

# From ceasefire to disarmament without states

## Lessons from the Basque Country

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On 8 April 2017, Euskadi Ta Askatasuna (ETA), the last autochthonous armed group in Europe, gave up its weapons. Formed in 1959, ETA fought for the unification of the 'Basque homeland' (four provinces in Spain, including Navarre, and three in France) and self-determination. After almost 60 years of armed activity, ETA disarmed unilaterally. More than 3.5 tonnes of weapons and explosives were picked up by French security forces. This was hailed as a 'great step' towards peace and security in Europe by Matthias Fekl, then the French Minister of Interior. ETA's disarmament came without any negotiations with the Spanish government and more than six years after ETA announced an end to violence. Throughout these six years, the governments in Spain (where ETA killed over 800 people) and France (where it had operated clandestinely and hidden its weapons) refused to engage directly or indirectly with ETA. While this position, combined with intense police pressure, served to further debilitate an already weak ETA, it also complicated its disarmament.

A combination of actors, including the Basque government, civil society organisations in the Spanish and French Basque Country, and unofficial international actors, emerged to make ETA's disarmament possible. Among these and as described in more detail below, the International Verification Commission (IVC), set up by the Dialogue Advisory Group (DAG), a Netherlands-based

mediation organisation, played a key role in monitoring ETA's 2011 ceasefire and helping to facilitate its unilateral disarmament. The ceasefire and disarmament processes were unique. But there are lessons that could apply beyond the Basque Country and indeed beyond Europe. In situations where states are politically constrained in engaging with armed groups, inspiration may be drawn from this experience where a regional government took the political lead and civil society and international actors played active roles in giving the process broader legitimacy.

This article explores the specific conditions and the constellation of actors that facilitated ETA's unilateral disarmament in a process marked by informality. It reflects on the informal pathways for dialogue and the creative thinking that made disarmament possible in the absence of a formal process. While recognising the crucial efforts of various official and unofficial actors in the years that led to ETA's 2011 ceasefire, the article focuses on the road from ceasefire to disarmament, from 2011 to 2017. Given the author's personal involvement in the process, it also centres on the role played by DAG and the IVC.

### **The absence of state involvement**

Since the 1980s, different Spanish governments had combined a policy of tough counterterrorism measures with discreet talks at specific stages to try to bring an end to ETA's violence.



**The area claimed as the Basque homeland by the Basque pro-independence movement.**

*This map is illustrative and does not imply the expression of an opinion on the part of Conciliation Resources concerning the delimitation of the borders of the countries and territories featured.*

In November 2011, the return to power of the conservative Partido Popular (PP), led by Mariano Rajoy, ushered in a period in which there would be no talks. The government also rejected all international overtures for engagement on ETA and refused to relocate ETA prisoners closer to the Basque Country, a central issue for the armed group. This would create a unique situation. Jonathan Powell, chief of staff to former United Kingdom Prime Minister Tony Blair and Director of InterMediate, a private diplomacy organisation, described in the *Financial Times* in 2014 how, 'no government in the world has ever said no when a terrorist group offered unilaterally to get rid of its weapons'.

The PP's position was largely a result of its vocal criticism of the previous Socialist government's (2004–11) talks with ETA and the intractable opposition of parts of its support base, including ETA victims' associations and right-wing media, to any engagement with ETA. The experience of failed talks in 2006 – and ETA's bombing of Barajas airport in Madrid in December the same year – also still loomed large. Perhaps most importantly, ETA was so weakened by arrests that PP leaders and most of the public believed it to be on the verge of defeat.

In the final year of the Socialist government's tenure, on 10 January 2011, ETA announced a 'permanent', 'general' ceasefire. Such ceasefires had been announced before, in 1989 and 2006, eventually collapsing into renewed violence. However, this was the first time ETA called for the ceasefire to be verified by the international community and offered it without conditions. The ceasefire would remain in place until ETA's disarmament in 2017.

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While the Socialist administration had not been willing to re-engage directly with ETA, it had given space for international actors to do so openly. A 'semi-formal' process had thus emerged, where internationals could negotiate a choreographed, confidential 'road map' for ending violence with ETA. This envisaged prominent international figures publicly calling for action from ETA, ETA promptly responding, and the Socialist government making (ostensibly) un-connected changes in policies affecting ETA prisoners within the scope of the existing laws. In October 2011, international notables led by former UN Secretary-General Kofi Annan convened at the Aiete Palace in San Sebastián to call on ETA to end its armed operations. The Socialist government did not participate but allowed

the conference to take place. As then-Interior Minister Rubalcaba noted, 'if the price to pay for ETA to abandon its violence is that Kofi Annan comes to San Sebastián, I would buy the ticket myself.' Three days after the Aiete conference, ETA announced the end of its armed activities.

