elections 2012: The Return of Nationalism under the Influence of the Economic Crisis*, report, DOI: 10.1080/13597566.2013.798.650 (Bilbao, Spain: Regional and Federal Studies, Jun 10, 2013), 9, accessed April 1, 2014, <http://www.slideshare.net/scarRodrguezVaz/art-brauli-oeuskadi>.

<sup>147</sup> Lehendakari is the Basque term for President.

With EH Bildu as the second largest party after the PNV since the October regional elections, nationalist parties account for two-thirds of the current Basque parliament. Nationalist parties generally take the position of increased autonomy or independence, whereas non-nationalist parties tend to emphasize the risks of autonomy and benefits of closer ties with Spain.<sup>148</sup> For this reason, and given that a referendum on the actual question has been blocked at the national level, looking at the results of Basque parliamentary elections can be one of the best ways (though not without its shortcomings) to get an idea for what percentage of the voting population within the Basque region favors independence.<sup>149</sup> Of course, there are other factors in the nationalist party platforms as well, but it is evident from their electoral manifestos, just how much emphasis is put where.

The PNV's 262-page long manifesto for the 2012 election was 33% economic issues, and just 11% policies having to do with nation building and self-government. In contrast, EH Bildu's election manifesto contained only 13% material on economic issues, and devoted 20% of their manifesto to "the construction, maintenance, and development of Basque national identity and independence proposals".<sup>150</sup> They were the only party not to give top priority to addressing the economic issues. That they managed to garner 24.7% of the vote, the second highest of any party, despite every other party making the economy their first priority is perhaps even more telling of Basque attitudes towards independence.

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<sup>148</sup> Ibid.

<sup>149</sup> Pamela Rolfe, "Spain Rejects Proposal on Basque Independence: Regional Leader Takes Case to Parliament," *Washingtonpost.com*, February 2, 2005, accessed April 1, 2014, <http://www.washingtonpost.com/wp-dyn/articles/A55430-2005Feb1.html>.

<sup>150</sup> Braulio Gómez Fortes and Laura Cabeza Pérez, *Basque Regional Elections 2012: The Return of Nationalism under the Influence of the Economic Crisis*, report.

In sum, when looking at the total votes received by nationalist parties (PNV and EH Bildu) vs. the total votes received by the main non-nationalist parties (PP, PSE, and UPyD), it is possible to get an idea of what proportion of the population may be in favor of greater autonomy and/or independence, and opposed to closer ties with Spain. The two nationalist parties take a whopping 58.9% of the votes, and the non-nationalist parties, just 32.4% in total. While the nationalist parties have always garnered more votes than the non-nationalist ones, the difference in votes in the 2012 election was the highest it had been in two decades, at 250,000.<sup>151</sup> Even so, it would be unlikely for Prime Minister Mariano Rajoy, or any other PM in Madrid to say that this constitutes enough reason to allow even consideration of further devolution of powers to the Basque Autonomous Region.

The last Lehendakari that was part of the PNV, Juan Jose Ibarretxe, proposed putting the question to a referendum in 2005. While the proposal for the plan made it all the way to the Spanish national parliament (only the Spanish central government can call a referendum, according to the constitution), it did so with only a 51% majority approval vote from within the Basque parliament itself.<sup>152</sup> The “yeas” were primarily composed of PNV members and the members of the outlawed Batasuna party (then renamed/formed as the Euskal Herritarok party). The proposal for the plan, known as the “Ibarretxe plan”, was overwhelmingly shot down by both the PSOE and the PP at the national level, and deemed unconstitutional on a number of accounts, least of which was that the Spanish

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<sup>151</sup> "Election Resources on the Internet: Elections to the Basque Parliament - Results Lookup," Election Resources on the Internet, accessed April 02, 2014, <http://www.electionresources.org/es/eus/parliament.php?election=2012>.

<sup>152</sup> Pamela Rolfe, "Spain Rejects Proposal on Basque Independence: Regional Leader Takes Case to Parliament," *Washingtonpost.com*, February 2, 2005

constitution strictly prohibits secession and Ibarretxe's plan called for a redefinition of the Basque country as "freely associated" with Spain.<sup>153</sup>

While the Prime Minister at the time, Zapatero of the PSOE, agreed to consider looking into revising the Basque region's autonomy structure, he said a vote of 51% in the Basque parliament is insufficient for "[C]onstructing a new order of living together".<sup>154</sup> Zapatero followed this up by saying, "Let's seek 70 percent, 80 percent, 100 percent [in approval]" to begin negotiations.<sup>155</sup> If this is an indication of the threshold needed for discussions to begin, then prospects do not look good for the Basques. With the numbers from the last election as they are at only 58.9% total of the Basque country voting for nationalist groups, and as inconclusive as they are given that a specific answer on secession is prohibited from being asked, it is unlikely that the government in Madrid will give serious consideration to expanding the Basque region's current scope of autonomy. Even if the historically more sympathetic PSOE party were in power instead of the more conservative PP, it is unlikely they would deem a 58.9% vote as sufficient for reworking relations between the Basque country and the central government, based on Zapatero's previous comments. Perhaps if EH Bildu, running on an independence platform, can continue to remain in the number two spot, form a coalition government with the PNV, or even rise to the number one party in the region, the central government will see secession as a more "legitimate" wish of the Basque country. Of course, holding a referendum on the issue would solve this question as well, but the Spanish government is very unlikely to permit it; among other reasons, the secession of the Basque country

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<sup>153</sup> Ibid.

<sup>154</sup> Ibid.

<sup>155</sup> Ibid.

would be detrimental for Spain's already suffering economy. That may explain in part, why the Spanish government has acted so strangely in the face of the latest announcement from ETA, that they are putting their weapons "beyond use".

