

## 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>

negotiator who tried to avoid their responsibility towards the agreement. In the other hand, ETA who end up breaking the agreement and ceasefire by comeback using the violent means with doing car bombing on Barajas airport is also proving their lack of capability to comply Point Zero.

Second, parties unable to face the political constrains during the implementation of Point Zero. The first is reduction of the President of Spain power in controlling its supporters so that they become the obstacle during the peace process. It is proved by the contrary statement of the leader of political parties (EAJ-PNV and PSE). The second is existence of spoiler from the government side (EAJ-PNV and PSE) who tried to stop or discontinue the peace process as the result of the feeling of dissatisfaction towards the content of the agreement. And the last is even under the ceasefire declaration, Spanish government keep banning and limiting the move of Batasuna to follow up the content of Point Zero. It trigger ETA to go back to use violence and the conflict was re-emerged.

So, it can be concluded that Point Zero was failed because of the lack of regime in term of legal law and third party existence, the inability of Spanish Government and ETA to calculate their compliance towards Point Zero, the power reduction of Spanish Government to control its electorate, 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 led to the ending of Point Zero.