As part of this 'road map', ETA expected a 'peace for prisoners' process, where ETA steps would lead to changes in the government's policy on ETA prisoners. Yet all space for a semi-formal process evaporated with the PP's victory at the polls a month after the Aiete conference. Those seeking to end the violence had to revert to an exclusively informal process, with no state involvement. This effectively meant a return to a very preliminary stage of the process, where dialogue with ETA was politically and legally contentious, trust had to be (re-)built and creative ways identified to move forward.

### **Other actors step in to fill the vacuum**

Where the central government in Madrid was absent after November 2011, regional authorities stepped in to offer institutional leadership and legitimacy. The Basque government (the governing body of the Basque Autonomous Community in Spain) – both Socialist and, following regional elections in 2012, the Basque Nationalist Party (PNV) – engaged publicly in the verification of the ceasefire. In late 2014, the Basque government presented a proposal for an 'orderly ETA disarmament', which included some of the elements of ETA's eventual disarmament in 2017. Basque President Iñigo Urkullu maintained a communication channel with Prime Minister Rajoy, informing him of developments and calling for greater flexibility on issues of prisoners and disarmament. Urkullu was also a key supporter of the IVC, travelling to Madrid to publicly stand with members of the IVC when they were called to testify before the High Court in 2014 (see section on IVC below).

Where regional authorities provided political cover from above, Basque civil society infused ideas and broader support from below. Grassroots organisations like Lokarri – a citizen's network established in 2006 to promote peace, dialogue and reconciliation in the Basque country that had worked to delegitimise ETA's use of violence – now organised public events seeking to generate momentum and ideas by learning from other peace processes. A Social Forum was created in 2013 resulting in recommendations on various issues, including the key idea that ETA symbolically hand its weapons over to civil society. [Lokarri founder Paul Rios describes in *Accord* 25 in 2014 how the Social Forum was part of efforts by Basque social movements to mobilise support for a more participatory peace process – see further reading]. French Basque activists later took this idea to the extreme, assuming a risky, direct operational role in advancing ETA's

disarmament. In December 2016, several activists were arrested in France in the process of disabling 15 per cent of ETA's weapons.

Basque political pro-independence forces historically associated with ETA had played a key role in convincing ETA to move unilaterally towards ending violence. Since the breakdown of direct talks between the Socialist government and ETA in 2007, pro-independence (*Abertzale*) left leaders such as Arnaldo Otegi and Rufi Etxebarria embarked on a long negotiation process with ETA to persuade them to take unilateral steps towards peace. They understood that elections and not violence would be the best way to reach their objectives. By 2012, a year after ETA's ceasefire, the *Abertzale* left alliance had already become the second-largest political force in the Basque Country. A key challenge at this point was to prevent dissident factions from breaking away, as had happened in the Northern Ireland peace process with the emergence of the Real Irish Republican Army. The move to nonviolence took time, through broad internal consultations and strict internal discipline, but the different steps needed were finally taken. Delays caused frustration within Basque society but helped give confidence that the end of violence would be definitive.

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Finally, a range of international actors, working both publicly and privately, completed the picture. The Centre for Humanitarian Dialogue, a Swiss-based 'private diplomacy organisation', had been working discreetly in the Basque Country since the early 2000s, facilitating confidential talks between ETA and the Socialist government in 2006 and continuing to engage ETA on ending violence. An International Contact Group, which was created by South African lawyer Brian Currin in 2011, had a more public role, seeking international support for a negotiated solution and calling for an ETA ceasefire. Jonathan Powell worked publicly and privately, helping to make the Aiete conference possible and confidentially engaging significant actors up to the time ETA gave up its weapons. As described below, the IVC helped verify ETA's ceasefire and facilitate its disarmament.

In the absence of state involvement, ETA could respond to international demands and internally claim international recognition for progress. Importantly for the Spanish government, the fact that these were all

unofficial actors allowed Madrid to dismiss them publicly as 'ill-advised' private enterprises and maintain its uncompromising position.

### **The International Verification Commission**

When it announced a 'permanent, internationally verifiable' ceasefire in January 2011, ETA still held some hope for official UN or EU international monitoring. As this was unacceptable for Spain, Basque and international actors conceived an unofficial body with the technical mandate of monitoring the ceasefire, which subsequently received the tacit approval of the Socialist government.

