

CHAPTER II

THE DYNAMIC OF CONFLICT BETWEEN ETA AND SPANISH GOVERNMENT

Before analyzing the reason behind the failed implementation of the negotiation, it is important to deepen the detail information about the conflict. In this chapter, conflict assessment and negotiation process will be discussed to help a better understanding of the conflict between ETA and Spanish government.

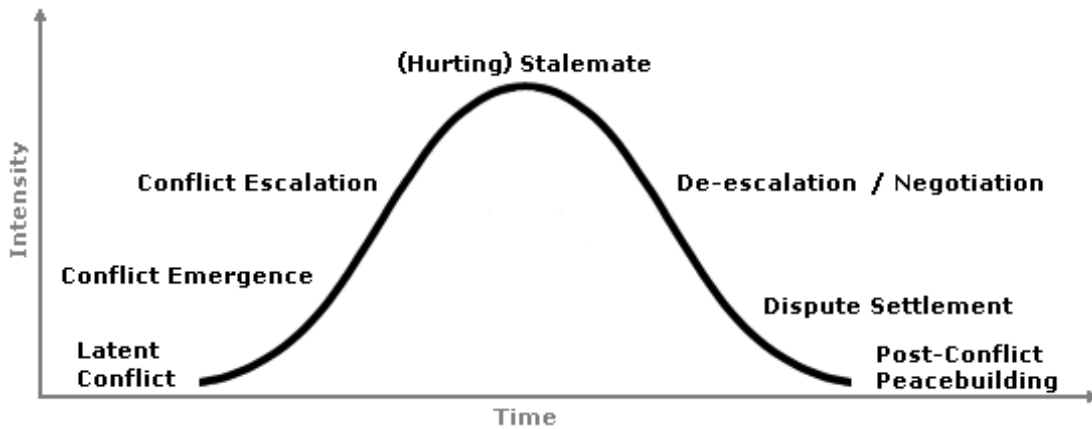
Conflict assessment is an early stage of the conflict resolution. It is an important stage that used to evaluate or map the conflict to describe the dynamics of the relation between conflicting parties which in this case means relation between ETA and the government of Spain.¹³ Meanwhile, negotiation process refers to the process of ETA and Spanish government reached Points Zero agreement.

A. Stages of conflict (conflict assessment)

Many scholars define the stages of conflict differently, but Eric Brahm concludes the basic stages of conflict that best describe the dynamics of conflict. He describe the dynamics of the conflict trough seven stages of conflict, from

¹³ (June, 2012). Conflict Assessment Framework Ver 2.0. Wash: U.S. Agency for International Development. Retrieved from http://pdf.usaid.gov/pdf_docs/pnady739.pdf

latent conflict, conflict emergence, conflict escalation, hurting stalemate, de-escalation, dispute settlement, and then post conflict peace-building.



Stages of conflict¹⁴

a) Latent conflict (source of conflict)

Latent conflict or the source of conflict is the unstable condition or “unstable peace” where, according to Paul Wehr, “the potential for conflict exists, but it has not yet developed”.¹⁵ The source of social conflict is structural problem or the fault of social structure. It is usually relate to economic and politic (Karl Marx) or Cultural matter (Lévi-Strauss). Daniel Katz then concluded these thought. He mentioned three sources of conflict which are

¹⁴ Brahm, Eric. (September, 2003). "Conflict Stages" [Guy Burgess and Heidi Burgess *Beyond Intractability Ed.*]. Retrieved from: <http://www.beyondintractability.org/essay/conflict-stages>

¹⁵ Wehr, P., Collin, R. (1975). “Conflict Emergence” Retrieved from: <http://www.colorado.edu/conflict/peace/problem/cemerge.htm>

economic (inequality), value (incompatibility of ideologies), and power (struggle of power).¹⁶

Usually, in reality, a conflict is caused by more than one source of conflict. Even though, there is possibility that one conflict only have one source, in the real case, the source of a conflict is a combination of two or more sources or have a main sources then supported by the existence of other sources. The more causes of a conflict the more complicated a conflict would be.