### **ETA Today**

In September, 2010 ETA declared another ceasefire, and a year later on October 20<sup>th</sup>, an unconditional end to armed activity.<sup>156</sup> This declaration was followed up on the 21<sup>st</sup> of February, 2012 with an announcement that ETA had put some of their arms "beyond use" with the help of an International Verification Committee.<sup>157</sup> The IVC, is a group of former international politicians and diplomats.<sup>158</sup> This cooperation from an outside party has been one of the biggest differences between this ceasefire and those of the past that have failed. The IVC, based out of Amsterdam, is trying to build on the announced cessation of armed activity, hoping that it is just the beginning of a full disarmament by ETA. Independent, international committees like the IVC have proven to be useful in various situations of conflict resolution, such as in Northern Ireland with the IRA, South Africa, and Burundi.<sup>159</sup> They have been used to monitor and ensure the implementation of agreements.

This move from ETA comes in part because of a weakening of ETA's militant leadership due to various arrests of important ETA leaders. But, while this is one major factor for the decline of ETA militant activity, the group has taken significant steps on its

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<sup>156</sup> James Robbins, "Spain Wants More than Basque Eta Arms Gesture," BBC News, February 21, 2014, accessed April 03, 2014, <http://www.bbc.com/news/world-europe-26291032>.

<sup>157</sup> "Basque Eta Militants 'put Some Arms beyond Use'" BBC News, February 21, 2014, accessed March 25, 2014, <http://www.bbc.com/news/world-europe-26286651>.

<sup>158</sup> "Eta Monitors 'working for Peace' in Spain's Basque Region," *BBC News*, February 24, 2-14, accessed March 26, 2014, <http://www.bbc.com/news/world-europe-26318697>.

<sup>159</sup> "UN International or Internal Verification," Peace Accords Matrix, 2012, accessed April 21, 2014, [https://3A%2F%2Fpeaceaccords.nd.edu%2Fmatrix%2Fstatus%2F45%2Fun\\_internal\\_verification](https://3A%2F%2Fpeaceaccords.nd.edu%2Fmatrix%2Fstatus%2F45%2Fun_internal_verification).

own to wean off of violence. Its political wing has committed itself to peaceful independence struggle, with those who called the ceasefire of 2011 still in power, and no deaths attributed to the group since 2009. Furthermore, a public appeal from international leaders such as Kofi Annan and Sinn Fein president Gerry Adams for ETA to “embrace peace” and follow steps similar to those taken by the IRA in Northern Ireland after the Good Friday Agreement, acted as a precursor to their declaration as well.<sup>160</sup> Indeed, the involvement of the IVC is an example of the success of this appeal, as a verification committee is one of the steps taken by the IRA that ETA had been asked to imitate. It is also useful when comparing this situation with that of the IRA in Northern Ireland, that it is likely a decision by the group to lay down arms will “provoke the appearance of splinter groups dedicated to keeping the violence going”.<sup>161</sup> Acknowledgment that this will likely occur, and appropriate analysis and reaction that it may not be a valid indication of the groups’ attitudes could be indispensable in preserving the peace process and ensuring that it doesn’t collapse.

In another indication of the change in ETA’s strategies and new commitment to peace, prior to the disarmament move, several hundred ETA prisoners had called on militants to end the violence.<sup>162</sup> Furthermore, a group of 70 former prisoners and members of ETA met in the Basque Spanish town of Durango on January 4<sup>th</sup> and issued a statement saying they recognized the multilateral “damage” and suffering that they had

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<sup>160</sup> Giles Tremlett, "Eta Expected to Announce Definitive End to Four Decades of Violence," *The Guardian*, October 17, 2011, accessed April 01, 2014, <http://www.theguardian.com/world/2011/oct/16/eta-end-violence-basque-spain>.

<sup>161</sup> Giles Tremlett, "Eta Expected to Announce Definitive End to Four Decades of Violence," *The Guardian*, October 17, 2011. *This was the case of the group that emerged and called themselves the “Real IRA” in Northern Ireland.*

<sup>162</sup> Giles Tremlett, "Eta Expected to Announce Definitive End to Four Decades of Violence," *The Guardian*, October 17, 2011

caused, and intend to act “responsibly with positive and constructive will and vision”.<sup>163</sup> Again, the Spanish government’s reaction to this was not one appropriate to fostering peace with ETA. They called the event at which this announcement was made a “witches Sabbath” which mirrored the rhetoric of the inquisition and could be deemed anything but reconciliatory. There is no reason, however, to believe that this sentiment is disingenuous. Indeed, even back in September of 2010, when the ceasefire was first announced, the Collective of Basque Political Prisoners (EPPK) released a statement declaring its support for a permanent truce and signed the 2010 Guernica agreement which demands a laying down of arms in favor of peace talks. That collective is made up of more than 700 Spanish and French prisoners of varying levels of leadership in ETA.<sup>164</sup> The more recent announcement made by the 70 Basque prisoners recently released, if anything, only confirms that the sentiment the EPPK expressed more than two years ago is legitimate, lasting and widespread.

Even with all these precursors to action, the Spanish government, for more than two years, has refused to enter into discussions with ETA and thus become an active participant in the peace process. ETA’s recent disarmament move has, unfortunately, failed to change that thus far. The Spanish government’s reaction is discouraging, although understandable given the high number of failed ceasefires in the past. The government refuses peace talks with ETA while it still has arms in its arsenal, claiming that having such arms indicates that ETA is not fully committed to an unconditional peace. Less understandable, however, is Madrid’s dismissal of the verifier’s role in all

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<sup>163</sup> "Basque Eta Ex-inmates Recognise 'damage' from Violence," *BBC News*, January 4, 2014, accessed April 05, 2014, <http://www.bbc.com/news/world-europe-25605457>.

