

## **CHAPTER IV**

### **POLITICAL CONSTRAINS DURING POINT ZERO**

#### **IMPLEMENTATION**

After discussing the capabilities of adversaries in the previous chapter, the discussion will be continued to the political constraints that must be faced after the agreement achieved. Beside capability of parties, the political situation around the implementation process is very influential.

Once an agreement is achieved by two parties, it must adapt with political conditions of that state. According to Arnault there are four political situations that can make the agreement is hard to be implemented. These four obstacle are the form of political constraints that will be used to analyze failure of Point Zero during implementation. In order to clearly understand about the analysis, this chapter will be divided into four subs to describe each of these four obstacles separately.

#### **A. The Reduction of Power of Each Adversaries**

While leaders of each party start to compromise, their power to control the electorate is decreasing. So, it would be hard to control the electorate to gather to implement the agreement. Like what Arnault said, *“After the war, politically speaking, bipolarity wanes but multipolarity, not consensus,*

waxes.”<sup>46</sup> It means when ETA and Spanish government started to blend, the electorate despair without consensus. The people are no longer supporting both sides so that it would be hard for the agreement to be implemented together by both ETA and Spanish government and the supporters of both adversaries.

There is no certain measurement that shows whether or not ETA and Spanish government are losing their power when they start compromising. For ETA, Point Zero brought a new hope for all the struggles they’ve done. The big possibility for them to achieve independency such as mentioned in the first point, “*That the Spanish government would respect the decisions that the Basque citizens freely make about their future*”.<sup>47</sup> Rather than reducing the power, it seems like ETA is gaining back their cohesiveness. It can be seen from the demonstration held in Bilbao, on the 1<sup>st</sup> of April, which is initiated by Table for Dialogue and Political Agreement (Batasuna party, Aralar party, EA party, nationalist unions, and social forces). This political agreement was held to support the ETA permanent ceasefire declaration on 22 March 2006.

Another form of support can also be seen from the effort of Batasuna during October and November to create a meeting with three main political forces (Batasuna, the PSE, and EAJ-PNV) promoting the configuration of a dialogue to continue the peace process. Common understanding on the key

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<sup>46</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>

<sup>47</sup> Zabalo, J., Aiartza, U. *The Basque Country: The Long Walk to a Democratic Scenario*. Berlin: Berghof Conflict Research

elements of the conflict that try to be reached by three political parties is the right to decide and the territorial configuration of the country with the end of the division. Even though the meeting could not reached a final formulation but the effort of Batasuna to hold this meeting could be seen as a proof that the power of ETA to control the electorate did not decreasing.

While on the opposition side the agreement brought a positive effect regarding to the power of ETA to control the electorate, on the side of Spanish government there wasn't many changes. Even though there was no certain event clearly described the situation but things seem to run contrary.

Point Zero agreement was like affecting the power of the President towards the electorate (parliament/ political parties). It can be seen from the statement of the president of EAJ-PNV, Josu Jon Imaz, about the complete disarmament of ETA before peace process continue and the statement of PSOE that they would not have peace talk publicly before Batasuna was legalized. Those statements were opposing the previous statement of President Zapatero right after ceasefire declared on 17 May 2005 to guarantee the Point Zero implementation process. On the Zapatero announcement said, "*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***". While President were putting efforts to manage peace process (such as: making statement after declaring ceasefire to support the Point Zero agreement (including the reduction

of police pressure, giving an equality of political right for left-wing parties, and abolish detention from any military forces) and ordering PSOE to hold peace talk with Batasuna), the political parties on parliament were like avoiding the peace talk.

Those contradictory statements against the President statement proved that the power of government to control the electorate was reducing. The inability of Zapatero to synchronize their thoughts and actions, to support the will of President to stop the violation with peace attempts, showed how actually his power as the head of state was diminish.

The power of President to control those parties is really important during implementation process. When the President is less powerful then it will trigger the emergence other factors such as existence of “spoilers”.