Before a conflict outburst, usually those sources have been shaped for a long time but its existence has not been yet realized. The party who get the disadvantage perhaps aware with the existence of the source, but, even when they feel injustice, there is no action taken against this.

b) Emergence

In this stage, the conflict has entered into the realization of the conflict. After long existence of conflict sources that remain silent, finally one or both parties began to recognize the existence of the difference they had and started to take actions to change it. It is usually started by “triggering event” which is seen as a threat to a party existence. This “triggering event” can also bring out the trauma from the past.

¹⁶ Katz, D. (1965) *Nationalism and Strategies of International Conflict Resolution or International Behavior: A Social Psychological Analysis* [H.C. Kelman ed.], New York, NY: Holt, Rinehart & Winston, pp. 356-390.

Louis Kriesberg (2012), in his book, *Constructive Conflict*, mentioned four indications of conflict started to outbreak or emerge.¹⁷ Those are: first, one or both adversaries claim as different unity and assume other as the adversary. Second, one of the adversaries feels injustice with the condition. Third, one of the adversaries takes action to solve the injustice and change the condition by changing the behavior of the adversary. And the last is that the party that feel the injustice optimist to be able to change the behavior of the other party.

c) Conflict escalation

A conflict escalates when the adversaries start to hurt each other. In the previous stages, there have been actions taken but the in this stage it is more intents. In this stage the competitiveness and commitment of the adversaries to achieve their goal is so very big.

After the conflict emerge and parties cannot find the compatibility of the goal between them, they will conclude that the conflict cannot be compromised and began to put effort t change the condition. The use of violence and threat in this process is the beginning of conflict escalation because after a party attack the opponent there will be counter-attack. It happens continuously and makes the conflict bigger.

According to Dean Pruitt and Jeffrey Rubin, there are five things that might change during escalation which are tactic, size, issue and relationship,

¹⁷ Kriesberg, L., Dayton, B. W. (2012). *Constructive Conflict: Escalation to Resolution Fourth Edition*. Maryland, USA: Rowman & Littlefield Publishers.

involved parties, and goal.¹⁸ First, the tactic turns from light (persuasive, promises, etc) to heavy (power, threat, violence). Second, the size of conflict is growing, the number of issues broaden and the parties gathering more sources. Third, the issue become more general and the party's relationship aggravate. Fourth, there are more parties involved in the conflict. Fifth, the goal transform from "doing well", winning until hurting the opponent.

d) (Hurting) Stalemate

(Hurting) Stalemate or Mutual hurting stalemate is the condition where both parties do not have opportunity to win yet no party wants to loss or give up. Both parties did not satisfy with the condition so they try to find the way to escape from this situation. This is the reason why in this stage of conflict considered by Henry Kissinger (1974) as the most suitable moment to propose the negotiation process.¹⁹ This statement also supported by I William Zartman, who stated that in this stage is the best momentum which is important for the success of negotiation process.¹⁹

According to Jeffrey Rubin and his colleagues, there are several reasons why the stalemate occurred: depletion of available to fuel the conflict, the

¹⁸ Pruitt, Dean G., Rubin, J. Z., Kim, S. H., (July 9, 2003). Rubin, *Social Conflict: Escalation, Stalemate, and Settlement*, 3rd edition. USA: McGraw-Hill Professional.

¹⁹ Zartman, I. W., (2003). "Ripeness" [Guy Burgess and Heidi Burgess *Beyond Intractability Ed.*]. Retrieved from: <http://www.beyondintractability.org/essay/ripeness>

decreasing of support by allies, the failed tactics, or because the cost is getting too high for the conflict to continue.²⁰

e) De-escalation

While escalation means the increase of the conflict, de-escalation is the decrease of the tension. After experience stalemate where tactics was failed and resources was used up, it is the time for one or both parties to reconsider the cost and change the way in achieving the goal. In this stage the use of violence and coercive means as well as the number of parties involved are decreasing which then followed by the reduction of intensity and size of the conflict.²¹