<sup>164</sup> Teresa Larraz and Jonathan Gleave, "Spain Says ETA Prisoners' Peace Move Not Enough," | World Reuters, September 24, 2011, accessed April 05, 2014, <http://af.reuters.com/article/worldNews/idAFTRE78N1RF20110924>.

this. Spain's Interior Minister, Jorge Fernandez Diaz, said at a news conference right before the announcement of ETA's putting its arms beyond use, that "[W]ith all respect, we do not need these international verifiers".<sup>165</sup> He explained that the Civil Guard and police are enough and that it was "[N]ot verifiers that defeated Eta, but the Spanish police and Civil Guard".<sup>166</sup> The argument has been made that ETA could make the whereabouts of its weapons caches public but others, like one of ETA's founding members Julen Madariaga, while supporting the disarmament move say that ETA should avoid the humiliation of handing arms over directly to the Spanish government, and thus legitimizing the role of the IVC.<sup>167</sup> Again, the effectiveness of such committees to promote conflict resolution has been seen across the international arena, not least of which was the success of the Independent International Commission on Decommission (IDDC), which oversaw the peace process in Northern Ireland.

Nonetheless, despite the understandable reluctance of the Spanish government, given ETA's past, this attitude of indifference to ETA's unilateral peace actions on the part of the Spanish government will have to change if there is to be any hope of the peace holding promise. As Kofi Annan said in his speech in San Sebastian in October 2011, "Those who live with it must be involved in the effort to end it. They must also see the benefits that justify the compromises and sacrifices involved."<sup>168</sup> Participation in the

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<sup>165</sup> "Basque Group ETA Starts Decommissioning Arms," *New Straits Time-World*, February 22, 2014, accessed April 03, 2014, <http://www.nst.com.my/world/basque-group-eta-starts-decommissioning-arms-1.490225>.

<sup>166</sup> "Basque Eta Militants 'put Some Arms beyond Use'" BBC News, February 21, 2014.

<sup>167</sup> Giles Tremlett, "Basque Separatists Eta Set to Take Historic Step by Handing over Weapons," *Theguardian.com*, February 21, 2014, accessed April 02, 2014, <http://www.theguardian.com/world/2014/feb/20/basque-separatist-eta-historic-weapons-mariano-rajoy>.

<sup>168</sup> Kofi Annan, "Kofi Annan Promotes the Resolution of Conflict in the Basque Country" (speech, International Conference on Basque Conflict, San Sebastian, Spain, October 2011), accessed April 05, 2014, <http://kofiannanfoundation.org/newsroom/speeches/2011/10/kofi-annan-promotes-resolution-conflict-basque-country>.



peace process is a necessity for it to gain any steam. This is a sentiment that has been further reinforced by other international political leaders in the peace process, such as Desmond Tutu who are appealing to the Spanish government to enter into talks with ETA.<sup>169</sup>

### **The Situation of Political Prisoners**

Arnaldo Otegi, a former leader of ETA's political wing and jailed in 2009, gave an interview from jail presented in Mexico's *La Jornada*, which provided insight as to why ETA has made the decision to forgo armed activity, and why the Spanish government is greeting it with seemingly so much resistance, "The disappearance of ETA's armed violence creates a serious problem for [Spain], to the extent that there's now no excuse not to tackle the real political debate, which is none other than respect for the Basque people's right of self-determination."<sup>170</sup> While Otegi makes the point that he doesn't believe the Spanish government really is interested in peace given their responses to the latest developments, he also reaffirmed ETA's new position of non-violence saying that they have received the message from the ECHR (based on its ruling that upheld the illegalization of the Basque political parties associated with ETA) and understand it, and are taking it seriously that the international community will support restrictive policies that limit fundamental freedoms such as the right of association as long as ETA's armed activity continues.

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<sup>169</sup> Guy Hedgcock, "Desmond Tutu Praises Eta Move to Disarmament as 'brave'," *Irish Times*, March 21, 2014, accessed April 05, 2014, <http://www.irishtimes.com/news/world/europe/desmond-tutu-praises-eta-move-to-disarmament-as-brave-1.1732563>.

<sup>170</sup> Arnaldo Otegi, "La Jornada: El Estado Español Tiene Miedo a La Paz Con El País Vasco, Asegura Arnaldo Otegi," interview by Armando G. Tejeda, *La Jornada: Mundo*, December 17, 2013, accessed April 05, 2014, <http://www.jornada.unam.mx/2013/12/17/mundo/031n1mun>.

The government in Madrid, while stating their main reason for not engaging in peace talks is because ETA has not turned over all its arms, also takes issue with discussing anything other than the conflict itself. A major theme in all of the ceasefires that ETA has announced was that they demanded certain concessions be made in regards to political prisoners. The Spanish government refuses to be held hostage to these demands and asserts that the ceasefires need to be unconditional.

Nevertheless, ETA's claims about the treatment of prisoners and violations of their rights are certainly pertinent, as the Spanish government has conducted policies in regards to prisoners that vary relatively little since the Franco era. The dispersal policy that Spain adopted in 1989 involves scattering ETA prisoners all across the country, rather than following the precedent of allowing them to be at a jail closest to their home or place of origin.<sup>171</sup> This was done in part to punish the Basque separatists, but also to break their stronghold over prisoners since they are an important part of the organization's discourse and decision-making. When Spain had followed the normal routine for prisoners of putting them in jails close to home, it meant so many ETA members in the same jails in the Basque country that it was easy for the organization to maintain control over them, and harder for prisoners to disengage from the group due to peer pressure. This policy, however, has meant undue hardships for families and prisoners and has led to one of the biggest issues that delays the peace process; the repatriation of political prisoners back to the Basque country.<sup>172</sup>

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<sup>171</sup> Andrew Silke, *Prisons, Terrorism and Extremism: Critical Issues in Management, Radicalisation and Reform* (London: Routledge Taylor & Francis Group, 2014), 245.

