Basque Political Systems

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BASQUE POLITICS SERIES
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This book is about the Basque political system. The concept of a political system is more precise than that of just politics. Therefore here, embracing an analytical focus on a specific political system is a means of explaining, from within, politics in the Basque Country. It is a way of demonstrating how politics functions, how and why actors, activities, and institutions generically related to politics interact with one another.

In order to understand the concept of a political system, our initial task is to single out those people—political, but also social, actors—who, more or less, have power. However, a political system also implies studying a process within a specific national community; a process in which diverse political, social, and institutional actors— influenced at the same time by different cultural, social, economic, and juridical contexts—operate, and that, ultimately, is crystallized in the political decisions of a state belonging to that national community.

As a consequence, and proceeding a little further in our introductory explanation, any analysis of a political system should explain what a specific society thinks about politics, about power, about what its leaders should decide and do, and why this society thinks the way it does. Similarly, any such analysis should also consider how these views and demands, originating in society as a whole, are transmitted to politicians. We must therefore reflect on why citizens elect politicians—what it is that people want to achieve by choosing their elected representatives. Yet we must also observe how citizens organize themselves to influence power—to see both their individual and collective interests satisfied. Politicians are elected and then make decisions within different institutions: the Spanish national government and Spanish parliament and judicial power, together with city halls, provincial governments, and autonomous regional governments. Some of these institutions are occupied directly by politicians, while others are under their control.
These institutions make decisions that are received with different levels of enthusiasm by citizens. They, in turn, in response to these decisions and taking account of political events and change (or not, as the case may be) within this political culture, support or do not support new political parties to gain power. Consequently, citizens mobilize and exert pressure (or not, as the case may be) from society to achieve their goals. Thus, a cycle is closed and reopened repeatedly.

Consequently, when one studies either a political system in general or one of its constituent features, one must always employ two perspectives or criteria: a dynamic and a relational approach. One can only understand a political system if one examines its interior dynamism—that is, its continual transformation, reshaping, and evolution. Such a system is, similarly, only comprehensible if we understand how all its variables interrelate with one another. For example, and returning to the previous discussion about citizen participation in this system, election results must be interpreted within the context of the existent political culture. Similarly, we must evaluate a specific public policy according to the existent context and institutional limits.

These are general reflections on how to approach the study of a political system, but this broad focus needs to be qualified by some additional or specific information when addressing the Basque Country. From a theoretical perspective, we identified a political system with a process that develops within a specific territory and national community that, at the same time, possesses its own political power (its own state). In a conventional political system, political actors, groups, and movements—together with institutions whose actions have decisive political consequences (laws that must be obeyed)—operate in a specific demarcated political or state community or tout court in a particular state. This is not, however, the case of the Basque Country, because there is not a Basque political community with its own state. In short, there is no Basque state.

On the one hand, there exists the denomination Euskal Herria (literally, the land of Basque speakers)—a term describing a geographical unit composed of territories or republics that historically were independent: six in total until 1521, and seven thereafter: Araba (Álava in Spanish), Nafarroa Behera (Basse Navarre in French), Bizkaia (Vizcaya in Spanish), Gipuzkoa (Guipúzcoa in Spanish), Navarre (Nafarroa in Basque; Navarra in Spanish), Lapurdi (Labourd in French), and Zuberoa (Soule in French). However, these territories make up a very different political configuration today. Three of them make up the Autonomous Community of the Basque Country (CAPV-EAE by its Spanish/Basque acronym) within the Spanish state. Navarre has its own autonomous community, the Foral Community of Navarre (CFN by its Spanish acronym), which is also in the Spanish state. These four to the southern side of the international frontier between Spain and France are collectively known as Hegoalde—the Southern Basque Country. The remaining three territories—generically known as Iparralde in Basque (meaning “the northern side” of the Basque Country)—do not make up, politically speaking, a distinct unit within the (strongly centralist) French state. Instead, together with other historic (and non-Basque) territories, they made up one of the original eighty-three departments
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of the modern French state when it was created after the outbreak of the French Revolution in 1789. This was originally known as the department of the Basses-Pyrénées (Low Pyrenees), a name later changed to Pyrénées-Atlantiques (Atlantic Pyrenees).

However, and despite their different political status, these constituent territories do make up a cultural community—that is, a differentiated people or a nation. It is a cultural community due to the fact that the people who inhabit it share, in greater or lesser degrees, a history, language, and specific traditions. They share a history of political autonomy or full political independence as contrasted with the crowns of Castile and France. They share customs, folklore, and a certain way of life (social and family structure). At the same time, they share the same language: Euskara (Basque). The use of, but also the belief in and nostalgia associated with, this language is the most profound marker and generator of a sense of belonging to a cross-border community—a national community located beyond administrative and political divisions. Indeed, it is worth remembering that, historically, Basques defined themselves through their language: Euskadi or Euskal Herria meaning, etymologically, the nation that speaks Euskara.1

Without any doubt, many people who live in Euskal Herria share a sense of belonging to a cultural community that transcends the limits of the actual territory in which they live. Beyond the intensity with which they feel members of their territories or autonomous communities, they feel part, too, of Euskal Herria; in other words, they share a greater collective identity. Similarly, many Basques in these seven territories believe that Euskal Herria is a nation, and a certain percentage of this group would like this nation to become an independent state. However, it is also true that not all Basques share this vision of a single national community.

Whatever the case, aside from these feelings, hopes, and interpretations (which we will explore extensively elsewhere), it is a fact that Euskal Herria constitutes a cultural community. Alternatively, we might term it a prepolitical community or, simply, a people. It is likewise true that this cultural community—or people or nation—is today divided into three political entities that at the same time form part of two different states. This has forced us to consider the fact that, given there exists a common reality or shared community (the Basque people), we cannot separate this when it comes to studying the issue. Yet, at the same time, because the political configurations differ according to the distinct territories, or the whole make up of these territories, we must study them separately—that is, according to the three administrations into which the Basque nation is today divided both politically and administratively. Consequently, we will examine three political systems (the CAPV-EAE, the CFN, and Iparralde), pointing out what they share and what separates them. Anticipating a later conclusion, we should emphasize the fact that the differences between the political systems of Iparralde, on the one hand, and the CAPV-EAE and CFN, on the other, are acute; such differences diminish if one compares the CAPV-EAE with the CFN. From a conceptual perspective, however, and

1. Euskadi and Euskal Herria are synonyms meaning, in Euskara, the Basque Country.
beyond speculative observations about any potential future convergence between the CAPV-EAE and the CFN, today they still form two distinct (although close and at times convergent) political systems. Therefore, one cannot speak of only one Basque political system in the Spanish state.

The second problem or specific issue associated with the Basque case emerges when one realizes that these three communities making up three distinct political realities do not enjoy autonomous political systems. Returning to our previous definition of political systems, we observed that such systems refer to a political process that develops in a national community that governs itself through its own political power (a state). The problem here is that none of the three Basque communities constitute a state or a fully self-governing national political community. Instead, they are communities that share power within their territory with other political systems. As such, Basque political systems are, at present, traversed, limited, or superimposed (we will see which adjective at any given time is most appropriate) by the Spanish, French, and EU political systems—with the latter taking on gradually more powers that were once the exclusive preserve of European states. The Spanish political system, for example, is in the Basque political system, although of course the reverse is also true. This means that what takes place, from a political perspective, in the Basque Country—what citizens feel and demand and what institutions propose and decide—depends not only on the configuration and dynamic of the Basque political system, but also (and in some cases decisively) on the Spanish, French, and EU political systems.

The Basque political system, then, is not entirely autonomous. In practice, this means that when one comes to study the different elements or parts of this system, we must take account of the extent to which they are dependent on, limited by, or enjoy a degree of self-government from the above-mentioned political systems. As we will see, there are many examples of these different relationships, but for the moment, let us just highlight the most general of these “presences.” Certain political decisions that affect both the CAPV-EAE and the CFN are taken neither in the CAPV-EAE nor in the CFN, but rather by specific organs of both the Spanish state and the European Union. These include powers such as those, for example, concerning control of the social security system or the choice of high-ranking judges in the CAPV-EAE and the CFN that are the preserve of, and exercised by, the central state. Meanwhile, important powers like monetary and customs policy are today the exclusive preserve of the EU.

At the same time, the Spanish state—and therefore the political system that shapes and maintains it—is present not only in the obvious and most visible terrain of binding political decisions, but also in all aspects of the process—in other words, in the internal dynamic of the system. To cite a couple of examples: The political culture of Basque citizens that shapes and directs their national collective identities, their political priorities and worries, and their attitudes toward institutions is influenced markedly by both the political culture of the state as a whole and by the means (education, the media, and so on) through which that culture is maintained and developed. Furthermore, the strategies
of political parties that operate in the Basque Country and the electoral results they obtain are, in effect, strongly influenced by strategies and results in the Spanish political system. Indeed, the same thing is true of the participation of Basque political forces in elections to the European parliament.

The division into different political systems and their operative limits are special features of the Basque case that should be taken into account. Yet there remain some general observations that need explanation. We have alluded here to the fact that Euskal Herria is a differentiated community, yet neither the CAPV-EAE, nor the CFN, nor, of course, Iparralde, constitute an independent political entity or state. Why is this the case? In this world of political definitions and affirmations where processes of subjective construction and partisan political intentions dominate, affirmations over whether (or not) a nation exists might stem from three sources. First, from the people as a whole who inhabit a given territory and, for a variety (and always dynamic) set of causes, may or may not feel members of a national community or share a collective identity. Second, from nationalist political discourse through social organizations, as well as political parties and institutions that propose and promote the idea of the nation. They contend that their territory and its corresponding community is a nation, and therefore it has the right to decide (with all the consequences this may imply) over the status of its political self-government. Finally, such affirmations also stem from the political will of states to either allow or impede territorial communities within their boundaries (that is, under their authority) to declare themselves nations and, therefore, as states or independent political entities. Moreover, only states can categorize their decisions as laws—that is, make them obligatory. Therefore, when we state that a given national community is not a state, we must always point out who makes that decision and where it originates.

Returning to the Basque case, then, when we contended that neither the CAPV-EAE, nor the CFN, nor Iparralde constitute independent political bodies, we were referring to an official legal definition established by the Spanish and French constitutions—that is, an obligatory law for the Basque communities to obey. This does not necessarily imply that, outside of the boundaries established by laws and constitutions, there exists a true, objective, and eternal definition as a nation for these Basque communities. Yet it does lead us to two other conclusions.

Any definition of nation applied to the Basque case is contested and, therefore, extremely dynamic. It is a definition on which the population as a whole, those political parties favoring independence, the Spanish state authorities, and the authorities of the autonomous governments within this state’s borders, have different positions—together with different powers to impress these views. Such differences, in turn, lead to the emergence of different political scenarios that change with time and that are, themselves, dependent on the different Basque territories.

Furthermore, the dynamic nature of this conflict—its widely differing perspectives and strengths—must be taken into account carefully when attempting to explain or evaluate (and at certain times justify) the Basque political system. In the Basque case, one’s
definition of nation sustains and shapes any explanation or evaluation of the Basque political system. This is a contested definition of nation, depending on its source (society, parties, or governments), and, as such, so are its consequences. Consequently, any analysis of the issue must clarify the extent to which these different elements and movements within the political system are (and to what degree) influenced by the national conceptual debate; specifying wherever possible from what particular perspective political ideas stem. In sum, conceptions and descriptions must be relativized according to their origins and ideological orientation within these aforementioned political debates.

Division, limitations, and dynamism are the principal features of the Basque political system—together with conflict. Indeed, it is marked by a root conflict surrounding the political definition of the community itself, as a subject and object of the system. This national conflict that, as we saw, posits different actors against one another, fashioned the origins of the current Basque political system that took shape (within the Spanish state) during the late 1970s. Consequently, conflict has been a feature of political life there for thirty years and, it would appear, will continue to be so in at least the near future.
“Españoles, Franco ha muerto . . .” Broadcast on Spanish radio and television on November 20, 1975, by Prime Minister Carlos Arias Navarro, these four words—“Spaniards, Franco has died”—ended thirty-eight years of bloody dictatorship. Franco left the Basque Country socially divided, culturally fragmented, economically wounded, and politically split, with only political forces that had been in hiding and exile to face its grave challenges.

It was a bloody dictatorship right up to 1975. On April 25, the Spanish government decreed a state of exception in Bizkaia and Gipuzkoa; on August 29, five people were condemned to death, accused of belonging to ETA (Euzkadi ta Askatasuna, Basque Country and Freedom) and the First of October Anti-Fascist Resistance Groups (GRAPO); and—in less than a month—on September 27, all five were shot.

The “transition” period began with Franco’s death and ended with (depending on your point of view) the passage of the new Spanish constitution in 1978; the resignation of Prime Minister Adolfo Suárez in 1981; or the victory of the Spanish Socialist Workers’ Party (PSOE) in the 1982 general elections.2

1. In most cases in this chapter, political parties, groups, and the like are identified by their name in English to help the English-speaking reader identify their ideological basis, but their Spanish, Basque, or Spanish and Basque acronym if that is how they are regularly identified internationally.

The democratic transition was, however, more than purely institutional. It was, at root, economic, social, and cultural and is in many ways ongoing. Attitudes and practices have resulted in a weak and, in some aspects, insufficiently democratic regime; some actors have resisted dialogue and negotiation, and authoritarian behavior and decisions have proliferated in daily politics. ETA has not accepted either the new constitutional institutions or democratic practices, and continues its armed activity. Spanish antiterrorist policy has been, and continues to be in many cases, illegitimate and even illegal. Indeed, Franco’s dictatorship-era state security forces have never been entirely dismantled. And finally, the legacy of autocracy and obligatory education in the dictatorship’s values have created a social and cultural weight that has yet to be overcome in practice or theory.

And while the Spanish constitution established the creation of several autonomous governments that assumed certain powers, many of these powers have still not been transferred to the Autonomous Community of the Basque Country (CAPV-EAE, by its Spanish and Basque acronym). Similarly, Euskara, the Basque language, is still (as of mid 2010) not recognized officially in the southern half of the Foral Community of Navarre (CFN, by its Spanish acronym). In effect, “Franco has died,” but not completely.

Upon Franco’s death and obeying a 1969 dictatorship era law, Spain became a constitutional monarchy. Once made head of state, the king sanctioned the arrangements for the political transformation of the Spanish state. On September 13, 1975, Aria Navarro, the ex-president of the Spanish government under Franco, was named the new head of government. The following year, there was widespread political confusion: proamnesty demonstrations in favor of releasing political prisoners of the former regime resulted in serious confrontations between protesters and the state security forces and the shooting deaths of several people by the police. In Vitoria-Gasteiz, one such demonstration on March 3, 1976, resulted in the deaths of five people and around a hundred injuries.

On September 10, 1976, the new government, headed by Suárez, proposed to the Cortes a political reform law. And, thus, the new state came into being. The Cortes approved the proposals on November 18, 1976, as a full and lasting reform—a decision that was ratified by popular referendum on December 15, with a 77.4 percent turnout and 80 percent of voters in favor of the changes. This laid the foundation for drawing up a new constitution based on the political reform law. Basque and Catalan nationalist parties harshly criticized the reform for accepting—through the decision of a parliament “elected” during the dictatorship—the reinstatement of the monarchy.

**The Summit of Basque Mayors**

Meanwhile, a series of individual and collective demands were raised that presaged the specific political claims concerning the future of the Basque Country. On February 1, 1976, in Bergara (Vergara), Gipuzkoa, after being named mayor of the town, José Luis

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3. As regards those who voted, 94 percent voted in favor of the reform, while 2.6 percent voted against. The abstention rate was 24 percent.
Elkoro called for the meeting of as many Basque Country mayors as possible, with the aim of agreeing on a document delineating the maximum demands of the Basque people within the new Spanish state’s political framework. This summit ultimately included the participation of sixty-seven mayors from the four historic territories making up Hegoalde, as well as hundreds of elected officials and thousands of personalities from Basque cultural and political life.4

The fundamental demands of this meeting included: the legal recognition of Euskara; amnesty for all political prisoners; official status for the ikurrina (the Basque flag, which had been banned in 1936); a decentralized state model respectful of historic Basque rights5; and the incorporation of the four Basque historic territories (Hegoalde) in one territorial unit within the new Spanish state.6

The Passing of the Spanish Constitution in 1978

On June 15, 1977, the first free Spanish general elections were held since 1936, with a participation rate of 78 percent. In these elections, Adolfo Suárez’s center-right Union of the Democratic Center (UCD) took power, followed by the PSOE. Much further behind were the Spanish Communist Party (PCE) and the conservative Popular Alliance (AP). The Basque Nationalist Party (PNV) obtained eight seats, while the nationalist Basque Left (EE) gained one seat as well. Two days later, these elected deputies chose Adolfo Suárez to form a government. After the complete overhaul of the Spanish parliament and the naming of a new government, Suárez formed a commission charged with drawing up the constitution. Basque nationalists were not represented on this commission.7

Drawing up the constitutional text took place in record time: between August 1977 and July 1978 the constitution was drafted and published in the BOE. On July 17, 1977, the PNV and the government reached agreement on the structuring of the autonomous communities in the new state project, even if no agreement was forthcoming on the question of recognizing the historical political rights of the Basque people. Negotiations between the PNV and the Spanish government broke down on July 20, and the fol-

4. Including people from Hegoalde (the Basque Country south of the international frontier between Spain and France, consisting of the provinces of Araba, Bizkaia, Gipuzkoa, and Navarre), Iparralde (the Basque Country on the French side of the frontier, consisting of the provinces of Lapurdi, Nafarroa Behera, and Zuberoa), and the Basque diaspora in the Americas.

5. The constitutions of the French (1789) and Spanish (1876) states included the suppression of the seven Basque states’ old laws (known as fueros); and therefore their political independence. Unlike the French state, the Spanish state allowed a certain degree of administrative and fiscal autonomy for Araba, Bizkaia, Gipuzkoa, and Navarre through 1937.

6. As we will see below, Navarre actually became a separate political unit from the other three Basque territories; even though the 1978 Spanish constitution, like previous Spanish constitutions before it, established the legal mechanisms for incorporating all four Basque territories into one autonomous unit.

7. The importance of this omission is obvious: Basque nationalism was not represented on the commission entrusted with designing the political outline of the new state and, as a consequence, the positions defended by Basque nationalists were not on the agenda of any of its meetings.
lowing day, the government pressed in favor of presenting the constitutional project for ratification in the Congress of Deputies.

The constitutional text was duly ratified by congress on July 21 by 258 votes in favor and 2 against, 14 abstentions, and 8 absences, due to the fact that the 8 PNV deputies abandoned parliament moments before the vote in protest at the serious democratic deficiency in the drawing up of the draft constitution. On October 31, 1978, after considering some 1,254 amendments, the constitution was ratified by both chambers of the Spanish parliament, with Basque nationalists once again boycotting the vote.

The Referendum

On December 6, a national constitutional referendum was held with a turnout of 67.1 percent. The constitution was supported by 87.87 percent of those who voted (58.97 percent of the census population) against 7.83 percent (5.25 percent of the census population) who voted “no” to the constitutional text. On December 29, the constitution came into force. The constitution was not supported by a majority of Basques. The PNV called on people to abstain from the vote and the abstention rate was 55.35 percent in Araba, Bizkaia, and Gipuzkoa. Therefore, here the turnout was only 44.65 percent according to the census. Of those who did vote, 66.12 percent (30.86 percent of the people registered on the census in the three territories) said “yes” to the constitution and 23.54 percent (10.5 percent of the census population) said “no.” In Navarre, 50.38 percent voted “yes” and 11.29 percent “no,” with an abstention of 33.42 percent. Abstention was the clear winner throughout the Basque Country as a whole, and was the dominant opinion expressed in three of the four provinces (reaching nearly 70 percent in Gipuzkoa). This indicates a great degree of mistrust toward the Spanish constitution among the Basque electorate.

The Autonomy Process

In May 1977, six different Basque political parties—the PNV, the Basque Socialist Party (PSE),8 the Marxist Force for the Unity of Basque Socialist (ESEI), the Communist Party of the Basque Country (EPK-PCE),9 the center right Basque Christian Democracy (DCV-EKD), and Basque Nationalist Action (ANV-EAE) signed, prior to the general elections of June 15 that year, an Autonomous Pledge by which they all promised to promote, support, and pass the elaboration of a statute of autonomy for the Basque Country as a whole. The results of the general elections to the Spanish Congress in Araba, Bizkaia, and Gipuzkoa had given victory to the PNV (which obtained nine seats), followed by the PSOE (seven seats), while UCD gained four seats and EE and AP won one apiece. In the case of Navarre, UCD won the elections, obtaining six deputies, followed by the PSOE with two and the PNV with one.

8. The Basque section of the PSOE.
9. The Basque section of the PCE.
Four days after these elections, on June 19, 1977, the Assembly of Basque Parliamentarians formed under the Tree of Gernika—a group that included all the elected deputies and senators from Araba, Bizkaia, and Gipuzkoa, but only three of the nine parliamentarians from Navarre. The six parliamentarians of UCD refused to participate in the assembly because they did not consider Navarre to be part of the Basque Country: they did not accept autonomy for the whole Basque Country, and as a result, thereafter Navarre would formulate its own autonomous path with its own statute of autonomy.

The assembly elected the eighty-six-year-old Navarrese PNV parliamentarian, Manuel Irujo Ollo, who had returned from exile on March 25, 1977, as its president. The ex-minister of justice in the Republic in 1937, president of the Basque National Council in London during World War II, and a key figure in the Basque government-in-exile, Irujo symbolized the transition of legality from the lost republic to the new democratic state. The assembly was made up of seventeen nationalists (twelve from the PNV; three from the leftist ANV-EAE, EE, and ESEI; and two from the Autonomous Front, a broad nationalist coalition) and seventeen statists (thirteen from the PSOE, three from UCD, and one from AP).

On December 19, 1977, this assembly unanimously approved a plan for preautonomous transition. Immediately thereafter, the central Spanish government hurried through a decree on the preautonomous system for the Basque Country that became law on January 4, 1978.

On January 25, 1978, representatives of the PNV, the PSE, and UCD met in Madrid to try and reach common ground on the autonomous future of Navarre. After several meetings, these representatives agreed, on January 30, on a third transitory arrangement for a blueprint of the Spanish constitution by which Navarre would be incorporated into a Basque autonomous community whenever the Navarrese people so decided by referendum. This effectively bypassed the question of whether Navarre would join a united Basque autonomous community.

With the law’s passage, the Assembly of Basque Parliamentarians pressed forward in creating a General Council of the Basque Country that would, de facto, make up the first Basque provisional government. This institution was composed of parliamentarians, deputies, and senators from Araba, Bizkaia, and Gipuzkoa, together with Navarre. Despite the fact that the PNV was the most represented political group, the UCD and the PSE reached an agreement to designate the Socialist Ramón Rubial as president, which, in turn, elicited a strong reaction from within the PNV. On February 7, 1978, the General Council of the Basque Country was finally established under the presidency of Rubial, and on February 24, the twelve councilmembers (or ministers) of this council were named.

In somewhat hesitant fashion, on July 15, the Spanish cabinet agreed on the first transfers of administrative powers to the General Council of the Basque Country. The
transferred powers related to agriculture, industry, commerce, and urban development—followed by administrative personnel; domestic affairs, tourism, hazardous wastes, and transport; and finally health and work.

The General Council also established the procedures and calendar for the elaboration and approval of a Basque autonomy statute. The calendar arranged to definitively elaborate, debate, and pass the statute of autonomy for the Basque Country would generate three phases in the autonomous process within eleven months: one month for the elaboration of a blueprint for the statute; two weeks for the debate, negotiation, and passing of the statute project in the Spanish senate and congress of deputies; and three weeks for the celebration of an electoral campaign and later referendum on a statute for the Basque Country.

**Passing the Autonomy Statute**

Despite the many political differences, on December 22, 1978, the Draft Commission passed unanimously the statute “blueprint,” even though the UCD and the PSOE demonstrated their disagreement with part of the accord. One week later, on December 29, the Assembly of Basque Parliamentarians, meeting in Gernika, agreed upon the blueprint with twenty-four votes in favor, one abstention, and one blank vote. That same day, the blueprint was presented to the president of the Spanish Congress of Deputies, Fernando Álvarez Miranda. The first stage in the autonomous process had, thus, come to an end.

Following the 1979 general elections, the Basque political panorama changed considerably. Basque nationalism achieved hegemony in Gipuzkoa and Bizkaia and made significant gains in Araba and Navarre. In addition to the PNV, which consolidated its position as the principal political force in Bizkaia and Gipuzkoa, the new coalition of leftist nationalist groups, Popular Unity (HB), also enjoyed very good results. In general terms, Basque nationalist parties (the PNV, HB, and EE) grew in strength from the 39.3 percent of the vote achieved in 1977 to 50.6 percent gained in 1979 (in Araba, Bizkaia, and Gipuzkoa). At the same time, the statist parties suffered a notable decline, from 60.3 percent of the votes in 1977 to 49.5 percent in 1979.

Consequently, the composition of the General Council of the Basque Country changed in direct proportion to the changes brought about by the election results: The new council was composed of sixteen PNV representatives, seven from the UCD, six from the PSOE, and a single EE representative, with HB refusing to take part in the council. As a result, the PNV member Carlos Goikoetxea Urritz, from Navarre, became the new president of the council in place of Rubial. This rise in the electoral fortunes of Basque nationalism had important consequences for future negotiations with the Spanish state, which—from the perspectives of the UCD, PSOE, and AP—observed worriedly the growth and consolidation of proindependence political positions.

On July 2, 1979, a mixed committee was established in the Spanish Congress of Deputies charged with drawing up the definitive text of the autonomy statute. It was composed of twenty-six members, divided into two equal groups: thirteen members of
the constitutional commission named by the Spanish Congress and thirteen members of the commission named by the assembly of Basque representatives. On July 3, the president of the Basque council, Garaikoetxea, and the head of the Spanish government, Suárez, made preliminary contact in order to agree on the content and the text of the statute. In short order, on July 21, 1979, the definitive text for the project of an autonomy statute was thus agreed on with no votes against.

On October 25, 1979, referendums were held in the Basque Country and Catalonia to ratify their respective autonomy statutes. In Araba, Bizkaia, and Gipuzkoa, participation reached 59.77 percent of the eligible voters, and the statute was supported by 90.29 percent of those who voted. On November 29, a full session of the Spanish Congress ratified the planned autonomy statutes for the Basque Country and Catalonia.

On March 9, 1980, the first elections to the Basque parliament were held. Consequently, the PNV consolidated its position with twenty-five seats, with HB following with eleven seats. The statist parties fared badly: nine seats for the PSE-PSOE, five for UCD, and two for the AP. The leftist bloc achieved seven seats: six for EE and one for the PCE. The PNV’s Carlos Garaikoetxea was duly elected lehendakari (president of the Basque government), and he would govern until 1985.

**Navarre’s Autonomy Statute**

In Navarre, the 1978 constitution included, as we have seen, a text agreed on by the PNV, PSOE, and UCD on January 30, 1978, by which, Navarre would join the General Council of the Basque Country or the general Basque autonomous system based on the decision of the foral authority and by popular referendum.

On June 30, 1982, in a full meeting of the Spanish Congress of Deputies, a constitutional law on the reinstatement and improvement of the foral system in Navarre was passed. By this law, Navarre would become an autonomous community under a foral system.

**The Debate on the Basque Statutes of Autonomy**

In December 1978, the General Council of the Basque Country published its second political statement since it was created, a ten-point program regarding its most urgent political objectives. This document urged ETA to abandon the armed struggle and offered its members the beginning of a process of dialogue designed to end all violent activity in the Basque Country and achieve peace. As the program itself stated, there were eleven principal points of conflict between the different groups, all of them political in nature: these included the definition of the Basque people and its historic rights, relations between the statute of autonomy and the constitution, linguistic rights, the question of Navarre, the fiscal pacts, police, and obligatory military services. The following section describes the various positions and their dispositions in the Spanish constitution and autonomous pacts.
The Basque People and the Spanish State

For Basque nationalists, the Basque Country is a nation with sovereignty residing in the Basque people. Therefore, the Basque nation had the right to determine its future freely and by means of exercising the right of self-determination or a popular vote. Centralists accepted the plurinational reality of the Spanish state, but closed ranks regarding the use of the term “nation” when referring to the Basque Country, Catalonia, or Galicia. The PSOE defended the notion of using the term “people” to speak of the different nations within the state. For the statist right, only Spain constituted a nation, and the Basque Country, Catalonia, and Galicia were “regions” of a single motherland with popular sovereignty residing in Spanish people as a whole.

The solution to this question was that the Basque Country was defined in the constitution as a “nationality,” as one of the “peoples of Spain,” and an autonomous community possessing historic rights. Any use of the word “nation” was avoided and popular sovereignty assigned to the “Spanish people.” The Basque people would only share this sovereignty in certain aspects related to Basque self-government and always in conjunction with the rest of the citizenry in the Spanish state—nor did the Statute of Gernika use the term “nation” when referring to the Basque Country. The reinstatement law of the foral system in Navarre gave extensive summary of the historical reality and identity of Navarre from the regionalist right’s perspective. According to this view, Navarre was a politically independent kingdom and was now a province within the state, but also avoided any mention of the term “nation.”

Historic Rights and the Relationship between the Statute and the Constitution

Regarding the debate over historic rights, the Basque nationalist position was that historic rights were not concessions of the state or privileges, but rather inalienable rights of the Basque people that existed prior to the Spanish or French states. As Basque rights possessed prior to the formation of the Spanish and French states, they were considered bilateral, that is, they could not be modified or abandoned by any single actor.

In contrast, the parliamentary majority formed by the UCD and the PSOE believed that the historic rights of the Basque people could be fitted into the political structure of the new Spanish state always on the understanding that they did not impede the unity of this state. From this perspective, these historic rights had to be integrated into the legal framework as ordinary laws resulting from a democratic consensus among different political groups, not as pacts beyond the level of constitutional lawmaking. Moreover, they denied the existence of any political rights prior to the constitution, or the need to guarantee exclusive rights to the Basque people within Spanish political legislation. It was thus just another norm subject to unilateral alterations by the Spanish Congress.

11. “Historic rights” refer to the preconstitutional laws of the four Basque states in Hegoalde existing prior to the configuration of the Spanish state in the nineteenth century, the fueros, which had been mostly dismantled.
The agreement reached during the constitutional debate recognized the historic rights of the Basque territories in all areas that did not imply any hindrance to the political unity of the Spanish state. By the second additional provision of the new constitution, the Basque Country as a whole and Navarre in particular were considered “historic communities,” while most other communities were considered “regions.” By virtue of this, the Basque Country as a whole and Navarre in particular could achieve “full autonomy.”