Refer to Louis Kriesberg (1998), de-escalation can be affected by interaction within party and or between parties.²² The processes within party can derived from the costs of conflict that not equally distributed. When inside a party there are some electorates who must sacrifice more than the member of the party, it may cause the change of their formation. For further consequence, those electorates might even isolate the member then choose to be more moderate. Another process within party that can also contribute to de-escalation is the competition between leaders of a party. When there is leadership

²⁰ Rubin, J., Pruitt, D., Kim, S.H., (1994). *Social Conflict: Escalation, Stalemate, and Settlement*, 2nd edition. New York: McGraw-Hill, Inc.,

²¹ Maiese, M., (2004), *Limiting Escalation/ De-escalation* [Guy Burgess and Heidi Burgess *Beyond Intractability Ed.*]. Retrieved from: <http://www.beyondintractability.org/essay/limiting-escalation>

²² Kriesberg, L., (1998), *De-escalating Conflicts*. Lanham, Maryland: Rowman & Littlefield Publishers

competition inside of a party, there might be a leader who chooses to be more moderate as the form of strategy.

The interaction between parties that might cause de-escalation include reciprocity, captivity issues, and bonding between parties. After parties experienced stalemate, they will try to avoid the more costs wasted. They will tend to prevent escalation by decreasing their activities (such as over-reacting toward the action from the opponent) and stay focus on the goal. This calmer condition is leading the conflict into de-escalation.

The signal that a conflict started to enter the de-escalation stage is when party tries to give hint to the other party that they open possibility to settle the conflict. It is followed with parties' willingness to join into negotiation as the way to solve the conflict. It shows how parties started to admit that they are interdependent. After that, in order to conduct a successful negotiation, both parties have to respect their opponent and put their commitment during the process. Third party existence, according to Kriesberg (2012), is also important in this process in order to give more pressure and guarantee the commitment of parties.¹⁷ The perfect end of this stage is when negotiation results an agreement which is signed by both parties and ideally under third party supervision and assured by legal law.

f) Dispute settlement

Once de-escalation stage ended and the negotiation reach an agreement, it does not mean that the conflict come to an end. The agreement is only the beginning of peace process that must be followed with the next process which is dispute settlement. Dispute settlement is the time when agreement entry into force to put conflict into an end.

From all processes, implementation process is one of the most important agenda of conflict resolution. Even though the whole process of conflict resolution is a unity that cannot be separated but this process is the core of the whole processes. It is why then this process must be carefully done. Participation of both parties is very important for the success of implementation process. The commitment toward the agreement and respect to the opponent is the very first things that must be kept.

As the conflict enters into this stage, several obstacles might come during the process. One of the most common obstacle is the existence of what so-called as “spoiler”. In every adversary there must be a group of supporter who held an extreme thought who usually do not wish for the conflict to reach solution. These people are either a party who take benefit from the conflict continuation or the extreme nationalistic or religious people. They are so persistent with their thought where persuasion and any concession are not an option to end the conflict. Rather than compromising with the opposition party,

they prefer to use violence to face the conflict. These extremists or hardliners will become such a great influence that will hinder the implementation process.

g) Post conflict peace-building

In the previous stage, the conflict has already solved by implementing the content of the agreement signed by both parties, however this is not the end of the peace process. There is still one more stage that must be completed to reach a long lasting peace. This long lasting peace can be accomplished through reconciliation.

Reconciliation or post conflict peace- building is the last part of conflict stages which is needed to prevent re- emergence of conflict and create a stable lasting peace.²³ The time when a conflict is just solved, the condition is not yet settled. During this period, the parties that involved in the previous conflict are still so sensitive. There is high possibility for conflict to comeback. So, it is needed to build the trust, empathy and dependency, for instance, by making cooperation. Apart from the cooperative attitude from parties involved, the intervention of third party in this stage is very important as the observer to oversee the situation.