<sup>172</sup> In reality the government has used the repatriation of prisoners not so much as a bargaining chip but as either punishment or reward for ETA's behavior. Their policy is inconsistent but they have been known to make some concessions on the issue when negotiations are going well, such as in 1998 when Prime Minister Aznar moved 135 ETA prisoners to prisons closer to the Basque country. "ArchivoEdición

Another policy towards political prisoners that only worsened the central government's relations with ETA and the Basque citizenry is the Parot Doctrine. The Parot Doctrine, introduced by the Supreme Court in 2006, was a response to the 1973 Criminal Code that allowed prisoners to be freed before the end of their sentence was served, based on "good behavior" and attending workshops and courses.<sup>173</sup> The Spanish Penal system hands out terms that can be in hundreds, even thousands of years, but there is a 30 year-limit of time actually served. The Criminal Code of 1973 applied reductions to the 30 year limit, but under the Parot Doctrine, they were now applied to the full term handed out, effectively making it useless, and it also applied this decision retroactively.<sup>174</sup> It was overruled in the European Court of Human Rights on various accounts, including "illegal detention" and because aspects of it were unconstitutional.

Many policies of the modern day prison system have roots that go back to Franco or beyond. For example, after the Spanish Civil War, 278 priests and 125 monks suffered imprisonment and/or deportation to other parts of Spain. This policy is greatly similar to the "dispersal policy" today that sends Basque prisoners to jails in different parts of Spain. Poor treatment of political prisoners, which remains a major issue between Basques and the current Spanish Government, was commonplace in Franco's time. With major maltreatment as part of the past between the Spanish government and the Basques, it is no wonder that this is a sensitive issue for Basques today.

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Impresa," EL PAÍS, March 4, 2006, accessed April 08, 2014, [http://elpais.com/diario/2006/03/04/espana/1141426803\\_850215.html](http://elpais.com/diario/2006/03/04/espana/1141426803_850215.html).

<sup>173</sup> Miguel Mora, "ETA Terrorists Poised to Walk Free after European Court Strikes down "Parot Doctrine"" EL PAÍS, October 21, 2013, accessed April 05, 2014,

[http://elpais.com/elpais/2013/10/21/inenglish/1382356317\\_763117.html](http://elpais.com/elpais/2013/10/21/inenglish/1382356317_763117.html).

<sup>174</sup> Ibid.

## Moving Forward

What Spain needs to remember and accept, is that the major problems that are the sticking points for ETA and the central government, like the political prisoners situation and, of course, independence, are not demands that are going to go away. Furthermore, even if people do not support the violent tactics of ETA, a demand for increased autonomy is widespread and legitimate. The Lehendakari made some remarks on local television in October 2012 that demonstrate both the perseverance and popularity of the drive for independence, backing the concept of an independence “of the 21<sup>st</sup>-century-kind”.<sup>175</sup> He has also tried to advance the argument for a “new bilateral relationship with Spain” referring to a revision of the autonomy statute. He also made remarks during his election campaign, and in his platform, or “manifesto”, about “becoming less and less dependent every day until we achieve independence.”<sup>176</sup>

Urkullu’s words on this matter don’t sound as much hopeful as clairvoyant. His point is that the Basque independence trend is enduring. In this way and others, many parallels can be drawn between it and the Scottish independence movement. A comment made in a briefing on April 8<sup>th</sup> of this year by Alex Salmond, the first minister of Scotland, while in reference to Scotland could easily be applied to the Basque situation as well. Salmond said that while the timeline isn’t quite fixed, the “destination” is.<sup>177</sup> The Spanish government’s reaction to the independence movement in Scotland is one of

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<sup>175</sup> "A Basque Case," *The Economist*, October 27, 2012, accessed April 10, 2014, <http://www.economist.com/news/europe/21565263-regional-elections-are-giving-another-headache-spain%25E2%2580%2599s-prime-minister-basque-case>.

<sup>176</sup> "A Basque Case," *The Economist*, October 27, 2012, accessed April 10, 2014, <http://www.economist.com/news/europe/21565263-regional-elections-are-giving-another-headache-spain%25E2%2580%2599s-prime-minister-basque-case>.

<sup>177</sup> Stephen Daisly, "Robertson: 'Forces of Darkness Would Love It' If Scotland Voted Yes," *STV News*, April 08, 2014, accessed April 08, 2014, <http://news.stv.tv/scotland/270864-lord-robertson-warns-of-foreign-policy-impact-of-scottish-independence/>.

support, but plays on the legality of the process to create a distinction between Scotland's movement and secessionist pushes in its own country. The Spanish foreign minister José-Manuel García-Margallo, told the Financial Times, "If Scotland becomes independent in accordance with the legal and institutional procedures, it will ask for admission [to the EU]. If that process has indeed been legal, that request can be considered. If not, then not."<sup>178</sup> By basing its acceptance of the outcome of the Scottish independence referendum on the fact that the independence movement abides by a legal process, Spain is able to appear democratic about the concept of self-determination, while still managing to hold its position of non-recognition for referendums on independence held in Spain. The fact that referendums may only be called for by the Spanish central government gives the Spanish government the right to deny the votes on legal grounds. Making this legal argument is a way, in part, for Spain to also appear less dictatorial in the eyes of the rest of E.U. by appealing to European logic and reason. In reality, as much as independence is a part of Basque culture, detest of territorial fragmentation and self-determination is a part of the Spanish central government's culture. This is true regardless of whether it is the PP or the PSOE in power.

