

## CHAPTER I

### INTRODUCTION

#### A. Background

ETA or Euskadi Ta Askatasuna is a separatist movement of Basque people in Spain. ETA was founded on 31 July 1959. Actually Basque country is located in Spain and France but the main base of ETA is in Spain. Almost the entire political and armed struggle also happened in Spain. ETA's goal is to separate Basque from Spain and become an independent state.<sup>1</sup> ETA is considered as a terrorist by Spanish government.<sup>2</sup>

ETA was established during Franco dictatorship.<sup>3</sup> Under Franco regime, the use of Euskera or Basque language was prohibited. Basque people were not allowed to express their culture either.<sup>4</sup> That is the reason behind the establishment of ETA.

In the first few years ETA only used violence for robbery to get money to fund the organization activities but ETA became more aggressive after got the first martyr, Maria Etxebarrieta. He received a death sentences for killing a

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<sup>1</sup> Chapman, S. (2006). *Report on the Basque Conflict: Keys to Understanding the Eta's Permanent Ceasefire* [PDF file]. Retrived from <http://www.lokarri.org/files/File/PDF/Inform.pdf>.

<sup>2</sup> Whitfield, T. (December, 2015). *The Basque Conflict and ETA: The Difficulties of an Ending*. Washington, WA: United State Institute of Peace

<sup>3</sup>Conversi, D. (2000). *The Basque, the Catalans, and Spain: Alternative Routes to Nationalist Mobilisation* [PDF file]. Nevada, NV: University of Nevada Press.

<sup>4</sup>Anderson, S., Peterson, M.A., Toops, S. W., & Hey, J. A. K. (2014). *International Studies: An Interdisciplinry Approach to Global Issues* (3rd ed.) [PDF file]. Colorado, CO: Westvies Press.

policeman after being asked about the minor traffic infringement. It was admitted as an unplanned murder. To response toward that murder ETA took revenge by murdering Meliton Manzananas, a chief of the Socio- Politico Brigade in San Sebastian. This revenge worsened the situation. Some ETA members were then arrested and punished. On the top of it, the government declared a State of Emergency.

The restriction brought a good impact towards ETA. They got more support that strengthens the organization to be able to use weapon. Two years later, a German Consul in San Sebastian, Eugen Beilh, was kidnapped by ETA.<sup>5</sup> He was used as prisoner exchange with a member of ETA who was arrested.

The conflict between ETA and the Government of Spain continued even after the death of Franco in 1975. Several presidents have been on duty to run the government in Spain and some talk attempts were also created but the conflict could not be easily stopped. Until the 2005, an important event happened between ETA and the Spanish government.

In July 2005, ETA and the government of Spain conducted a closed meeting which resulting an agreement which was called as Point Zero. The content of Point Zero was a draft of a peace-opening which the main points were agreement from ETA to declare ceasefire and the government gave

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<sup>5</sup>40 aniversario del Proceso de Burgos (2010, December 3). *Elmundo*. Retrieved from <http://www.elmundo.es/elmundo/2010/12/02/paisvasco/1291298318.html>.

freedom to the people of Basque to decide their own future in 6 months after ceasefire was declared.

*“The detail points that announced by the government of Spain are:*

*1. That the Spanish government would respect the decisions that the Basque citizens freely make about their future.*

*2. That such decisions would be adopted without any violence or coercion, in compliance with norms and legal procedures, respecting democratic methods and the rights and liberties of the citizens.*

*3. That it shall be the responsibility of the Basque political parties, as well as of the social, economic, and unions agents, within the forums they shall constitute, to reach the agreements and to establish negotiation mechanisms and their application. The agreements shall be adopted with the maximum possible consensus, bearing in mind the citizens’ diversity and under equal conditions for all the political options.*

*4. That in compliance with the resolution passed by the congress on May 17th, 2005, the government publicly stated that a dialogue process with ETA would be started, clearly pointing out the fact that political issues should only be solved through the legitimate representatives of popular will.”<sup>6</sup>*

It was agreed that Point Zero will be announced by President Rodriguez Zapatero publicly. In the agreement also mentioned that ETA must show the commitment to fully stop activities related to violation (even in the form of supplying the weapons), as an exchange of the government announcement.

*“The government, after the permanent ceasefire official statement declaration, undertook:*

*1. To achieve a state pact that enables the declaration of the president of the government within 6 months.*

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<sup>6</sup> Zabalo, J., Aiartza, U. *The Basque Country: The Long Walk to a Democratic Scenario*. Berlin: Berghof Conflict Research

2. *To tangibly reduce police presence – checkpoints etc. – as well as to stop police pressure regarding political activities of the patriotic left.*

3. *To accept de facto that the patriotic left-wing organizations shall be able to carry out a political life under equal conditions with the rest of the political and social forces, with no limitations in their civil or political rights.*

4. *Not to carry out detentions through the Civil Guard, the National Police, the police force of the Basque Country, or the French security forces.”<sup>6</sup>*

To actualize the Point Zero agreement, on 22 March 2006 ETA declared permanent ceasefire by sending DVD message to Basque Network Euskal Irrati-Telebista and the newspaper Gara and Berria. However, the serenity did not last long. On May 14<sup>th</sup> ETA stated that negotiation process could not proceed.