B. Negotiation Process and Peace Agreement

To talk about the origin of Basque nationalism, to find the historical roots of the culture difference, the discussion must go back to the era before the

²³ Michelle, M., (September, 2003). "Peacebuilding" [Guy Burgess and Heidi Burgess *Beyond Intractability Ed.*]. Retrieved from: <http://www.beyondintractability.org/essay/peacebuilding>

term of nation state emerged in the early of 16th century. The conflict between ETA and Spanish government is the result of re-interpretation of history about the origin of their culture. The conflict culture discrimination began during Franco dictatorship when the government prohibits the use of Euskera, Basque symbols and other culture expressions. This restriction is as a form of social structure fault which is rooted on cultural problem. Before ETA, there was conflict in 1895 between Basque nationalist movement and Spanish government which then ended by the end of civil war in 1939 which occurred for the same reason.

After the civil war ended, Basque people experienced latent conflict. Basque people were still having no freedom to express their culture. The economic conditions were also very pathetic. People are suffering from hunger and economic hardship. The cultural discrimination and poverty remains but the conflict has not yet emerged. There was no action taken due to this unstable peace.

This condition has been run for almost four decades before finally the conflict between ETA and Spanish government emerged.¹ The condition changed when a group of young people in Basque, *Ekin*, started to feel burden by this condition and desire the change of condition. Through propaganda and sabotage done by EGI and *Ekin* (extremist young people movement in Basque), ETA were established in 1958 and started to take action.

In accordance with four criteria of conflict emergence by Louis Kriesberg (2012), ETA establishment signed the emergence of the conflict.¹⁷ First, the creation of ETA can be considered as the form of the declaration to differentiate their identity from Spain Government. ETA claim themselves as the representatives of Basque people who feel that Basque should not belong to Spain since they have separate territory and different culture and language. Second, they feel the injustice since they can't speak Euskara and express their culture. Even though the feeling of injustice may have come since the four decades before but it is not strong enough to encourage them to take action. Third, the action of ETA such as publishing bulletin full of critics toward government, held demonstration in the street to protest against the policies, can be seen as the form of efforts to change the behavior of Spain government. And the last, through those actions ETA do believe that they can change the government behavior showed by the unstoppable spirit even some of the member of ETA were arrested during the demonstration.

In the first few years ETA's activities only include meeting and some violence to rob and get money. However, the conflict escalate and became more violating in 1968 when they started the killing action, which then led to the arrest of the ETA members. The government also declared the State of Emergency which can be seen as the sign of the deteriorating situation.

The conflict's even more escalating when the first bombing occurred in 1973 which is called as "Operacion Ogro". This action then responded by the

government by creating the new anti- terrorism law and giving bigger right for the police to combat terrorism.

Until the Franco death in 1975 the conflict keeps rising. After two times the regime changed (Adolfo Suárez 1976-1983 and Felipe González 1982-1996), the conflict even got worse. The government used violence by creating the paramilitary group to fight against ETA. While ETA also fight back with violation. After the death of Franco in 1975, Adolfo Suárez was elected and become the prime minister of Spain in July 1976. The new leader conducted negotiation with all the opposition parties in Spain. During the democratic revolution of Spain the different thought came up inside the organization. ETA was divided into two groups, there were ETA PM and ETA M. PM is abbreviation of Politiko-Militarra or Politic-Military. It was consist of ETA members who believe in the use of politic and military. While on the other hand, M refer to Militarra or Military which means ETA M only adopted military. On the negotiation with Adolfo Suárez ETA PM agreed to stop the armed struggle with the provision that ETA prisoners are released while ETA M rejected the negotiation and abstain on the election.

ETA M continued to oppose the government with coercion. The ETA M massive attack occurred in 1980. ETA performed kidnapping, robberies and killing 85 people. The victims include suspected informer, policemen and military officer. The government of Spain ordered the BVE (Batallón Vasco Españõl or Basque Spanish Battalion) to counter ETA. After 3 years since

formed in 1978, BVE was dismissed in 1981 when it is considered to cause the contra effect from what is purposed from the establishment.