In terms of developing the Basque statutes of autonomy, the Statute of Gernika makes no mention of historic rights in its text, although it does refer to foral civil law as well as to its respect and guarantee. The Navarrese statute refers repeatedly to guaranteeing historic rights and the right of Navarre to preserve them.

**Self-Government, Decentralization, and Autonomy**

Independence was the ultimate goal of Basque nationalism, but it also defended—as a strategic option—a strongly decentralized, and preferably federal, state that would guarantee the right of self-determination. The UCD and the PSOE supported an autonomous state model in which, without reaching federal levels, the central state would share certain powers with autonomous governments. Finally, the most conservative political parties, such as AP, proposed a rigidly centralized state model along the lines of a French political model. The Spanish state adopted an autonomous model that was more centralized than its federal counterpart.

**State and Constitution**

From the Basque nationalist point of view, on accepting an autonomous state model instead of a federal one, the statute was not a constitutional norm but the validation of a historic pact between the Basque and Spanish people, and as such they could not be modified unilaterally. The centralist position was that they remained within the province of law and could be modified. These positions mirrored the positions on historic rights and are very related. The constitution made the basic norms of state forever above the autonomy statutes, and thus the latter were significantly depleted.

In contrast, the Statute of Gernika established that law originating in the Basque Country in questions of its exclusive authority is preferably applicable above all others and that only failing this will state law take effect. However, the state can, de facto, smother or neutralize statute powers by passing laws of a higher status (such as constitutional law or European legislation), giving rise to heated debates at state, autonomous, and European levels regarding delicate questions such as Basque fiscal authority.

**Republic or Monarchy**

Basque nationalism has always been a purely republican movement that is critical of the monarchy, which it considers—from the deepest democratic positions—to be a political offense. The restoration was also criticized as an imposition of General Franco’s dictatorial regime never subject to referendum. The Spanish conservative right, represented by
AP, agreed fully to the implementation of a monarchy, as did the UCD and many different Socialist sectors. Even the PCE supported the monarchy without too much hesitation. Although some sectors of the PSOE were federalist or even republican, the party tacitly supported the notion of a monarchy during the constitution’s drafting.

The Question of Navarre

Navarre, for Basque nationalism, formed an integral part of the historical, cultural, social, and economic reality of the Basque Country, and as such should be part of the Basque autonomous political unit. The PSOE and the UCD never came out against the idea of including Navarre in Basque autonomy as a whole. However, the fierce opposition of AP and, especially, the right in Navarre (represented by six deputies within the UCD elected during the December 1977 elections) drove the UCD and the PSOE to defend the inclusion or not of Navarre in the Basque autonomous community on the condition of a popular referendum.

The Statute of Gernika established the right of Navarre to form part of the CAPV-EAE. The reinstatement law of the foral system in Navarre, however, made no such provision, and limits itself to making agreements with the nascent CAPV-EAE and other neighboring autonomous communities for services and makes reference to Navarre as an indivisible community.

The Basque Language

After thirty-eight years of exclusion and persecution, Basque nationalism defended and defends an official status for Euskara, the Basque language, with its use encouraged, protected, and supported by the law in all walks of social and political life.

Certain statist sectors in Navarre—represented at that time by the UCD and some members of AP—refused to guarantee official status for Euskara. However, in general terms, the UCD and the PSOE did not object to an official status for the Basque language, although they did oppose full bilingualism. Therefore, they opposed the bilingual model in the administration of justice, considering that it was a state power and therefore it would not be necessary for civil servants within the justice system of the state to know Basque. As regards the legalizing of ikastolas or schools where classes were taught in Euskara, both political groups were not inclined to effect educational reform aimed at guaranteeing a future for Basque-language education.

The Spanish constitution declared Castilian to be the official Spanish language and made it a duty and right to know it. Other languages could be co-official in their respective autonomous communities. The Statute of Gernika established that Euskara is the language of the Basque people and gave it equal status with Castilian. It guaranteed the use of both languages and gave the CAPV-EAE the right to take the necessary measures to ensure its knowledge and use. In Navarre, Castilian was recognized as the official language and gave Euskara the right only to co-official status in Basque-speaking areas, which were to be determined by statute.
FISCAL PACTS AND HISTORIC RIGHTS

Fiscal independence was always, from the nationalist point of view, one of the fundamental pillars of negotiations with the central state. As one of the most prosperous regions of the Spanish state, the Basque population constitutes approximately 5.4 percent of the total “Spanish” population, while it contributes approximately 6.5 percent of state income. As such, the annual quota paid to the central state is an extremely delicate question that requires bilateral negotiation between state representatives and the Basque people. Furthermore, for Basque nationalists, these fiscal rights cannot be modified unilaterally or even abolished—as those of Bizkaia and Gipuzkoa were in 1937 by General Franco when he declared them “traitorous provinces.” Centralist parties tend to believe that Basque fiscal pacts and rights should be subordinate to the principles of fiscal centralism, so that the Basque fiscal pacts do not imply any kind of privilege when compared to the other state autonomies.

The Spanish constitution gave the right of “a proper and just economic balance” to all of Spain and recognized no special rights for autonomous communities. In contrast, the Statute of Gernika gave the CAPV-EAE exclusive authority over procedural norms, administrative, and administrative-economic procedures that are rooted in substantive law and the Basque Country’s own organization. Further decentralized, the provincial legislatures (diputaciones) were made responsible for raising, administering, settling, and inspecting all taxes except those linked to import duties and fiscal monopolies. In reality, the contribution of the Basque Country to the state consists of a total quota made up of those corresponding to each one of its territories.

In Navarre, the right was maintained to establish and regulate its own taxation system. The autonomous statute of Navarre underscores the “consensual” (and therefore bilateral) nature of the agreement with the central government. As such, it cannot and must not be modified unilaterally.

AUTONOMOUS POLICE AND THE SPANISH CIVIL GUARD

The repression exercised by Spanish security and military forces on the Basque people during the years of the dictatorship led to a widespread hatred of them. A principal demand, therefore, of Basque nationalist groups was for the withdrawal of the state police forces—especially the Guardia Civil (Civil Guard)—from the Basque Country, as well as the creation of autonomous Basque public security forces, including local or municipal police.

In the Spanish constitution, public security was declared an exclusive power of state. Later, however, this norm was modified to allow for the creation of police forces by the autonomous communities. In this way, security would be shared between the central state and the autonomous communities.

12. In 2008, the Spanish state had a population of approximately 46 million people, according to the National Statistics Institute.
The Statute of Gernika states that the institutions of the CAPV-EAE will have jurisdiction over the police force for the protection of people and goods and the maintenance of public order within the autonomous community, while the security forces of state will have jurisdiction over matters outside and beyond the autonomous community. Likewise, in Navarre, the foral authorities oversee the local or municipal police forces in Navarre without impeding on the powers of the competent local or municipal authorities. However, with the objective of coordinating the activity of the foral police and the state security forces, a security council was created with an equal number of representatives of the foral diputación and the central government.

**Obligatory Military Service**

All Basque nationalist parties refused to accept obligatory military service because, together with the Civil Guard, the Spanish army had been the principal repressive agent (as well as the central spine) of the dictatorship. By contrast, all the statist parties agreed to maintain military service. The Spanish constitution made it the right and duty of all Spanish citizens to defend Spain, and thus obligatory military service continued to be a feature of life in the Spanish state. The continuation of obligatory military service led to a significant social response (seconded by Basque nationalist groups) aimed at refusing to comply with the draft, and ultimately leading to social and political confrontation with the central government, especially regarding insumisos (conscientious objectors). This remained an important rallying point for popular opposition to the Spanish state until 2001, when obligatory or social service was suspended.

**A New Basque Political Framework, 1982–96**

The Basque political system that emerged following ratification of the different statutes of autonomy was marked by conflict. It was a system crisscrossed by other systems: from Europe and the state and between the Spanish and French states. It has been rocked by political violence. And it has developed in permanent confrontation with central government—especially that of the CAPV-EAE, which has usually been governed by Basque nationalists.

However, daily political life was not marked by tension and conflict alone.

Thus, for example, the statute of autonomy in the CAPV-EAE took root in the 1980s thanks to coalition governments of the PNV and the PSE. During twelve years of coalition (1986–98), successive governments implemented a series of public policies (in matters of education, Euskara, health, infrastructure, public order, and so forth) that made sense and achieved citizen support for the statute; in other words, they strengthened and stabilized that political and juridical framework.
The 1981 Coup d’État and the Statutory Downturn

On February 23, during second investiture of UCD prime minister Calvo Sotelo, a group made up of two hundred soldiers and civil guards armed with machine guns burst into the Spanish Congress and took the deputies hostage. At the same time, General Jaime Milans del Bosch, captain general of the Spanish third military region, ordered his troops to occupy Valencia and proclaimed a curfew in the city.

The king intervened, and seventeen hours after their being taken hostage, the ministers were released and the coup failed. One of the main consequences of the failed coup was a growth in support for the Spanish left. As a result, in the general elections of October 28, 1982, the PSOE obtained an absolute majority, and Felipe González was elected prime minister (ultimately remaining in power until 1996).

The coup had especially important repercussions in regard to the autonomy process. In large part, it had been provoked by the suspicion of the army toward developments in this process, because it was seen as challenging the unity of the Spanish state and nation. Moreover, the Basque and Catalan statutes awoke nationalist sentiment among other nations in the Spanish state, leading to an avalanche of autonomous demands for the government. At the same time, central government feared that because the autonomous governments had a certain say in the autonomous process, it may have lost control of the process. Consequently, the PSOE and the UCD agreed to set up a commission to control, coordinate, unify, and slow down the autonomy process, while at the same time complying with the constitution concerning the legal mechanisms for the territorial organization of the state.

This plan took shape to synchronize the autonomy process, also known as the “constitutional shield,” the draft of which was passed in Congress in July 1981 with the votes of the UCD and the PSOE in favor and the strong criticism of Basque and Catalan nationalist parties. This criticism was based on two fundamental points: the statutes, in that they were legal texts of a constitutional nature, could not be restricted by a constitutional law of state nor, in the Basque case, be modified or their content reduced either wholly or partly in unilateral fashion due to the fact they were based on historic preconstitutional rights. Furthermore, the process of transferring powers should not have been a power controlled exclusively by the state, given that, if that were the case, central government could just delay transferring power sine die (as is indeed the case in practice).

This led to an appeal on the grounds that the new measures were unconstitutional. Consequently, in August 1983, the constitutional court invalidated fourteen of the bill’s thirty-eight articles. After this failure, the PSOE proposed a new law regarding the autonomy process that was more moderate than its predecessor and that was passed on October 14, 1983. The result of all this was that the root issue here initiated a phase of power transfer that was marked by conflict between the central state and the autonomous communities. During the most conflictive year, 1985, the constitutional court had to resolve a total of 131 disputes over the transfer of particular powers. In the Basque case, given the impossibility of controlling the autonomy process through one single law, the 1980s
was notable for the unwillingness of central government to transfer powers to the Basque government.

**Crisis at the Heart of Basque Nationalism**

In 1984, Basque nationalism experienced its biggest crisis since the death of Franco in 1975. That year, the PNV triumphed once more in the autonomous elections, and Carlos Garaikoetxea was elected for a second terms as *lehendakari* of the Basque government. However, Garaikoetxea later put his position at the disposition of the party over programmatic differences concerning some key questions for his government, and on December 18 that same year, a general assembly of the party forced him to resign. Thereafter, the party proposed José Antonio Ardanza for *lehendakari*, and he took up the post on January 26, 1985. On being sworn into office, he mentioned his esteem for the Spanish constitution, something Garaikoetxea had refused to do.

Garaikoetxea’s resignation and the later division of the PNV was the result of a confrontation between two different ideological currents within the party as represented by two of its most distinguished members: Garaikoetxea and Xabier Arzalluz, president of the Euskadi Buru Batzar (EBB, the governing council of the PNV). The differences were based on how each viewed the Basque autonomous model. Garaikoetxea believed that the Basque government should take the political initiative to the government in Madrid with the objective of affirming and guaranteeing the right of self-determination for the Basque people. Arzallus, by contrast, defended a more conservative approach, seeking to preserve the status quo and respect for the statute through a gradual increase in Basque autonomy.

The crisis ultimately led to a formal split in the PNV and the creation of Basque Solidarity (EA), and on April 3, 1987, EA celebrated its founding congress in Pamplona-Iruñea. Two basic fundamental differences separate the EA and the PNV. On the one hand, EA, in the first article of its founding statute, states that its basic goal is the independence of the whole Basque Country. As such, it will support the development of an autonomous or federal system, but always on the understanding that this is a prior step toward full independence for the Basque Country, and without ever renouncing this right. While the PNV, in contrast, has defended historically (and defends) this same right, it has remained more cautious, because certain sectors within its ranks (that have been stronger or weaker at different times in the party’s history) favor a confederal state model as the ideal political goal for the Basque Country. On the other hand, while the PNV favors a Christian Democrat social model, EA defines itself as a social democratic party to the left of the PNV.

The PNV had consolidated its position as the main political power in the CAPV-EAE during elections to the Basque parliament on February 26, 1984, gaining thirty-two seats, far ahead of the second party, the PSOE, with nineteen seats. Garaikoetxea’s resignation and the party split, however, obliged the calling of new elections because the PNV was now presiding over a minority government. These new elections were held
on November 30, 1986, and although most supporters of the PNV remained with the party—it achieved 59.9 percent of the vote—EA gained 40.1 percent of the former PNV vote. The new parliament thus took on the following shape: The PSOE had nineteen seats, the PNV had seventeen, HB and EA had thirteen apiece, EE had nine, while AP and the CDS had two apiece.

The Policy and Politics of Coalition in the CAPV-EAE and the CFN

As a result of the split within Basque nationalism, the PSE became the principal political force in the CAPV-EAE after the 1986 autonomous elections. Agreement was subsequently reached with the PNV to govern in coalition, and this agreement would stay in force for the next three legislatures (twelve years). And on February 23, 1987, José María Benegas and Xabier Arzallus, leaders of the PSE and PNV respectively, signed an agreement by which Ardanza would once again become lehendakari.

Between the mid 1980s and well into the 1990s, successive coalition governments in the CAPV-EAE developed the statutory system by exercising a number of the powers closest to daily citizen needs (health, education, housing, infrastructures, transport, security, and so on). The development of these “material” powers led the Basque populace to believe that the Basque government was responsible for its well-being and therefore to view as important what their (Basque) community decided through their (Basque) government. The 1980s and, especially, the 1990s thus became years when the development of statutory powers led to building a feeling of belonging, if not to a different state, then at least to a differentiated community—a community that perceived itself as practically capable of making decisions. This process of statutory development also took place in the CFN, with similar political and identity-based consequences, and also leading to a significant growth in Navarrese self-government.

Lehendakari Ibarretxe’s Proposal to Reform the Statute of Gernika

On February 15, 1990, the Basque parliament passed by absolute majority a proposition (rather than a law) on the right of self-determination of the Basque people, supported by the PNV, EA, and EE. This coincided with an initiative led by Catalonian nationalists for the reform of the 1978 constitution to include demands for the right of self-determination for the Basque, Catalan, and Galician peoples. This proposal was opposed by both the PSOE and the Popular Party (PP).

On September 27, 2002, Lehendakari Ibarretxe presented before the Basque parliament of the CAPV-EAE a project to draw up a new statute of autonomy. At the same time, the Basque government specified that all citizens registered to vote in other elections in the CAPV-EAE would have the right to vote in the referendum on the new autonomy proposal, and that it would only be a binding document (if passed) for the three historic territories of the CAPV-EAE.

At this same full session on September 27, the lehendakari presented the principal themes of the proposal for a new statute. Initially, he argued, central government had
demonstrated in practice its inability to comply with the full transfer of powers agreed on by all parties in the Statute of Gernika; some of which were by now obsolete due to the changing institutional framework of the Spanish state after its incorporation into the European Union. Parallel to this, and for the same reasons, after twenty-five years of a statute originally passed in 1979, new administrative necessities needed to be attended to.

Moreover, according to Ibarretxe, the Spanish state could not turn its back on the Basque political conflict, and therefore it was necessary to seek solutions to aid political normalization of the already prolonged situation. Basque society wanted an end to almost four decades of violence.

Finally, Basques had to decide their own future democratically. In the words of the lehendakari, it is a question of constructing a new project of coexistence based on free association and on shared sovereignty, and not on subordination and the imposition of a single vision of the state beyond the will of the Basque people. The political solution thus offered by the lehendakari was, then, a political pact for coexistence that granted the Basque Country the status of free association with the Spanish state, with certain powers more typical of an independent state.

On October 25, the Ibarretxe Plan was presented before the Basque parliament with the goal of beginning a twelve-month period of debate and consensus on the original or draft proposal. The statist parties—the PSOE, PP, and UA—rejected the idea of reforming the statute out of hand and therefore refused to participate in the parliamentary commission that drew up the project for a new statute. Similarly, the nationalist Batasuna party rejected the proposal, considering it a consolidation of the union with the Spanish state in that it contemplated the existence of the two nationalities and, at least initially, it included only three of the seven historic Basque territories. ETA also criticized the proposal because it did not guarantee the right of self-determination. Two weeks later, on November 13, the PP government presented a complaint before the constitutional court. The complaint challenged the Basque government’s agreement to approve the project for a new statute, as well as the parliamentary commission for considering it. They argued that it was a “prosovereignty proposal” and therefore illegal. On April 21, 2003, a full session of the constitutional court rejected the PP’s complaint, with seven votes against and five in favor of the statist position.

On December 18, 2002, a full session of the Spanish congress debated amendments introduced by the senate to the planned complementary constitutional law to the law on arbitration. The amendments to the penal code would punish as a criminal offense any authorities or civil servants that might take part in or promote the calling of or holding of referendums held without the authority to do so, in clear reference to the Ibarretxe Plan. Consequently, on December 19, 2003, the PP passed (through its votes alone) the amendment. Jail time and disqualification from public office were mandated for anyone who called referendums, participated in their completion, or allocated public funds to them.
On this occasion, for the first time since the PSOE initiated the legislative and judicial onslaught in 1988, the opposition in bloc rejected the reform. The PSOE argued that the reform attempted to penalize politics and that it would create more problems than solutions for the issue of the Basque Country. On January 12, the PSOE lodged an appeal of infringement of fundamental rights and freedoms with the constitutional court against any modification of the penal code.

In the middle of this controversy, on December 30, 2004, a full session of the Basque parliament finally passed the Ibarretxe Plan, which was supported by thirty-nine of the seventy-four seats in the parliament (53 percent): thirty-six representing the tripartite government (PNV/EA/EB-IU) plus three of the six seats held by the Patriotic Socialists (SA), a renamed Batasuna.

The Ibarretxe Plan declared the Basque people a sovereign nation in Europe. By virtue of the principle of sovereignty, Basques have the right of self-determination. However, through the concept of cosovereignty, the Basque government promised not to change the statute unilaterally, while at the same time it called on central government to not undertake any changes without first reaching an accord with the Basque government.

The plan also recognized Basque citizenship (a political concept) and nationality (a cultural concept) for all inhabitants of the CAPV-EAE, allowing them to enjoy dual citizenship. Juridical recognition of Basque citizenship and nationality replaced recognition of Basque “nationality” in the 1978 Spanish constitution. The Basque Country would now be considered a nation, that is, a people or culture inscribed in the Spanish state.

With regard to territoriality, the plan called for the freedom of cross-border relations among the seven historic Basque territories. It also called on the Spanish and French governments to respect the decisions made by citizens in each one of these regions of the Basque Country. Navarre retained the option, as it did in the Statute of Gernika, of joining the Basque community through the holding of a referendum.

The Ibarretxe Plan was based on the concept of a federalist state in which Basque citizens decide what kind of union or level of autonomous politics they wish to maintain with the central state. This status of free association referred to the foral tradition of the thirteenth and nineteenth centuries, whereby Basques decided what kind of links they had with the crowns of Castile or France.

Therefore, the new statute could neither be annulled nor restricted by penalizing the power transfer process or passing constitutional laws or EU laws unilaterally by the central government. The plan called on the constitutional court to create a bilateral commission to resolve conflicts over powers, and for the prior Basque approval and ratification of international treaties and agreements that affect the Basque Country. Specifically, the plan called for Basque representation in the EU. As the incorporation of the Spanish state into the EU occurred after the Statute of Gernika, the plan argued that adhesion of the Basque regions to the EU demanded Basque government representation in the elaborating of EU laws that affected areas governed by the autonomous government’s own exclusive powers.
On January 14, 2005, the president of the Basque parliament, Juan María Atutxa, presented the Ibarretxe Plan in the congressional records office. And on January 19, a parliamentary committee approved debate of the proposal before the full Congress of Deputies by a vote of five to four (with the PP in opposition to its full debate). As a result, on February 1, the Spanish Congress debated the proposal in full session. Ibarretxe himself, representing the Basque parliament, defended the proposal, and after a brief debate lasting a few hours, it was rejected 313 votes against to 39 in favor, with 2 abstentions.

Despite the predictable rejection of the proposal in Congress, on February 27, 2005, Ibarretxe called for the beginning of a new process of negotiation and promised, as he had done before a full session of the Basque parliament, to hold a democratic popular consultation during his next legislature—that is, after the autonomous elections in April 2005. These elections, with a turnout of 69 percent, resulted in the PNV-EA coalition being the most voted single option and while the coalition did not achieve an absolute majority (through losing four seats), Ibarretxe was once more elected lehendakari by the Basque parliament.

Despite its rejection in the Congress of Deputies, the Ibarretxe Plan resulted in new proposal for Catalan autonomy to be promoted in that community’s parliament. At this point, the Spanish army once more did something that, sadly, the Spanish people had been accustomed to, and on January 6, 2006, during a major military celebration, the Captain General of Seville, Lieutenant General José Mena Aguado, a commandant of the armed forces, alluded to the potential intervention of the army in the event that Congress passed the reform of the Catalan statute. The PP’s reaction, as noted by The New York Times, was very revealing: “Most political parties condemned the remarks, but a spokesman for the Popular Party, Gabriel Elorriaga, said such statements were inevitable because Prime Minister José Luis Rodriguez Zapatero had not fought the proposal.”13 In a subsequent editorial, The New York Times labeled the Spanish military “troglodytes” and urged the PP to accept the democratic legitimacy of the PSOE government.14

On April 16, 2004, Zapatero had been named prime minister in congress by 183 votes in favor to 148 against (the PP), and 19 abstentions (Basque, Catalan, and Galician nationalist groups). During the opening parliamentary debate, Zapatero outlined the general program of his government. He announced, among other things, his intention to initiate, by means of consensus, a partial constitutional reform that would make the senate a chamber of territorial representation, and that would create a process for the reform of the autonomy statutes that had already begun in various communities. However, he also highlighted that any reform must respect the constitutional framework and be grounded in political and social consensus (in allusion to the Basque proposal). Three months later, Zapatero met with Ibarretxe in Madrid, the first time a Spanish prime

minister had met a Basque lehendakari in three years, because the former prime minister, Aznar, refused to initiate any dialogue at all with the Basque head of state.

Regarding the Basque question, the new PSOE government addressed two points. In the question of reform of the statute of autonomy, on October 28, 2004, Prime Minister Zapatero organized the first conference of autonomous presidents. As a result of this meeting, on January 11, 2005, the prime minister and secretary general of the PP reached an agreement—as had the PSOE and the UCD in their day—to create a Senate commission made up of members of both parties to reach an accord on future reform of both the constitution and the statutes of autonomy. Thus, in November 2005, debate began on the state of the autonomies, including Senate reform, reform of the autonomy statutes, and autonomous financing. It was soon clear that agreement on reform of the Senate would not be forthcoming due to the PP’s opposition to the reform of the Catalan statute. Ibarretxe did not attend this general commission. He argued that it was worthless because any reform of the Basque statute had to be rooted in a bilateral agreement with central government. Furthermore, he rejected the entire process due to the lack of deliberation on the Ibarretxe Plan.

Secondly, the PSOE addressed the idea of reforming judicial power so that it could not be manipulated politically. The reform adopted the necessary measures so that the election of officials to the Supreme Court and the high justice courts would be based on majority decisions reflecting as wide a political consensus as possible. This was the tenth reform of judicial power in the last ten years of the democratic transition in the Spanish state; an indication of just how insecure this democracy was, and yet more reason for many Basques to embrace the idea of independence.

References


The structuring into autonomous communities, or in some cases “nationalities,” is a basic feature of the 1978 Spanish constitution. This was an intermediate solution to the competing claims of, on the one hand, different historic nations—such as Catalonia and the Basque Country—that demanded legitimate self-government, and on the other, sectors within Spanish nationalism closely tied to the Franco regime that called for a centralist unitary state without any risk of dissolution. As the development of autonomy has differed in two regions of the traditional southern region of the Basque Country, Hegoalde, between the northern regions of Bizkaia, Gipuzkoa, and Araba (the Autonomous Community of the Basque Country, CAPV-EAE by its Spanish and Basque acronym), and Navarre (the Foral Community of Navarre, CFN by its Spanish acronym), they will be treated separately in this chapter.

The Statute of Gernika

“The Basque People or Euskal Herria as an expression of its nationality . . . constitutes an autonomous community within the Spanish state under the name of Euskadi or the Basque Country.”¹ Thus begins the preliminary title of the statute of autonomy of the CAPV-EAE—known popularly as the Statute of Gernika—that was approved by constitutional law on December 18, 1979. According to this constitutional law, the CAPV-EAE is composed of the historic territories of Araba, Bizkaia, and Gipuzkoa, while at the same

time leaving the possibility open of Navarre being incorporated, should its citizens so wish in a referendum. Furthermore, its own language, Basque, shares co-official status with Spanish.²

The statute is considered a constitutional law that, as such, has a higher status than that of ordinary law. Consequently, its approval, modification, or abolition requires majority endorsement by Congress in a single vote on the statute as a whole. The constitution is above constitutional law; that is, one cannot contradict the other. The statute is the basic normative guideline of the autonomous community. Although its ultimate authorization lies with the Spanish parliament, it must also be endorsed by the autonomous parliament and sanctioned by a popular referendum. In many ways, this is a contractual agreement between the autonomy and central government, between the Basque people and the Spanish state; although there will always be a limit to what can be agreed on because it must not contradict the constitution. Indeed, such limits are not inconsiderable.

The statute did not, however, imply the culmination of the legitimate aspirations of the Basque Country as a nation. As noted, the democratic transition was the result of an endless round of negotiations to reach a minimum degree of consensus and agreement. Indeed, the statute was one such agreement. Most Basques believe today that the statute needs to be reexamined, and for this reason, the Basque parliament approved a motion favoring its reform in 2005 (examined in more detail below). And the only additional provision in the Statute of Gernika speaks for itself: “The acceptance of the system of autonomy established in this statute does not imply that the Basque people waive the rights that as such may have accrued to them in virtue of their history and that may be updated in accordance with the stipulations of the legal system.”³

While the Statute of Gernika affirmed the national character of the Basque Country (and therefore the potential to constitute itself as a sovereign state), the Spanish constitution relegated any potential right of self-determination to a status below that of the importance of maintaining state unity (hence, above the popular will of the Basque people). In this way, the constitution prohibits not just the right of self-determination, but the mere fact that Basques might be consulted on the issue—that is, if they want to continue forming part of the Spanish state. For this reason, and by way of justification, the statute states, “The Basque People or Euskal Herria as an expression of its nationality and in order to accede to self-government constitutes an autonomous community within the Spanish state under the name of Euskadi or the Basque Country, in accordance with the constitution and with this statute, which lays down its basic institutional rules.”⁴ In other words, the CAPV-EAE accepted autonomy and respect for the Spanish constitution in order to gain

some measure of self-government. However, the statute did not represent a full process leading to self-government, for to undertake this would mean full constitutional reform. In addition to this limitation on the statute’s power, each of its territories—Araba, Bizkaia, and Gipuzkoa—have their own institutions, recognized by the statute.

**Territoriality Issues**

The Statute of Gernika, while not mentioning the inclusion of the historical Basque territory of Iparralde, does provide for the potential admission of Navarre in the CAPV-EAE. The process for Navarre’s entry would be first approval by its highest legislative authority in Navarre followed by popular referendum, expressly called for this effect and passed by a majority of votes cast. Moreover, it is the CFN that must take the initiative through its parliament and the referendum. Should the initiative not succeed, it cannot be repeated for a period of five years thereafter.5

The CFN was established in 1982 with the passing of the constitutional law on the reinstatement and improvement of the foral system in Navarre. The “improvement” of Navarre (as it was known) only records that: “The territory of the Foral Community of Navarre consists of the municipalities constituted in its historical Merindades, or districts, of Pamplona-Iruña, Estella [Lizarra], Tudela [Tutera], Sangüesa [Zangoza], and Olite [Erriberri].”6 Moreover, it states that, “Navarre constitutes a foral community with its own system of governance, autonomy, and institutions, forming an indivisible integral part of the Spanish nation and in solidarity with all its peoples.”7 As such, no mention is made of the CAPV-EAE, and somewhat curiously, redundantly even, it repeats concepts already established in the Spanish constitution, such as indivisibility and solidarity with other peoples of the state. The most voted party in the CFN in recent times, the UPN, opposes the fourth transitory provision of the constitution and has appealed on numerous occasions for its abolition. Yet the fact of the matter is that, since 1978, the procedure established in the provision has never been called for.

There is also the issue of the County of Treviño (Trebiñu in Euskara). This is an enclave located entirely within Araba, but whose administration falls under the jurisdiction of another autonomous community, Castilla y León. As such, the Statute of Gernika makes allowances for other territories or communities “situated entirely within the territory” of the CAPV-EAE joining this community, on the following conditions: that membership of the CAPV-EAE is requested by a majority of the town halls there, and that a hearing be given to them before the community to which they currently belong; that the inhabitants of the territory or municipality concerned express their agreement by means of a referendum specifically called for that purpose, duly authorized beforehand by the competent authority and passed by a majority of validly cast votes; and that the decision

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7. Ibid., art. 1.
is approved by both the Basque and Spanish parliaments, and that a constitutional law be passed to this effect.

Not unlike the case of Navarre, legally, there has been no change in the juridical status of Treviño. However, it should be pointed out that in this particular issue, the town halls making up the county have expressed, legislature after legislature and by absolute majority, their wish to join the CAPV-EAE. Both the institutions of Castilla y León and the Spanish government have, in response, ignored these requests.