## **B. The Existence of Spoiler during Peace Process**

Another factor that can cause failure in implementation of an agreement is the existence of “spoiler”. Refer to Stedman (1997) spoiler is “...leaders and parties who believe the emerging peace threatens their power, world view, and interest and who use violence to undermine attempts to achieve it”.<sup>48</sup> In other word, spoiler is an organization, sector, and personal actor that oppose the content of the agreement.

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<sup>48</sup> Stedman, S. J. (1997). *International Security: Spoiler Problems in Peace Processes*, Vol. 22, no.2, pp.5-53. Retrieved from: <http://www.jstor.org/stable/2539366>

In an agreement, one party must get more benefit than the other. There is no such agreement which bring an exactly equal solution that covers all the demand of all conflicting parties. The existence of the loser or the party who get less benefit from the peace is the source of the spoiler. Those who see that peace is not beneficial enough for them are likely to be spoilers.

Looking at the content of Point Zero agreement, from the first until the last point, all are making direction to ETA's goal. Since the first establishment, the main objective of ETA is the freedom of Basque people that refer to the establishment of a new sovereign state for Basque. The first until third point clearly mentioned about the approval of the government for the Basque people to decide their own future. It means that there is big possibility of ETA to create an independent sovereign Basque Country only by persuading the Basque citizens. The only requirement and limit which was emphasized in the agreement was no violation means used. The benefit from the agreement event strengthen with the statement that made by President after the ceasefire declaration.

In this state, Point Zero is so beneficial for ETA. So that it can be seen that there is no particular party within ETA who is trying to undermine Point Zero implementation. Therefore, it means that Spanish government is the side who get less benefit and likely to generate spoilers.

Like discussed in the previous point of political constrain, from the government side, there were two political parties who tried to undermine the implementation process of Point Zero. One form of unpleasant response of the spoiler was a statement said by Josu Jon Imaz, the leader of EAJ-PNV. When in Point Zero there is no actual sentence that mentioned about full disarmament, yet he made a new requirement for ETA to fully disarm before the peace process is continued. As the losing party, this statement can be interpreted as a form of obstacle that they give to revoke the unbeneficial agreement.

Another proof is the event when PSE mentioned about its unwillingness to hold an opened discussion with Batasuna before it is legalized.<sup>6</sup> This can be considered as the attempts to discontinue the peace process because it is such irrelevant statement. Right after ceasefire was declared by President Rodriguez, the president statements clearly mentioned on the third point of the declaration that left-wing party has the same equal political right without limitation as much as the right of other political parties.<sup>11</sup> This statement was really suitable and supportive towards the third point on Point Zero about the responsibility of Basque political parties to organize the citizen opinion to find the final decision for Basque future. However, president statement and Point Zero that should become the fundamental thought of the actions taken regarding the peace process seems neglected by these spoilers.

This fact is in accordance with the characteristic of inside spoiler said by Stedman (1997) that the spoiler who directly involved in the peace

agreement would likely to hide their motive to discontinue the unbeneficial process.<sup>48</sup> They will keep their good image by minimizing the use of violent as much as possible and use it as a tactic to deceive the opponent.

In the process of Point Zero implementation, the behavior of PSE and EAJ- PNV showed the characteristic of inside spoiler. Rather than using violence they try to push ETA to its limit by making such pressure. Such irrelevant statements were a form of tactic used to hide their motive to contra against Point Zero which is so unbeneficial for them. By avoiding the public peace talk with Batasuna, PSE tried to hide their unwillingness to implement the peace process. While actually those actions are the effort to push ETA to break the rule and make Point Zero failed.

### **C. The High Tension that Remain after Agreement Signed**

The last factor of political situation that disturb the implementation process is occurred during the promotion of peace agreement. During that time, some communities or formations will help to promote the peace agreement to the people. However Arnault (2001) argued that in this step, it would tend to result the opposite effect.<sup>11</sup> While the pro- agreement parties try to persuade the people to join the peace process, they will likely to have problem with the people who oppose the agreement. A little pressure possibly would trigger the re- emergence of the movement.