The Spanish government does not just dislike the idea of self-determination— it is positively frightened by it. It seems there is a great fear that a “domino”-like effect will take place if they allow even one territory to pursue the path of independence. One way to combat this fear of territorial disintegration, which Spain, Russia under Stalin, Turkey, and many other countries have tried, is to be hyper-vigilant and forceful in suppression of

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<sup>178</sup> Tobias Buck and Mure Dickie, "Spain Promises Non-interference on Scotland," Financial Times, February 2, 2014, accessed April 8, 2014, <http://www.ft.com/intl/cms/s/0/977a39ea-8c26-11e3-9b1d-00144feab7de.html#axzz2ymmwHcdE>.

dissent. But in many of these instances and certainly as we've seen in the case of Spain, this only acts to intensify independence forces and the desire to strengthen cultural distinctness. Plain and simple, this approach that Spain has taken historically, and is continuing to take today is not working. Undermining of the Basque fueros system led to revival of Basque culture. Suppression of Basque culture under Franco led to the creation of ETA. Violence on the part of the Civil Guard sent to squelch ETA forces and the creation of paramilitary GALs to terrorize and reel in ETA only multiplied its supporters and sympathizers. This is a pattern that has failed and will fail again if it continued by the Spanish government. Instead, for reasons outlined in this thesis, it would be more advisable to take two approaches to the current situation, which might finally alter the path of Basque-Spanish relations. One path should be in regards to the handling of ETA and their most recent move of putting weapons beyond use, and the other should be in regards to the independence movement as a whole and the Basque Autonomous Region's government.

### **Creating Lasting Peace with ETA**

The approach that needs to be taken in regards to ETA should mimic that of the IRA when they disarmed in Northern Ireland, and should be overseen with the help of the IVC. While ETA has announced this ceasefire is an irreversible one and will be carried out unilaterally if need be, the history of failed ceasefires in the past means that despite such proclamations, Spain should not squander the opportunity for peace or take such affirmations from ETA as guarantees. While it is true that this is the first time that disarmament and the consultation of an IVC has taken place during a ceasefire, without

addressing those issues that have always been sticking points in negotiations, the peace process will likely be stalled. Rajoy's government needs to enter into dialogue with ETA to begin to address these issues and work towards a lasting peace.

ETA has announced its firm commitment to peace, but Spain, first and foremost, needs to announce this commitment as well. In the case of Northern Ireland, one of the central tenets for participation in negotiations of the Good Friday Agreement was the "total and absolute commitment to exclusively democratic and peaceful means."<sup>179</sup> This commitment did not waiver at any point in the process of negotiations, and it is in this context that discussions between ETA and the government in Madrid must be carried out.

Secondly, Spain needs to address the number one sticking point of the peace process, and the reason for the return of violence after many declared ceasefires: the issue of Basque political prisoners. The prisoners have announced their acceptance of a legal strategy to winning eventual exoneration, and commitment to "legal channels even when that implicitly implies for us the acceptance of our conviction."<sup>180</sup> They have publicly acknowledged the "suffering and multilateral" damage caused by the conflict. After making those declarations, they responded to Spanish politicians' calls for further unilateral actions, such as giving up arms caches and disbanding, by putting their weapons beyond use. Their actions need to be met in part by the Spanish governments cooperation on the issue as well. The following steps should be taken in regards to ETA prisoners:

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<sup>179</sup> "The Good Friday Agreement in Full," BBC News, December 9, 2004, under "Opening Sections," accessed April 12, 2014, [http://news.bbc.co.uk/2/hi/uk\\_news/northern\\_ireland/4079267.stm](http://news.bbc.co.uk/2/hi/uk_news/northern_ireland/4079267.stm).

<sup>180</sup> Matt Moffett, "ETA Prisoners Accept Legitimacy of Spanish Justice," The Wall Street Journal, December 29, 2013, section goes here, accessed April 13, 2014, <http://online.wsj.com/news/articles/SB10001424052702304361604579288381378925034>

- 1) The Spanish State should end the application of exceptional measures that go above and beyond the normal procedures practiced in regards to ETA prisoners, and implement the legislative necessary reforms to do so.
  - a. This would include the immediate release of seriously ill prisoners who should be set free, according to current legislation, in order to receive adequate treatment of their illnesses.<sup>181</sup>
  - b. This includes ending the dispersal policy, and means the repatriation of all ETA prisoners to jails in the Basque country, in an effort to show that the changes in ETA's attitude are being received by the Spanish government in good-faith, with the intention of their involvement in furthering the peace process. This should also be done so that ETA prisoner treatment is raised to the level of other Spanish prisoners, who are incarcerated in the prisons closest to their homes.
  - c. This includes repealing the "Parot" Doctrine, which is applied solely to ETA prisoners to due to its nature and is thus an exceptional measure.
- 2) The Spanish government should acknowledge the damage that the policy of dispersal has done to families.
- 3) The Government in Madrid should begin handling the cases on a case-by-case basis and prove it will be upholding the legal process.

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<sup>181</sup> "On the Path to Peace Respect Prisoners' Rights," On the Path to Peace Respect Prisoners' Rights, accessed April 13, 2014, [http://www.info-nordirland.de/euskalherria/2013/eh\\_new2013\\_103\\_e.htm](http://www.info-nordirland.de/euskalherria/2013/eh_new2013_103_e.htm).



- 4) The Government in Madrid should remain firm in its position that any other major concessions will only be negotiated after ETA has disarmed, so as not to undermine the importance of ETA prisoners' accepting to a legitimate legal process of prisoner appeals on a case-by-case basis.

Negotiations, once they begin, cannot be stalled and need to be committed to fully and non-violently. At no point should Spain respond with violence or force, as the likelihood for a return to violence on the part of ETA cannot be discounted.

#### **A New “Bilateral” Relationship with the Basque Country**

Regarding independence of the Basque country itself, a conciliatory and slow approach should be taken to allow for gradually more independence. Full independence is not an option at the moment and shouldn't be for various strategic reasons. For one, the economy of Spain is not in a good enough position to lose all revenue it gets from the Basque country. Furthermore, Spain's concerns about conceding to separatist demands right now are valid, because it does not want to appear as though it is giving into terrorist threats or demands. Until ETA fully disbands (or convincingly disowns violence as a political tool), Spain should not even consider allowing a referendum or any other major action on full independence to take place. Doing so would certainly give other separatist groups or parties in the country, but also worldwide, the idea that violence and terrorism are the best way to achieve independence. Instead, Rajoy's government should agree to discussions with Urkullu about revising the autonomy statute. While granting full

independence would be inadvisable because it would make the Spanish government look weak, refusing any change whatsoever makes it appear hard, uncompromising, and more interested in holding power than in advancing the interests of all people within Spain. It could also have negative effects for the end of ETA. If ETA does disband unconditionally, an inflexible attitude from the central government would still meet major opposition in the Basque country and likely lead to social unrest. Furthermore, conceding full independence could very well prove to be the critical piece that leads to the unraveling of Spain's territorial integrity. If independence of the Basque country occurred and it wasn't through a legal process, there would be little stopping other regions like Cataluña, that are financially strong enough to support themselves, from declaring independence unilaterally as well. Spain's response would probably be a huge influx of troops or the Guardia Civil and ultimately it'd be a massive drain on resources, violence would likely occur, and Spain would continue in its perpetual state of separatist tensions.