Finally, the constitution forbids the “federation of autonomies” although no explanation is offered as to why. All it allows is for the statutes of autonomy to specify certain conditions, requirements, and terms under which they may establish agreements among themselves for the administration and rendering of services pertaining to them, as well as the nature and purpose of the corresponding communication to the Spanish parliament. As the constitutional court ruled in 1986, this article “does not allow the autonomous communities to establish agreements among themselves, but, assuming this capacity, it defines in terms of content the requirements that regulation of this matter in the statutes must abide by and establishes control by the Spanish parliament of any agreements or accords of cooperation.”

Powers and Institutions

The Statute of Gernika indicates what the fundamental rights and duties of citizens of the CAPV-EAE are, as established by the constitution. It obliges the Basque public authorities to protect and guarantee the proper exercise of the citizens’ fundamental rights and duties; improve living and working conditions; adopt measures that will help to promote employment to grow and economic stability; promote individual and group freedom and equality; and ensure the participation of all citizens in the political, economic, and social life of the Basque Country.

According to the statute, the authorities of the CAPV-EAE are made up of the parliament, the government, and the president or lehendakari. Furthermore, each of the CAPV-EAE’s historic territories can maintain and reorganize their own bodies of self-government. Designation of the seat of government for the CAPV-EAE was made via the Basque parliament, and Vitoria-Gasteiz (Araba) was selected as the location of both the parliament and the government. One should bear in mind that the constitution did not leave the autonomies much room for maneuvering when it came to their institutions. In other words, it obliged them to have one parliament and one government, a structure that has shaped the Statute of Gernika. The original or unique feature, then, of the statute is the existence of institutions within the historic territories. Another distinctive feature of the statute is to consider the treasury as an independent authority. Both these particularities have their origin in the aforementioned historic rights.

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8. Ruling of the constitutional court 44/1986, April 17, by which an accord between the autonomous communities of Catalonia and Murcia was annulled.
The Basque Parliament

The Basque parliament is the highest organ of popular representation in the CAPV-EAE. It exercises legislative power and initiatives, passes laws, and annual budgets, and promotes and controls government activity, all this without infringing on the powers of its three historic territories. It also appoints senators to represent the Basque Country by proper proportional representation; requests the state government to adopt a bill or to refer to the congressional board (mesa del congreso) a proposal for a bill, delegates the members of the Basque parliament entrusted with the defense of said bill; lodges appeals on the basis of unconstitutionality; and passes motions of censure of or support for the lehendakari.

The composition of the parliament is not proportional to the number of inhabitants within the CAPV-EAE by historic territory. Instead, there are an equal number of representatives for each of these three territories, all elected by universal, free, equal, and secret suffrage. The basic electoral district for elections to the Basque parliament is the historic territory. Each territory elects twenty-five representatives to form a parliament made up of seventy-five deputies. One should point out, then, that Bizkaia, with over one million inhabitants, sends the same amount of representatives to the Basque parliament as Araba, with a population of four hundred thousand. This is stipulated in the statute, which states that elections are to be held in each territory in accordance with the criteria of proportional representation. The Basque federal tradition is behind this system of elections to the parliament of the CAPV-EAE. As such, the parliament resembles a senate within a federal system. Despite all this, political dynamics have little or nothing to do with electoral districts, that is, the parliament is made up of political groups and where the representatives come from is of little importance. To clarify this still further, since its inception in 1980, not one bloc vote has been taken in the Basque parliament by a single historic territory acting in its own interests. Rather, as stated, bloc voting takes place according to the political make up of the parliament.

The Basque parliament is elected for a four-year term. Elections are called by decree of the lehendakari, and the vote must take place between fifty-four and sixty days after publication of this decree. As regards the electoral campaign, it should last fifteen days, and by this law, free campaigning space is granted in the public media in proportion to the number of votes achieved by each party at the previous elections to the Basque parliament.

According to the statute, the Basque parliament is inviolable. Its members, likewise, will be inviolable in terms of the votes and opinions they may express while exercising their functions. During their terms of office, they may not be arrested or detained for offenses committed in the territorial area of the autonomous community unless taken in the act of committing them. Parliamentary laws pass to the lehendakari and then published in the Official Bulletin of the Basque Country (BOPV) and thus pass into force.

The Basque Government and the Lehendakari

The Basque Government, under the direction of the lehendakari, establishes general policy and presides over the administration of the CAPV-EAE. The lehendakari appoints a
cabinet of ministers. Government powers and organization, based on the lehendakari and the cabinet, and the statute of its members, are regulated by the Basque parliament. The Basque government will resign after the holding of elections to the Basque parliament in the event of a loss of parliamentary confidence or upon the resignation or death of the lehendakari.

The Basque government is responsible, among other matters, for: approving draft proposals of law prior to remitting them to the Basque parliament; approving by means of decree the rules for developing and implementing laws emanating from the Basque parliament, together with that of state laws when the implementation of the power corresponds to the autonomous community by virtue of the statute of autonomy, or by delegation or transfer; authorizing the holding of a referendum, once the procedures required by the statute of autonomy have been fulfilled; authorizing, when necessary, the approval of accords made by the autonomous community with the historic territories or with other autonomous communities by which services associated with the exclusive powers defined by the statutes are managed and provided. These accords must be communicated to the Basque parliament where any opposition to them must be expressed within twenty days; establishing cooperation agreements with other autonomous communities that must be ratified by the Basque parliament; and ultimate authority over the autonomous police force, as exercised through the figure of the lehendakari.

The Basque government is collectively and politically responsible for its actions to the Basque parliament, without prejudice to the direct responsibility of each member of the cabinet for the management of his or her respective area. The government must attend parliament when the latter requests its presence. It must facilitate parliament with any information or help it calls for and respond to any requests, questions, appeals, or motions parliament formulates, as outlined by its own rules. The lehendakari and other members of government may not be arrested or detained during their term of office for criminal offenses committed in the territorial area of the autonomous community unless taken in the act of committing them. In all cases it shall be incumbent on the high court of justice of the CAPV-EAE to decide on their indictment, detention, prosecution, and trial.

Government actions are defined by the principles of objectivity, public accountability, efficiency, decentralization, and coordination between its constituent organs and with those of the historic territories. Furthermore, given that the Statute of Gernika establishes the obligation of the public authorities to promote the conditions and remove any obstacles so that the equality of individuals and groups is real and effective, within government both sexes will be represented by at least 40 percent of the total membership.

The Administration of Justice

According to the statute, the administration of justice in the CAPV-EAE—whose highest authority is the high court of justice with jurisdiction throughout the territory of the autonomous community and the court of final appeal—is structured in accordance
with the stipulations laid out in the constitutional law on judicial power—in other words, in accordance with Spanish state legislation. The Spanish constitution establishes one single and exclusive system of judicial power. Therefore, in reality, the powers of an autonomous community are scarce, and it only participates in the organization of judicial appointments at a level lower than that of the province. This is another of the big differences between the autonomous state and its federal counterparts. In the former, justice is completely centralized, with some residual power in matters handled by lower or district courts in the autonomous communities. In fact, the statute indicates that the autonomous community and the Spanish ministry of justice will maintain a necessary collaboration to oversee the administration of this power transferred to the CAPV-EAE.

The autonomous community cannot appoint members of the justice system, although “knowledge of Basque foral law and Euskara will be qualifications for which preference is given.” Finally, “no exception will be made because of origin or place of residence.” The only initiative the autonomous community has is that of providing for competitive examinations for magistrates, judges, and secretaries posts in accordance with Spanish constitutional laws.

*The Institutions of the Historic Territories*

The Statute of Gernika makes no mention of any specific institution associated with the historic territories. However, it is careful to cite the foral or specific nature of Araba, Bizkaia, and Gipuzkoa. Each of the three territories, then, is responsible for determining its own juridical system. Furthermore, just in case, it affirms that nothing expressed in the statute implies “any alteration of the nature of the specific foral system or of the jurisdiction of the particular regimes of each historic territory.” The most the statute undertakes to do is to divide out powers and point out, in very general terms, what the powers of the three territories will be. A short time after the jurisdiction of the statute had taken effect, and taking account of some major gaps the document had left, a law on the historic territories was passed in 1983 to regulate relations between the institutions of the CAPV-EAE and the historic territories. As a result, a confederal model of relations was established for the CAPV-EAE in which the principle of political equality for the three historic territories with respect to their distinct character was synchronized with that of the autonomous community as a whole.

Each of the three historic territories in the CAPV-EAE has a legislative assembly and a government with wide-ranging powers, among which are those to raise direct and indirect taxes. In accordance with their historical tradition, these are foral bodies of the historic territories. Each of these general assemblies is composed of fifty-one members and

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9. Basque foral law is understood here as the set of laws of all seven of the historic Basque territories before their inclusion in the Spanish and French states—in other words, when they constituted independent republics federated in the crowns of Castile and France.

they are elected via universal suffrage in accordance with the principle of proportional representation in each electoral district or, in this case, region. Moreover, they vote on the annual budget and elect the government that will preside over the historic territory. Secondly, there is the foral diputación, the government of each historic territory. It is led by the diputado general (general deputy) or president and exercises executive authority.

The historic territories have wide-ranging powers, such as urban planning, highways and public works, the environment, cultural affairs, and social well-being. The three territories enjoy equal status within the political and administrative structure of the CAPV-EAE. The diputaciones forales are responsible for raising all taxes, whether direct or indirect, within their respective territories. Thereafter, the Basque government—through the Basque Finance Committee—distributes the money collected among the institutions. Moreover, any conflict over where authority might lie between the CAPV-EAE and any one of the historic territories will be submitted for consideration to an arbitration commission made up of an equal number of representatives nominated by the Basque government and the concerned foral diputación, and presided over by the high court of justice in the CAPV-EAE.

The Treasury

The CAPV-EAE has its own “autonomous treasury” for the proper exercise and financing of its powers. According to the statute, the CAPV-EAE has its own taxation structure with the power to regulate and manage those matters that are normally overseen by a state’s tax authorities. The fiscal agreement itself gathers together the necessary rules for fiscal synchronicity between the tax systems of the CAPV-EAE and the state. The CAPV-EAE and the CFN are the only autonomous communities that enjoy full fiscal autonomy to raise taxes directly, and therefore this will be examined in more detail in chapter 4.

The general budget of the CAPV-EAE contains the revenue and expenditure of general public activity and is drawn up by the Basque government and approved by the Basque parliament. Moreover, the CAPV-EAE may issue public debt to finance investment expenditure. The size and characteristics of issues are established in accordance with the general guidelines of credit policy and in coordination with the state. And bonds issued are considered for all purposes as public funds.

The Powers or Authority of the CAPV-EAE

The powers corresponding to the CAPV-EAE are defined in three general areas: those of an exclusive nature on a given matter; those of management or administration, in which its authority is limited to developing a given matter that has already been established by state legislation; and, finally, those in which autonomous power is one of implementing state legislation alone on a given matter. The list of responsibilities for each of these three areas is very detailed, and there are some matters in which the statute establishes certain particular features, such as those of the police, the media, health, education, and justice.
The CAPV-EAE’s authority is applicable in preference to any other and only in its absence will state law be applied to supplement it. The CAPV-EAE has wide-ranging exclusive powers with regard to many domains involving administrative and electoral affairs, economic organization, and natural resource management, among many other areas.

Secondly, the CAPV-EAE has the power of legislative development and the right to exercise authority within its own boundaries over general state legislation in the following matters: the environment and ecology; forced expropriation, contracts and administrative concessions within its authority, and the system of responsibility of public administration in the CAPV-EAE; regulation of maritime fishing in the CAPV-EAE; regulation of credit, banking, and insurance; essential resources or services, especially in the event of a monopoly, and intervention in companies when the general interest so requires are reserved for the public sector; and the mining and energy system, together with geothermic resources.

Finally, the CAPV-EAE is responsible only for implementing state legislation in the following matters: penitentiary legislation; labor legislation, taking on board the faculties and powers that the state currently possesses with regard to labor relations; the appointment of property registrars, exchange and stock market agents, and brokers; intellectual and industrial property; weights and measures, assay office; international trade fairs held in the CAPV-EAE; the state public sector within the territory of the CAPV-EAE, with the latter taking part in matters that arise therein; ports and airports of general interest, when the state does not reserve the right to its exclusive administrative authority; the regulation of freight and passenger transport that begin and end within the territory of the CAPV-EAE, even if they use state-owned infrastructures, without prejudice to the right of direct implementation of this authority reserved by the state; and maritime rescue and industrial and contaminating spillage in state territorial waters corresponding to the Basque seaboard.

The statute also includes a list of residual clauses. The CAPV-EAE has the authority to legislate on and implement the remaining matters that have been transferred by constitutional law or delegated by the state within the guidelines established by the Spanish constitution, at the request of the Basque parliament. Further, the CAPV-EAE can pass the corresponding legislation under the terms of article 150.1 of the constitution, when the Spanish parliament approves laws that refer to the matter in question.11

There still remain nearly forty powers to transfer on the part of the Spanish government. Among the more important of these powers are those the Spanish government judges to be exclusively of the state and refuses to negotiate, such as unemployment benefits, the national social security institute, the economic regulation of the social welfare system, the salary guarantee fund, airports, railroads, credit and banking, official credit,

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11. In questions of state authority, the Spanish parliament can grant to all or one of the autonomous communities the authority to dictate for itself legislative norms within the framework of the principles, bases, and directives established by a state law.
the issuance of driver’s licenses and vehicle licensing, private security services, municipal elections, and publicly owned inns and hotels (paradores).

The issue of transferring these forty powers is a major political question in the CAPV-EAE. The power transfer system as established in the constitution required an effective or major shift of authority in order to function properly. When the statute was being negotiated, all the aforementioned powers were included in the agreement, because it was assumed by the Basque representatives that the Spanish state had agreed in full to their transfer. The reality, however, was different. The failure to fulfill the agreement by successive Spanish governments led at first to frustration and then anger on the part of their Basque counterparts. Ultimately, this resulted in a loss of confidence in the state model.

The Judicial System and the Police Force

We have seen already that the specific judicial powers of the CAPV-EAE are limited, as justice is an exclusive authority of the Spanish state. However, the statute does address several dimensions of this power. With regard to the administration of justice, with the exception of military jurisdiction, the CAPV-EAE exercises within its territory the authority that Spanish constitutional laws on judicial power recognize, reserve, or attribute to the government. The statute incorporates the authority of justice administration in a political, rather than juridical, sense. During the process of negotiation over the statute, it was decided to incorporate this chapter on the administration of justice to grant the new charter a more “constitutional” feel.

Closely tied to the issue of justice is the police force. The autonomous Basque police or Ertzaintza, insofar as it acts as judicial force, is at the service and under the direction of the justice authorities. The existence of a distinct autonomous police force was, for many years, a particular feature of the CAPV-EAE. Today, another three autonomous communities (including the CFN) have their own forces, albeit these other forces operate jointly with the Spanish state security forces. The Statute of Gernika attributes this power in a curious way: namely, via the first additional provision in the Spanish constitution regarding the historic territories. Supreme control, then, of the Ertzaintza is in the hands of the Basque government.

Furthermore, to coordinate operations between the Ertzaintza and the Spanish state security forces, there is a security board made up equally of state and CAPV-EAE representatives. Indeed, it was the duty of this security board to organize the autonomous police force. Moreover, police chiefs in the Ertzaintza are appointed from state armed forces and security officers. And not only is the autonomous police force presided over by officers of the Spanish army and police force, but the power of granting all arms licenses also lies with the state.

Due to foral historical tradition, each of the three foral diputaciones still had authority over their own police forces until the late 1970s. These were known as the miñones in Araba, the forales in Bizkaia, and the miqueletes in Gipuzkoa. The statute allowed for these
bodies to be initially incorporated into the general police forces of the CAPV-EAE, but with time, the autonomous institutions would be able to reach agreement on a restructuring of the different groups into one force—in other words, toward a reorganization of the police force according to the terms of the agreement by which this power was to be transferred. Consequently, the previously mentioned 1992 law provided for the full integration of these three police forces into the Ertzaintza.

The functions of the Ertzaintza are the protection of people and goods and the maintenance of public order within the territory of the CAPV-EAE. 12 Meanwhile, the state security forces (the Civil Guard, for example) retain authority over police services pertaining to matters beyond or outside the CAPV-EAE.

Further to these powers, however, the Spanish police can intervene within the CAPV-EAE in questions of public order maintenance in the following eventualities: at the request of the Basque government, halting any such intervention at the behest of the same government—on its own initiative, when it deems the general interest of the state is seriously compromised, although only on the approval of the security board. Furthermore, in hypothetical cases of extreme urgency and in order to fulfill the duties that the constitution entrusts it directly, the Spanish police force can intervene under the exclusive responsibility of the Spanish government, with the government in this case also obliged to inform the Spanish parliament of its decision13; finally, should a state of emergency, exception, or siege be declared, all police forces in the CAPV-EAE will be immediately subject to the direct orders of the corresponding civil or military authorities, in accord with the legislation governing these matters.

Education

In accordance with the Spanish constitution, the CAPV-EAE assumes authority for the full extent of education, all levels and grades, all varieties and specialties, without prejudice to that established in the constitution and other constitutional laws. Education is a good example of what the spirit of consensus that came with the autonomous pact of 1981 implied. Between 1985 and 1990, a series of constitutional laws were passed that regulated and homogenized the Spanish educational system. On the basis of the residual clause distributing powers, the state took responsibility for the general arrangement of the educational system; the general educational program; and establishing minimum educational requisites and regulating the remaining conditions for obtaining, granting, and officially authorizing academic and professional qualifications so that they are valid throughout the state.

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12. A professional ethics code was adopted by which Ertzaintza officers should act with complete political neutrality and impartiality, and avoid any abusive or arbitrary practices while respecting the principles of equality and nondiscrimination.

13. One should point out that the statute provides for a clause by which this power can be repealed “by a three-fifths majority of congress and the senate, and the approval of the Basque parliament, with a subsequent duly authorized referendum held for this purpose.” Art. 47.3, title IV, the Statute of Autonomy of the Basque Country (1979).
In other words, the educational system would be homogenized and synchronized throughout the Spanish state, thereby leaving, as a result, little more than the power of normative development and administration to the autonomous communities. Despite all this, the Statute of Gernika instead determined educational autonomy via the historic rights. And now the Basque government talks confidently about the “Basque educational system” in primary, secondary, and university education. The Basque government’s current education program is based on three foundations: promoting education as an integrating force; promoting professional formation; and achieving a Basque university system integrated into society that imparts quality education linked to its surroundings and committed to economic, social, cultural, and technological development.

Health and Social Security

The Statute of Gernika devotes a separate section to the power of the CAPV-EAE to develop legislation and implement basic state legislation on matters relating to health in the autonomous community, including exercising authority over legislation on pharmaceutical products. This is especially important because the CAPV-EAE (like the CFN) has its own universal public health system that is financed and regulated by the autonomous community itself. Consequently, all residents of the CAPV-EAE have the right to free health care. However, here too, one comes across what might be termed shared authority. The constitution states that authority over health matters “may” be assumed by an autonomous community. However, the state approved a 1986 general health law whereby all other systems (including those of the CAPV-EAE and the CFN) must conform to the state health system under the terms established by this ruling. Once more, then, a general state law was enforced with the result that both the reach and the quality of the health services in the CAPV-EAE and the CFN were effectively limited by state regulation.

The health system of the CAPV-EAE functions, to a great extent, through the auspices of an entity known as Osakidetza, while in the CFN there is a similar system termed Osasunbidea. The respective statutes of autonomy indicate that each community can organize and administer, within its own territory, all services relating to the above-mentioned matters and oversee all institutions, entities, and foundations involved in health services and social security, with the state reserving the right of last inspection leading to the fulfillment of the functions and powers contained in this article.

Within the CAPV-EAE, the demand for greater levels of control in the area of social security has been a constant feature of Basque nationalist programs, such as those of the PNV and EA—two parties that were especially prominent in pushing for more powers while in coalition government together. As noted, according to the statute the CAPV-EAE has authority over legislative development and the implementation of basic state legislation, except those norms that make up its economic structure and management of the economic structure of social security.
The statute anticipated the creation of a joint transfers committee for the signing of accords when necessary “whereby the autonomous community may assume management of the economic system of the social security, while respecting its unified nature and the principle of solidarity, in accordance with the procedures, time limits, and arrangements contained in such agreements for the sake of orderly management.” This agreement has never been respected by the state, which continues to exercise sole authority over social security.

The Social Media

The CAPV-EAE is responsible for legislative development of basic state norms in matters associated with social communication, respecting at all times what the constitution affirms on the subject. The Euskal Irrati Telebista (EITB, Basque Radio Television) group was created in 1982, comprising radio stations and two television channels (ETB1 in Basque and ETB2 in Spanish).

The state was always suspicious of the CAPV-EAE being able to create its own public media outlets, so the statute included a clause by which setting up the new broadcasting services would comply with the basic rules established by the state. In 1981, the state undertook a number of measures designed to paralyze the project, but it did not succeed. Today, EITB is the leading media group in the CAPV-EAE in audience ratings for news broadcasts and, while there are several private radio stations broadcasting in Basque, ETB1 is the only channel that broadcasts entirely in the language throughout the CAPV-EAE (and beyond). Of course, this has been very important in attempts to promote the Basque language.

Accords with Other Communities and International Matters

The Statute of Gernika, envisaging potential cooperation with Navarre, anticipated the possibility of concluding agreements regarding the management and provision of services that fell under their exclusive jurisdiction. Following its constitutional obligation, before legally coming into effect, such accords have to be approved by the Spanish parliament, which has the right to present any objections it may have within a thirty-day period. Once this period had passed, and no objections have been forthcoming, the accords come into effect. Meanwhile, the Statute of Gernika is one of the few statutes that mention international matters, an a priori exclusive power of the state. Accordingly, the CAPV-EAE will implement treaties and agreements in all areas connected to powers transferred it by the statute. Importantly, the statute also states that no treaty or agreement can affect these

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15. One should recall here that the Spanish constitution forbids expressly any federation of the autonomous communities and impairs much potential collaboration between them. For any such accords, then, the Spanish parliament must be in broad agreement and, clearly, such questions, should they arise, are open to detailed political scrutiny in Madrid.
transferred functions and powers. This is based on the idea that the function of implementa-
tion that the state cedes to the autonomous communities in those matters that are
not under its exclusive authority imply the jurisdiction of the autonomous authorities,
where applicable, to pass domestic regulations in the interest of organizing the corre-
spending transferred services.\textsuperscript{16} Finally, the Basque government should be informed of
any treaties or agreements, together with changes in customs regulations, insofar as they
may affect matters of specific interest to the CAPV-EAE.

Reform of the Statute

The Statute of Gernika itself establishes a procedure to initiate its own reform. This
procedure is different according to whether such reform is limited or more wide-ranging.
Moreover, should a process of union with Navarre take place, the statute would (logi-
cally) have to be modified, and this possibility leads to a third distinct procedure.

When reform is limited—that is, when its goal is the mere alteration of the organi-
zation of powers in the CAPV-EAE and such change does not affect the community’s
relations with either the state or the historic territories—this is termed an “abbreviated
procedure.” By this process, the text of a reform project is drawn up by the Basque parlia-
ment. Then, the Spanish parliament and the general assemblies of the historic territories
are consulted. If no institution declares itself to be affected by the proposed modification
within the space of thirty days from this initial consultation, a duly authorized referen-
dum will be held on the proposed text. Finally, the Spanish parliament must approve the
final text by means of a constitutional law.

When the reform is more wide-ranging, it is termed an “ordinary procedure.” By this
process, the initiative to propose reform lies with the Basque parliament (at the proposal
of one-fifth of its members), the Basque government, or the Spanish parliament. One
initial difference, then, with the previous procedure is that at least 20 percent of the mem-
bers of the Basque parliament must be behind the initiative. Thereafter, the proposal
must be approved by absolute majority in the Basque parliament. Once again, this is dif-
ferent, because in the previous “limited” case, a simple majority is sufficient to proceed
with the amendment. Whatever the case, the Spanish parliament must also approve the
initiative by means of a constitutional law. Finally, the approval of electors through a ref-
erendum is also required for the initiative to succeed. And the Basque government may
be empowered, by express delegation from the state, to hold this referendum.

Finally, when reform of the statute regards any union with Navarre, there is a third
procedure by which a joint session would apply, by absolute majority, the requirements
for the amendment to the statute. In addition, it must be approved by the competent tra-
ditional institution, by the Spanish parliament, and by popular referendum of the affected
territories.

\textsuperscript{16} This topic will be addressed in more detail in chapter 7 concerning the foreign relations of the Basque Country.
In sum, these procedures for reforming the statute all share the common denominator of having to be sanctioned by both the Basque parliament and the Spanish Congress. In short, Basques do not have the legal authority to decide freely for themselves how they want their institutions to function, what powers they want, and what shape their external relations might take. There is no shortage of political will, however, to effect such change as evinced by the additional provision in the Statute of Gernika that states: “The acceptance of the system of autonomy established in this statute does not imply that the Basque people waive the rights that as such may have accrued to them in virtue of their history and that may be updated in accordance with the stipulations of the legal system.”

The Ibarretxe Plan

Faced with the refusal of successive Spanish governments to comply with the agreed process of power transfer negotiated in the Statute of Gernika, the Basque government proposed a reform of the statute in 2003. The proposal was based on a concept similar to that of federalism: *free association*, whereby Basques would have the right to decide what kind of union and, therefore, the degree of autonomy they want in regard to the Spanish state. This is a similar system to that of regions in countries like Germany or Switzerland. It did not propose establishing a *freely associated state*, because in order to do so, there would first have to be a Basque state. The proposed reform was based on principles such as respect for human rights, respect for the majority decision of Basques freely expressed by means of a referendum, and the social well-being of all Basques.

Specifically, three ideas underpinned the proposal: The Basque people is a people of Europe with its own identity; Basques have the right to decide their own future, that is, the right of self-determination; and the decisions of the people in each of the Basque regions (the CAPV-EAE, the CFN, and Iparralde) should be respected by the rest of the European peoples.

Furthermore, the proposal suggested a series of reforms, including: freedom of relations with Navarre and Iparralde, based on respecting the decisions taken in each of these territories; autonomous judicial power; a guarantee by the Spanish state of direct Basque representation in Europe, such as is the case with the regions of Belgium or the federal states of Germany; guarantees that the new statutes cannot be restricted or annulled unilaterally. In order to do so, the constitutional court would have to be adapted, with the creation of a bilateral commission to resolve conflict. And international treaties and agreements affecting the powers of the Basque Country would have to be approved by the institutions affected: It would also recognize Basque citizenship and nationality for all inhabitants of the community, allowing them to enjoy or be accredited dual Basque and Spanish nationality. Having one or two nationalities should not imply any loss or

17. Art. 47, title IV, additional provision.
gaining of rights and obligations, because such issues are questions of citizenship not nationality; recognition of official Basque national sports teams; and exclusive powers in public administration, education, culture, sports, linguistic policy, social affairs, health, the economy, the treasury, housing, the environment, infrastructures, transport, public safety, work, and social security.

The proposal did not suggest among its demands: defense; civil, commercial, and penal legislation (without prejudice to foral and substantive law or contract law for public administration); merchant shipping; Spanish nationality (immigration, status of foreigners, right of asylum, and so forth); the production, trade, licensing, and use of arms and explosives; the control of air space; and foreign policy.

In 2004, the Basque government initiated a campaign to inform people about the project. This campaign included seven key ways by which to understand the proposal: It incorporated juridical recognition of Basque nationality in equal conditions to that of Spanish nationality. Currently, the Spanish constitution recognizes three “historic nationalities” in the state, but only symbolically. In other words, there is no real added value to this recognition. The Basque government proposal suggested the idea of dual nationality for anyone who requested it in equal conditions of rights and obligations to those who just retained Spanish nationality. Therefore, the proposal did not contemplate the possibility of having a single Basque nationality.

The proposal called for a promise by the Spanish government to respect the decision of Basque society made via a referendum. One takes this to mean a popular consultation on the question of reforming the political framework or self-determination. This consists of the Basque community deciding what kind of status it wants. Every degree of autonomy should be included for contemplation in this decision, from losing it completely and returning to centralized rule to calling for an independent state.

The projected reform also called on the Spanish government to not obstruct or hinder any hypothetical new relations between the Basque and Navarrese governments. Such relations would only emerge after both societies, via referendums, had so decided—not just on the possibility of joining one another, but also on other kinds of collaboration.18

The Ibarretxe Plan made a point, too, of underscoring the need to create a specifically Basque judicial authority. As noted, the CAPV-EAE has higher courts of justice, just like other autonomous communities. However, all judicial procedures ultimately end up in Spanish courts located in Madrid because, as we have seen, judicial power in the Spanish state is single and exclusive. According to the plan, then, Basque judicial power would be established to oversee those procedures that can be settled in the CAPV-EAE, but that are normally rerouted to Madrid.

18. The proposal used the same argument regarding the questions of Treviño and Trucios (Trebiñu and Turtzioz in Basque), as well as Iparralde, although the latter was merely symbolic given that it is located in the French state.
Further, the plan suggested exploring new possibilities for self-government, mainly through the notion of joint sovereignty—the name given to shared power between different administrative bodies and, in this case, between the Basque and Spanish governments.

Finally, the proposal highlighted two further means of understanding its fundamental argument: On the one hand, it included a statement to the effect that the status quo would not be altered unilaterally, that is, by either of the two governments separately. And it emphasized the point that Basque citizens would continue to have the same rights and obligations as Spanish citizens within the Spanish state.

The importance of the Ibarretxe Plan was such that it would have to be put to a referendum, as the Statute of Gernika had been. Anyone who normally had the right to vote in Basque elections was eligible to take part in this election, which was scheduled to take place only in the absence of any terrorist activity. Moreover, in accordance with the previously mentioned confederal spirit behind administrative organization in the CAPV-EAE, the Ibarretxe Plan could only be approved if all three historic territories voted in favor of it. For the Basque government, the principal objective (beyond of course gaining a positive vote) was to achieve greater support for the proposal than had been achieved for either the Spanish constitution (30 percent in the CAPV-EAE) or the Statute of Gernika (53 percent).

Legally, the proposal would have to follow the previously mentioned “ordinary procedure.” The first step in this procedure, approval in the Basque parliament by absolute majority, was achieved, but thereafter the plan stalled. The Spanish congress, where Basque representatives form only a minority of the total members, held a “debate” on the proposal on February 1, 2005, in which it refused even to debate the issue. From that moment on, then, the plan was paralyzed.

In my opinion, the real reason for rejecting the proposal out of hand was to dismiss any notion that Ibarretxe may have had of raising the issue of the right to decide. As the lehendakari himself stated before Congress (and in Euskara), in representation of the Basque parliament, he defended the right of the Basque people to freely decide its future.