The IVC was set up in September 2011 by DAG. DAG had experience with sensitive informal political dialogues, particularly in Northern Ireland where it had facilitated the decommissioning of the second largest 'dissident republican' group in 2010. DAG Director Ram Manikkalingam and Assistant-Director Fleur Ravensbergen would serve as Chair and Coordinator, respectively.

Other IVC members included a former South African Intelligence Minister and the former British head of prisons in Northern Ireland, giving the IVC expertise and placing it beyond suspicion of partiality. The IVC quickly received the support of a cross-section of Basque actors, including the Basque government, all political parties except the PP, the Catholic Church, business and trade unions.

In practice, the IVC's added value would become its contact with ETA and with all the relevant Basque stakeholders. The IVC's way of working collectively with different Basque actors, including some who had not sat together in years, helped build trust that the 2011 ceasefire would not fail as previous ones had. As the public face of the ceasefire, the IVC steered away from political issues such as prisoners and reported publicly on the outcomes of its consultations on the state of the ceasefire. This moved a previously opaque, secretive process out into the open.

The IVC engaged with Basque stakeholders to directly address contentious issues, such as whether ETA members continuing to carry weapons, or supporters engaging in violent protests, constituted ceasefire violations. More importantly, the IVC helped manage the extremely tense relationships between some Basque actors, sometimes sending messages between groups or testing ideas informally.

The IVC's relationship with ETA was challenging. While the IVC commended ETA in public for sticking to its ceasefire commitments, in private it was very critical of ETA stalling on further unilateral steps. The IVC did not hesitate to use the limited leverage it had to apply pressure on ETA,

including by publicly threatening to end its role if there was no further movement towards disarmament. In early 2014, ETA released a video to the BBC showing two IVC members witnessing the first sealing of ETA weapons in an undisclosed safehouse. Members of the IVC were then summoned to testify before the High Court in Madrid about their engagement with ETA. While the sealing did not meet public expectations of complete disarmament – which affected the Commission’s standing with Basque stakeholders and the broader public – the IVC proved to ETA that it was willing to take personal and political risk to advance the process. Thereafter, ETA announced a new role for the IVC – to verify that all ETA weapons would be ‘put beyond operational use’.

#### **A formula for disarmament**

In April 2017 a window of opportunity for disarmament emerged. Since the general election in October 2016, the PP had been in a minority government that depended on PNV votes in Parliament. Basque President Urkullu thus sought assurances that the Spanish government would at least not create obstacles for disarmament, mainly by not blocking the minimal cooperation needed from the French government to make disarmament operationally feasible. The Basque and Navarre governments passed official resolutions through their respective parliaments calling for an orderly disarmament facilitated by the IVC. The French Basque region’s president, together with Basque civil society activists, assumed a key role engaging other French authorities to convince France to treat disarmament as a pressing internal security issue.

In this context, ETA accepted a formula where it would hand over the locations of its arms caches to French Basque civil society representatives, who would hand the information over to the IVC. The IVC would then immediately give this information to French legal authorities. Although symbolic, this formula permitted ETA not to lose face by saying they were responding to a call for disarmament from the Basque society they claimed to fight for. Their decision to finally disarm was also likely the result of a little-known concern: the fear that Marine Le Pen of the far-right National Front would win the upcoming elections in France, leading to a security crackdown.

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On 8 April 2017, a small ceremony took place in the city hall of Bayonne. Matteo Zuppi, the Archbishop of Bologna and member of the Rome-based Sant’Egidio Community, and the Reverend Harold Good, former President of the Methodist Church in Ireland who had also been involved in decommissioning in Northern Ireland, participated as international witnesses. Hours later, French police were arriving to eight arms caches in southern France, where



Mayor of Bayonne Jean-René Etchegaray, DAG Director Ram Manikkalingam, French activist Michel Tubiana and international witnesses Cardinal Matteo Zuppi and Reverend Harold Good during handover of the location of ETA’s weapons, 8 April 2017. © Iban Gonzalez





'Peace Artisans' secure one of the eight ETA weapon dumps handed over to the International Verification Commission to ensure ETA's full disarmament, 8 April 2017. © Artisans de la Paix CC BY-SA 3.0

Basque civil society had symbolically positioned themselves. ETA had finally disarmed. One year later, it would declare its own dissolution.