It is so common that after the agreement was made, the condition will seem to be calmer but actually in this period the tension is not fully settled. The change of the condition makes people stay in their awareness anticipating the unfamiliar changes. It is especially happened within those who feeling displeased with the agreement. They will anticipate the negative impact of the agreement. It is what makes the condition is in high tension and sensitive.

During the implementation of Point Zero, there was not many of help come from other party such as NGO or any formation. After both parties declared ceasefire, there are some support comes. A good response from the Basque society and politician can be seen from the arrangement of meeting held by Table for Dialogue and Political Agreement (Batasuna party, Aralar party, EA party, nationalist unions, and social forces) with more than 80,000 people participated.<sup>6</sup> There was also a result of survey from the Basque Country University's Eurobarometer that shows 90% of the Basque people continued hoping that peace would be consolidated in the next few years.<sup>6</sup> Those activities are a form of support and positive response but there is no big impact towards the agreement.

The only direct activity related to the implementation was held by the Batasuna on 5 April 2006 to promote the agreement and discuss the decision people would take regarding Basque future was banned. Fortunately it caused no re-emergence of conflict. Batasuna continued their effort by making dialogue with other political parties and else but using violent.



From international society, there were actually some attempts to support the peace process when there is crisis of trust during the implementation. First, support of international figure (such as Francesco Cossiga, Mário Soares, Cuauhtémoc Cárdenas, Gerry Adams, Kgalema Motlanthe, and Adolfo Maria Pérez Esquivel) urged both parties to eradicate the causes of the conflict and seek democratic solutions. Second, a declaration of the European Parliament also supported a negotiated solution. Also the last comes from The Friendship Group, formed by members of the European Parliament from different parties and countries in favor of a peace process in the Basque Country, helped to raise support within the European Union. All these progress that called as Truce declaration was failed.<sup>6</sup>

The failure of truce declaration was caused by the violation towards the promises. After the declaration of truce there were 45 person summoned and 53 political initiatives banned. More over 106 people arrested since the ceasefire declared in March, which 33 were being in jail and 2 were reported being tortured, and 227 people were judged in 75 trials in both, Spanish National Court and Section 14 of the Paris High Court.

This failure then came as trigger of the re-emergence of the violent movement. ETA who was already agreed on the permanent ceasefire is back to violence means. On 30 December 2006, ETA committed car bombing at parking area of Madrid- Barajas Airport. It killed 2 peoples and injured 52 people.

From the discussion in this chapter, it can be seen that there are political constraints that must be faced by Spanish Government and ETA. The reduction of power which cannot be avoided by Spanish Government, the existence of “spoiler” and the high tension during the implementation that cannot be handled by ETA and Spanish Government were affecting their compliance towards Point Zero. This compliance issue then lead to the ending of Point Zero.

## CHAPTER V

### CONCLUSION

ETA was established on 31 July 1959 as the result of prohibition of the use of Euskera or Basque language and to express the Basque culture during Franco era. In July 2005, ETA and the government of Spain conduct a closed meeting which result an agreement which is called as Point Zero. The content of Point Zero is a draft of a peace-opening which the main points are agreement from ETA to declare ceasefire and the government gave freedom to the people of Basque to decide their own future in 6 months after ceasefire declared. However, the peace process stopped.

The reason behind the failed implementation was analyzed using regime compliance theory which describe about why actors comply or do not comply the law.<sup>49</sup> Jean Arnault (2001) mentioned several important challenges that may influent the commitment of regime during the implementation process.<sup>50</sup>

First, while the agreement has no legal law and third party does not exist to guarantee the adversaries compliance, the capability of parties to commit during the peace process. For Spanish government to break the content of the agreement and refuse the further peace process was the form of the cautious

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<sup>49</sup> Zaelke, D., Kaniaru, D., Kružiková, E., (2005). *Making Law Work: Environmental Compliance & Sustainable Development*. London, England: Cameron May.

<sup>50</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>