Navarre

After the first Carlist War (1833–39), Navarre lost its status as a kingdom, a condition it had enjoyed since the dawn of the eighth century. By the Bergara Agreement (1839), the Spanish general, Baldomero Espartero, stated his aim to present before the Spanish parliament a proposal by which the Navarrese fueros, the old laws of the kingdom, would be maintained yet modified. As a result, the Spanish government passed the Ley Paccionada (literally, “pacted law”) in 1841 that confirmed the continued existence of the

19. The plan was rejected after receiving 29 votes in favor, 313 against, and 2 abstentions. The only votes in favor came from Basque, Catalan, and Galician nationalists and members of the mixed group. In short, the result clearly attested to the distribution of political power in the Spanish parliament.
fueros, so long as they did not harm constitutional unity. Therefore, Navarre was obliged to renounce its status as an independent kingdom and become a province in the Spanish state, in exchange for maintaining a degree of autonomy in those matters that did not compromise the unity of state. Consequently, the Navarrese parliament disappeared, as did Navarrese administrative authority and municipal autonomy. Moreover, Spanish military service was thereafter enforced, which, in turn, led to greater emigration to the Americas through the nineteenth century.

The other Basque territories (Araba, Bizkaia, and Gipuzkoa) rejected any similar agreement with the state, and the 1841 law did not apply to them. The political situation did not improve, however, and after the second Carlist War broke out in 1872, the four Basque territories once again reclaimed their fueros and a political status as federated independent republics. After losing the war in 1876, though, the Spanish government redrew the political map of the new state. For fear of another conflict, a degree of autonomy was retained in the Basque territories, through the stipulations of the Ley Paccionada in Navarre and the fiscal pact in Araba, Bizkaia, and Gipuzkoa.

As a result, Navarre retained certain vestiges of its foral system, and ever since it has developed this structure progressively, making arrangements with the central state authorities to adapt its powers and authority and, where necessary, agreeing on forms of cooperation. Indeed, the notion of making pacts has always been prevalent among pro-foral groups.20 The main difference between Navarre and the other Basque territories is that a section of the population there believes that the territory has always enjoyed an uninterrupted foral status, with the fiscal agreement the main example of this; that is, the idea that since 1841, Navarre has maintained a degree of continuous fiscal autonomy while the other Basque territories must negotiate their fiscal pact every ten or so years.

The 1978 Spanish constitution, as we have seen, safeguarded and respected the historic rights of the Basque foral territories. I have also noted the different paths it established to achieve autonomy. The case of Navarre was unique, however, in that it chose the first additional provision of the constitution (via historical rights directly) as a means to achieving autonomy. In 1979, the first representatives were elected democratically to the Navarrese parliament after the death of Franco. The following a year, a process of negotiation began on a pact to revamp the juridical and institutional framework of Navarre. This culminated in the promulgation of the constitutional law on the reinstatement and improvement of the foral system in Navarre in 1982, and this might be considered as defining the current basic framework of public law in the CFN.

There are certain differences between the “improvement” of Navarre law and the Statute of Gernika: The “improvement” of Navarre law is not termed officially a statute of autonomy. By incorporating the word “improvement,” the implication was that this

was a form of revamping or updating the existing foral system (or what remained of it) rooted in a centuries-old right of self-government. The Statute of Gernika, by contrast, states that autonomy was gained by means of the status of being a “historic community.” In the Navarrese case, unlike that of the CAPV-EAE, there was no referendum on the matter. The Navarrese “improvement” law makes no mention of the concept of nationality, unlike the Statute of Gernika, where reference is made to the national character of the Basque Country (Euskal Herria). Finally, according to “improvement” law, Euskara is only co-official in certain parts of the CFN.

Navarre decided to form its own foral or autonomous community after the death of Franco. Relations between the governments of the CFN and the CAPV-EAE were tense through the late 1990s and into the new millennium after the UPN came to power, because it made anti–Basque nationalism a cornerstone of its policy. Nevertheless, there are many similarities between the “improvement” and the “statute,” and on many occasions, these have defined parallel (although not joint) activity by the governments of the CFN and the CAPV-EAE. In sum, the CFN and the CFN are the only communities in the Spanish state to have a specific foral system that contains not just civil law but a distinct foral treasury. In other words, they are the only communities that enjoy fiscal autonomy, a subject that has yet to be fully comprehended by either the Spanish state or the European Union: just one example of these two related systems, separated today by the vicissitudes of history.

References


Political Institutions and Mobilization in Iparralde

IGOR AHEDO GURRUTXAGA

Since the 1970s, and especially the 1980s, the French state has been forced into a process of administrative decentralization in order to more adequately face the challenges caused by the crisis of the welfare state. This has been based on a form of power transference that attempts at most to shift some administrative authority to the local realm as a means of guaranteeing central governmental influence in the periphery. However, this transfer of power has never implied a questioning of the unitary state model existent in France since the French Revolution of 1789. To date, that third space of sovereignty between citizens and their representatives in the National Assembly (the French parliament) has not been recognized—a lack of official recognition that explains the regulatory incapacity of territorial collectivities in the French state, as well as their hierarchical subordinate position to the center and its representatives (prefects and subprefects).

Iparralde in the Territorial Framework of the French State

Despite such obstacles, following the presidential election victory of François Mitterand in 1981, the French Socialists implemented a process of power transference. This process, based on a new system of territorial organization, was characterized by a complex hierarchy of territorial levels at the top of which remained the state.

The Department

Since its revolutionary founding, the department (département) has functioned as an administrative division designed to facilitate control of the state apparatus throughout the land by means of state representatives known as prefects. These representatives, delegates of
central authority, are empowered to oversee that national legislation is implemented in
the peripheries through their respective space, the prefectures. They also serve as medi-
tors between central authority and local actors. The powers of this institution derive
from the logic of distribution of solidarity.

The department’s executive branch, the general council (conseil general), is elected by
direct universal suffrage in two rounds of voting, on the basis of one councilmember (con-
seiller) per canton. A canton is a local delimitation that lacks any administrative structure
because it is just an electoral district of the department.

The Department of the Atlantic Pyrenees (DPA by its French acronym) contains the
three historic Basque territories of Iparralde—Lapurdi, Nafarroa Beherea, and Zuberoa—
alongside the old province of Béarn, in one administrative structure with its capital in
Pau. It has a population of 592,000 and covers an area of 7,645 square kilometers divided
into 543 municipalities. At the same time, it is also divided into three administrative sub-
divisions (known as arrondissements), each with its own subprefecture or center in, respec-
tively, Baiona (Bayonne) and Oloron-Sainte-Marie (with the latter having authority for
cantons in both Zuberoa and Béarn), as well as the prefecture itself in Pau (the seat of the
head councilmember [conseiller general]).

Electorally speaking, center-right parties have been traditionally the strongest forces
in the DPA cantons: As of 2003, there were twenty-one members of the Union for
French Democracy (UDF),1 sixteen members of the Socialist Party (PS), fourteen mem-
ers of the Rally for the Republic (RPR), and one member of Nationalist Unity (AB) in
the general council of the DPA. Twenty-two members of the council (of the fifty-two in
total) represented specifically Basque cantons: Thirteen of these were Christian Demo-
crats belonging to the UDF, five conservatives of the RPR, three members of the PS, and
the single Basque nationalist of the AB.

Communes

The French municipality (commune) is extremely important because of the special status
it enjoys within the state. The sheer amount of French communes (thirty-six thousand in
total) outnumbers the rest of the European Union municipalities put together; and this
underpins the vast amount of French legislation favoring the establishment of intercom-
munal powers. The special nature of the French system in this regard, together with the
new process of transferring authority in the 1980s, led to the emergence of a structure of
municipal power based on concentric circles.

The powers of the municipal council (conseil municipal) revolve principally around
urban planning, primary education, and waste management. However, the vast number
of municipalities in the French state, coupled with a profound division between urban

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1. In most cases in this chapter, political parties, groups, and the like are identified by their name in English to help the
English-speaking reader identify their ideological basis, but their French, Basque, or French and Basque acronym, if that
is how they are regularly identified internationally.
and rural areas, has forced central authority to encourage greater means of intercommunal cooperation.

The Pays

A new structure known as the *pays* (literally meaning “country”) has grown in importance in recent years. As we will see in more detail later, this is a structure denoting a community of geographic, cultural, economic, and social interests that is also, should it be necessary, an authority guaranteeing equal relations between urban and rural areas. In addition, it is an administrative unit that has come to assume more power as a space for creating development projects. These greater powers stem from a 1999 agreement whereby each *pays* can, should it so wish, analyze its current situation and outline any measures it thinks might be necessary to aid local development, by means of what is termed a *pays* charter.

There are 157 municipalities in Iparralde, of which only eight have more than 3,500 inhabitants. Indeed, 121,000 people—of a total population of 262,000—live in three municipalities—Baiona, Angelu (Anglet), and Biarritz. Moreover, neither of the two historic capitals of the rural interior—Donibane Garazi (Saint-Jean-Pied-de-Port) in Nafarroa Beherea and Maule (Mauléon) in Zuberoa—have more than 3,500 inhabitants. Among the new cooperative structures implied by these more recent administrative reforms, in the case of Iparralde several initiatives stand out: perhaps most obviously, one can point to the Baiona-Angelu-Biarritz (BAB) urban agglomeration. However, there are numerous other new bodies—such as the Single Vocation Intercommunal Consortium (SIVU, *Syndicat intercommunal à vocation unique*) and the Multiple vocation intercommunal consortium (SIVUM, *Syndicat intercommunal à vocation multiple*), the latter of which is especially important in Zuberoa—and an intercommunal organization dedicated to promoting Euskara. Similarly, the *Biltzar*, or assembly of Basque mayors, remains an influential organization, despite a reduction in its powers. In 1997, the Basque Country in France was named a *pays* by order of the prefecture, so the now-official term *Pays Basque* conferred for the first time some degree of administrative recognition of Iparralde.

The Region

In 1982, a new framework of authority was created with greater authority conferred on the region (*région*). According to this change, executive power passed from the prefecture to a territorially defined regional assembly elected by direct universal suffrage. In this proportional representation voting system a candidate must achieve at least 5 percent of the vote to be elected. In this way, the French state addressed tensions that had emerged between the departments and regions in the preceding years, principally due to the fact that the latter significantly lagged behind the former in terms of their authority.

The region of Aquitaine, with its capital in Bordeaux, is made up of five departments: the DPA, together with those of the Dordogne, Landes, Lot-et-Garonne, and Gironde.
It covers an area of 41,308 square kilometers (7.7 percent of the total land surface of the French state) and has a population of 2.8 million.

Politically speaking, in the 1998 elections to the regional council of Aquitaine, the principal parties were the PS with twenty-eight seats, the UDF with fifteen, the RPR with thirteen, and the French Communist Party (PCF), which won eight. Of the representatives from the DPA—six from the PS, three each from the UDF and the RPR, two from the traditionalist agrarian party Hunting, Fishing, Nature, and Traditions (CPNT), one Green, and one representative of the extreme right-wing National Front (FN)—only four were Basque, two of them Socialists of the PS.

In recent years, many people have pointed to the potential importance of developing links between the BAB urban agglomeration and the Autonomous Community of the Basque Country (CAPV-EAE)—particularly along the coast to Bilbao—principally because of their common industrial and economic interests, and especially as a possible focus for structuring an “Atlantic Axis” in the Bay of Biscay. As a result, the BAB and the government of Gipuzkoa have converted this intermediary territorial space into a strategic enclave by means of agreements regulating cross-border initiatives designed to shape the structuring of a “Basque Eurocity” between Baiona and Donostia.

The three constitutional regional divisions—the commune, department, and region—remain more important than these intercommunal cooperative divisions. And while it may be that the regions still lag behind the other two in terms of their decision-making powers, the consolidation of regional authority and its increasing important economic role led to the solid grounding of the region in the French politico-administrative system during the 1990s. Simultaneously, as we will see in more detail below, the growing importance of intercommunal cooperation as a means of coordinating policy geared toward both urban and rural needs, and the decreasing importance of social policy due to the crisis of the welfare state, threatened the departments, which were increasingly viewed as less relevant, efficient, and removed from everyday local reality.

The Political and Administrative System in Iparralde

Before analyzing the current administrative features of Iparralde, a brief sketch is first necessary of its prerevolutionary institutions.

In Lapurdi, there was an institution grounded in custom known as the Biltzar (parliament or representative popular assembly). This was a body with significant decision-making authority in regard to common lands, taxes, and communications. The Biltzar was composed of parish delegates—without noble representation—and implied a kind of third estate or popular assembly. Zuberoa was also governed on the principle of custom or tradition. Here, the third estate expressed its authority through the Silvet (similar to the

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2. This Basque Eurocity solicited membership of the Conference of Atlantic Arc Cities—a network of urban conurbations stretching throughout the western coastlines of Spain, Portugal, France, the UK, and Ireland, and aimed at fostering and promoting cooperation and development in the region.
Biltzar in Lapurdi, in that it was also a representative popular assembly. This was a body made up of representatives from different districts or constituencies (circonscriptions) and towns or villages (bourgs), while the nobility and clergy of the province met in a parallel assembly known as the Cort d’Ordre. Ultimately, these two institutions came into increasing conflict with one another, precipitating a major political crisis in the seventeenth century. Finally, Nafarroa Beherea preserved a governmental structure that predated the division of the Kingdom of Navarre in two in 1521. It maintained its Etats Généraux (a parliament modeled on the Cortes of Navarre), a body understood as enjoying governmental power and legislative authority until 1748. Yet in contrast to the Biltzar and the Silvet, the Etats Généraux or parliament of Nafarroa Beherea was composed of representatives from the clergy, nobility, and the third estate.

Following the 1789 French Revolution and the abolition of these institutions, the department of the Low Pyrenees was created. As a result, the three Basque provinces were reorganized (as mentioned previously) into two departmental subprefectures: Baiona (Lapurdi) and Oloron (Béarn). Until 1997, Iparralde lacked any specific administrative recognition as a distinct territory. This new organization was part of a broader decision by the revolutionary authorities to divide and neutralize different nations within the new French state and promote both political centralism and administrative equality.

For electoral purposes, six legislative districts (circonscriptions) were established in the new department, three of which included cantons in Iparralde. To this day, each district makes up an electoral boundary for elections to the French National Assembly, with one deputy (député) being elected on the basis of a majority vote held over two rounds. Thus, two deputies represent specifically Basque districts (5 and 6, representing fourteen cantons of nineteen in total in the arrondissement of the subprefecture of Baiona), while a third district is part Basque, part Béarnais (district 4, composed of five cantons in the arrondissement of Baiona, but also two Basque cantons in the arrondissement of the subprefecture of Oloron). Furthermore, for elections to the French Senate, the department as a whole elects its senators through indirect rather than universal suffrage. In other words, grands électeurs (local elected officials, such as mayors, council members, and deputies) form an electoral college to choose the senators. The administrative subdivisions of the DPA are shown in figure 3.1.

Figure 3.1. Territorial boundaries of subprefectures and Iparralde in the DPA
In sum, the new process of power transference attempted to respond to problems deriving from the dual nature (Pau/Baiona) and different models of economic development existent in Béarn and Iparralde. Yet it was also a reaction by the central authorities to demands for more institutional representation by, initially, local economic and cultural sectors, and thereafter political and social interests. In Iparralde there exists, then, a close interaction between institutional demands (most visibly, calls for a separate département for the Pays Basque) and decentralizing or transference of power responses by the central authorities.

From an institutional point of view, and as be seen clearly in figure 3.1, Iparralde does not exist. That is, the three Basque territories are still divided internally into two subprefectures—one (Baiona) containing only Basque communes or municipalities; the other (Oloron) composed of both Basque (specifically, Zuberoan) and Béarnais municipalities. Prior to the mid 1990s, institutions did exist that attempted to reflect the Basque provincial make-up before 1789. For example, the institution of the Biltzar—originally a popular assembly in Lapurdi—was reestablished in 1965 in Lapurdi, and in 1968 a similar institution was created for both Nafarroa Beherea and Zuberoa. Their express purpose, as had been the case prior to 1789, was of analyzing and addressing common problems within the local territorial unit that they represented. Both organs were made up of mayors in these respective territorial units, rather than the communes themselves, a fact that diminished their representative status. Yet despite the limits of their power, these institutions came to play a decisive role: for anchoring their organization in a coherent historical line that stretched back to before the French Revolution; for their sociological importance, given that they became well-known forums for debate favored by different elected officials, and even if they lacked any real power, they remained important sources of social capital; and, finally, for geographical and economic reasons, because one (that of Lapurdi) drew together coastal municipalities—an area where industry and the tertiary sector dominated—and the other (that of Nafarroa Beherea and Zuberoa) unified the essentially rural towns of the interior.

As well as forming a privileged forum, these organs also became the principal site of several key political battles that subsequently emerged in Iparralde. This was mainly due to their symbolic power, because they represented the only space in which the departmental question (in other words, the claim for a specific department for Iparralde) could be discussed openly. Finally, after both bodies adopted a favorable stance toward this demand in the mid-1990s, they transformed from being a privileged though passive site of reflection into an active and key part of the political activity unleashed by a new pro-Basque department social movement in Iparralde.

Independently of this transformation, on September 23, 1994, the two bodies merged to form a single Biltzar, on the initiative of the Association of Elected Officials for a Department (AED). The new unified organ was formed by the mayors of 157 communes in Iparralde, and its functions were the same as before. In its first meeting, it designated the political representatives that would make up the Development Council
Political Institutions and Mobilization in Iparralde of the Basque Country (CDPB), together with the other main social, economic, and cultural actors of Iparralde.

**New Decentralization Processes: The Pays**

The application of the *pays* category to Iparralde in 1999 allowed it to be recognized as a distinct area for framing local initiatives by the CDPB and the Council of Elected Officials of the Basque Country (CEPB). However, the premature establishment of public policy initiatives, prior to the delimitation of Iparralde as a *pays*, and the pioneering creation of a twofold network (the CDPB and the CEPB) not anticipated by official legislation, highlight the dynamic under analysis here. In other words, Iparralde served as a kind of experimental platform between 1992 and 1997, where a model of local initiatives was worked out that, ultimately, found full official expression in its naming as a *pays* in 1999. Moreover, the singular nature of this dynamic could be observed in the special relations between the central authorities and local bodies; these relations were codified in agreements—the 1997 development agreement and the 2000 specific agreement to finance proposals—that were also specific in their application to Iparralde.

In sum, with the framing of a dual policy network, made up of the CDPB but under the statutory control of the CEPB, a complex system of governance was established in which all the principal social, political, economic, and cultural representatives of Iparralde interacted with one another in shaping a commonly agreed public policy strategy. Yet this structure lacked the means to implement its proposals. These were not, then, typical decentralized bodies, with their own executive, budget, and consequent ability to intervene in public life. Rather, they took the form of quasi institutional networks centering on means of governance and outlining proposals. Ultimately, this new model lacked its own institution that might serve as a central focus to channel the debate on, and proposals for, public policy. That said, it is still interesting to sketch the main events in the emergence of the new dynamic after 1992.

**Public Policy and Government in Iparralde**

Beginning around 1992, two complementary dynamics began regarding public development policies. On the one hand, a complex governmental system was created that brought together in different structures the efforts of elected officials, technicians, and representatives of civil society. From this perspective, the CDPB and the CEPB, together with the Council of the Language (a body concerned with promoting Euskara) and the different organs designed to facilitate the implementation of development strategies, drew up a sui generis system of government that served as a model for the French state as a whole. However, there was another and progressively more important dynamic that combined with this and conditioned the policy content designed by these networks: To put it simply, every public policy initiative promoted in Iparralde after 1992 increasingly adhered to a specifically Basque territorial logic. This would appear to confirm the
assumption, by all the actors involved, of a specifically Basque territory as the principal frame of reference for public intervention, beyond any questions of its institutional status or lack of administrative recognition.

Closer inspection of this territorial quasi-institutionalization reveals that the decision-making phase was conditioned by certain guidelines regarding the inclusion or exclusion of topics for discussion on the agenda and shaped by power relations. Consequently, the omission of any debate over whether there should be calls for a separate Basque department (at least initially, until 1997) exemplified a consensual decision by all the actors involved—including Basque nationalists—to ignore the departmental question for the sake of a minimum consensus over a more important immediate goal: to guarantee the future of Iparralde.

**The CDPB**

The CDPB was created in July 1994 as a private association according to a 1901 law regulating such groups. Its objectives were to contribute to the development of Iparralde, to take part in planning initiatives for the territory, and to promote cross-border cooperation (the latter fitting in with EU encouragement of greater cooperation between member states). However, its legal configuration limited its possibilities, which were, in effect, reduced to undertaking studies, publicizing development projects, proposing certain stances and formulating opinion about different projects and decisions. In short, its role was limited to that of invigorating the debate on, and assessing, different questions of development.

Nevertheless, at least initially, the majority of its board members had been, in one form or another (as nationalists or regionalists), associated with a pro-Basque outlook—a notion supporting some level of support for recognizing Iparralde as a distinct territorial and cultural entity. As such, these more pro-Basque elements of society in Iparralde now assumed a position that had previously been denied them due to their fundamentally weak electoral basis.

**The CEPB**

The goals of the CEPB were to elaborate a territorial project and development plan for Iparralde, and to form a body with a single voice to propose initiatives before the general council, the regional council, the French government, and the European Union.

Thus it was the CEPB’s task to negotiate proposals (drawn up by the CDPB) with the different representative bodies of the public administration, thereby occupying a key position in intergovernmental relations. Yet, once again, its own statutes did not recognize any power to implement proposals, so that its influence remained limited to one of lobbying among different levels of executive authority: local, departmental, regional and state institutions, together with private collectives.

Its dynamics were therefore defined by the twin axes of the decision-making process in any public policy setting: top-down and bottom-up initiatives. In short, for every
bottom-up lobbying by such networks toward the authorities, there is a top-down process of initiatives from the central authorities toward the local realm. Examples of this later case would, then, be the creation of the *pays* as a new denominational and territorial category and the development agreement of 1997.

*The Initial Instruments of Territorializing Public Policy in Iparralde*

The new governmental model established in Iparralde was based on a logic characterized by the territorialization of public policy. As such, Iparralde came to be widely considered as a unified space in the discourse and practice of its actors, who, in turn, increasingly distinguished it from the rest of the department when designing and implementing development strategies. Beyond the lack of any institutional representation, then, Iparralde came to form a distinct framework of intervention for both local bodies and the public administration. Without doubt, the reality of this context was evinced by the signing of the 2000 specific agreement with the French central authorities to finance proposals, as the “specific” nature of its title suggests. Consequently, Iparralde embarked on the first stage of any journey concerning identity development: self-recognition of its own specificity on the part of the actors involved. Before developing this idea further, let us first consider the nature of this distinct framework in which the territorialization of development policies was framed in Iparralde.

*The 1997 Development Plan*

The development plan, first presented before the CDPB in 1996, before passing to the CEPB for its approval, was composed of two documents: general orientation and operational guidelines. Both documents were, however, based on a previously published report that outlined certain priorities.

The 1993 “Basque Country 2010 Report” addressed issues of social, economic, and cultural development. It was published by the Lurraldea collective, over one hundred well-known local people from all walks of life and all political sensibilities in Iparralde. The report argued that there should be a series of alliances: between culture and modernity; between the urban agglomeration (BAB) and the rural world; and between an opening up and collaboration on defining a strategic position for Iparralde within European networks—especially in terms of potentially embedding the territory in the center of a potential future Atlantic Euro region. On the basis of this text, the operational guidelines of the 1997 development plan stressed the visibility of Iparralde, the importance of its identity (whether scenic, cultural, historic, or linguistic) as a key factor in its development, its special geographical position (well disposed to cultivating cross-border links), and its multifaceted economic activity. However, raising these points also led the CDPB to realize its own limitations, because the document also indicated a series of problems deriving from the nature of this process and the confines on what any network could achieve. In short, the same guidelines referred ultimately to powers that were held by other institutions, meaning that the setting up of the development plan would also
require the formation of an organization with the power to implement such decisions for the CDPB, a conclusion later endorsed by the CEPB when it accepted the original document.

The development plan was consequently approved by a general assembly of the CDPB in September 1996, and endorsed in March 1997 by the CEPB. With these decisions, so a cycle closed of commonly agreed upon and systematic activity by both political leaders and actors in civil society, mobilizing a total of around 450 public figures in Iparralde. However, the project still lacked any regulatory basis and there remained the pending issue of a signed agreement with the French authorities so that the proposed measures might be implemented.

*The Financial System and the Limits of Government*

As part of this bottom-up initiative, from 1997 on, the CDPB had to negotiate with diverse state, regional, departmental, and even (when necessary) European authorities to convince the relevant powers to both accept the development plan and agree to provide sufficient finances to implement its proposals. This, in turn, led to the establishment of a series of special intergovernmental relations between these territorial institutions and what was, in effect, a private institution—the CEPB. However, the negative reaction of the state, specifically over the question of financing the proposals (including a notable lack of consideration when it came to sensitive issues like linguistic policy), only encouraged a more forthright counter response from the local actors—especially from those sectors that, while fully adhering to the fundamental basis of agreement on which the development strategy had been devised during previous years, believed in demanding a separate Basque department within the French state. And in doing so, they led the way to the final stage in this journey of identity transformation in Iparralde: political recognition. What, then, of this complementary, yet also contradictory, process?

After more than three years of common groundwork, there was noticeable frustration among most members of this local network, marked by a context in which the dynamic sector of the collective as a whole was clearly that favoring a separate Basque department. As a result, in early 1998, there was increased tension on the board of the CDPB between two factions: one that argued in favor of extending the demands of the process and another—mainly composed of representatives of the state—that believed in maintaining the same strategy as before, or, in other words, differentiating between development policies and the institutional debate. Finally, it was the latter that won out, and the CDPB maintained its previous stance, with the result that the new board (despite many members making no attempt to hide their belief in the idea of a single Basque department) reaffirmed a position of putting the institutional debate to one side, thereby maintaining the original founding principles of the organization during its formative process after 1992. The culmination of this crisis, however, brought with it two contradictory consequences: on the one hand, it confirmed a new consensus that consolidated the various operating networks. Yet it also highlighted a degree of disillusionment...
among cultural and pro-Basque sectors—that is, the most dynamic elements within these networks—with the process.

After a petition made first by the Biltzar of mayors, and later by the CEPB, a pays by the official name of Pays Basque was legally established in 1997 by order of the prefect of the DPA. However, there was hostility to this measure from prodepartment sectors that saw such quasi institutionalization as a means of derailing what they believed to be the true demands of Basque society. In effect, there was no institutional basis to this decision because the pays lacked any powers to implement public policy, and in reality, it was merely a framework for consultation and encouraging projects.

Thereafter, from 1997 to 2000, there was a clear demonstration that the limits of the process established in the early 1990s had been reached. This was mainly due to the fact that after an initial installment, no further payments were made to aid the development plan until March 2000, when the relevant authorities signed a state-region agreement for Aquitaine. After signing a development convention, in mid 2000 the CDPB evaluated the extent to which the measures highlighted in the 1997 development plan had been carried out, with the result that only eight of the ninety-four proposals had come into force.

In sum, the reasons for questioning the validity of the original plan were shared, increasingly, by not just Basque nationalists, but also widespread social and political sectors, all of whom began to have serious doubts about the process originally set in motion during the early 1990s. And the conclusion of many actors was that the only possibility of guaranteeing the development of Iparralde was to create a single Basque department within the French state.

Iparralde’s Search for Political Recognition

If there has been one constant feature of political debate in Iparralde for at least the last two centuries, it has been that of institutional recognition. Indeed, calls for a distinct Basque department date to the moment the original Basque institutions were abolished in 1789. Furthermore, these are demands that have surfaced cyclically and that have been championed by highly diverse actors, basing their arguments on a vastly different series of interpretations.

Another understanding of a specifically Basque space refers to the idea that Iparralde might be defined as a frame of reference to develop a single public policy based on widespread consensus and action. This perspective is viewed as a starting point from which local development can be fostered through planning strategies and cooperation between different actors. This, then, is clearly a technocratic, forward-thinking, and development-centered vision. From the foundations of this perspective, a local regeneration strategy is promoted that is most obvious in the call to territorialize public policy at the Basque level.
Throughout the 1990s, each of the principal actors we have seen generated a series of processes that led to new opportunities arising for one another. Initially, the AED—a collective created in the 1980s by the Baiona-based Chamber of Commerce and Industry (CCI) and numbering a hundred or so elected officials of different political sympathies—promoted a strategy for departmental recognition based on three of the aforementioned principles. However, for the AED, the economic dimension (the idea that a single department would lead to greater development) took precedence over both the identity-based perspective (a single department as a guarantor of Basque culture) and the political interpretation (a single department implying greater territorial representation).

As a result, the PS attempted to take the local initiative by embracing once more the departmental demand, to the extent that its then-presidential candidate, Lionel Jospin, declared himself in favor of such an institution, if a majority of elected officials so demanded it. Ultimately, after an intense internal debate, the Basque nationalist party, AB, opted to support the demand too. Consequently, it abandoned the position favored by part of its membership (following the basic claims of Iparretarrak [IK], the more radical and violent Basque nationalist militant group) in favor of institutionalization through a statute of autonomy for Iparralde. Regarding the question of identity, AB was clearly a party that opted for a spatial interpretation of territory based on ethnic attachment, together with a temporal dimension viewed in utopian terms, and a cultural outlook founded on the specific nature of the Basque language. And all these points were, of course, oriented toward the strategic objective of achieving independence and territorial unity for the northern (Iparralde) and southern (Hegoalde) Basque Country. However, the majority of AB members also gradually realized the need to yield to more instrumental or rational demands, and this allowed the party to overcome the limitations of relying purely on an ethnic definition of territory. And this decision, in turn, allowed a broader spectrum of adherence to the prodepartmental position. Such a posture also implied the need to achieve agreement on a base of minimum shared goals, adapted to the party’s relatively weak position in society. And this pragmatic strategy took shape in the party adopting a more modest prodepartmental position, as opposed to the maximalist call for outright independence.

Having adopted this position, on January 30, 1999, AB brought six thousand sympathizers out onto the streets of Baiona in the first large demonstration in favor of a single Basque department. The party thus quickly became the public face of the campaign. At the same time, it began making contacts with other actors in the hope of joining forces to create a widespread social movement—a collective that took the name “call of the hundred” and was composed of representatives from most of the principal political parties (UDF, RPR, PS, AB, and the Greens), economic groups (the CCI, together with urban and agrarian labor unions), and all the cultural associations in Iparralde.