Lehendakari Urkullu spoke of a new "bilateral" agreement with Spain and that is exactly what needs to happen. A reworking of the Basque country's autonomy statute should be carried out and worked on in a collaborative effort by the Spanish and Basque parliaments. This solution would be a compromise for both sides, but would address both of their major issues as well, reaching minimum consensus. Spain would avoid changing the status-quo and setting the precedent that independence is possible for all of its distinct ethnic regions, but the Basque country would also gain increased autonomy, appeasing many separatist Basques who could see it as a step forward on the road to independence. At the same time, the Spanish government would not be forced into promising such independence. While conceding more freedom to the Basques may seem

counterproductive in ensuring the region doesn't secede, it has actually been proven to work in the past. As a World Policy Institute article describing the Basque situation explains, the increased autonomy that Basques have been granted under their Autonomy Statute since Franco, while gradual, has resulted in Basques enjoying "[M]ore cultural and political liberty today than they have for centuries, which has [in turn] undermined the cause of self-determination."<sup>182</sup> A reworking of the Autonomy Statute as opposed to granting independence also allows the Spanish government to save face by showing that its policy of rejecting self-determination referendums and other legal attempts at secession is not one that they are now completely reversing, merely revising.

Another benefit of agreeing to be more conciliatory and entering into a dialogue on changes to the Autonomy Statute is that it will make Spain look more democratic than it ever has before on the issue of self-determination. Mariano Rajoy's government should take two steps regarding revisions to the constitution. First, Rajoy's party should support an amendment that would allow secession, as currently it is illegal according to the constitution. And two, they should seek an amendment that allows regions to call unilateral referendums on the question of possible independence. While Rajoy has been quoted as saying that the door was "wide-open" for a constitutional change, his party would have to support it to pass, and it should.<sup>183</sup> Not allowing for, or rather blocking, a legal and democratic channel for regions to seek independence forces groups to look to other means, such as violence, revolution, or social upheaval. Amending the constitution to allow regions to call their own referendums on independence would be a major step in

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<sup>182</sup> Judith Matloff, "Basque-ing in Peace," Basque-ing in Peace | World Policy Institute, 2013, accessed April 13, 2014, <http://www.worldpolicy.org/journal/fall2012/basque-ing-peace>.

<sup>183</sup> "Spain Faces Divide After Blocking Catalan Referendum," Channel NewsAsia, April 9, 2014, accessed April 13, 2014, <http://www.channelnewsasia.com/news/world/spain-faces-divide-after/1064540.html>.

granting more autonomy to the regions, and would also ensure the long-term peace of this measure by guaranteeing that future governments cannot block such referendums when they reach the national level (as Rajoy's government has already done with Catalan). With the Basque region as just one of many groups seeking a fair, democratic process for independence, and the Catalan illegal referendum right around the corner, allowing a legal process to go through is important for maintaining peace.

The best solution for Spain is to attempt a consociational democracy with the Basque country. Consociational democracies are "power-sharing" systems that are designed to "enable the various constituent parts of a highly fragmented society to share the same state, territory, and political institutions, while remaining at peace with one another and respectful of each other's prerogatives."<sup>184</sup> They are characterized by four elements that are designed to allow for functional democracies in the context described. Those elements include: 1) grand coalition governments that include representatives of all major linguistic and religious groups, 2) cultural autonomy for these groups, 3) proportionality in political representation and civil service appointments, and 4) a minority veto with regard to vital minority rights and autonomy.<sup>185</sup> Consociationalism has proven to be highly successful in many different societies, for creating a functioning democracy in a divided society, and has been implemented as an alternative to the "Plural Society Approach" or the "Incompatibility Theory", developed by British economist J.S. Furnivall, that argues the only way such societies could be held together is through the application of external forces. Consociational theory states that consensus can govern

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<sup>184</sup> Robert P. Clark, "Madrid and the Ethnic Homelands: Is Consociational Democracy Possible in Post-Franco Spain?," in *Politics and Change in Spain*, by Thomas D. Lancaster and Gary Prevost (New York: Praeger, 1985), 64.

<sup>185</sup> Arend Lijphart, "The Puzzle of Indian Democracy: A Consociational Interpretation," *American Political Science Review* 90, no. 02 (June 1996): 258.

such societies much better than the traditional, majoritarian model and tries to share, disperse, and limit power in a variety of ways.<sup>186</sup> Countries that are good examples of the success of consociational democracy are Switzerland, Canada, Malaysia, Holland, Austria, and Luxembourg, just to name a few. Significantly, consociational approaches are flexible and can be accommodated to diverse national situations; there are in fact many ways in which consociationalism can be implemented, as long as those four key factors above are addressed. Consociational democracies score significantly higher on a wide array of indicators of democratic quality.<sup>187</sup> Based on extant statistical evidence, consociational democracies— if implemented prudently— often lead to improvement in quality of public services, government effectiveness, regulatory quality, and rule of law.<sup>188</sup>

Evidence of the application of consociational institutions in the Basque country exists, but as Arend Lijphart explains in his article *The Puzzle of Indian Democracy: A Consociational Interpretation*, as a country is “less firmly consociational” and power sharing is weak or weakened in any of the four necessary categories, it can be expected to be accompanied by increases in intergroup tensions and violence. Spain and the Basque country have several power-sharing institutions but all of them could and should be strengthened to give consociationalism a better chance, the result of which should be less violence and intergroup tension.<sup>189</sup> The aspects that are most lacking in Spain, and are

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<sup>186</sup> Arend Lijphart, *Patterns of Democracy: Government Forms and Performance in Thirty-six Countries*, Second ed. (New Haven: Yale University Press, 2012), 2.