On 30 December 2006, ETA committed car bombing at parking area of Madrid- Barajas Airport. It killed 2 people and injured 52 people. The bombing was used to open communication with government. After got the attention from the bombing, ETA demanded negotiation. As response from the bombing, the president announced the discontinuation of the “peace process”. That statement showed the end of the agreement process in 2006 which is unable to end the conflict.

## **B. Research Question**

After knowing the background there is a question related to the conflict, which is “why is “Point Zero” ,that has been agreed by ETA and Spain government to end the conflict, failed to be implemented ?”

### **C. Theoretical Framework**

In the case of peace process between ETA and Spanish government, the negotiation was successfully conducted and has reached an agreement which is called as Point Zero, therefore the research would be focused on the implementation process. To answer the question, Regime Compliance would be used to analyse the failure during the implementation.

#### **Regime compliance**

Regime compliance is important to be discussed to examine a failure of a peace agreement especially to analyze the implementation process of an agreement. Theory about compliance describe about why actors comply or do not comply the law and the reason behind it action (behavior).<sup>7</sup> Regime compliance is the willingness of the regime, or parties involved in the agreement, to comply or commit towards the agreement and the implementation process. If both parties commit and obey the agreement then there is a big chance that an agreement can stop the violence and solve the conflict. On the other hand, without the commitment of both parties towards the agreement, the implementation would definitely fail.

The importance of legal status toward the compliance mentioned by Christian Bell, “*treaties and international agreement are legally binding*

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<sup>7</sup> Zaelke, D., Kaniaru, D., Kružiková, E., (2005). *Making Law work: Environmental Compliance & Sustainable Development*. London, England: Cameron May.

*instrument with established enforcement mechanisms*”.<sup>8</sup> It is also can be used as a tools to bring the case to the courts and tribunals once a regime broke the commitment (as the source of judgment process).<sup>9</sup>

From liberalism view, the party is seen as a unity and the compliance does not merely come from the legal law.<sup>7</sup> It means that whether or not a party complies is not only affected by the law but also all the components within that party. For example, if the party is a state then there might be NGOs, business, media or financial institution that influence the behavior of state to or not to comply. Under legal law Abbot and his colleagues (2000) described the obligation as a constitute one, while actually there is also non-constitute obligation which is by using the existence of third party.<sup>10</sup> The role of the third party is as the guarantor who can also increase the binding level of an agreement.

Jean Arnault (2001) mentioned two important challenges that may influence the commitment of regime during the implementation process.<sup>11</sup> When regime faces these challenges and cannot overcome it, then there is big

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<sup>8</sup> Bell, C. (2006). *Peace Agreement: Their Nature and Legal Status*. US: The American Journal of International Law

<sup>9</sup> Bell, C. (2006). *Peace Agreement: Their Nature and Legal Status*. US: The American Journal of International Law

<sup>10</sup> Abbot, K.W., Keohane, R.O., Moravcsik, A., Slaughter A.M., & Snidal, D. (2000). *The Concept of Legalization*. Massachusetts: The IO Foundation and the Massachusetts Institute of Technology

<sup>11</sup> Arnault, J. *Good Agreement? Bad Agreement? An Implementation Perspective*. Princeton, NJ: Princeton University, Center of International Studies. Retrieved from: <http://www.stanford.edu/class/psych165/Arnault.doc>

possibility that the agreement will be broken from the disobedience behavior.

Those obstacles, according to Aranault are:

1. Capabilities

The first obstacle comes from misjudgement of the implementation capabilities of the parties. The capabilities here included the capability to commit or to find the perfect time for the implementation. To avoid the effect of miscalculation, a cautious negotiator will review the content of the agreement or delay or reschedule the implementation. This condition might worsen the relationship among parties and between party and the society. The other party would probably interpret it as a lack of willingness to resolve the conflict. It may be seen as the action to avoid their responsibility to implement the agreement. The society will also be disappointed since they have a big expectation towards the agreement and it has been seen as the hope for the better future.

In the case between ETA and Spanish government, this problem also come before the Point Zero is implemented. In March the Batasuna leader (Arnaldo Otegi, Jose Petrikorena and Juan Maria Olano) were arrested, the meeting of Basque people on 5 April 2006 was banned, obligation to dissolve ETA before the implementation run was declared (said by Josu Jon Imaz (the leader of major party PNV)). All of those actions show how the government try to delay the implementation of the Point Zero which is about decision making that should be done by Basque people.