From this start, then, an important and dynamic social movement emerged that, toward the end of 1999, celebrated the largest demonstration seen in Baiona since World
War II. On October 9, 1999, thirteen thousand people marched in favor of a single Basque department. Moreover, as a culmination of all this activity, a poll was published stating that as much as 67 percent of the population of Iparralde was, indeed, in favor of creating just such an institution. How, then, can one explain the transformation of a society that, going into the 1980s, had been so apparently apathetic to and unmotivated by such a demand, to one that, by the end of the 1990s, was publicly turning out in force to support it?

For one thing, the dissemination of opportunities stemming from the activity planned out by several different prodepartment actors during the period 1994–99 coincided with the more general opening up of a new political opportunity structure in the local realm. However, several obvious doors of opportunity structure were also closed in this same local realm, such as the role of certain local notables (important local figures) and para-institutions (the CEPB) in their attempts to shortcircuit breakaway demands. Similarly, any analysis of political opportunity structure at the national or state level demonstrates the limits of these same demands. In this regard, the nature of the state itself—strong and exclusive—discouraged any form of contentious or problematic collective action.

In short, political opportunity structure took shape in a contradictory situation, between a significant growth in opportunities among different actors at an internal level, an important opening up of possibilities at the local level, yet the complete closing down of all opportunity at a national or state level. As a result, different local actors involved in diverse types of pro–Basque department activity from 1994 on realized the necessity of unifying this disparate action in order to influence the correlation of forces at the national level. And this cooperative sensibility coincided with a strategy already drawn up by AB.

Despite the success of the 1999 mobilization, though, culminating in the large demonstration and favorable opinion poll, the effective results of all this activity were meager. The French government refused to contemplate any modification, actively or passively, of the actual territorial framework. For many of those campaigning in favor of a single Basque department, then, the next logical step was to assume more radical measures, even to the extent of threatening the central authorities with a mass campaign of civil disobedience. Yet, for the moment, this was just one option, and, in fact, as we will see, this particular strategy was ultimately embraced by another social movement.

To recap, this was a cycle of mobilization based on several modified demands dating from the previous two centuries: For the first time, diverse actors drew up a single approach integrating the three historical interpretations of territory (economic, cultural, and political) in Iparralde, designed around a core and legitimizing notion that incorporated the development strategy as its focus. In turn, this definitive integrated frame of reference allowed wide sections of society to sympathize with departmental demands, supporting the cause as a whole through particular empathy with one or other of its basic central arguments. As a result, there was not discursive but strategic (based on active participation) unity, so that finally, a single discourse, an embryonic movement
and the dissemination of opportunities coincided in the late 1990s to achieve the maximum expression possible in favor of a single Basque department.

Despite all this, however, at precisely the same time this movement achieved its maximum possible activity, it began to break apart for a variety of reasons: internal differences, the beginnings of a prolonged period of electoral politics, the lack of any response by the authorities, and significant changes in political opportunity structure.

The Period of Restructuring, 2000–02

The pro–Basque department movement organized around the “call of the hundred” had focused on the conventional activity of social movements, such as demonstrations. However, during the October 9, 1999, protest, a statement was made announcing a new phase that would incorporate civil disobedience. This marked the point of departure—a seemingly favorable context indicating a good degree of public support—for the creation of a new collective, Democracy for the Basque Country (Demokrazia Euskal Herriarentzat), dedicated to undertaking just such a strategy of civil disobedience. Specifically, the new Demo (as it became known) collective enjoyed a degree of legitimacy from the fact that the “call of the hundred” (incorporating not just Basque nationalists, but representatives of the French center-right and left) assumed dialectically the need to take a qualitative step from conventional protest activity to civil disobedience. Moreover, the level of public sympathy for the demands meant that any disruptive activity of this nature would benefit from developing the maximum of its potentialities. Demo activity included stealing twenty-one chairs corresponding to the Basque representatives on the general council of the DPA, “kidnapping” two dozen Mariannes (the national emblem of France, prominent in the form of a sculpture or bust in many French towns), and changing monolingual road signs for bilingual ones. This was a direct challenge to the authorities, provoking widespread unease within the French political establishment and also generating solidarity among actors supporting the demands.

Between 2000 and 2003, the Demo collective maximized the potential of its disobedient activity, acting as a barometer of how the French authorities were really responding to two basic foundations of the demands: institutionalization for the Pays Basque and the implementation of a linguistic strategy outlined, originally, in the 1997 development plan. The collective carried out dozens of occasionally spectacular actions, demonstrating the mobilizing capacity of challenging the authorities in a peaceful and sometimes even funny way.

3. By stealing these twenty-one chairs, the Demos (as its members were known) intended to contribute the necessary seats for a Basque institution that the Basque elected officials had voted for. By “kidnapping,” or, according to the Demos, “liberating” the busts of Marianne, they intended to show that the principles of democracy with which the image was represented, had been kidnapped—thereby also aligning their own discourse with republican values. And, finally, according to the general plan for the newly recognized Pays Basque—approved by all political parties—all road signs should have been bilingual, yet in the face of this agreement not being implemented, the Demos took the initiative and did it themselves, illegally.
Furthermore, a pro–Basque department slate appeared in the September 2001 senate elections, composed of candidates from a wide variety of political formations, some of whom competed directly with the official candidates of their respective parties. These elections—where only the electoral college of each department votes—were important for two reasons. On the one hand, despite the fact that the original pro–Basque department movement had withdrawn from public activity for a year and a half, the creation of this slate reflected the perseverance of politicians from diverse political backgrounds to continue with the cause. Thus, although the slate was ultimately unsuccessful in gaining a senator, the two hundred elected officials who did support it made it the most-voted ticket in Iparralde, if not the DPA as a whole. On the other, and beyond what might actually be considered good results (despite not gaining representation), the slate was important because all the people on the ticket, with the exception of Basque nationalists, broke with their respective parties (PS, RPR, UDF, and the Greens) to stand in the elections. In effect, then, these politicians prioritized the question of institutionalization over party loyalty for the first time in the history of Iparralde.

Toward the end of 2001, and bolstered by the success of this cross-party slate, as well as the results obtained, representatives of the original “call of the hundred” (later renamed the “call of October 9”) began a period of meetings and reflection that culminated in the creation of a new, unified group. The goal of this new group was to overcome the boundaries imposed by being merely a personality- or party-based platform. Instead, it sought to take shape around the lines of a more classical political movement. Officially founded in January 2002, the Association for a Department of the Basque Country (ADPB) participated directly in the presidential and legislative elections of May and June, respectively, that year by attempting to get public acknowledgement, by each and every candidate taking part, of their particular position on the question of institutionalization for Iparralde. Further, the ADPB designed a campaign of mass mobilization aimed at demonstrating the level of popular sympathy for its cause to culminate in the fall of 2002.4

As a result of all this activity, a new movement began to emerge during this period that overcame many of the original limitations of the “call of the hundred” platform in 1999—principally, those that centered on its lack of any strong internal identity. The foundations of this new and emergent phase in the period 2000–02 included adopting more radical strategies, linked to civil disobedience, by pro–Basque department sectors; overcoming a narrow party logic, or what had previously been the basic condition of involvement in the movement by elected officials; structuring the movement as a conventional social organization, beyond the limits of the “call of the hundred” platform, a group composed of important individuals but without a rank and file social base; and, finally, linking the institutional demand with other claims, such as the question of Euskara.

4. Ultimately, this campaign did not take place, because the ADPB was soon replaced by a new, and indeed more powerful, collective: Batera.
Despite good results for pro-Basque department candidates in the 2001 cantonal elections, there was a more disappointing outcome at the legislative elections of 2002. However, late that same year, center-right prime minister, Jean-Pierre Raffarin, announced that his government favored some degree of decentralization as part of general administrative reform policies, thereby potentially opening up new possibilities for pro-Basque institutionalization sectors. And, as a response, both the CEPB and the aforementioned pro-Basque institutionalization sectors began to modify their strategies with respect to the previous political context.

The CEPB, for example, demanded answers from the French authorities to questions that had dominated local life in Iparralde for decades, while at the same time adopting positions that had been associated historically with pro-Basque sectors (defenders or promoters of the Basque language and culture). For example, the CEPB asked for the creation of a distinct Basque chamber of agriculture, official status for Euskara, and the formation of a public body to oversee higher education in Iparralde.

The support for these questions by the CEPB generated much cause for hope among pro-Basque institutionalization sectors. As mentioned, these sectors had created a new platform—Batera—in 2002 on the basis of four clear demands: a department for the Pays Basque, official status for Euskara, a Basque chamber of agriculture, and a Basque university. Thus, Batera now coincided with many of the demands of the CEPB, adding to the political weight of the elected officials’ body a dynamic, social element.

The response of the French authorities was, of course, as one would expect. They refused to entertain any suggestion of a single Basque department, and they refused to contemplate modifying Article 2 of the constitution to allow for an official pro-Euskara policy. The French government therefore turned its back on the elected officials and legitimized a radical turn within Batera, with the latter calling for one last conventional demonstration in October 2003.

Following this demonstration, attended by 7,500 people, and, thanks to a new organizational structure that gave more importance to a widespread social base than any specific individuals, Batera began to contemplate the possibilities open to it. As a consequence, in early 2004, it presented a new strategy, based on three goals: disruptive activity in the spirit of the Demo collective; the holding of a referendum on the departmental question; and the self-establishment of departmental and agricultural bodies during the period 2007–10.

One can see, then, how gradually the actors’ discourse transformed from how to guarantee the future of Iparralde, paving the way for the territorialization of public policy, to who should lead these initiatives. This had become, in effect, a debate on the political recognition of Iparralde that, at the beginning of the twenty-first century, transcended...
all previous lines of difference through the support of elected officials from different political backgrounds. In turn, this unification of forces was molded onto the generally more widespread political and social base of the movement, together with its stronger organizational structure (including the aforementioned joint slate at the 2001 senate elections), and the adoption of more radical and effective tactics (building on the Demo experience).

In short, actors in Iparralde abandoned a defensive or reactive strategy (exemplified by previous slogans, such as “No to Agricultural Chamber in Pau!” or “No to the department of the Atlantic Pyrenees!”), and even transcended mere isolated demands (“More resources to put the development plan into action!”). Instead, they embarked on an offensive, active strategy whose first expression was the foundation of the Euskal Herriko Laborantza Ganbarrak (agricultural chamber of the Basque Country) in Monjolose (Mongelos), Nafarroa Beherea, in January 2005. The creation of this para-official body was, moreover, greeted enthusiastically by not only several Socialist, Christian Democrat, and Green departmental and regional councilmembers, but also by the president of the Biltzar of mayors. A profound sociopolitical transformation had, then, taken place in Iparralde. The Biltzar, the institution par excellence that, in the 1980s, had served as a conduit of political-client relations between Basque elected officials and the French authorities (and therefore against any institutional demands for Iparralde) had—after repositioning itself in the mid 1990s with the prodepartmental lobby—actually come to support a movement conceived in terms of a counter-power strategy.

Consequently, although the development strategies developed after 1992 were originally envisaged as a means of forging consensus policies favoring local growth, but without questioning the administrative status quo, the reality of the situation was somewhat different. In short, different obstructionist governmental strategies resulted in Basque actors breaking their former isolationist logic. From an initial starting point of merely seeking a basic agreement and assuming or understanding their local adversaries’ positions, a real consensus emerged that prioritized Iparralde above all else. This clarification of expectations, in turn, ran into the reality of the situation: a lack of resources granted by the French authorities to carry out the different proposals. Unsurprisingly, then, actors gradually changed from thinking about how and began to consider who might lead Iparralde into the future. As a result, a number of different forces came together in a movement based on the central role of Basque nationalists and the reawakening of Basque identity, considered by all actors as key to local development in Iparralde. However, the complete refusal of the French authorities to entertain any notion of administrative reform coincided with a dip in the mobilization cycle, thereby explaining the radical turn of Batera. As such, the movement stopped looking toward Paris and began to contemplate the correlation of forces at the local level to implement proposals. Following the example of the Demo collective that attempted to carry out its demands symbolically, both Batera and the Basque Workers’ Union (ELB), a rural labor union and lobby, took a qualitative step forward, replacing symbolic activity with practical action: specifically, in the creation
of the agricultural chamber of the Basque Country. Finally, one can also point to major changes not just from an identity-based and territorial perspective—a growth in people learning and studying in Euskara, improved relations with Hegoalde, and the internal structuring of Iparralde—but also in terms of the social system itself. In other words, actors in Iparralde divided into two large groups, one structured by the French authorities and the other by Basque nationalists and pro-Basque sectors.

In conclusion, an active development strategy—or, more accurately, its limitations—led to the notion of territory assuming much more importance for actors in Iparralde. And specifically, a key goal for many actors was that of recovering local culture and identity, with their insistence on the differential nature of the territory. When, in turn, the French authorities did not respond to these calls for more differentiation, these same actors attempted to reply in terms of a logic based on local counter-power. In short, participation and power went hand in hand in Iparralde.

Consequently, it comes as no surprise to learn that in November 2005, the Biltzar—with 60 percent of its members voting in favor—began exploring legal ways in which a referendum might be carried out on the question of a single Basque department—an initiative that would require forty-six thousand signatures. In the first six months after the decision to go ahead with this initiative was taken, twenty-five thousand signatures had been collected—in other words, 10 percent of the total population of Iparralde.

We are, I believe, witness to a new panorama characterized by the search for the political institutionalization of a territory that has come to define itself as a separate space from its surroundings. This question, ultimately, rests on the issue of whether we are seeing in Iparralde the awakening of a new feeling of belonging defined on foundations marked by the Basque language and culture.
The *Foral* Community of Navarre (CFN) and the Autonomous Community of the Basque Country (CAPV-EAE) are, at present, two administratively separate autonomous communities in the Spanish state. However, together with the Basque provinces of the northern Basque Country (Iparralde), they share a common *foral* past that unites them beyond these current divisions. For centuries, the *fueros* (or *fors*, in French) were the basic rules of social, economic, and political life for the inhabitants of the seven Basque provinces, allowing them a great deal of administrative and financial autonomy in their relations with the Spanish and French states: “Essentially, the *fueros* guaranteed the Basque territories great respect for the traditional *foral* law of the Basque Country, a considerable administrative autonomy, and, with certain limitations, military and fiscal exemption.”

The loss of *foral* rights in the southern Basque provinces (Hegoalde) of Araba, Bizkaia, Gipuzkoa, and Navarre occurred gradually after the end of the first Carlist War (1833–39). From the moment when the Spanish absolutist monarchy was replaced by a liberal constitutional sovereign (Isabel II) in 1833, the new liberal leaders of the country found it difficult to combine the political coexistence of the new constitutional regime—that, as its fundamental basis, assumed an equality of law throughout its territories—with the Basque *fueros* and the singularity they implied. Therefore, after the second Carlist War

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(1872–76) the fueros were abolished definitively, and the inhabitants of the Basque territories lost a large part of the self-governing powers they had maintained for centuries.²

However, despite the abolition of the fueros in 1876, both Navarre and the provinces that today make up the CAPV-EAE managed to maintain some of the administrative and fiscal foral privileges in their relations with the central state. This particularity is recognized in the first additional provision of the current Spanish constitution, together with the Statute of Gernika and the constitutional law on the reinstatement and improvement of the foral system in Navarre—the two laws that underpin autonomy in the CAPV-EAE and the CFN today.

In this section, I outline the details of the fiscal pact (concierto económico) and the fiscal agreement (convenio económico)—two special and distinctive systems within the Spanish state that have created singular tax and financing systems for the CAPV-EAE and the CFN, respectively. Both are agreements between the Spanish state and the respective autonomous communities that developed out of a pact between the administrative authorities of the CAPV-EAE and the CFN as an agreement created between equal parties in the exercise of their authority that has created tax system rules in an attempt to get along with each other.³

Moreover, thanks to these agreements, the competent institutions of the southern Basque Country enjoy normative jurisdiction to regulate all taxes, except those that are raised currently through fiscal monopolies, import duties, excise on imports in special taxes, and value-added tax. Levies forming part of the system in both communities are known as officially approved taxes.

Furthermore, the provincial councils (diputaciones forales) enjoy not only normative authority, but also the power to raise, administer, pay, inspect, revise, and collect officially approved taxes. In other words, the foral treasuries of the four provinces in Hegoalde can determine the areas subject to taxation, as well as those that are not. This was the case in the 1990s when the CAPV-EAE decided, for a limited time, to exempt those companies that located their head office in the autonomous community from any tax obligations.

The state does not participate in tax collection in either the CAPV-EAE or the CFN. Instead, the aforementioned foral treasuries raise taxes and, by means of a quota (in the CAPV-EAE) and a contribution to the state (in the CFN), the two communities contribute to the maintenance of the general expenses of state. In other words, both communities transfer a part of their tax revenue to the Spanish authorities to help defray the cost implied by the powers controlled exclusively by the state. The proportion of costs for these nontransferred powers that the CAPV-EAE and the CFN must pay is calculated by applying what is known as the allocation ratio, established at 6.24 percent for the CAPV-

³. Carlos Lambarri and José Luis Larrea, El concierto económico (Oñati: HAEE-IVAP, 1995), 16.
EAE and 1.6 percent for the CFN—two percentages reflecting the economic power of each community according to the total expenditure for the state budget.

The signatory authorities to the fiscal pact and the fiscal agreement are empowered to adapt or modify these agreements should any substantial reform take place regarding the legal basis of the state taxation system that might affect some or all of the officially approved taxes. For this, both state and autonomous authorities must be in agreement, and the Spanish parliament must also ratify the decision.

Finally, despite all the potentialities and competencies that the fiscal pact and the fiscal agreement imply for the CAPV-EAE and the CFN, both administrations are obliged (among other things) to respect the general tax structure of the state and comply with any international treaties or agreements signed and ratified by the Spanish state or those to which it might adhere.

In sum, both the fiscal pact and the fiscal agreement are special and distinct systems within the autonomous structure of the Spanish state, the result of fiscal autonomy in the CAPV-EAE and the CFN. Both agreements are based on two foundations: the taxation system and the quota or contribution the two communities pay the state for nontransferred services and functions that it provides in both. In other words, the taxation system determines the fiscal authority of the provincial councils in Hegoalde. The quota or contribution paid by both communities defines the methodology that will set the financial amount they have to pay the state, in order to contribute to covering expenditure stemming from nontransferred powers.

**The Statute of Gernika and the Fiscal Pact**

The coming into force of the Spanish Constitution in 1978 led to a new distribution of powers between the state and the autonomous communities that, in the case of the CAPV-EAE, took place through the establishment of the 1979 Statute of Gernika.

This dual legislation allowed for the Spanish parliament to approve, in 1981, the first fiscal pact between the CAPV-EAE and the state in the post-Franco era. As opposed to earlier agreements, the 1981 fiscal pact applied to the CAPV-EAE as a whole and would be binding, as stated in the statute of autonomy, until December 31, 2001.

This initial agreement between the CAPV-EAE and the state was passed as a single article bill—in other words, as a general agreement that it would be an unalterable pact—something that would be either approved or rejected, but whose content could not be modified.

As specified in temporary provision number 8 of the Statute of Gernika, it was based on that pact still in force for Araba (dating from 1976), pointing out at the same time that the new agreement would imply no disadvantage for this province. In sum, the foral authorities of Araba, Bizkaia, and Gipuzkoa are recognized as having full normative and management capacity within the realm of taxation, yet at the same time it is also specified that the competent institutions of the three territories will have to adopt relevant agree-
ments with the goal of applying in their respective territories both the general and specific fiscal norms that the state might decide should be applied throughout its borders.

If the power of taxation within the CAPV-EAE resides in the institutions of the three historic territories, one should not forget that the Basque parliament is responsible for passing laws relating to fiscal coordination, harmony, and collaboration. Through this power, the Basque parliament created the Tax Coordination Body of Euskadi, an organ with representation in the three provincial councils and the Basque Government that attempts to promote these principles of coordination, collaboration, and harmony within the taxation system of the three historic territories.

As regards the quota, a methodological change took place compared to what had existed previously in the case of Araba. Until that time, the quota had been based on the agreed taxation amount collected by the foral provincial council. Now, however, it would be based on other variables that were exogenous to both the provincial council of Araba and the Basque Country as a whole: namely, the general state budget. In other words, within the former pact for Araba, the quota had been based on a number of smaller quotas (one for each agreed area of taxation), the sum of which amounted to the gross amount. As a result, the quota was an a priori fixed amount in relation to the collection of agreed taxes, a figure that did not change during the period of tax collection. Some deductions, however, based on redeemable expenses for relevant general services provided by the provincial council in place of the state (the administration of taxes, the participation of city halls and the provincial council of Araba in state taxes, expenses incurred through investment in, conservation of, and provision of personnel for roads and highways, including those of the foral police force, together with expenditure on mountains, agriculture, and livestock) were applied to this gross amount.

The Foral System of Navarre and the Economic Agreement

As in the case of the CAPV-EAE, the coming into force of the Spanish Constitution in 1978 led to negotiations over a pact to renew the juridical and institutional framework of Navarre. This period of negotiations concluded with the promulgation of the constitutional law of reinstatement and improvement of the foral system of Navarre. This constitutional law, popularly known as the “Improvement Law,” updated the foral system and today underpins the nature of self-government in Navarre. The Improvement Law recognizes expressly the power of Navarre to maintain, establish, and regulate its own taxation system, so long as this does not contravene any international agreements or state taxes themselves.

The current agreement between Navarre and the state dates from July 31, 1990, and subsequent texts signed in 1997 and 2003 therefore function as updates and modifications of this 1990 agreement. These were added due to changes resulting from the contribution of Navarre to the state, though which the CFN pays the state annually for nontransferred services and functions that the state undertakes in the province, together with the criteria of fiscal harmony that determine the power in each of the taxes. In this
regard, one should recall that major changes were added to the agreement in order to adapt it to the decision to adopt the new currency, the euro, in 1997.

**The Fiscal Pact in the CAPV-EAE**

The fiscal pact is structured around two main chapters. The first of these refers to taxes and incorporates everything pertaining to tax relations between the CAPV-EAE and the state. The second concerns the quota, or the monetary quantity the CAPV-EAE must pay the state.

*Chapter One: The Taxation System*

This chapter determines the normative and management powers of the foral treasuries regarding taxes to be paid to the central treasury. One might argue, then, that the fiscal pact structure implies a Basque taxation arrangement that allows the CAPV-EAE its own fiscal system with normative and administrative powers normally exercised by state authorities. This is not an obstacle to the pact itself incorporating the relevant norms to ensure a fiscal harmony that guarantees the nonconfictive development of both the taxation systems of the CAPV-EAE together with those of the rest of the Spanish state. In other words, beyond specifying the powers of Basque institutions, the fiscal pact also determines whether a Basque or state taxation norm should be applied and which taxation authority—foral or state—has the power to collect taxes in a given area.

All taxes in the Basque taxation system are managed and collected by the foral treasuries according to the terms of distribution stated in the tenets of the pact. To put it another way, the taxation power of the CAPV-EAE resides in the institutions of its three historic territories, with the general assemblies and provincial councils of each empowered to regulate officially approved taxes. However, the Basque parliament must approve the norms relating to the coordination, collaboration, and harmony of the taxation system within the three territories. As a result, as recorded above, the Tax Coordination Body of Euskadi was created with representation in both the provincial councils and the Basque government.

As mentioned above, the three historic territories of the CAPV-EAE can maintain, establish, and regulate, within their own territory, all taxes except those that are at present collected through fiscal monopolies, import duties and import dues on special taxes, and VAT. The state is also solely responsible for regulating all taxes for individuals or entities that do not reside in Spanish territory. In other words, the treasuries of the three historic territories have the right to regulate, among other things, personal income tax, estate tax, corporate tax, inheritance tax, and gift tax. As regards indirect taxation, the foral treasuries cannot regulate, but do administer VAT and special taxes stemming from those agreements binding within the European Union. In this way, the powers of the foral treasuries are more restricted to specific aspects of supervising such taxes. That said, in terms of collecting the third kind of indirect tax—transfer tax and stamp duty—this can, to a large extent, be regulated autonomously by the Basque institutions.
In sum, one might say that there are two kinds of taxes in the CAPV-EAE: officially approved and unofficially approved taxes. The former are part of the Basque taxation system, and here there are two types of tax: those over which the foral treasuries have normative power (corporate tax, for example) and those over which they do not have normative power and must therefore follow state guidelines (for example, in the case of VAT). Meanwhile, unofficially approved taxes are those that do not form part of the taxation system in the CAPV-EAE and, as such, the foral treasuries cannot maintain, establish, or regulate them (as is the case with taxes levied on fiscal monopolies).

Beyond the differences between these two kinds of taxes, the fiscal pact offers citizens within the CAPV-EAE the possibility of administering almost the entire taxation system. In this regard, it gives the CAPV-EAE the typical resources of a public treasury through tax collection and, as a result, provides the Basque government with full autonomy and the potential to exercise powers belonging to the community as a result of its autonomy statute.

Chapter Two: The Quota

The second chapter of the pact establishes the manner in which the CAPV-EAE must contribute to those costs of state not taken on board by the autonomous authorities. In other words, the CAPV-EAE transfers part of its tax resources to the Spanish authorities to defray costs incurred by exclusively state powers.

Moreover, with these payments, the CAPV-EAE also contributes to state solidarity funds in order to guarantee an equal distribution of wealth and the transfer of resources from wealthier to poorer communities so as to encourage internal state cohesion. Any potential changes or adjustments to the quota are deliberated on by a mixed commission made up of representatives from the three provincial councils, the Basque government, and the Spanish authorities.

The methodology for drawing up the quota is reviewed every five years through a law voted on in the Spanish parliament and previously agreed on by the mixed commission. In each of the years following this five-year review, the mixed commission updates the quota by means of applying the methodology approved of in the law. The quota, thus updated, is then passed by royal decree by the council of ministers (the Spanish cabinet) at the behest of the finance minister and the competent authorities within the CAPV-EAE.

In order to calculate the total amount of the costs of state not taken on board by the CAPV-EAE (powers not exercised fully by the Basque autonomous community), out of the total state budget expenditure destined for the CAPV-EAE, the entire amount that, at state level, covers those powers controlled by the autonomous community (from the effective date of their transfer according to the corresponding decrees) is deducted.

According to the five-year law for the period from 2002 to 2006 quota, the rate of charges by which the amount the CAPV-EAE must pay the state stands at 6.24 percent—representing the economic strength of the CAPV-EAE as a percentage of the total
expenditure budgeted for this community by the state. From this figure, representing the total amount of expenditure attributed to the CAPV-EAE within the state budget, a certain amount corresponding to the costs of the powers transferred to the autonomous community is deducted. This deduction thus represents the total amount the CAPV-EAE must pay the state. In 1987, for example, by the terms of the quota the CAPV-EAE paid the state the equivalent of €666,107,120; a figure that had risen to €1,034,626,080 by 2002.

The fact that establishing the quota does not depend on taxes collected but, rather, on the expenditure incurred by the state budget to cover nontransferred powers means that the CAPV-EAE pays the state independently of whatever taxes it raises. In other words, whether the CAPV-EAE administers its taxation system well or disastrously, it must still pay a fixed percentage to the state. Consequently, the gains or losses deriving from good or bad administration when collecting taxes depend exclusively on the autonomous community itself.

The Structure of the Fiscal Agreement in the CFN

In the same way as the fiscal pact, the fiscal agreement between the CFN and the state takes the form of a single article bill implying, as stated above, that it cannot be modified and must be either approved or rejected outright.

The fiscal agreement is made up of three types of provisions: those that seek a balance between both taxation systems (Section 1), those that set the financial contribution (Section 2), and provisions of an informational nature establishing the fiscal principles of the foral system regarding financial and taxation activity in the CFN (Section 3).

Provisions that Seek Balance between Both Taxation Systems

Section I sets out the criteria of fiscal harmony by which the powers of the CFN and the state in regard to each tax are specified. As in the case of the fiscal pact between the CAPV-EAE and the state, then, the fiscal agreement also seeks to establish the balanced development of both the autonomous and state taxation systems. As such, the taxation system in Navarre allows the citizens of Navarre to enjoy their own fiscal structure with both normative and administrative powers that ultimately endows them with a high level of autonomy within the state.

By virtue of provisions in the fiscal agreement aimed at achieving synchronization between the two taxation systems, the CFN (much like the CAPV-EAE) can administer and regulate within its territory all taxes except those that are presently collected through fiscal monopolies, import duties and import dues on special taxes, and VAT. Similarly, the state is solely responsible for regulating all taxes for individuals or entities that do not reside in Spanish territory. Therefore, the foral treasury in Navarre has the right to regulate, among other things, personal income tax, estate tax, corporate tax, inheritance tax, and gift tax. As regards indirect taxation, it cannot regulate, but does administer
VAT and special taxes stemming from those agreements binding within the European Union.

Section I of the fiscal agreement also states that the CFN, in drawing up its taxation guidelines, must be sure to adjust these to general taxation laws as regards universally accepted terminology and concepts.

Provisions that Set the Financial Contribution

Section 2 of the fiscal agreement refers to the financial contribution Navarre must make to the state. Through these payments, the CFN likewise contributes to state solidarity funds. Finally, a coordinating commission made up of six representatives of the Spanish government and six representatives nominated by the Government of Navarre exists to any possible changes or adjustments to the financial contribution of the CFN to the state.

Fiscal Principles for Finance and Taxation in the CFN

Section 3 states that the methodology for drawing up the contribution of the CFN to the state is to be reviewed every five years through a law voted on in the Spanish parliament and previously agreed on by the coordinating commission. In each of the years following this five-year review, the coordinating commission updates this contribution by means of applying the methodology approved of in the law. The contribution, thus updated, is then passed by royal decree by the Spanish cabinet at the behest of the finance minister and the competent authorities within the CFN.

In order to calculate the total amount of the costs of state not taken on board by the CFN, out of the total state budget expenditure destined for Navarre, the entire amount that, at state level, covers those powers controlled by the autonomous community (from the effective date of their transfer according to the corresponding decrees) is deducted.

The first temporary provision of the current fiscal agreement sets the rate of charges by which the amount the CFN must pay the state at 1.6 percent—representing the economic strength of the CFN as a percentage of the total expenditure budgeted for this community by the state. From this figure, representing the total amount of expenditure attributed to the CFN within the state budget, a certain amount corresponding to the costs of the powers transferred to the autonomous community is deducted. This deduction thus represents the total amount the CFN must pay the state.