<sup>187</sup> *Ibid*, 3.

<sup>188</sup> *Ibid*, 264.

<sup>189</sup> From 1978 to 1981 autonomy for the ethnic homelands and many regions of Spain was a major political and constitutional issue, and regions made great strides towards self-governance. The attempted Civil Guard and military coup of February 1981 changed this, however, and until 1984 many of the historical

necessary to form a consociational democracy, are government by grand coalition, and mutual veto.<sup>190</sup> In regards to the grand coalition, Spain has been consistently governed by a single-party majority and regional deputies have played no significant role in the governing majorities. Likewise, the mutual veto is not part of the Spanish system.<sup>191</sup> Regimes in the ethnic homelands cannot prevent the Spanish government from imposing any measure it wishes on the autonomous communities, thanks to Article 155 of the Spanish constitution, which also allows Madrid to seize the operations (in whole or in part) of any Autonomous Community's government in case of crises or rebellion.<sup>192</sup> This ability to withdraw autonomy that lies with Madrid shows that the "autonomy" granted to the communities is not permanent and the power sharing that does occur is not secure or equal.

In regards to segmental autonomy, the Basques do have a fair degree of self-governance over the internal affairs of the autonomous community, and gradually the maintenance of public order has become more localized, which has enhanced the region's control even more. There are still major shortcomings, however, in the power over administration of justice in the different regions. Lijphart's final component, proportionality in political representation, fares the best of all four traits of consociationalism. The system favors the larger parties, but that actually works well for the Basque and Catalan regions, as their ethnic nationalist parties have been entrenched

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gains made in devolution were slowed, blocked, or reversed (See Clark, *Madrid and the Ethnic Homelands* pg. 73).

<sup>190</sup> Robert P. Clark, "Madrid and the Ethnic Homelands: Is Consociational Democracy Possible in Post-Franco Spain?" 86.

<sup>191</sup> Recall that during the twelfth century, under the *fueros* system, the local councils in Hegoalde retained the right to veto crown laws issues by the Kingdom of Castile's central authority in Madrid. This was the *pase foral* and guaranteed local political control. While warring kingdoms characterized this period, it was actually a long and sustained period of autonomy for the Basques, as their foral rights were guaranteed during each transfer of rule (See Watson, pg 40).

<sup>192</sup> *Ibid*, 81.

for generations and are the largest parties in the regions.<sup>193</sup> This area too has its shortcomings, however, as there are no provisions for ensuring ethnic representation in the Spanish civil bureaucracy, within the Basque Autonomous Region.<sup>194</sup> In order to institute a power-sharing system that could effectively accommodate regional autonomous demands, and thus ameliorate tensions between the Basque and Spanish governments, these conditions must be met, and a genuinely consociational approach may be the most effective way to cut the knot that has tied up progress toward workable accommodation of regional autonomy.

### **Conclusion**

To conclude, with ETA appearing to be truly committed to an end of violent activities for the first time, the moment is ripe for the Spanish Government to revise its policy towards the Basque country. An opportunity to end a conflict of over 50 years' duration, and with what is regarded as Europe's last major terrorist group, is one that should not be wasted. The situation of the political prisoners has always proven to be a sticking point in negotiations with ETA and should be addressed now, once and for all, to give this ceasefire the best chance of success. Basque nationalism is a part of Basque identity, is not on the decline, and it is highly unlikely that the Basque desire for independence will go away anytime soon, based on the latest regional election data. Of course, Spain can continue on the path it always has and respond to regional demands for autonomy and independence by cracking down harder, sending in the army or the Guardia Civil, but the response will most likely be sustained, or even increased levels of

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<sup>193</sup> Ibid, 87.

<sup>194</sup> Ibid.

nationalist support for the regions. Such an approach would be patently counterproductive and it appears that even the Spanish national government itself is becoming more aware of this. It would burden Spain's already unhealthy economy with financial strains as they use more resources to try and subvert the independence movements. Continued resistance and use of force could also easily lead to the return of violence on the part of ETA, as the declared ceasefire is still fragile, and could even lead to the creation of violent terrorist groups in other parts of the country, like Catalonia, who have exhausted all political and peaceful avenues to obtain increased autonomy still to no avail. The different regional ethnic communities may grow frustrated as they continue to be denied the opportunity to rework their autonomy statutes, despite the limitations they have as a result of the context in which they were created, which consisted of many Francoist supporters still in government.

Essentially, while Spain's approach to the Basques or its other regions does not necessarily have to change due to any external or internal factors right now, maintaining the status quo will put no dent in the Basque country's nationalist drive. On the other hand, increasing autonomy may offer a future that is far brighter, and less resource intensive for the Spanish government. In the words of Lehendakari Urkullu, it could be the dawning of a new "bilateral" relationship that could lift Basque and Spanish relations to new heights. Either way, it will continue to be an interesting political climate in the next several years, and until the demands for increased autonomy on the part of the Basque people are answered, the region will never sit entirely peacefully within the Spanish nation.



## Addendum

Fragmentation seems to be on the rise in Europe and many people fear what this will mean for the European Union and its member countries. The amount of secessionist movements that exist in Europe currently numbers in the twenties, and while many of them are unfeasible, several have taken off and it is important to look at what the success of any one of them would mean for the others, and for the E.U. as a whole. Many independence movements have arisen from recent economic crisis but others, like Scotland and the Basque country, while certainly exacerbated by economic crises actually have roots in deeper historical and cultural issues. These are the type of movements that are most likely to succeed and it is important to think about the implications of their success.