Those actions can be seen as the efforts which are done to avoid the responsibility to commit as well as to delay the implementation process. It was then interpreted by ETA as the lack of willingness of Spanish government to commit towards the agreement which is then also affecting the ETA willingness to implement the Point Zero

## 2. Political Constraints

Once an agreement is achieved by two parties, it must adapt with political conditions of that state. According to Arnault (2001) there are four factors of political situation that can make the agreement hard to be implemented. First, as the consequences that both parties agreed, they have to obey and bind to the agreement. This agreement doesn't only bind both parties but also the electorate of each side. For the leaders and the middle up classes that are involved directly on the agreement would be easier to go back to the normal condition, while the middle ground electorate would feel uncomfortable in several condition.

The second problem is that while the middle up classes start to compromise, their power to control the electorate is decreasing. So, it would be hard to control the middle ground to gather to implement the agreement. Like what Arnault (2001) said, "*After the war, politically speaking, bipolarity wanes but multipolarity, not consensus, waxes.*"<sup>11</sup> It means even though the middle up



classes settled with the same perspective, the electorate would despair but without synchronizing the perspective.

After those two factors come from lower middle, on the contrary, the other two factors come from middle up classes such as: organizations, sectors, and personal actor that oppose the content of the agreement. The rejection from those parties are usually considered as the part of the pro-contra of the agreement which might affect the change of the content or revision which then also affects the implementation process.

The last factor of political situation that disturbed the implementation process occurred during the promotion of peace agreement. During this time, some communities would help to promote the peace agreement to the people. However Arnault (2001) argues that in this step, it would tend to result the opposite effect. While the pro- agreement community tries to persuade the people to join the peace process, they will likely to have problem with the people who are contra with the agreement. A little pressure from the pro-agreement people possibly would trigger the re- emergence of the movement.

Such political condition also occurred during Point Zero implementation. For example, the third factor showed the challenges came from Rajoy in the congress on 7 June 2006. During the congress meeting, Rajoy opposed the peace process and peace talk between Zapatero and ETA.<sup>12</sup> Less or more his

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<sup>12</sup> Farero, A., Fernandez, G.R., Rivera, I., Ubasart, G. *The Last Peace Process in the Basque Country: 14 Month of Hope*. Barcelona: OSPDH University of Barcelona

statement gave pressure towards the compliance of the government during the implementation.

#### **D. Research Method**

The method used in this undergraduate thesis is by the library research with the help of the printed materials such as books, news papers, journals and reports. In addition, electronic media such as the television news, and online media retrieved from the internet will be used. Therefore all the data collected for this analysis are secondary data. The data will be analyzed using the theory that was already explained before. Although the data collected in this undergraduate thesis is secondary data, they come from the reliable sources.

#### **E. Hypothesis**

The Zero Point could not be successfully implemented because:

1. Regime lack in capability to commit or to find the perfect time for the implementation which led to the suspension of the implementation process and then cause the other party to decrease their belief toward the commitment of that party.
2. Regime is unable to face political constraints (such as influence from insider) that destabilize the desire of party to continue the implementation process.

## **F. Purposes of Writing**

The purposes of the writing are:

1. As an attempt to deepen the understanding of the conflict between Spanish Government and ETA.
2. An attempt to explain why Point Zero failed to be implemented.

## **G. Scope of Research**

The focus of the research will talk about the negotiation between ETA and the Spain government in 2016. Since it will discuss the failure of the negotiation, the focus of the discussion will be on the process during the negotiaton and the implementation process.

## **H. Organization of Writing**

To ensure that this research is organized accademically and easy to be understood the writer will present the analysis in several chapters with specific content:

- I. Chapter one will contain introduction to the issue and explanation regarding the structure of this research paper. The chapter will include: backgrounds, research question, theoretical framework, and hypothesis. The purpose is to introduce and give general explanation about what will be analyzed in this paper.

- II. Chapter two will discuss the conflict assessment to deepen the understanding of the condition of the conflict by mapping the conflict using the Conflict Stages by Eric Brahm. It can help to understand about relationship condition between ETA and Spanish government.
- III. Chapter three will try to prove the hypothesis according to the data and analysis from the previous chapter by using the regime compliance theory and focusing on the lack of the regime and capability of Spanish Government and ETA. The purpose is to prove whether or not the hypothesis is right.
- IV. Chapter four is the continuation of chapter three. It will try to prove the hypothesis according to the data and analysis from the previous chapter by using the regime compliance theory and focusing on the political constrain that must be faced during the implementation process of Point Zero agreement. The purpose is to prove whether or not the hypothesis is right.
- V. Chapter five is conclusion. The purpose is to summarize all the data and analysis of the research.