Institutions Connected to the Fiscal Pact

Any attempt to comprehend the intricate workings of the Basque taxation system must take account of the complex institutional structure that was created to coordinate and synchronize the flow of capital between the Basque autonomous treasury and the state treasury. Specifically, one should mention three basic institutions charged with administering the fiscal pact: the arbitral council, the coordinating commission, and the mixed quota commission.
The Arbitral Council

This council was created to settle any dispute between the state authorities and the provincial councils or between the latter and any other autonomous community. It has nine members. Its president is a Supreme Court judge appointed for a five-year term by the president of the same council, following the proposal of the Judicial High Council and with the knowledge of the High Justice Court of the Basque Country. The remaining eight members of the council will be: four representatives of the state appointed by the Minister of Finance and Taxes and four representatives of the CAPV-EAE appointed by the Basque government, three of whom will be at the request of the respective provincial councils. Should a conflict arise with another autonomous community, the Minister of Finance and Taxation in the Spanish government must substitute one state representative for another appointed by the autonomous community in question.

The Coordinating Commission

The coordinating commission was created to impart greater cohesion to the officially approved common taxation system. It is an essential body when it comes to articulating the activity between the treasuries involved in the official approved system. It provides a channel for both predicting potential conflicts between the state and Basque taxation systems, and seeking solutions to avoid confrontation. At the same time, it is a forum for establishing common activity, planning, and computer programs that demand of both governments a satisfactory running of taxation activity. It also examines issues or questions that have been raised in terms of inspection between the state government and the provincial councils. Furthermore, it is an informational body and also offers technical support on questions the pact entrusts to the governments represented on the commission. In other words, it takes responsibility for carrying out studies on the satisfactory structural and functional articulation of the autonomous system within the fiscal framework of the state and drawing up reports at the behest of the state ministry of taxation, the department of taxation within the Basque government, the respective provincial councils, and the arbitral council.

There are eight members on the commission, four of whom represent the Spanish government authorities and are, in effect, appointed by the minister of Finance and Taxes, while the remaining four (three of whom at the suggestion of the provincial councils) represent the CAPV-EAE and are appointed by the Basque government. The commission meets twice annually, in January and June, as well as at any time at the request of either government represented in its membership.

The Mixed Quota Commission

This commission has two basic functions: on the one hand, it is responsible for the methodology used for drawing up the quota every five years. Once this has been agreed on within the mixed quota commission, it is drafted as a law and voted on in the Spanish
parliament. On the other hand, the mixed quota commission is also in charge of updating the quota in each of the years following the initial year of the five-year period, together with approving any adaptation, modification, or extension of the fiscal pact.

**Institutions Connected to the Fiscal Agreement**

Two institutions were created with respect to the fiscal agreement whose task it is to coordinate and synchronize the flow of capital engendered by the pact between the treasury of the CFN and the state treasury: the arbitral council and the coordinating commission.

*The Arbitral Council*

The arbitral council is made up of three members appointed by the Spanish Minister of Finance and Taxes and by the Minister of Taxation and Treasuries in the government of Navarre. It functions to mediate potential conflicts between the governments concerned as a result of the interpretation and application of the agreement to specific cases related to individual taxation relations. It also settles any dispute between the state authorities and the CFN, or between this latter government and any other autonomous community regarding the application of points of connection between taxes collected by the CFN, and establishing the proportion corresponding to each government in drawing up joint taxation regarding corporate tax or value-added tax. And finally, it settles any discrepancies that may arise in regard to the direct debiting of taxpayers.

*The Coordinating Commission*

This commission is made up of six representatives of central state government and six representatives of the CFN appointed by the government of Navarre. As in the case of the CAPV-EAE, the task of this commission is to articulate the activity of the treasuries that function in the officially approved system. In other words, this body is responsible for assuring a satisfactory structural and functional articulation of the *foral* system within the fiscal framework of the state and helping to avoid any confrontation between both fiscal structures. In this regard, any of the two component governments can convene the commission with the goal of achieving agreement on any potential discrepancies within the content of the taxation regulations.

The commission also examines issues or questions that have been raised in terms of inspection between the central state government and the government of the CFN, analyzing any problems relating to evaluation for tax purposes and evaluating the adjustment of taxation regulations to the fiscal agreement prior to their official approval.

At the same time, this body prepares reports, studies, plans, and computer programs that require both governments to carry out taxation activity effectively. In other words, it is an informational body that also offers technical support on questions the agreement entrusts to the governments represented on the commission.
This commission meets at least twice a year, in March and September, as well as whenever one of the two member governments so requests.

Conclusion
At the close of the Second Carlist War, Araba, Bizkaia, Gipuzkoa, and Navarre lost their foral rights and, as a result, their political and administrative independence. That said, it is also true that both the CAPV-EAE and the CFN have managed to maintain some of their foral administrative and fiscal privileges within the context of their relations with the central Spanish authorities.

The fiscal pact and the fiscal agreement are the most important aspects of this administrative and fiscal particularity, because both agreements allow the CAPV-EAE and the CFN to collect practically all taxes within their autonomous boundaries, thereby contributing to the costs of state for activities not transferred to their respective autonomous institutions. In this regard, the fiscal pact and the fiscal agreement are the two most important demonstrations of self-government in both autonomous communities, because they allow both the sufficient financial resources to administer the powers they gained as a result of the Guernica Statute and the Improvement Law.

Without any doubt, the taxation and financial structures of these two communities are unique within the Spanish state. Furthermore, at present, these systems have no parallel within the European Union. In other words, there is no other region of the EU where bodies other than those connected to central state structures are empowered legally to regulate the taxation system as a whole and almost all its dimensions.

Both agreements, then, offer a high degree of self-government to the CAPV-EAE and the CFN. As such, because the treasuries of both communities collect taxes and thereafter pay the state a certain quota or contribution, the good or bad administration of this tax collection has a direct impact on citizens’ quality of life in each community. In this regard, it is clearly the responsibility of the respective governments in the CAPV-EAE and the CFN to collect taxes properly and adapt the pact and the agreement accordingly to any changes that might take place either locally or internationally.

References
The creation of the European Union (EU) has implied a revolution for all the economies and fiscal systems in its member states. At the same time it has also implied (and continues to do so) a challenge for the system of fiscal agreements in the Basque Country. This system is unique in the EU. No other region or stateless nation enjoys the kind of fiscal sovereignty already described in this book. To be sure, some European regions do have a degree of fiscal authority—for example, in levying or reducing company tax (in Scotland and the Azores)—yet none have full normative or administrative powers. Such powers, in this sense, are exclusive and unique to the Basque system. A problem arose, however, when the Spanish state “forgot” to introduce this concept into the treaty it signed when joining the European Communities in 1986. If the Spanish state had introduced a clause into this treaty concerning the Basque fiscal system, there would have been no later legal problems regarding its recognition at a European level.

However, the EU (and specifically its executive branch, the European Commission) has always viewed this “regional” fiscal authority unfavorably and brought several complaints against the Basque fiscal system before the Court of Justice of the European Communities, usually just known as the European Court of Justice (ECJ). As a result, for years the European Commission opposed fiscal measures in the Basque Country that were otherwise recognized by full member states, such as France, Belgium, and Italy. The commission’s main argument against the Basque system rested on the “reference framework” notion, in other words, that any fiscal measures adopted by a member state should
be applied throughout that state. Put simply, it was illegitimate for a region or stateless
nation to apply a different measure in one part of a member state. We should remember
here that the policies regarding competition and those regulating the free market are
under the exclusive authority of the EU, and that its executive branch, the European
Commission, has the power equivalent to any other government. Therefore, one can
only challenge its decisions in court.

**European Commission Arguments for Limiting Regional Fiscal Authority**

To this day, the European Commission has defended the notion that substate entities or
regions had limited fiscal sovereignty based on the simple fact that the fiscal measures
applied by an autonomous government were not applicable to the rest of the territory
in the member state to which it belonged. The commission designated this a “reference
framework.” For example, the commission believed that for businesses established in
a given region, such as Scotland in the United Kingdom, reduced taxes constituted an
advantage that similar businesses in other regions of the UK, such as Wales, did not
enjoy. Similarly, according to the European Commission—and based on Article 87, sub-
section 1 of the Treaty establishing the European Community (TEC)—businesses subject
to the particular taxation system of the Azores enjoy a more favorable status than all
other Portuguese businesses.

The commission has always classified as state aid (and therefore forbidden) those fis-
cal systems pertaining to specific regions or territories, and that are favorable compared
to the general system of a member state. It has always argued that such aid reflects an
“element of selectivity” whereby in a competition between two business groups within
the same reference framework, one is the beneficiary of an advantage and the other is
not. This argument is based on subsection 3 (c) of Article 87 of the TEC, which states
that any regional aid must be part of a member state’s general regional policy and must
respect the territorial limits of certain areas while not affecting trading conditions to an
extent contrary to the common interest.

In similar fashion, the European Commission was opposed to the idea that benefits
within a limited territorial reach might be considered “general measures” in the region in
question, due to the simple fact that they had not been established by central authority
but instead by regional powers. Moreover, in that such benefits were applied throughout
the territory subject to regional authority, they were not considered as compatible with
the notion of state aid. This is because the concept of aid was taken to cover all interven-
tions easing the burden of taxation levied on one or several businesses, independent of
their purpose, justification, and objective, as well as of the statute of public authority that
approved the measure or whose budget assumed responsibility for the charge.

The root problem, without any doubt, resided in the concept of the “reference frame-
work.” Despite the commission’s claim that it never questioned the systems or mechan-
isms that allowed regions, or even municipalities, to draw up and levy taxes without any
reference to the national taxation system, it is clear that in always limiting this reference
framework to the territory of a member state, it was holding a sword of Damocles over any region enjoying fiscal autonomy: for example, the Basque foral territories, Scotland, or the Åland Islands (Finland). In the commission’s opinion, it should be deduced from the TEC that any selectivity associated with a given measure must be taken to mean within the framework of state. Consequently, taking a region as a reference framework in adopting said measure implied ignoring the function and raison d’être of TEC norms on state aid. Even if there was no material selectivity, the advantages reserved for businesses that functioned in certain regions of a member state would be selective in nature and would therefore constitute state aid. As a result, should the reference framework in questions of competition coincide with the territory of member states?

The Argument of Decentralized States

In 2006, the ECJ passed a key ruling for establishing the Basque fiscal pact within EU law because it defined what constituted a reference framework. The ECJ ruling found that the reference framework “need not necessarily be defined within the limits of the national territory” of a member state, so that a measure carried out leading to an advantage in only one part of a state’s national territory is not necessarily selective and therefore illegal. The ECJ thus disagreed significantly with the European Commission’s argument, and the ruling resulted in heated debate, because with this decision, the geographical space of substate bodies was now taken to be the reference framework thereby changing the map and “borders” of state aid overnight.

In short, now one could not rule out the possibility that a substate body, enjoying sufficient juridical and actual autonomy with regard to central government, might carry out a key role in defining (by means of the measures it takes) the political and economic context in which businesses operated. In such a case, moreover, it would be the territory in which the substate body has approved such measures, rather than the national territory as whole, that would be considered the valid framework for deciding whether a decision favored certain businesses over others in a similar juridical and functional situation, bearing in mind the objective pursued by the measure or the juridical system concerned.

However, not all regions or stateless nations in the EU enjoy normative fiscal authority. In other words, the relevant substate body must approve such fiscal measures in the context of having sufficiently autonomous powers. In the first instance, such measures must derive from a regional or local authority that, from a constitutional point of view, has a political and administrative statute distinct from that of central government in the state in question. Moreover, this statute must have been adopted without central government being able to intervene directly in its content. Finally, the financial consequences of a reduction in central state taxation applicable to businesses located in the region should not be accompanied by aid or subsidies from other regions or from central government

1. The Court of Justice of the European Communities, The Portuguese Republic against the Commission of the European Communities, Case C-88/03 (known as the Azores Ruling), September 6, 2006.
itself. Furthermore, it is necessary not only for the substate authority to have the power to adopt, throughout the territory it has jurisdiction over, measures leading to tax reduction independent of any consideration relating to central government activities, but also for this same substate authority to assume political and fiscal responsibility for the measures it takes. Ultimately, it is for the state to decide whether an autonomous government fulfills these requirements.

Conclusion
From now on, the reference framework may be a regional geographic area or a stateless nation, but for this to be applicable, the substate government must have sufficient autonomy as defined quite clearly (if not exactly conclusively) by the ECJ. For this reason, the Basque foral institutions were obviously delighted with the 2006 ruling. This was because it put an end all the uncertainty and danger hanging over the fiscal pact and agreement, having judged against the notion of “selectivity.” These institutions were also relieved because they would have no problem in meeting the criteria designating suitable autonomous authority to be able to benefit from the ruling.2

In sum, the ECJ ultimately came down somewhere in between the postures maintained by the European Commission on the one hand, and decentralized states on the other. In other words, it was against the idea of limiting reference frameworks to the geography of member states as a whole. However, it would not allow any substate body to be recognized as a reference framework. Indeed, the demand for sufficient autonomy was quite exigent and most regions or substate bodies in the EU would have to argue their case for consideration, including the Basque foral institutions. Indeed, for the European Commission, this issue went to the core of those states based on “asymmetrical” decentralization—such as the United Kingdom or Spain—where conceding this power to the regions might eventually question the very constitutional systems of these states. The commission thus sought to override certain state constitutional systems. For the executive body of the EU, if you are not a state, you cannot have fiscal autonomy. Faced with this base notion, the only solution for many Basques was to argue in favor of a separate Basque state.

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The Spanish constitution gives the state exclusive powers in foreign policy matters. From this perspective, one might say that the Autonomous Community of the Basque Country (CAPV-EAE) has no authority whatsoever in foreign policy issues. However, a doctrine has been drawn up that can take on board and maintain Basque foreign activity based on two aspects: certain provisions specified in the statutes of autonomy and therefore constitutional law; and because of the growth and development of European integration, within the context of important changes at the international level, that has simultaneously transformed Spanish constitutional principles on matters relating to international relations. Both these aspects converge, for example, in the law on relations of Basque collectives and centers outside the CAPV-EAE.

This law establishes the juridical and political framework underpinning the foreign policy of the CAPV-EAE. It centers its efforts on recognition for and the federal/confederal structuring of the Basque centers—the form developed by Basques centuries ago to organize themselves outside their own borders. One might speak, then, of a kind of organized civil society in the Basque diaspora.

Departing from this starting point, the law addresses not just the protection of Basques abroad, but also proposes “projecting understanding about the reality of Euskadi wherever Basque collectivities are located, promoting activities of divulging, stimulating and developing the Basque culture and economy,” as well as “aiding especially social, cultural, and economic relations with the different peoples who have Basque collectivities, with
their institutions and their different social agents” (Art. 1, objectives c and d). In this way, and in a second logical step, those collectivities that were targeted for aid and assistance thus also became a subject and an instrument for Basque foreign relations, projecting this policy and imparting on it a more general political and economic dimension. The different federations and confederations of the Basque centers, the creation of stable communication and financing channels, and the holding of a major global conference every four years all came to shape a huge system of relations that reflected an innovatively networked foreign policy. This network is both public and private and makes use, at the same time, of the different social networks frequented by members of the Basque centers as the external perimeter of public foreign policy organized from the CAPV-EAE. This allows this foreign policy a significant social and political reach within the countries to which it is aimed.

Whatever the case, however interesting such an approach may be, it would not have been possible within the context of a more restricted interpretation of the previously noted exclusive state authority in foreign affairs. Even if it may not seem appropriate for the politically decentralized Spanish state to adopt an exclusivist criteria more befitting of its unitary counterparts, this came to be the sense in which central Spanish state institutions interpreted state powers. And the process of decentralization that began with the transition and new territorial and political arrangements associated with the autonomies took a long time in reaching the sphere of foreign policy outside the state.

Indeed, this latter development was only possible within the context of European political integration, which implied a structural transformation of the nation-state and the notion of sovereignty. Integration in Europe, a goal that went back to governments of the Franco era, was only possible once democracy was assured in the Spanish state. And the entry of the Spanish state into the European communities coincided with a relaunching of the integration process. In 1984, the European Parliament passed an influential resolution in favor of a European constitution that paved the way for the signing of the Single European Act in 1986. The Spanish state joined the European club immediately after a treaty was passed to create the measures necessary for establishing a single domestic European market. Shortly after, the end of the Cold War framed the context in which the Maastricht Treaty was passed, leading to the creation of the political union of Europe. The political realignment of both the world and Europe implied the domestic realignment of European states. If a European political space had been created, this must have necessarily affected the political balance of decentralized states because numerous former domestic powers were now in the hands of European institutions. Within this context, and with the aim of safeguarding its interests and defending its political powers, the Basque government established an office in the EU capital, Brussels, in 1988. The Spanish government considered this to be an abuse of Basque autonomous power, which should have been confined to its own regional territory. Therefore, the Spanish government brought a case against the Basque autonomous government in the Spanish Constitutional Court, invoking the monopoly of the former in matters of international
relations established in the 1978 constitution. On understanding that the Basque government office in Brussels implied the exercising of activity related to foreign relations, the court initially declared it illegal. However, after a long and tough political and juridical struggle, the same court sentenced in favor of the Basque government. In its canonical sentence 165/1994, May 26, the court ruled that EU space could no longer be considered foreign and should, rather, be thought of as a halfway point between the domestic and the foreign sphere of the state. This justified Basque government plans to establish information channels in this space, on the understanding that the EU context directly affected the exercise of its own domestic authority. Thus, a key state doctrine and principle of political power, dating from centuries before, had been overturned.

The Basque authorities were convinced right was on their side in this political and juridical struggle and already had their next step planned. This alone can explain why, just hours after the final Spanish Constitutional Court ruling, on May 27, 1994, the Basque parliament passed the aforementioned law on relations with the Basque collectivities around the world, in which the Basque government was attributed various powers in matters relating to foreign affairs. It is worth highlighting the fact, however, that most of the Basque diaspora—the starting point of the law—is in the Americas and not Europe. Naturally, following the Spanish Constitutional Court ruling, most of the other Spanish autonomous communities began to officially organize their own foreign affairs policies—in many cases on the strength of more informal channels that had been established years before.

Furthermore, progress was also made in the same direction from within the European community sphere itself. In 2001, the European Commission approved a white paper on governance that established the necessity of constant dialogue with European regions in order to be able to govern democratically and efficiently within the EU. From this moment on (and in part influenced by this white paper) a major debate took place within the EU about its future and its institutional model. This debate resulted in a convention approving the European constitution project to be signed the governments of member states in 2004.

Within this general debate the Lamassoure Report was particularly bold in proposing a direct association between the EU and its regions, with legislative authority designated by the member states. Although it is true that this idea was blocked by both the European Parliament (the Napolitano Report) and the member states in convention, it is undeniable that there is a growing tendency toward encouraging greater regional involvement in the EU.

**Significant Elements of CAPV-EAE Participation in the EU**

The seven most significant elements of CAPV-EAE participation in the EU are: the Spanish constitutional legitimation of establishing direct relations between the autonomous public authorities and the European institutions, followed by the creation of a Basque delegation in Brussels; the establishment of a bilateral commission (between the
CAPV-EAE and the Spanish state) for European affairs; the legal regulation of a summit on matters relating to the European communities; the establishment of the EU Committee of the Regions; a transparent policy on the part of the European institutions; the creation of a minister for the autonomies representing the Spanish state in the EU, with the obligation of informing the autonomous communities of EU activity on a regular basis; and the acceptance that autonomous representatives may form part of state delegations in certain EU bodies. These elements allow us to better understand the reasons behind organization and functioning of Basque foreign policy activity.

Structure of the Department of Foreign Affairs

It is worth pointing out that the Basque department of foreign affairs depends directly on the department of the presidency of the Basque government. This reflects the political importance given this sphere of activity in contrast to other autonomous communities and regions that tend to link foreign affairs to economic concerns alone (as a means of attracting investment and developing commercial trade delegations abroad, as well as receiving EU funding). The fact that Basque foreign policy activity has been placed directly under the control of the lehendakari clearly demonstrates the primacy of political, symbolic, and strategic concerns within this policy, besides purely economic considerations. On March 15, 2005, the Basque government approved a foreign affairs strategy, in which several general objectives and guidelines associated with this policy were outlined.

Strategic Objectives

In this regard, there were four basic objectives that accompanied the strategy: to encourage the direct participation of the CAPV-EAE in EU institutions and bodies, regarding all matters within its authority and of specific interest to the autonomous community; to achieve and reinforce a position for the CAPV-EAE as an active subject abroad, both in Europe and the world as a whole; to endorse foreign policy initiatives, promoting relations and the exchange of experiences with international, state, and regional institutions that might share common interests with the CAPV-EAE and to foment foreign activity by the whole Basque government and other institutions in matters covered by their authority and interests.

Instrumental Objectives

Besides these general goals, the strategy also sought another series of more strategic and organizational objectives, among which included: long-term foreign policy planning by the Basque government to avoid having to respond in more ad hoc fashion according to the demands of a particular issue that might emerge; and coordination of foreign policy from a departmental point of view, in order to make the most of the synergies in international and EU activity (whether political, economic, cultural, academic, scientific, or so on) both in the present and in the future.
Spheres of Action

Finally, this same strategy was also originally designed to be applied to six basic spheres of action—in other words, in six different aspects of Basque government foreign policy: the EU; interregional and cross-border cooperation; Basque collectivities abroad; a foreign presence for different business and industrial sectors; Basque delegations abroad; and multilateral bodies.

The Basque Presence in the Council of Ministers of the EU

As previously noted in the example of the political and juridical struggle between the central Spanish state government and the CAPV-EAE, the recognition and participation of the CAPV-EAE in European institutions has not been easy. The state has never looked favorably on such participation and even formally opposed the political recognition of regions implied by the creation of the Committee of the Regions as a result of the Maastricht Treaty. Because the Spanish state could not formally oppose this—due to the fact that for (federal) Germany it was a necessity in order to ratify the treaty itself—it instead refused to subscribe to a later protocol (in an annex of the treaty) that regulated regional participation in the Council of Ministers, even though this protocol only established regional participation as part of individual members’ state delegations.

Following the 1994 ruling by the Spanish Constitutional Court, at a meeting of Spanish business and industrial sectors about relations with the European communities on November 30 that year, an agreement was reached to create channels of participation for the autonomous communities. The CAPV-EAE did not sign this agreement because it considered the accord to be insufficient and because it did not recognize bilateral (state and autonomous) authority in certain areas, such as those relating to the economy and finance or in policing matters. These were powers in which the CAPV-EAE, for example, possessed full authority. It therefore made no sense, according to the CAPV-EAE, for a Spanish minister to be able to negotiate and make agreements alone in Europe without possessing the sufficient data to do so and on matters over which the central state had no jurisdiction in the CAPV-EAE. In fact, the solution reached by the state in this matter was an attempt to retain a monopoly on negotiations and decision-making in Brussels, an attempt to regain powers that, as a result of the domestic pact in the Spanish state creating the autonomous communities, it had lost to these same communities.

It was not until 1995 that the Spanish state accepted a degree of complementary bilateral power sharing, together with the multilateral system of business and industry meetings, and again in 1996, when the state attempted once more to resolve the problem, although still insufficiently. The plan now was that the autonomous communities would be obliged to reach a unanimous agreement among themselves, while the state would be allowed to act in whatever way it saw fit. The principal step forward was the creation of the post of a minister for the autonomies based in the Spanish state delegation to the EU in Brussels. The appointment of this minister even fell under the jurisdiction of
the minister for foreign affairs. Yet all the autonomous communities subsequently complained that the information they were receiving from this minister was neither complete nor was it transmitted in sufficiently good time for them to respond and establish their own positions on the matters in question.

In 1999, the Council of the EU (the former Council of Ministers) established the possibility for representatives of regional governments to participate in the work of European Commission committees. However, it was not until 2003 that this ruling came into effect, and even then it was in a very controlled and limited way—especially the fact that, in the case of the Spanish state, the two autonomous community representatives chosen to sit on each committee had to speak in the name of all seventeen autonomous communities—an almost impossible goal given that most of the seventeen were controlled by one of the two dominant Spanish political parties, the Spanish Socialist Workers’ Party (PSOE)\(^1\) or the Popular Party (PP), and reaching consensus was next to impossible. Yet an advance of sorts had been made in that it was now the autonomous communities (chosen by the Spanish government) themselves that had the authority to elect their own representatives.

The next advance came in 2004, with a change in government in the Spanish state and the coming to power of the PSOE. The new government was interested in improving autonomous participation in European decision-making processes. And after a legislature under the conservative PP and its absolute majority in the Spanish parliament marked by centralism, when it was not just a question of no advances for the autonomous communities but actually a time of receding autonomous authority, the new administration attempted to set out its own and distinct line of action by appearing more open to discussing the issue.

Thus, on December 9, 2004, agreement was reached so that the autonomous communities could select their own public servants to also take up posts in the permanent Spanish delegation in Brussels (even if this had to be in a mutually agreed form with the state). By this means, then, they could also now take part in certain council configurations (councils or committees), such as the employment, social policy, health, and consumer affairs council; agriculture and fisheries; the environment; and education, youth, and culture—together with some preparatory working groups in these fields that were of special importance because they covered autonomous powers.

This agreement, recognizing the need to both improve the flow of information to the autonomies and the channels by which this was done, also acknowledged at the same time that the work carried out to that point in these questions had been insufficient. For example, it is worth noting that the new agreement included an obligation on the part of the Spanish permanent representation in Brussels to help autonomous delegations to the

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\(^1\) In most cases in this chapter, political parties, groups, and the like are identified by their name in English to help the English-speaking reader identify their ideological basis, but their Spanish, Basque, or Spanish and Basque acronym, if that is how they are regularly identified internationally.
city whenever they might ask for it. The agreement also made provisions for drawing up a report by the end of 2005 with the goal of evaluating the results of the system and, if need be, suggesting changes to it.

The first autonomous community to take part on one of the aforementioned councils was Castile and Leon on November 22, 2004. The CAPV-EAE did so for the first time on June 3, 2005, through Gabriel M. Inclán, the Basque government’s minister for health. In turn, on May 24, 2005, the Basque government called all the autonomous communities together for a meeting with the goal of preparing for the employment, social policy, health, and consumer affairs council, and to be able to establish a position regarding participation here and transmit this to the state. The meeting took place in the Basque delegation office in Madrid.

The December 9, 2004, report on autonomous participation and fulfillment of the agreements pointed out problematic issues not covered by these agreements. These would have to be resolved along the way, so long as degrees of “mutual loyalty and trust” were established, together with the “possible autonomous participation in bilateral meetings with other states or with the Commission, aspects of protocol related to places to be occupied in the hall of the Council, the number of members of the autonomous delegation who have access to the institution building, the form in which there is contact with the informational media, etc.” In turn, the possible right to speak on the Council by autonomous representatives was an important issue and required the unanimous approval of the autonomies, as well as acceptance of the text by the state, “with the aim of safeguarding the unity of foreign policy by the Spanish delegation.”

In terms of the preparation of working groups, several meetings took place in the Basque delegation in Brussels with the goal of agreeing on positions prior to taking part in meetings and councils. Similarly, on December 9, 2006, Ana Agirre, the Basque minister for industry, commerce, and tourism, took part directly on the employment, social policy, health, and consumer affairs council. In regard to all this, the Basque government program agreed on by the three governing parties—the Basque Nationalist Party (PNV), Eusko Alkartasuna (EA, Basque nationalists), and Ezker Batua (EB)-Berdeak—stated, in its chapter 6, titled “A government to project our presence in the world,” that European integration and participation in different forums was a political priority for the Basque government. In this sense, it defended a process of European construction that has as its goal a federal model guaranteeing social, economic, and political cohesion among all peoples, based on respect for their diversity and their legitimate rights of self-government. Among the specific points established as objectives, here one should highlight that of achieving an increase in participatory matters on the Councils of Ministers of the EU.

The Basque Presence on the Committee of the Regions

The Committee of the Regions (CoR), a consultative body established by the 1992 union treaty, signified the first recognition by the EU of its regions as political subjects. It began to function in 1994, with both the European Commission and the Council of
the EU having the option to consult it on any questions where measures will be adopted affecting regional or local issues. This consultation is, moreover, obligatory in the fields of economic and social cohesion, trans-European infrastructure networks, public health, education, youth, and culture. However, the CoR can prepare reports or studies on any other matter it considers opportune.

The Treaty of Amsterdam (1997) extended the CoR’s powers, establishing five new areas of obligatory consultation: employment policy, social policy, the environment, vocational training, and transport. Cross-border cooperation was also expressly noted as a sphere of facultative consultation. And this same treaty allowed the CoR to establish its own internal regulations, stating that the European Parliament could also receive CoR reports and prohibiting CoR members from being Members of the European Parliament (MEPs) at the same time. The current Treaty of Nice (2000) reinforces the democratic profile of the CoR, requiring its members to be elected or politically accountable to an elected regional or local assembly.

The CoR is in favor of the current project for a European constitution. The projected constitution would extend further the CoR’s powers in the following areas: the right to appeal to the Court of Justice when the subsidiarity principle has been breached or when the CoR has not been consulted in cases outlined by the respective treaties; local and regional autonomy is recognized and respected; local and regional bodies are mentioned expressly in defining the subsidiarity principle and the protocol associated with this; territorial cohesion and the respect for cultural and linguistic diversity is included among the objectives of the constitutional treaty; local democracy is recognized; and the term of office for CoR members would be extended from four to five years, thereby bringing this into line with MEPs and Commission members.

The CAPV-EAE has been very active in the functioning of the CoR. Basque representation was led by the former lehendakari, Juan Jose Ibarretxe, himself, as well as by José María Muñoa, the former commissioner for foreign affairs. Between 1998 and 2001 the CAPV-EAE took part in different specialized commissions within the CoR, such as: regional politics, structural funds, social and economic cohesion, and cross-border and interregional cooperation; education, vocational training, culture, youth, sports, and citizens’ rights; and institutional affairs. From March 2002 onward, the working areas were restructured, with the CAPV-EAE now taking part in two commissions: culture and education, on the one hand, and constitutional affairs and European governance on the other. The CAPV-EAE has been an active member of the working groups in which it has participated, especially in the monitoring group of the intergovernmental conference (2003–4). This was in charge of overseeing the conference and drawing up a strategy by which the EU member states would approve the CoR’s requests and proposals. There was an important political battle over the 2002 Napolitano Report, drawn up by the European Parliament, on the role regions should play in the EU. The report, while it did propose some bold measures, such as establishing an association between the EU and those regions with legislative powers, was criticized strongly by certain member states
Simultaneously, the Convention on the Future of Europe (the body charged with producing a draft EU constitution) refused to create a working group to discuss this issue. This led to harsh criticism by the regions, led by the CAPV-EAE and other regions with important political power. As a result of these constructive critical efforts on the part of the regions, including their elaboration of various reports and motions together with lobbying the EU, the Napolitano Report eventually accepted some of the CoR’s proposals. Later, even the Convention itself agreed to include in the draft constitution certain recommendations designed to further the role of regions in the EU—one of which that stood out was the possibility of appealing to the Court of Justice of the EU when the CoR believed its authority to have been compromised.