Another paramilitary group was formed after the new government, Felipe González (Socialist Party/ PSOE), was elected in 1982. It is called as GAL (Grupos Antiterroristas de Liberación) which means Antiterrorist Liberation Group. GAL was mostly active in the main bases of ETA which is French Basque Country. 23 people were murdered by GAL whom most of them are not member of ETA. It is known as Dirty War, since the government was suspected included in dirty strategy during the counter attack. The court convicted that most of the elder member of antiterrorist in 1980 and GAL related crimes involving the prime minister, Felipe González. As the former group, BVE, GAL was also not suitable with what is expected from its establishment. This group was dismissed in 1986. Even the France government supported the dismissal of GAL.

In 1985, ETA killed an American citizen, Eugene Kent Brown, and caused 6 persons injured by car bombing assassination in Madrid. A year later, on July 1986, one of the ETA leaders was arrested in France, transferred to Gabon on 13 July, and then deported to Algeria. On the next day, 14 July, ETA bombed Plaza República Dominicana. It caused the death of 12 peoples and 50 people injured. And still in the same year, ETA murdered a civilian, Maria Dolores Katarin, whom was the former member of ETA. On 19 June 1987, the

third bombing occurred in Hipercor shopping center, Barcelona that killed 21 people and injured 45 people.

The conflict continued to enter stalemate stage. Referred to Jeffrey Rubin (1994), in this case Stalemate occurred because of the failed strategy and the depletion of available to fuel the conflict. Even some other factors also influence the stalemate but the most significant is those two factors.

After Felipe González elected as the new President of Spain in 1982, the winner party of the election, PSOE, in the Socialist International meeting in Rome, declared “*support for the Spanish democracy by recognizing the need to intensify co-operation to fight terrorism*”.⁶ However, two days after the election PSOE declared that the dialogue will only be conducted to surrender. Those two opposing statements make the dialogue process stuck.

The even worse action taken by the government is the creation of GAL and other paramilitary group to combat ETA and the opposition party, which is allowed to use violence. The problem is that they also use violation to the Basque refugee which is also opposing the democratic principle. That moment even called as Dirty War era.

Not only failed in stopping ETA’s activities, ETA even challenges the government to choose either become “*the guarantor of democratic liberties or, the allied bridge of the so-called pro-coup reaction*”.⁶ As the conflict become

more internationalized the government also get pressure from the other country to use the negotiation to solve the conflict.⁶

While the government has failed in creating the strategy, ETA has experienced depletion of available to fuel the conflict. The most influencing factor that weakening ETA is the high number of ETA leader that arrested by either government of Spain or government of France which obviously this is decreasing the opportunity of ETA to win the battle.

During stalemate both parties have almost had no opportunity to achieve their goal. The government got a pressure from international society from the statement about the promise to use democracy to solve the conflict while the fact doesn't match the reality and ETA is also weakening by losing so many leaders who got arrested. However, neither of them want to lose or surrender.

After stalemate, the conflict experienced hard time and there was up and down relationship between parties. There are several times ETA declared a ceasefire and proposing a peace means to resolve the conflict. However as much as the meeting held, the deal never really achieved.

After experiencing stalemate, both parties reconsider the cost of the conflict and start to think about negotiation. As mentioned by Louis Kriesberg (2012), both parties started to find alternative solution after there were evident of failure in the past.¹⁷ On 28 January 1988, ETA tried to conduct negotiation in Algeria and then declared ceasefire for 60 days which then known as Algiers

Table. In November the government of Spain accepted the proposal and met all the political parties before the negotiation. In negotiation attempt an agreement was achieved, but it stopped before being implemented. Even though, the negotiation was failed but this meeting is a good sign that the conflict started to change the violence means into democratic way.

Three years later, ETA proposed “Democratic Alternative”. It was a peace proposal where ETA promised to stop the violence and any arm struggle if the government of Spain release all the ETA prisoner, give the right of self-determination for the people of Basque, and declares recognition towards the sovereignty of Basque country. The proposal was rejected by the government because it is considered as unsuitable with the Spanish Constitution of 1978.

After the rejection, ETA continued the violence. In 1995, ETA tried to murder José Maria Aznar (the leader of Partido Popular) by car bombing but it was failed. Another assassination was addressed to King Juan Carlos which was also failed. However, ETA’s killing attempt has not been stopped there. Two years later on 10 July 1997 Miguel Ángel Blanco was kidnapped and killed after government of Spain rejected to exchange prisoner between him with all ETA’s member in prison.