One of the major questions regarding the status of a successful independence movement in the E.U. is what will happen to the new nation in terms of E.U. membership. Automatic membership would not be granted and the standard process of applying for E.U. membership would apply according to the current President of the European Commission, Jose Manuel Barroso.<sup>195</sup> This includes the approval of all current member states, a problem that Kosovo is familiar with. Kosovo, which formally seceded from Serbia in 2008 with major nations backing it such as the U.S., is still unrecognized by a handful of member countries of the E.U, Spain included.<sup>196</sup> This potential state of limbo that newly independent countries could find themselves in has been used by many to try

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<sup>195</sup> "EU Warning for an Independent Scotland," Metro Jose Manuel Barroso Questions Alex Salmonds European Union plans Comments, accessed April 21, 2014, <http://metro.co.uk/2014/02/16/jose-manuel-barroso-questions-alex-salmonds-european-union-plans-4306523/>.

<sup>196</sup> Stephen Daisly, "Robertson: 'Forces of Darkness Would Love It' If Scotland Voted Yes," STV News, April 08, 2014, accessed April 08, 2014, <http://news.stv.tv/scotland/270864-lord-robertson-warns-of-foreign-policy-impact-of-scottish-independence/>.

and deter secessionist movements. Furthermore, entry into the E.U. raises questions for Scotland such as what currency to use, and for independence movements in the Basque country or Catalonia this is even more complicated. If they succeeded in gaining independence they would be a part of the eurozone, without having been officially recognized as a member of the E.U. yet. This is one of the many details that complicates the feasibility and economic predictions and calculations of the sovereignty movements.

Another fear associated with fragmentation for the European Union is associated with “balkanization” and the idea that it will reverse or at least halt integration and yield hostile, non-cooperative states that are bent on proclaiming their distinct identities. Again the fear that secessionist movements will take off in a domino-like effect with the success of just one has caused many to condemn the Scottish referendum that is to take place in September. Ex-Secretary General of NATO, Lord Robertson, in a recent interview said the independence of Scotland would be “cataclysmic” in geopolitical terms, and warns of underestimating what this would do to existing global balances.<sup>197</sup> He also cited evidence of the effects it would have on other independence movements, such as the Flemish, who have openly stated that if Scotland breaks free and becomes a member of the European Union, they would like to be next.

The Basque government will look at the outcome of the Catalan referendum on independence, too, if it is indeed held in November as scheduled. The Spanish central government has shown no indication of changing its tune in regards to the referendum. Newspapers in Spain have reported that legally, the government could declare treason

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<sup>197</sup> Lord George Robertson, "An Independent Scotland? The International Implications of the Referendum," interview, The Brookings Institution, April 7, 2014, accessed April 21, 2014, <http://www.brookings.edu/blogs/brookings-now/posts/2014/04/lord-george-robertson-forces-of-darkness-love-scottish-split-from-united-kingdom>.

and would have the right to send in the Spanish military to the province.<sup>198</sup> Plans for the referendum are still underway, however. It would be non-binding, much like those that were held in Quebec in 1980 and 1995 and the President of Catalonia, Artur Mas, claims that this makes it legal under the Spanish legal framework.<sup>199</sup> Mas has indicated both a strong commitment to abiding by the law and the right to vote on independence; he is thus looking for a legal way to hold the referendum, but has also said that if it does get blocked, the next Catalanian election in 2016 will serve as a proxy vote on independence.<sup>200</sup> Meanwhile, Rajoy's government has taken increased measures to restrict Catalan expression of identity as a means of punishing nationalist sentiment in the lead up to the referendum. One example of this is the recent strict enforcement of an old law that required Spanish vessels to fly a Spanish flag that is bigger and more prominent than any regional flag that was displayed.<sup>201</sup> These continued attempts to subvert regional identity refute any possibility of the Spanish government moving towards a more comprehensive political solution to its regional problems, or reworking policies to allow regions more autonomy.

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<sup>198</sup> "Spanish Army Has Right to Invade Catalonia: Study," - The Local, April 04, 2014, section goes here, accessed April 21, 2014, <http://www.thelocal.es/20140404/spain-can-call-in-the-army>.

<sup>199</sup> Raquel Castillo, "Catalan Leader Says Parliament Rejection Won't Halt Referendum," Reuters, April 08, 2014, accessed April 22, 2014, <http://www.reuters.com/article/2014/04/08/us-spain-catalonia-idUSBREA3724U20140408>.

<sup>200</sup> Ibid.

<sup>201</sup> "Spanish Navy Forces Catalan Fishing Trawlers to Fly Spanish," Spanish Navy Forces Catalan Fishing Trawlers to Fly Spanish, accessed April 21, 2014, [http://scottishrepublicans.myfreeforum.org/archive/spanish-navy-forces-catalan-fishing-trawlers-to-fly-spanish\\_\\_o\\_\\_t\\_\\_t\\_2099.html](http://scottishrepublicans.myfreeforum.org/archive/spanish-navy-forces-catalan-fishing-trawlers-to-fly-spanish__o__t__t_2099.html).

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Ariel Bothen was born in Blue Hill, Maine on March 20<sup>th</sup>, 1992. She was raised in Mount Desert, Maine and graduated from Mount Desert Island High School. She will be graduating this May with degrees in anthropology and international affairs. Her concentration in IA is political science and she is minoring in Spanish and history. Some of her activities in college have included Student Government, and working as a peer advisor in the Office of International Programs. She has studied abroad twice. Once on Semester At Sea in Spring 2012, and again in San Sebastian, Spain during Summer 2013. She is a recipient of the Paul G. Coulombe, and SunTrust Scholarships.

Ariel will spend the summer after graduation working for Senator Angus King in Washington D.C., and plans to pursue a graduate degree in International Affairs within the next few years.