During the period 2001–4, the Basque government was given the task of preparing two reports: one regarding “television without borders” (CDR 90/03 fin) and another on the decentralization process in the EU and a place for local and regional autonomy in the project for a draft EU constitution (CDR 222/04 fin). The latter was passed unanimously by the CoR on July 6–7, 2005, and (among other questions) called for direct participation throughout the EU’s legislative process—with a special need to avail regional as well as state parliaments of the rapid alert system by which they can give their opinion on new European legislation before it is finally passed.

Meanwhile, another consequence of the PSOE’s aforementioned wish to make progress in adequate autonomous community participation in the EU was an emphasis on respect for the use of Euskara. On December 13, 2004, the Spanish government requested official recognition for all the coofficial languages of the state (Euskara, Catalan, and Galician). Even though the Council of the EU did not fully fulfill this request, there was a partial modification of the rules, and in November 2005, the first speech in Euskara in any EU forum was made. This took place in the CoR, and the speaker was José María Muñoa. This constituted a real milestone in Basque foreign policy during this period, and was an important step in the drive toward full official status for the language at the international level.

The Delegation of the CAPV-EAE in Brussels

The Delegation of the CAPV-EAE in Brussels, acting under the direct authority of the general secretariat for foreign affairs in the Basque government, is the body that represents the CAPV-EAE in the EU, as well as defending and promoting this autonomous community’s multi-sector interests in EU institutions. To this end, it exercises the functions of: representing CAPV-EAE interests in EU institutions and bodies; managing the socioeconomic, business, industrial, and professional interests of the CAPV-EAE insofar as EU initiatives affect these; monitoring the decision-making process and gathering information in regard to those EU legislative initiatives that affect CAPV-EAE powers or the interests; serving as an infrastructure for arranging meetings for Basque
socioeconomic agents and the autonomous authorities with EU institutions; technical assessment, as a logistical support center, for public and private bodies from the CAPV-EAE wishing to take part in some sphere of EU activity; to function as an intermediate body between the CAPV-EAE and the permanent Spanish state delegation in the EU; direct activity with EU institutions where departmental intervention is necessary in the elaboration and application of EU legislation and policies, and having some knowledge of these when reasons of urgency so require; collaborating with the offices of other autonomous communities of the Spanish state or other European regions in Brussels; and facilitating the collaboration of entities and bodies within the general governmental structure of the CAPV-EAE and other private and public entities located in Brussels to defend and promote the multiple interests of the CAPV-EAE.

The Basque government’s decision to open an office in Brussels in order to defend its autonomy in the EU was not free of difficulties. In 1986, when the treaty by which the Spanish and Portuguese states had entered the European communities came into force, the Society for Industrial Promotion and Restructuring (SPRI), a public corporation under the control of the Basque government’s department of industry, commerce, and tourism, already had an office in Brussels. Two years later, a decree created the organic structure of the presidency, justice, and autonomous development department, a Basque government office was also established in Brussels (dependant on the cabinet for matters relating to the European communities).

The Spanish government immediately appealed against this decree, although ultimately the Constitutional Court ruled in favor of the Basque government. The position of the state’s lawyer was clear: “There is no, or rather, there cannot and should not be any relations between the Basque and European public institutions.” Although in its verdict the court initially viewed foreign relations as an exclusive matter of state and ruled that the autonomous communities should not “interfere” in any way in these relations, it also added that “it is necessary to take into account that the international relations issue should not be identified with every kind of activity embracing a foreign reach or projection.” Moreover, the same court evinced a very pro-European reading of community law when it argued that “the development of the European integration process has created a community juridical order that, for all the states in the EC might, to certain ends, be considered domestic.” And it continued by stating that “as regards officials of a political autonomy, in order to oversee their own interests, they are interested directly in the activity undertaken by the European Communities.”

In sum, the Constitutional Court considered European community law to be domestic law affecting the powers of the autonomous communities directly. With the decision thus made, the Basque government officially inaugurated its office in Brussels in February 1996. I would point out, however, that this office does not exist legally in the Belgian state as that of a public government. Therefore, it does not enjoy the privileges and immunities corresponding to official bodies located in the Belgian state. This is because the Spanish state has never notified, nor wishes to do so, the Belgian
government of the delegation’s official status. Once more, the Basque government acted as a spearhead in the decentralization process in the Spanish state.\(^2\) The Constitutional Court’s ruling not only allowed the Basque government to establish an office in Brussels, it thus paved the way for other autonomous communities to open up delegations or representations in the Belgian capital. The delegation of the government of Navarre was one of the last to do so.

### The CAPV-EAE and a European Constitution

A European constitution would introduce major advantages compared to the previous situation, given that it would give the European Parliament a greater role, introduce a basic human rights charter into European legislation, simplify the legislative processes, and eliminate certain vetoes. Yet none of these advances make any mention of the problem of substate entities that, like Euskal Herria, do not enjoy a direct presence in the EU institutions. In the words of Gurutz Jáuregui, “such advances are far from satisfying the interests and demands of the regions. For this reason, one might contend that, in the event of the current project remaining in its current terms, the EU will have lost an excellent opportunity not yet to grant a fitting treatment of the regional question, but, more modestly, simply to recognize the regional factor in a minimally acceptable way.”\(^3\)

The constitutional treaty, which has been criticized strongly as well, also contained certain less positive aspects from the perspective of regions or stateless nations in Europe, among which one might point out the following: It upholds the fact that the EU is a union of and for states (indeed the draft constitution eliminated the expression “union of peoples” that exists today); it did not recognize any role or legal personality for substate bodies, therefore the participation of stateless nations in the Union would continue to depend on the good will of states; the right of self-determination was not recognized, although nor was it banned. There was simply no consideration of the possibility that there might be a secession or breakaway within territories of EU member states; as regards the linguistic system, the project only bestowed official status on state languages so that Euskara would not be considered a language of the EU. However, nor were other languages banned from being official. In other words, official status for Euskara was something that needed to be addressed, should the matter arise, by the Spanish and French states; the institutional balance within the EU remained intact. Although it is true that the European Parliament would receive more power, the co-decision-making system would prevail. In other words, member states would continue to control the work of the only institution elected directly by European citizens, the European Parliament; the right of a member state veto on different social and financial aspects was maintained, despite


the implementation of the qualified majority voting system; and the mere fact the constitutio
would have to be ratified by every individual member state was a serious hindrance to its approval, because it would only take one such state to not ratify it in order for the project to come to a halt. In short, its approval likewise followed the parameters of the member states’ international laws.

As regards Euskal Herria, there was a referendum on the European constitutional text in Hegoalde in February 2005. The two major state parties—the PSOE and the PP—favored a “yes” vote together with the PNV. All the other parties in the Basque political spectrum in Hegoalde called for a “no” vote, given the scarce role the text would guarantee for Basque institutions. For EA, it was time to question the Spanish state democratically about this policy. The best way for the constituent process to be truly European, open and participative, in the hope of a better future for our peoples, was to not support the treaty. Despite this critique, the “yes” vote won an ample majority, even if the “no” vote in Hegoalde doubled that of the Spanish state as a whole (in the state, the “no” vote barely reached 17 percent, while in Hegoalde it was around 32 percent).

Whatever the case, the European Constitution has still not yet entered into effect, and the most likely scenario is that it never will. The ratification process has become truly gridlocked. Several states chose to ratify the treaty by (the much easier method of) parliamentary means, while ten states have either held a referendum or consultation, or will do so on the issue. In the French state and the Netherlands, citizens refused the constitutional text on May 29 and June 1, 2005, respectively, with which the process was blocked. Faced with this situation, the historically Euroskeptic British and Danish states decided to halt their own ratification processes. However, the German presidency of the EU demonstrated its resolve to continue with the process of ratifying the constitutional text in all the member states, and proposed a plan of action to do so. Yet there is little indication that the gridlock will be resolved in the short term.

References


The Foreign Policy of the Autonomous Community of the Basque Country

MIKEL IRUJO AMETZAGA

In 2001, the lehendakari, Juan Jose Ibarretxe, explained to the Basque parliament that “the social construction of Euskadi does not just have an internal, but also an external, dimension,” to such an extent that we might contribute “our own singularity” via a foreign policy that might give the Autonomous Community of the Basque Country (CAPV-EAE by its Spanish and Basque acronym) a “face on the world.” To achieve this, according to Ibarretxe, “an integral Basque foreign policy must be developed that includes all the institutions and different areas of authority,” which would, in turn, have the goal of “moving from the mere knowledge of, to the international recognition of, Euskadi.” In order to secure this objective, the lehendakari considered it extremely important “to promote the presence of Euskadi in those decision-making forums of the European Union in which Basque interests are at play” to develop “an active policy of cross-border cooperation” in accordance with EU directives, and to “count on instruments that allow us to transmit the true reality of Euskadi abroad,” thereby encouraging the presence in “those places and countries where it may be opportune to defend and promote the economic, cultural, and institutional interests of our community.”

1. See the Diario de Sesiones (parliamentary report of the Basque parliament), July 11, 2001, on the investiture of the lehendakari, in which the government program for the 2001–5 legislature is explained.
Foreign affairs are an exclusive authority of the Spanish and French states. In other
words, Euskal Herria has no powers in this respect. However, the Spanish Constitu-
tional Court’s flexible interpretation of autonomous powers in this regard allowed a
degree of foreign activity. In 2005, a strategy for the foreign policy of the CAPV-EAE
was approved. It had a twofold purpose: to increase political impact of the CAPV-EAE
in the EU and to play a political role internationally, especially in the Americas. As pointed
out in the previous chapter, such activity remains simultaneously framed within one of
those axes of spheres of activity making up the spine of the strategic plan: the EU; inter-
regional and cross-border cooperation; Basque collectivities abroad; a foreign presence
for different business and industrial sectors; Basque delegations abroad; and multilateral
bodies. In this chapter, I will analyze Basque government foreign policy in the spheres of
cross-border cooperation and the Basque collectivities abroad. The analysis will center
almost exclusively on the CAPV-EAE because the Foral Community of Navarre (CFN,
by its Spanish acronym) lacks a foreign policy strategy.

Interregional and Cross-border Cooperation in Europe

Cross-border relations in the western Pyrenees have always been a feature of life and
have been necessary in order to create and maintain the conditions necessary for the
peaceful development of the people living there. Indeed, this is such a feature of life
that, despite the suspicion that such cooperation has raised historically in Madrid and
Paris, the first agreement in the modern era between both states was that of the Treaty of
Baiona (Bayonne) on December 2, 1856. Yet cross-border cooperation goes beyond the
realm of the Pyrenees alone. One of the pillars of the EU is its regional policy. Elsewhere,
decades ago the Council of Europe also began to consider the importance of regional
cooperation, especially in border areas, as a recipe for avoiding conflicts. In the Basque

2. The Spanish constitution declares “international relations” to be an exclusive power of state. However, this stipu-
lation neither impedes nor denies the autonomous communities the ability to develop relations beyond their territorial
borders. In 1994, the Spanish Constitutional Court ruled that “it cannot be refuted that, in order to carry out correctly
the functions attributed it, an autonomous community must carry out certain activities, not just outside its territory but
even outside the territorial limits of Spain.” Consequently, the state cannot subsume the power of an autonomous com-

3. The Navarrese government only has a general office for international development, comprised of European activity
and international projection services within the department of the economy and treasury. CFN foreign policy has been
limited to creating a delegation in Brussels (it was the last autonomous community to do so) and following the trends of
other agreements and protocols established in matters of cross-border cooperation.

4. One must distinguish the EU from the Council of Europe. Dating from 1949, this is the oldest political organiza-
tion on the continent, today encompassing forty-six countries, among which twenty-one states of Central and Eastern
Europe. The Council of Europe was created with the goal of defending human rights and parliamentary democracy, and
defending the predominance of the Rechtsstaat or state of law (constitutional state); forging agreements at a Europe-wide
level to synchronize the social and juridical practices of the member states; and to raise consciousness about the notion of
a European identity based on common values beyond cultural differences.
Country, a country divided between two states, this pro-European stance has opened up the possibility of reestablishing politico-juridical links between Iparralde and Hegoalde.⁵

The growing idea of cross-border cooperation parallels European integration. From the 1970s onward, many initiatives emerged in this regard. Ultimately, a decade later, the Council of Europe signed a treaty building on these initiatives. It is impossible to comprehend cooperation today between Iparralde and Hegoalde without understanding this context.

In terms of cross-border cooperation, neither the CAPV-EAE nor the CFN—because they did not have any authority in international affairs—could sign any agreement with Iparralde until the European outline convention on cross-border cooperation was signed and ratified in 1990. The period between 1990 and the signing of the Treaty of Baiona in 1995 (the latter coming into effect in 1997), was marked by several agreements that required authorization by the Spanish state. Yet since the Treaty of Baiona came into effect in 1997, this prior authorization of the state was replaced by the requirement for prior communication. In other words, from this time on the exclusive authority of the Spanish state in international affairs was no longer “exclusive.” In the following sections, I describe some illustrative cross-border associations.

The Working Community of the Pyrenees

The Working Community of the Pyrenees was created in 1983 around the eight territorial collectivities that coexist along the Pyrenees: three regions in the French state (Aquitaine, Languedoc-Roussillon, and Midi-Pyrénées), four autonomous communities in the Spanish state (Aragon, Catalonia, the CAPV-EAE, and the CFN), and the Principality of Andorra. Approximately 18 million people live in this area. The creation of this working community was based on a similar grouping in the Alps.

The general objectives of the working community are to exchange information and discuss any technical questions aiding coordinated solutions in the common interest of its members, especially regarding transport and communication; port and fishing traffic; energy problems; agriculture and forestry; the hydraulic economy; tourism and hydrotherapy; the protection of natural resources and the environment, scenic areas, the ocean, lakes, and watercourses; territorial and urban planning; regional and rural development; problems of educational training for development; and protection of the social environment and cultural heritage.

The working community has its own developed organizational structure, with a president, general secretary, full general council meetings, a coordinating commission, and four working commissions addressing different topics. The four working commissions are the infrastructures and communications commission; the training and tech-

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⁵ Iparralde refers to the northern Basque Country and Hegoalde to the southern Basque Country. The traditional dividing line between them is the international frontier between Spain (south) and France (north).
nological development commission; the culture, youth, and sport commission; and the sustainable development commission.

Since its creation, the working community has created an airport infrastructures plan, launched a “Clean Pyrenees” awareness campaign, and held numerous conferences and symposiums on technology transfer. Moreover, it has an employment bureau that offers the possibility of student exchanges as well as the option of developing one’s studies in the different collectivities that make up the working community.

The Protocol for Cooperation between Aquitaine, the CAPV-EAE, and the CFN

Signed on February 13, 1992, this protocol was the first to be agreed on between regional or autonomous bodies in the French and Spanish states since the previously mentioned European outline convention on cross-border cooperation came into effect. The protocol was signed during a period of major development in cross-border cooperation, encouraged and promoted by the EU.

This protocol was signed for various reasons. The three bodies involved believed the regionalization of Europe to be, besides an encouraging trend for growth and the economic cohesion of the EU, a democratizing factor in European integration, a legitimizing factor for particular cultures, and, therefore, a necessary and irreversible process that should be supported fully. Likewise, the signatories of the protocol thought that such cooperation needed boosting in light of future EU expansion, given that the creation of cross-border cooperation associations within the EU would allow for the institutionalization of interregional information, planning, and activity mechanisms. In short, they wanted to contribute to European unity and become protagonists in this process.

Moreover, there were purely economic reasons for favoring this protocol. One of the new ways of defining regional policy more widely and more thoroughly was that it was an advantageous means of ensuring that the economies of those regions located more at the heart of EU did not benefit at the expense of their counterparts at the peripheries—a phenomenon that was starting to worry many of these peripheral regions. Specifically, the notion of the “blue banana”—that EU development had followed a curved corridor beginning in northwest England, passing through the Ruhr in Germany, and ending in northern Italy in the industrial heartland of Milan—was beginning to attract criticism. The EU’s “peripheral regions” began to question this line of development that followed a curved path through the center of the EU. As a result, the 1992 protocol for cooperation called for future EU growth to contemplate development in the policies of social and economic cohesion in terms of the north-south and west-east dimension of the European Atlantic Arc—a project that, at the same time, might be directed toward the Mediterranean via the Ebro and Garonne river axes.

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6. Recall that in 1995, Sweden, Finland, and Austria joined the EU, and that between 2000 and 2004 another twelve states would join.
Although it is true that, as we have just seen, the principal motivation behind this protocol was economic, it also included a cultural dimension to the agreement and proposed encouraging the Basque language and culture, something that was also recognized in the Council of Europe’s European Charter for Regional or Minority Languages (1992).

More specifically, the objectives of the protocol were to exchange useful information on respective policies in the economic and social spheres, on initiatives designed to promote the development of communication infrastructures, on educational training and research, and on a reconsideration of cultural and linguistic heritage; to synchronize these policies in overlapping areas; to reach official agreement on defining projects of common interest and putting them into practice; to jointly research the necessary means to put these projects into practice; and to foment any collaboration project that might be introduced by the public, professional, or private sectors that undertake their activity in any of the signatory regions.

In order to achieve these objectives, funds were set aside for cross-border cooperation. Moreover, the protocol did not stop at governmental cooperation. For example, a cooperation agreement was signed by the universities in the Aquitaine region (those of Bordeaux and Pau and the Pays d’Adour), the University of the Basque Country (in the CAPV-EAE), and the Public University of Navarre (in the CFN), by virtue of which, a joint committee for inter-university collaboration was set up. Likewise, the Revista Atlántica (Atlantic Journal) was jointly launched, with the goal of strengthening mutual understanding and stimulating cooperation throughout all walks of economic, social, and cultural life. Joint training of governmental employees in the three regional institutions was also sponsored with the aim of encouraging closer relations between the three governments and the administering of joint projects. The last and most recurring initiative aimed at socializing the agreement was that of organizing technical meetings and conferences among professionals and leaders in the spheres of the economy, agriculture, tourism, culture, and so on, with the aim of facilitating the elaboration of a joint development program.

The coming into force of the European single market in 1993 and the implementation of the Schengen Agreement in 1995 resulted in the scrapping of border controls and the free circulation of goods and people within the EU. Since the loss of independence in 1789 (Iparralde) and 1839–76 (Hegoalde), this was the first time that the entire Basque Country was not dissected by physical borders. In order to avoid imbalances as a result of this, the protocol prepared studies on local socioeconomic conditions and encouraged cross-border cooperation in all the affected areas.

Likewise, the protocol established the grounds for relations between different European regions, together with those for working together in other groupings, such as the Atlantic Arc. Moreover, representatives of the three signatory European regions agreed to work together in essential unions or links with the Mediterranean regions, with such ties being crucial for current and future development. Finally, in view of their determinant strategic position on strengthening north-south and west-east relations, they reiterated
their pledge to support the conference of the Atlantic regions of southern Europe and the working community of the Pyrenees. In sum, the protocol served to focus synergies with other existing organizations and was never intended to replace any existing structure.

In 2000, the government of the CFN, formed by the conservative and statist Union of the Navarrese People, absolved itself from the protocol due to political differences with the CAPV-EAE government, and thereafter two different protocols were established: Euskadi-Aquitaine and Navarre-Aquitaine. The exit of the CFN was political. Miguel Sanz, the then-president of the CFN, stated that the previous protocol gave the impression of a unity approximating Basque nationalist arguments. The CAPV-EAE government replied that it neither understood nor shared a decision that was not based on any logic or objective criteria. In July 2000, the protocol was replaced by a separate Navarre-Aquitaine protocol with “much simpler and vaguer content than the previous one and hardly any organizational content.”

The protocol was judged, in general terms, to have been a success. For Xabier Iriondo, “this protocol is, without doubt, the best and most complete means of cooperation within the Basque-French framework and, at the same time, it functions as a coordinator and incentive for other similar acts of agreement.” In the opinion of Joseba K. Arbaiza, “the most innovative and interesting contribution was the creation in 1990 of a cooperation fund that emerged as an annex to the protocol with the goal of setting up a common intervention fund, a financial instrument for cross-border projects.”

The Present and Future of Cross-Border Cooperation

Following the cooperation protocol between the CAPV-EAE, CFN, and Aquitaine, another protocol was agreed on with the Midi-Pyrénées region, based mostly on commercial cooperation and technology transfer; a cross-border cooperation agreement between the Baiona-Angelu-Biarritz (BAB) district in Lapurdi and the provincial council of Gipuzkoa, with the goal of encouraging and organizing these two authorities to develop and structure the existing urban connection between Baiona and Donostia (termed a Eurocity); and, finally, the agreement among the city halls of Irun, Hondarribia (Fuenterrabía), and Hendaia (Hendaye) to form a Eurodistrict, with the objective of fomenting, within the frame of local powers and in coordination with other administrative levels, economic, social, and cultural cooperation within the district. In other words, these collaboration agreements have gone beyond just the government level and now comprise

7. Juan Cruz Alli, La Cooperación entre la Comunidad Autónoma Vasca y la Comunidad Foral de Navarra (Donostia: Fundación para el Estudio del Derecho Histórico y Autonómico de Vasconia, 2004). Cooperation between the two communities has, in Alli’s opinion, been conflictive since the death of Franco in 1975 due mainly to “essentialist” postures by both parties.


local accords. Thus, there is cross-border cooperation at multiple levels making this a vertical initiative.

The examples noted here of cross-border cooperation are by no means the only forms of connection between Hegoalde and Iparralde. The triple goal of cooperating in consolidating the ongoing regionalization process, generating synergies favorable to balancing out levels of economic development among the regions, and favoring the drawing up of plans for territorial administration within a borderless Europe have all led to (and will undoubtedly continue to lead to) a greater unity among Basques on both sides of the Pyrenees, divided by a border and two artificial states.

How might we evaluate all these years of cooperation and the signing of various agreements and protocols? Cross-border cooperation is a recent phenomenon. From the 1990s on, coinciding with the Spanish government’s ratification of the European outline convention on cross-border cooperation, there has been a growing tendency to create cross-border organizations and sign cooperation agreements. In the opinion of Arbaiza, the level of cooperation between these organizations was mostly symbolic or anecdotal and resulted only in combined demands and proposals sent to the European Commission.10

However, in my opinion, following this first indiscriminate wave of agreements, a new phase was entered in which cooperation mechanisms tended to be highly practical. For example, in November 2006, the Euro-Regional Conference was established to reinforce cross-border cooperation. This was made up of the CAPV-EAE, the historic territory of Gipuzkoa, the Prefecture of the Pyrénées Atlantiques, the Regional Council of Aquitaine, and the General Council of the Pyrénées Atlantiques. The goal of this initiative was to bolster cross-border cooperation close at hand and jointly improve relations.

In this regard, the conclusions of Javier Luis de Castro and Alexander Ugalde, who sum up the Basque model of foreign cooperation in the following points, seem to me especially relevant: activity with both symbolic and functional objectives; more dynamic activity than most of the other autonomous communities; activity clearly geared toward Europe, in which the Basque government finds a context more favorable to substate regionalization and counterparts with similar features and interests; activity whose institutional structure has grown insofar as it has been required to, and that has been conditioned in its development by relations between autonomous (the CAPV-EAE and the CFN) and central government authorities; and foreign activity that has led to conflictive relations with central government, which perceives such activity as both a challenge and a threat, yet which has also become more normal insofar as such foreign activity has been consolidated and it has become apparent that it poses no such threat for Spanish foreign relations.11

10. Arbaiza, “Proyectos de cooperación transfronteriza en el país vasco.”
Basque Delegations and Collectivities Abroad

The CAPV-EAE government’s plan of action in foreign affairs gives special attention to relations with Basque collectivities abroad. The Basque government has always clearly been in favor of maintaining close relations with these collectivities. However, it was in 1994 when a qualitative leap forward took place in terms of specific action in this regard with a new law on the relations with Basque collectivities and centers abroad.

This law was passed with the aim of institutionalizing social, cultural, and economic relations, and fully fomenting and protecting Basque collectivities via recognizing them legally. The law sets out the rights of members of these collectivities and lists the forms of aid that, both for its own benefit and to the benefit of Basques abroad, the CAPV-EAE will secure for this purpose. The law identifies essential elements to create favorable conditions for intercommunication among the different Basque collectivities and entities that undertake positive efforts in diffusing Basque culture in their particular locations. For this reason, it maintains the name by which such places have typically been known—the Euskal Etxeak or Basque centers. The law also includes different options for diverse means of representation, from the traditional Basque centers to cultural foundations and associations and commercial offices, while at the same time attempting to create a clear definition for these in the hope that such groups will get together in federations and confederations with the Basque institutions. Moreover, it seeks to hold a conference of Basque collectivities once every four years.

Foreign Delegations

In developing this law, several delegations were created abroad, such as those in Madrid, Mexico, Argentina, Chile, and Venezuela, in addition to that already established in Brussels. These delegations represent the CAPV-EAE in matters relating to development cooperation, relations with the Basque collectivities and the defense and promotion of business and industrial sector interests, within their corresponding powers. In general terms, they carry out the following functions: They promote the collaboration and meetings of social agents from the CAPV-EAE in the Americas and Europe; they serve as an organizational body for visits, meetings, and exchanges of information; they serve as an infrastructure and help center for setting up meetings in the Americas and Europe for operators from the CAPV-EAE; they give technical advice, orientation, and information about services and activities in the CAPV-EAE; and they evaluate the calculations of the needs of operators from the CAPV-EAE in the Americas and Europe, and channel the corresponding proposals.

Foreign Affairs in Chile

The CAPV-EAE delegation in Chile was reinaugurated in June 2004. I say “reinaugurated” because there was a Basque delegation in the country between 1941 and 1973.
The present Basque government delegation maintains and strengthens the historical ties between the Basque Country and Chile through a variety of spheres and themes. On the one hand, and within the institutional frame, four memorandums of understanding have been signed with the Chilean ministries of the economy (fishing and the environment), health, and agriculture in areas ranging from health management to vocational training for the fishing industry. Likewise, the activity of this delegation, together with seeking out mutual interests in diverse spheres, has led to an increasing flow of institutional visits from Chile to Euskal Herria and in the opposite direction.

The Basque diaspora is another key reference in Chile, with fluid relations between the two Basque centers in Santiago de Chile and Valparaiso. With the goal of transmitting Basque culture in Chile, there are courses on the Basque culture and language in the four most important universities in the country, with important student numbers. This has made it easier for Chilean society to follow events in the Basque Country. Similarly, the Basque business presence in Chile, with twenty-seven established commercial and production companies, enjoys the support of the delegation with the aim of guaranteeing success for its activities. And finally, one should mention that, thanks to the efforts of the Basque government delegation in Chile, several events have taken place, such as the holding of the first mixed Euskadi-Chile cooperation commission in Euskal Herria, at which agreements were reached to collaborate in matters as diverse as agriculture, fishing, education, health, science and technology, the environment, and development cooperation, to cite but a few examples.

Foreign Relations in the United States

According to the US census in 2000, there were fifty-seven thousand people of Basque extraction in the country; although the census system is very debatable, and the likelihood is that this figure is greater. As regards cooperation with Basque collectivities and centers in the United States, the Basque government’s strategy for foreign policy establishes a set of priorities. Relations between the Basque Country and the United States have historically been wide-ranging and diverse. They were especially political during the period of the Basque government-in-exile led by the lehendakari Jose Antonio Aguirre. At present, these relations have been extended to a variety of spheres, yet perhaps not as fully as they might have been in a country with such a global scope and transcendence. Thus, there are two principal areas where regular and productive activity takes place: industrial relations, through the office of the Sociedad para la Promoción y Reconversión Industrial (SPRI, Society for Industrial Promotion and Reorganization or Basque development agency) in Chicago; and the Basque collectivities, through the North American Basque Organization (NABO) and the Basque centers. Furthermore, there are more sporadic relations in matters of science and technology, justice, and culture. For example, the Guggenheim Museum Bilbao and its ties with New York open up a series of possibilities.
in many areas, beyond those of a strictly artistic or cultural dimension, which should be studied with an eye to the future.

NABO was created thanks to an initiative by a group of Basque-Americans who met in Reno, Nevada, in 1973. With the aim of preserving and promoting the Basque cultural heritage, this group hoped to establish a federation and create a network within the largest Basque community in the United States. NABO is an organization that tries to offer coordination and services to its members, all the while respecting their own autonomy. Its main founding principle is the preservation, protection, and promotion of the historical, cultural, and social interests of Basques in the United States. NABO’s function is to sponsor activities and events beyond the reach of individual Basque centers and promote exchanges between Basque-Americans and the Basque Country. Among its many activities both within and outside the United States, NABO sponsors cultural events such as annual Basque pelota or handball tournament, an annual mus (a popular Basque card game) tournament, and the organization of an annual summer music camp for young Basque-Americans. The first regional pelota tournament took place in 1976, and in 1981, handball players representing NABO traveled to Mexico City for the world pelota championships. These events are organized on a rotating basis every year. NABO has also established a permanent form of contact with the Basque government, with the latter providing several Basque centers with educational material, as well as helping Basque music and cultural groups to take part in these annual events and providing exchange grants to study in Euskal Herria.

The Basque presence in the United States is especially important in New York, Florida, and the Far West (particularly in California, Nevada, and Idaho). At the University of Nevada, Reno, one finds the Center for Basque Studies and the Basque library. In Boise, Idaho, there is the Basque Museum and Cultural Center, and the Boise Basque center hosts the Jaialdi Basque festival every five years. Furthermore, Boise is also home to the Cenarrusa Foundation for Basque Culture (founded in honor of prominent Basque-American Pete Cenarrusa, secretary of state for Idaho for more than three decades), which was the driving force behind establishing the Basque Studies Minor at Boise State University.

Indeed, the existence of a prominent and important Basque-American community in Idaho was key to the Idaho House of Representatives and Senate approving a 2002 memorial supporting the peace process in the Basque Country, condemning the use of violence, and demanding recognition for the right of self-determination for the Basque people.

References


After the passing of the 1978 constitution, the Spanish state entered into what became known as the autonomous process. The consolidation of this process is evident in the development of different public programs and policies in the autonomous communities since 1980. The Autonomous Community of the Basque Country (CAPV-EAE, by its Spanish and Basque acronym) has been no exception. During the early years of its existence, the CAPV-EAE dedicated its efforts to constructing its autonomous institutional framework (“making the country”). As public institutions took root, the necessary organizational means were developed for services, such as education and health. Other areas, such as housing policy, became gradually more important.