On 6 November 2001, ETA committed car bombing in Madrid that injured 65 people. Later, on 11 September 2001 USA issued a statement against the terrorist through increasing the coordination with international police and

several “anti-terrorist” law (such as freezing terrorist bank account) which then also affecting ETA. The condition was even worse after in 2002 Jarrai (Basque nationalist youth movement) was outlawed by the government as well as Herri Batasuna (the “political arm” of ETA). The other mischance occurred on 24 December 2003 when two members of ETA was arrested while putting dynamite in Charmartin Station.

In this stage, even though violation still existed, but the amount of violation is decreasing. It can be seen from the distance of the use of violation and the number of casualties. ETA’s two murder attempts occurred in 1995 with no casualties, then it take two years for the murder with one person killed in 1997, and take longer time for ETA did car bombing in 2001 with no one killed. So that there was only one person killed during 1995-2001.

Despite the changing process comes from the inside of adversaries, de-escalation also more and less as a result of third party support. There are several parties that support this conflict to be solved through peace way. From other state, the support of peace talk came from French. In the meeting between Felipe González (Spanish Prime Minister) and François Mitterrand (French Landes), French government criticized about dirty war and its impact and suggested peace solution. Another support also derived from the existence of a non-governmental organization was established in 1985 which is known as Coordinaro Gestopor la Paz de Euskal Herria (gesture for peace or Association for Peace in Basque Country). This is an independent organization that concern

on peace and protection of human right especially on the right to express opinion. Gestoporla Paz active in was publishing the hidden violence issues. The article published is about data of the victims, chronology, and suspect related to political violence that caused by both, GAL and ETA as well as other parties such as MLNV (another separatism group). As the result of the awareness of both parties regarding the failure from the past and support from third parties the violation is decreasing and the negotiation attempt is increasing.

A good beginning of dispute settlement came after the President election in 2004. In August, ETA proposes a letter asking for possibilities to conduct a dialogue. Batasuna (patriotic left-wing party) responded it with launching a new political initiative that called as “*Now, the People, Now the Peace*” (*Anoeta proposal*) on November 14th.⁶ The proposal is about the suggestion to conduct talks to solve the conflict. It was announced in front of more than 15.000 people and got a good response from other parties. To realize that proposal, Batasuna then submitted an open letter urging the President, Rodriguez Zapatero, to “*do everything in [his] hands to take the political and armed conflict to a definitive overcoming phase*”.⁶ In the next day, Zapatero responded with “*if, once and for all, the blasting sound of bombs and guns stops*”.⁶ This statement was a good sign to begin the peace process. ETA and government finally conducted in July, 2005 and agreed on Point Zero agreement.

The uncompromising behavior of government that ignores the wish from more than 15.000 people and some parties to overcome the problem by peace process is broken by the fact that government of Spain agreed to have meeting with ETA. It shows that the ego of adversary is decreasing. It is a form of effort from government of Spain to understand the point of view of ETA and Basque people. The meeting was resulting Points Zero Agreement.

To actualize Point Zero, Spanish government declared ceasefire as soon as the agreement signed and published. It is followed by ETA 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 14th ETA stated that negotiation process could not proceed. After that the ceasefire officially ended in 30 December 2006, when ETA committed car bombing at parking area of Madrid- Barajas Airport. It killed 2 peoples and injured 52 people. As response from the bombing, the President announced the discontinuation of the “peace process”.

That statement showed the end of the Point Zero agreement. The agreement which was signed by ETA and Spanish government has not yet entry into force. The peace agreement has stopped before enter into post conflict peace- building, the last stage of conflict stages.

The inconsistent statement from the government has created double standard. The previous statement stated about democracy which means that the people have freedom to speak and express their opinion but the second statement means that ETA (which is also the part of people of Spain) cannot deliver their opinion because the dialogue would only ask for surrender. Or it can be considered that there is no dialogue at all because dialogue should be about discussing to achieve the win- win solution.