### Lessons for other processes

In many contexts, traditional approaches to ending violence, involving formal negotiations between conflict parties, under a lead mediator, are no longer realistic or politically feasible. In such situations, informal, creative and cooperative solutions are needed. The unilateral process that successfully led to the end of ETA occurred without the involvement of states, but with the active participation of both local political actors and civil society, and international partners acting unofficially. However, it was a difficult process with significant drawbacks and risks. It is therefore important to learn both the positive and negative lessons of the Basque Country experience.

Negotiations with the state may not be necessary for an armed group to disarm. Where a state conflict party will not engage in dialogue with a non-state armed group, a minimum practical requirement is that the state does not block others from supporting the peace process. In the context of the Spanish government's 'no talking to terrorists' policy and a highly debilitated ETA, others engaged with ETA to facilitate its disarmament and dissolution. Expanding the number of actors involved may have brought some complications and delays, but the role of the Basque government, Basque civil society and non-official international actors was enough to push ETA towards disarmament. Together, they provided alternative interlocutors to ETA and helped identify a practical avenue for ETA to disarm.

Regional governments can fill the political void left by absent or resistant national authorities. The Basque government's willingness to support a process to end violence was key. Not only did this bring legitimacy to the process and thus encouraged others to support it, but it also ensured that the Spanish state could keep its distance while maintaining official channels through which to be kept informed. In many countries, regional governments have extensive powers and stronger public support locally than central governments. This can allow the central government to avoid playing a direct role or to use the regional government as a 'buffer' between itself and the peace process.

An active civil society can help overcome obstacles and identify creative solutions to advance peace processes. Basque civil society played a key role in delegitimising violence and supporting an orderly disarmament process. With ETA frustrated over the government's refusal to engage on disarmament, Basque civil society actors provided a platform whereby ETA could present this step as giving up its weapons to the Basque people. Civil society actors often have stronger local legitimacy and sometimes personal relationships with armed group members and can become important agents who are able to put pressure on both armed groups and governments to facilitate disarmament.

Informal international involvement can provide critical support at lower political cost when formal involvement is not possible or acceptable. ETA always aspired to have United Nations or European Union involvement in a dialogue process, but this was politically impossible. However, other external actors were able to provide vital support – such as through the discreet engagement of the Centre for

Humanitarian Dialogue over many years, the participation of key individuals such as Kofi Annan in the Aiete conference, and the involvement of the IVC in the ceasefire and disarmament of ETA. Informal international participation can encourage armed groups to give up their weapons, help facilitate contact between opponents and enhance public confidence in a process. Coordination between these actors and a clear understanding of their roles is essential.

**“ Unofficial actors need to prepare adequately to take on such processes by bringing on the appropriate expertise, local knowledge and necessary support. ”**

Ceasefire verification and controlled disarmament are difficult without the support of state police and security forces. The IVC was able to provide support for ETA's disarmament but would have struggled to address more contentious issues had they arisen. The IVC had neither the capacity nor legal status to play a more direct, operational role in the disarmament process (for example to safely handle and dispose of weapons and explosives). By nature, such processes are highly technical and potentially dangerous, with aspects that can only be managed adequately by police and security forces. Unofficial actors need state support to effectively help verification and disarmament – even if not provided publicly.

Unofficial actors face serious challenges in verification and disarmament processes, such as intense media scrutiny and legal obstacles. As the main actor behind the IVC, DAG faced unanticipated difficulties managing a politically charged summons to the High Court in Madrid in 2014, as well as sustained media scrutiny. Maintaining communication with an armed group on a terrorist list operating clandestinely also proved extremely challenging. Exchanges were mostly indirect, and it was often difficult to determine how closely aligned the positions of ETA and the political actors around it really were. Unofficial actors need to prepare adequately to take on such processes by bringing on the appropriate expertise, local knowledge and necessary support – legal, logistical, security or media.

Peace processes without state participation can lead to local frustration and bring risks for the long-term consolidation of peace. In maintaining its position against engaging with ETA, even when it wanted to disarm, the Spanish government created resentment and frustration in a wide section of Basque society. While the Spanish government could consider its strategy successful because ETA has disarmed and dissolved, the yardstick for success will ultimately be the consolidation of the end of violence in the Basque Country. The Northern Ireland experience shows how even formal disarmament processes can see residual violence continuing to affect society. It is therefore crucial for those actors involved to manage public expectations and create realistic objectives, particularly when state actors are not involved and where, consequently, the process may take longer.

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