The Spanish autonomous model is asymmetrical, meaning that an equal and comparable institutional system was not designed (within the few parameters established) for all the autonomous communities. In fact, certain autonomous communities—among which are the CAPV-EAE and the Foral Community of Navarre (CFN, by its Spanish acronym)—have greater powers than the rest due to their status as historic communities.


“The Spanish constitution did not oblige all the regions within the national territory to become autonomous communities, but, rather, this path was created more as a possibility than an imposition.” Adela Mesa del Olmo, Administración y altos cargos de la Comunidad Autónoma Vasca (Madrid: Centro de Investigaciones Sociológicas, 2000), 61.
Both enjoy a high degree of autonomy, and both were “fast-tracked” through the autonomous process; this had implications for their subsequent public policy development.

The initial years of autonomy (from 1980 in the CAPV-EAE and 1982 in the CFN) were marked by intense activity on the part of the new autonomous governments; governments, in turn, “anxious” to develop as soon as possible their own institutions, give these institutions a real structure and thereby reclaim the powers set out in their respective statutes of autonomy.

In order to understand the public activity of governments in the CAPV-EAE and the CFN, one must remember that the Spanish state is a Mediterranean country with a Beveridge-type welfare state where social needs are covered by taxes raised by the state. The state, then, is a distributive state. In the following sections, I will describe the development of public activity in the CAPV-EAE and CFN with regard to education, health, housing, and security.

**Education in the CAPV-EAE**

The CAPV-EAE’s statute of autonomy gives it full authority for education in its territory. Under the protection of this law, the first powers in educational matters were transferred to the CAPV-EAE at the beginning of the autonomous process, and the most important and voluminous transfers took place between 1981 and 1982. From this moment on, then, the Basque education system began to emerge and has occupied a privileged position within the creation and growth of the CAPV-EAE’s public administration through several legislatures. The Department of Education, Universities, and Research has been thus named almost from the beginning of autonomy coming into effect, and has been composed of quite a large number of higher bodies (an average of three deputy ministries and seven offices). For this reason, it is one of the biggest departments in the Basque public administration and has a high degree of internal stability.

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3. Sir William Beveridge, whose report on providing adequate incomes, health care, education, housing and employment was chiefly responsible for designing the British welfare state in the 1940s.


5. Constitutional law 3/1979, December 18, on the statute of autonomy for the Basque Country. As regards this statement, Juan Luis Diego Casals argues that the topic is covered in a residual way, meaning that whatever is not clearly assigned to the state corresponds to the authority of the autonomous community. See Juan Luis Diego Casals, *Las competencias de la comunidad autónoma en materia de Educación* (Oñati: Instituto Vasco de Administración Pública, IVAP, 1989), 147.

6. During the second legislature (1984), the lehendakari Carlos Garaikoetxea began a policy of rationalization that has lasted to this day and that consists of agreeing, at the start of each new legislature, on a decree regarding the areas and the functions of the Basque government. As part of this, relations between the different departments in the autonomous government are outlined, and departmental functions and areas of responsibility are clarified. See Mesa del Olmo, *Administración y altos cargos de la Comunidad Autónoma Vasca*, 108.
At the beginning of the autonomous era, there were already high levels of school enrollment in the CAPV-EAE, with most pupils attending private schools (55 percent). The public school system was a remnant the Franco regime and schools were rundown, with few resources and a bad public image. Meanwhile, there also existed the unique *ikastola* (Basque language) educational project. This was made legal for the first time in 1979 and became of great significance for the Basque education system as a whole.7

Between 1982–83 and 2002–3 student numbers reduced by 40 percent as a result of the declining birthrate. In addition, teacher numbers grew by 25 percent. Consequently, the pupil-teacher ratio was reduced by almost half during the same period, from 21.6 in 1983–84 to 10.7 in 2004–5.8 Furthermore, the CAPV-EAE’s 1993 school pact standardized relations between the public and private systems. Since 2000, the focus of the education system has been directed toward developing quality education-based projects, confronting the technological challenge, favoring school autonomy, and improving management systems.9

The most pressing problem facing education in recent years has been financing. This came to a head in the process by which the school pact was passed—an attempt to achieve a degree of equilibrium among all the educational networks in different aspects, including the financial dimension. In fact, by means of the school pact, the officially approved or assisted school system (subsidized private high schools) has advanced in certain areas, such as, for example, the “commensurate retribution for teaching staff in the officially approved system, an advance in the cost-free status for classrooms of three- to six-year-olds, an advance in the cost-free status for the fourteen to sixteen age group, [and] additional subsidies for the *ikastolas*.”10 Thanks to the May 1993 school pact, the *ikastolas* has already achieved certain advantages over other officially approved private schools. Indeed, in the 1993 school pact, funding for the *ikastolas* actually rose.11 For this and other reasons, there was an imbalance in favor of the *ikastolas*. In 2004, the Basque government set aside 3.9 percent of its gross national product (GNP) for education (and total spending on education amounts to about 5 percent of the GNP).12 However, the Basque School Board recommended that this figure should be about 6 percent, in line

8. Ibid., 5.
10. Alfonso Unceta Satrústegui, “Aproximación a las dimensiones público y privado en el sistema educativo no universitario de la CAPV,” *Revista Vasca de Administración Pública* 61, no. 2 (2001): 36. Faced with a considerable increase in spending on officially approved private schools, recommendations were made to reinforce the CAPV-EAE’s inspection functions by the Basque School Board in 2005.
11. Ibid., 37.
12. In 1989, spending on education accounted for 3.53 percent of the GNP of the CAPV-EAE, according to Oliveri Albisu, “La educación y el proceso autonómico.” 11. Therefore in fifteen years, spending only rose half a percentage point.
with the most advanced European countries, as well as suggesting greater investment in infrastructures and equipment.\textsuperscript{13}

One of the most important results of the school pact was the creation of the school quota—in other words, the percentage of pupils destined for each school with regard to other schools. In the early 1990s, the proportion was 45 percent of the participatory quota for the public system, 39 percent for the private system, and 15 percent for the \textit{ikastolas}.\textsuperscript{14} More recently, in 2007, the distribution had changed, with 52 percent enrolling in the public system and 48 percent in the private system.\textsuperscript{15} By way of contrast, in the Spanish state as a whole, the proportion was 65 percent for the public school system, 30 percent in officially approved and funded private schools, and 5 percent in private schools.\textsuperscript{16} The CAPV-EAE stands out, then, for maintaining a relatively important private education system, within which the particular \textit{ikastola} phenomenon is key (with the majority of \textit{ikastolas} being officially approved and therefore publicly funded schools).

The introduction of Euskara, the Basque language, into the curriculum is of particular importance. According to Eustat (the Basque Statistics Office), for the 2003–4 school year, 29 percent of pupils opted for Model A (instruction in Spanish alone), 22.5 percent for Model B (instruction in Euskara and Spanish), and 48.3 percent for Model D (instruction in Basque alone). The last percentage tends to drop as one rises up the school level. Thus, in the sphere of compulsory secondary education, Model D enrollment falls to 40 percent, and in the sphere of vocational education (technical schools offering practical training for specific jobs), this figure falls even more to 13 percent.\textsuperscript{17}

One should point out, however, that “freedom to choose (the parental option for a specific model) does not influence how the system is set up.”\textsuperscript{18} In other words, each school has a certain amount of assigned class time for each model established by the 1993 school pact. This, in turn, defines the relations between schools and is therefore very difficult to alter. Moreover, the option to choose one or another linguistic model should be interpreted as part of the CAPV-EAE Department of Education’s general planning more than as a right on the part of parents.\textsuperscript{19}


\textsuperscript{14} Oliveri Albisu, “La educación y el proceso autonómico,” 14.

\textsuperscript{15} \textit{El País-El País Vasco}, February 25, 2007, 35.


\textsuperscript{17} The differences are even more significant if we move the other way and observe preschool education, where in 2003–4, 62 percent of pupils are in Model D, 29 percent in Model B, and only 8 percent in Model A. With regard to this situation, in 2007, the Basque School Board advocated greater autonomy for schools when deciding their own linguistic organization and programs, which, in turn, generated great controversy.

\textsuperscript{18} Urrutia, Iñigo, \textit{Derechos lingüísticos y euskara en el sistema educativo} (Iruñea-Pamplona: Lete, 2005), 440.

\textsuperscript{19} Ibid.
An important consideration in the coming years will be the growing issue of immigration and its consequences for the education systems of the respective autonomous communities. In the CAPV-EAE, moreover, there is a possibility that the linguistic factor might lead to the ghettoization of Model A (instruction in Spanish alone) marginalizing certain schools, both due to the social origins of pupils (mainly the children of immigrants) and because of the linguistic model chosen (Model A, a choice otherwise on the decline).20

**Education in the CFN**

Education in the CFN has had a very different evolutionary course from the CAPV-EAE. The decree transferring power in nonuniversity educational matters from the state to the CFN did not come into effect until September 1, 1990. Therefore, because the CFN did not have any authority, and hence lacked its own regulations in this area, the Navarrese education system mirrored the state. For example, the CFN does not have its own full set of regulations regarding educational matters, despite possessing the tools to do so. Clearly, the linguistic factor is of great importance here.

The issue of languages is very sensitive in the CFN, which is broken into three linguistic zones. The northern area, toward the Pyrenees, is considered the Basque-speaking area, the intermediate zone is considered the mixed area, and the south—also known as the Erribera (Ribera) zone—is considered the non-Basque-speaking area. In turn, this meant that three levels of requirement for learning Basque would be put into effect in the education system according to which area one was in (for example, in the non-Basque-speaking area, this requirement amounts to little).21

The linguistic models in the CFN are basically the same as those in the CAPV-EAE (A, B, and D), although with an additional Model G, where Euskara is not even present as a subject (in the mixed and non-Basque-speaking areas). One should bear in mind that, despite the restrictions on studying in Euskara in the mixed and non-Basque-speaking areas, demand to do so has risen considerably. This has led to the growth of *ikastolas* (local private schools typically organized in the form of a cooperative) in an “alegal” situation: They have no official authority and therefore cannot receive public funding.22

The CFN is (together with the CAPV-EAE) one of the autonomous communities with the greatest proportion of private schools (during the period 1981–95).23 Clearly, in these two autonomous communities, the role of the *ikastolas* as autochthonous private education initiatives is important. Thus, it is normal to find that, in the case of both the

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22. Ibid., 407.
CFN and the CAPV-EAE, expenditure on public education is less than 60 percent of that of education as a whole.24

As far as linguistic models are concerned, during the 2003–4 school year, most non-university students in the CFN were enrolled in Model G (without any presence at all of Euskara—an option that has disappeared in the CAPV-EAE due to lack of demand). The next most popular choice was Model D (in Euskara, with Spanish as a subject). Then came Model A (in Spanish, with Euskara as a subject). Model B (the mixed model, mostly in Euskara, but with Spanish as a subject and certain other subjects in Spanish) appeared to be in decline. Moreover, there was also an experimental program that was still in its developmental phase, Model I—an attempt to provide instruction in a foreign language (in effect, in English).

Health in the CAPV-EAE

The health sector in the CAPV-EAE has been developed notably since the authority to deal with health issues was transferred to the autonomous community in 1987. Following Adelantado and colleagues, we would argue that the health system in the CAPV-EAE, together with that of the CFN, stands out in comparison with those of the other autonomous communities in the Spanish state, both in a substantive and in an operative dimension.25

The Department of Health in the Basque government experienced a notable expansion during the third autonomous legislature (1987–90) after authority in this area was transferred to the CAPV-EAE in 1987. Since that time, health has occupied first place by volume in the distribution of public money from the general budget of the CAPV-EAE, shunting education into second place. For that reason, where previously many different issues (health, consumer affairs, work, social security, and so on) had been dealt with by the same department, from the fourth legislature (1991) on, health was assigned its own department.

Despite the fact that the transfer of power to deal with health issues took place at a later date in the autonomous process, Osakidetza (the Basque public health system) was actually created as a separate autonomous body within the department dealing with health issues in 1983. At first, it had a very simple structure: an administrative board and a director general with the authority of a deputy minister. However, the great change in Osakidetza came as a result of the law on health regulation, which transformed it from an autonomous body into a public body subject to private law. Thus, Osakidetza continued to be a public body, but new management parameters were introduced that were governed by private law. Positions of authority within Osakidetza, in turn, became managerial and attempts were made to level out its internal structure.

24. Ibid.

25. Adelantado et al., “Las Políticas autonómicas.”
The origins of this internal organizational change can be traced to the 1992 health reform law. From this moment on, and backed by a majority consensus in the Basque parliament, the process was set up to transform the Basque health system. The plan was made up of five key changes: the search for quality and personalized service, a rapprochement of clinical and managerial services, a readjustment of services offered, a new system of contracting and the provision of services, and strengthening the autonomy of different health centers in terms of management and control of services.26

One of the most notable differences between the two stages of Osakidetza’s existence is the fact that, originally, Osakidetza governed in hierarchical fashion over the different Basque health centers, giving them little scope for decision-making input. After reform, these same centers have much more freedom in this respect, and relations with Osakidetza are not hierarchical, but, rather, contractual (with a specific activity bought for a service, in exchange for which financing is achieved). These program-contracts are carried out through territorial delegations (within each of the historic territories) that, from this time on, became contracting agencies.

The 2002–10 health plan was part of and continued with the ideas of the 1992 plan, “Osasuna Zainduz.” The updated strategy called for improving the general health of the population, extending life expectancy, improving health conditions for the most underprivileged, and reducing social inequalities in health (by 25 percent for 2010).

Health in the CFN

As in the rest of the Spanish state, from 1989 onward, taxation became the principal means of financing medical assistance in the CFN (by means of a budget approved in the Navarrese parliament). This was a means of achieving equality as regards access to public aid. In 1998, total expenditure by the Navarrese Department of Health represented 5 percent of the community’s GNP. In fact, there was a great increase in the amount of money reserved for health in the CFN: from 14 percent in 1985 (at the beginning of the transfer of authority in health matters from the central state to the autonomous community) to 20 percent of the general budget for the CFN in 1991 and 24 percent in 2001. This meant that health became the government sector receiving the largest proportion of public money.

The Spanish state began to transfer authority in health matters to the CFN in 1985, before it did so for the CAPV-EAE (in 1988). In April 1986, another “package” of powers was transferred: the provincial technical office of the National Institute for Health and Hygiene in the Workplace. Similarly, in August 1986, the control of institutional administrative matters was also transferred (concerning bodies created generally for decentralized administration). In 1990, the Navarrese foral health law was passed, giving the CFN specific regulations in health matters as part of its self-governing authority in this field. In

2003, the Navarrese health service was restructured. In general terms, one might say that the Navarrese health system (Osasunbidea) is structured along the classic organizational lines of a public authority (with those in charge, if arranged in the form of an organizational chart, in a hierarchical tree-like form). However, the CAPV-EAE’s health service (Osakidetza) is more modern in structure, especially after the changes introduced in 1997 (with a minimal executive structure and a high level of decentralization).

The CFN, besides the minimum benefits established in 1995 for the state as a whole, also took over responsibility for a series of benefits such as children’s dental assistance, early breast cancer detection, assistance with quitting smoking, and the early congenital hearing impairment detection. In the late 1980s, both the CFN and the CAPV-EAE headed the list of autonomous communities in terms of investment per capita in health. In the 1990s, however, the CAPV-EAE slipped to third place, while the CFN still topped the ranking, even increasing the difference between its spending levels and the rest of the autonomous communities.27

**Housing Policy in the CAPV-EAE and the CFN**

The autonomous statutes and the Spanish constitution assign administrative authority in housing to the autonomous communities. At the same time, however, the Spanish state reserved the authority to arrange base credit rates and the foundations and coordination of general economic planning. Therefore, the state remained empowered to take part in housing policies and does so via state housing plans. In other words, the state brings housing plans into effect, while in our case here, the CAPV-EAE and the CFN draw up their own housing and land planning regulations and define and develop their own policies regarding implementation, control, monitoring, urbanization, restoration, land urbanization, housing management, and so forth.

A series of norms regarding housing issues were introduced both at the state and autonomous level since the transition to democracy. However, the trajectory of the government policy in the CAPV-EAE and the CFN has been very different. In mid-1997, the CAPV-EAE government set up Etxebide, the Basque housing service, with the aim of advising people on housing matters and becoming a real means of connecting citizens with the Basque public administration.

In 1999, within the CAPV-EAE’s department of land planning and housing, Etxebide was consolidated as a housing advice service by establishing a four-year “guideline housing plan,” being subsequently renewed. The plan outlines all the activities and objectives that public administrations and private interests wish to achieve in their housing policy during its lifespan. For this reason, the eighth Basque legislature (2005–9) created a separate housing department, headed by the left-wing EB-Berdeak party during its first time in government (as part of a coalition with the PNV and EA). This, in turn, led to

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the tripartite coalition government initiating a social transformation in housing policy. In other words, housing policy now focused on a more comprehensive understanding of people’s housing needs, especially those with the most need, by means of measures established to address different situations and in consultation with all agents involved in some way in the issue.

Among its many objectives, one might highlight the emphasis on offering public housing and promoting quality construction, sustainability, safety, innovation, and industrialization—together with a sponsoring of rented accommodation and the struggle against fraud in public housing, among other priorities. These objectives were outlined in a modernizing strategy and from a new perspective of space within the parameters of sustainability.

In order to achieve these objectives, a series of strategic points on which activity would be carried out were established. Among these, one might highlight the specific drive to expand public housing (both in absolute terms and as regards offering a variety of different options), renovation and urban regeneration, personalized attention for claimants and owners, and the promotion of a reflection on the part of all the public administrations regarding the aspects governing access to housing.

One of the Department of Housing and Social Affairs’ most successful acts was to elaborate a land-planning law. One of the most novel aspects of this law, and one that generated great media interest, was the possibility of appropriating apartments that were in some way publicly owned (either public or fixed price) that remained unoccupied uninterruptedly for one year without any justifiable explanation.28 This measure would also be extended to those apartments that were being used for means other than that of residence and that, in any case, did not have official permission from either the CAPV-EAE government or the city hall to do so.

The housing service in the CFN is run by the Department of the Environment, Land Planning, and Housing. It likewise establishes four-year housing plans. Moreover, it has also drawn up a land planning scheme via the elaboration of regional or area norms. This planning concluded with what was known as the territorial strategy for Navarre in June 2001. This was a document that attempted to apply the principles of spatial development associated with the European territorial strategy to land in Navarre. By means of this territorial strategy, an integrating and balanced regional development proposal for Navarre was achieved, with a long-term vision and establishing monitoring mechanisms for the future. The territorial strategy for Navarre is an instrument for land planning overseen by the Navarrese government’s general office for land planning and housing and coordinated by the Residential Land of Navarre public corporation. In addition, a conglomerate of Navarrese companies, Navarre XXI, also takes part.

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28. Meaning, in effect, that a person who had been granted public housing could be evicted from this home if they did not reside there for one continuous year.
In 2001, the Navarrese government passed a *foral* law by which the time limits were established for voluntarily declassifying publicly owned apartments. Furthermore, *foral* law on publicly owned housing in Navarre was passed as a means of gathering together the fragmented preexisting legislation on these matters.

As part of the Navarrese government’s third four-year housing plan (2005–9), the public administration pledged to provide more public housing, as well as to develop public housing for rental purposes, renovation and urban regeneration, and land planning policy, to foment the quality of life among the people of Navarre, to promote bioclimatic concerns in housing (green or sustainable construction), to improve housing information systems and customer service, and to fight fraud. Furthermore, as part of the second plan, different plans have been elaborated regarding housing in different areas, such as the creation of a housing program for social integration and a program for renting apartments to young people.

The development of active housing policies was completed with new legislation on the matter. For example, the original voluntary declassification of publicly owned apartments law (1999) was modified, extending the period of declassification from five to twelve years, and as regards fixed-price apartments (2001), this has been set, likewise, at twelve years. In 2002, the Navarrese government approved an increase in the public housing modules (the price per functional square meter) in order to boost the construction of public housing, at the same time as it increased aid for people applying for this housing.

Finally, one should also point out that the housing issue is at the forefront of social debate. This debate focuses on the necessary conditions to be able to acquire a property on the part of those who need them and the way this is often decided by means of a lottery; as well as the debate on the amount that some property owners must pay (if approved) to not use their own properties, except in the event that they rent them out.

**Security in the CAPV-EAE: The Ertzaintza**

The CAPV-EAE took control of authority in security matters as part of the agreement to regain its historic rights. Thus, through the statute of autonomy, the CAPV-EAE established a policing system to protect people and property and maintain public order within autonomous territory. The supreme authority for the Basque autonomous police force is the Basque government, without this affecting any powers that might correspond to the *foral* diputaciones and local authorities. The statute, likewise, states that coordination between the Basque autonomous police force and the state security forces and corps will be regulated by a security council made up of an equal number of state and CAPV-EAE representatives. Initially, the autonomous police force in the CAPV-EAE was made up of different *foral* police officers in the three historic territories. Later, these police officers were grouped into one force as part of the reorganization aimed at fulfilling the tenets of the transferred power.

Moreover, Spanish national security forces could still take part in maintaining public order in the CAPV-EAE in the following situations: as required to do so by the Basque
government, and whenever they might judge the general interest of the state to be seriously threatened—which itself was subject to agreement by the security council. In the event of a special emergency and in order to fulfill the duties assigned them directly by the constitution, Spanish national security forces can intervene in the CAPV-EAE under the direct orders of the central Spanish government, with the government obliged to inform the Spanish parliament in such an eventuality. Likewise, in cases such as a declaration of a state of emergency, exception, or siege, all police forces in the CAPV-EAE will remain under the direct orders of the corresponding civil or military authority, in accordance with legislation governing these matters.

In 1980, the CAPV-EAE Interior Department took as inspiration the former Basque police force of the 1930s, the Ertzaña, to establish the modern Basque police force, the Ertzaintza. The foral police forces made up the first normative step in organizing what today is the Ertzaintza. This new police force, made up of Basque citizens, grew in organized fashion from 1982 on (through taking on board responsibility for institutional protection and traffic regulation and control), and was gradually sent to more and more places until, in 1995, it took responsibility for the whole autonomous community. These new police powers first came into force in rural localities, then in larger urban areas, and finally in the bigger cities, thereby comprising a gradual assumption of responsibilities.

However, a Basque law on policing was not passed until 1992, more than a decade after the process of creating a Basque police force had started. This was because of the sociopolitical context of the CAPV-EAE during these years. Many different figures took part in this process, which itself was also comprised of many different activities and concessions. Above all, one might point out the process of consolidation of this autonomous police force by means of integrating people and collectives who, from the very outset, fulfilled the task of guaranteeing and safeguarding the security of the emerging Basque institutions.

The goal of the policing law of the Basque Country is to organize security in the CAPV-EAE, coordinate local police forces, and to regulate the specific personnel system of the police bodies dependant on the public administrations. This law empowers the Ertzaintza to be a fully integrated police force, responsible for the security of the entire CAPV-EAE. The range of its powers is also established in the law, as well as labor union rights for members of the Ertzaintza. Further, a general scheme for planning security is also outlined, and there are regulations for the force as a whole and a police career, comprising members’ functions, a code of conduct, and the specific powers of the Basque police force. Finally, Article 5 states that the Basque interior department is responsible for the security of citizens in the CAPV-EAE, with supreme authority resting with the Basque government and residing in the figure of the lehendakari.

**Security in the CFN: The Foral Police**

The foral police force in Navarre was reorganized in 1964 at the same time that the provincial council approved measures to coordinate its office of highways and central traffic
office. Thus, in February 1965, the provincial council of Navarre reorganized the traffic
department.

As regards the CFN, the foral reinstatement law states that it is within the authority
of Navarre to regulate the foral police force, which, under the authority of the provincial
council, will continue to carry out the functions it currently has. Similarly, the CFN
also has the power to coordinate the local police forces in Navarre, without detriment to
their respective local public authorities. Moreover, Navarre can extend the objectives or
services of the foral police force within the parameters established by the corresponding
constitutional law. With the goal of coordinating police activities on the part of the foral
police force and the state security forces and corps, where necessary, a security council
will be established and made up of an equal number of representatives from the provincial
council and the central state government.

The principal novelties of this new agreement were the following: the name of the
force was changed, becoming the Foral Police Force of Navarre, it was no longer part of
the office of highways, instead it came under the direct authority of the vice president of
the CFN, and the force ceased having any relation with municipal tax collectors. After
the foral reinstatement law was passed in 1982, the foral police began to develop its new
functions, especially given that during the Franco period, these functions had been limited.
The foral police are thus responsible for traffic and transport in collaboration with the
Civil Guard (Guardia Civil, a Spanish national police force) and for assuring the fulfill-
ing of the territorial provisions of the provincial council.

A regulation was passed in 1987 establishing the foral police of Navarre as the only
police force in the CFN. Further, it established the functions, organization, and features
of, and a statute for, the agents and other personnel in the force. After the law was passed,
there was a call for personnel, and this led to the force growing to one hundred thirty-
three members. Thereafter, the progressive growth of the force became a priority for the
Navarrese government, supported by the Navarrese parliament. A police training school
for Navarre was created, where students who had previously passed a competitive public
examination were to enroll for almost one year of training. There are six sections within
the foral police of Navarre: a technical office, a traffic office, an environmental protection
office, a public and buildings safety office, a public authority protection office, and an
office dealing with games and shows.

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Euskara is a basic element of the national personality of the Basque people. It is an instrument of communication as well as of integration and social cohesion for citizens in the territory of Euskal Herria. Euskara has always been Euskal Herria’s native language. However, from a juridical point of view, the legal status of Euskara is heterogeneous. By this, I mean it is heterogeneous in the sense of both juridical situations and systems that differ from a lack of juridical recognition in Iparralde, via the establishment of three linguistic areas in the Foral Community of Navarre (CFN, by its Spanish acronym), to its recognition as an official language sharing joint status with Spanish in the Autonomous Community of the Basque County (CAPV-EAE, by its Spanish/Basque acronym). In short, there are five different juridical systems for the same language.

Euskara coexists with two of the most powerful languages on earth: French to the north of the Pyrenees and Spanish to the south. Language contact throughout “the lands of Euskara” or Euskal Herria is uneven due to the greater numerical strength, in terms of speakers and social (or communicative) functions that these other two languages enjoy. Euskara is, then, at present a minority language in its own terrain.

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1. “Euskal Herria” is used here to mean the entirety of the Basque Country, comprised of the Iparralde, the northern Basque Country, and Hegoalde, the southern Basque Country. The dividing line between the Iparralde and Hegoalde is the international frontier between Spain and France. Iparralde has no separate political jurisdiction and is entirely incorporated in the French state, while Hegoalde is divided into two autonomous administrative subdivisions within the Spanish state, the CAPV-EAE and the CFN.
Many factors have influenced this current situation. Among these, one might cite the political persecution it has suffered and the legal imposition of French and Spanish on Basque speakers through the centuries. Nor should one overlook the minority status of the language (with a relatively low number of speakers) in an increasingly global context in which communication and information tend to be in globalized tongues. In sum, Euskara has not been normalized. For this reason, a linguistic policy aimed at normalizing the use of Euskara, Euskaral Herria’s native language, is necessary as a means of guaranteeing people’s linguistic rights. Here I will first examine the process of Euskara’s linguistic recovery. Then I will look at the status of the Basque language as a determining factor in the process of linguistic normalization in the different territories of Euskal Herria. I will do this, specifically, by analyzing each of these territories separately and by addressing different sectors of public life.

The Point of Departure

Today, Euskara is a minority language, but this was not always the case. The current sociolinguistic situation in the CAPV-EAE is the result of a long process of marginalization of the Basque language. Crucial to this process of marginalization was legislation, together with other juridical and political factors. The Franco dictatorship incorporated a policy of cultural standardization linked to the unity of the Spanish state. One of the new regime’s characteristics, together with its systematic infringement of human rights and the most elemental rules of democracy, was its attempt to eliminate all political and cultural vestiges differentiating the Basque Country from Spain. The fascist state devised a linguistic policy based on the total repression of Euskara, banning it and prohibiting its use. It was not just the Basque language, but all the different minority languages of the state that suffered these measures. The justification for these linguistic measures by the fascist regime was political. And the only pro-Euskara linguistic policy existed among the exiled Basque community.

The regulations of the fascist regime prohibited the use of proper names in Euskara and their inscription on birth certificates and other official documents. Basque place names were banned. Euskara was prohibited in the business register and on identifying signs, nor could it be used in any public deeds or certificates, in notarized documents, or in the naming of merchant vessels. Fascist linguistic policy was to erase Basque identity.

2. On these numerous factors that have influenced historically the status of Euskara, see Euskaltzaindia, El libro blanco de euskara (Bilbao: Elkar, 1977), 219.


Spanish monolingual schooling and a uniform, unidirectional education system were imposed. These policies were based on the “general principles” of Franco’s National Movement and, more generally, the desire to eliminate any sign, trace, or feature of Basque culture. The absence of basic freedoms during this time meant that anything associated with Euskara was considered “political activity” and, therefore, illegal. The notion of maintaining public order justified the intervention of the fascist authorities in all kinds of social and cultural activities, thereby curtailing basic civil rights and liberties. The concept of something being “political” suffered a disproportionate extension. Both the teaching and use (including in private) of Euskara were considered political activities and therefore against the regime. Dissemination and use of Euskara thus went underground.

Despite all this, in the 1960s, several new educational initiatives challenged this state acculturation process. *Ikastolas*—schools where instruction was carried out entirely in Euskara—were created by a social initiative and developed by collectives that considered Euskara a significant core identity marker. At the same time, they were convinced by the notion of the school as potentially playing a revitalizing role in maintaining and recovering Euskara. In this way, ikastolas were established as an alternative to the official school system of the regime at that time. Thereafter, ikastolas developed and expanded rapidly in tune with the social situation and growing cultural activity of the 1960s. They were, of course, established outside the boundaries of the law. And this meant that legal measures were taken that resulted in some of them having to close down, with fines imposed on their founders and teachers. Following this initial era of “prohibition,” another era of “tolerance” began from 1970 onward. This was the result of a new general law on education that year that recognized (to some extent) the voluntary study of Euskara. The provisions of this law, however, were far from protecting legally the reality represented by the ikastolas.

**Euskara in the CAPV-EAE**

The Autonomous Community of the Basque Country is made up of a relatively small area of seven thousand square kilometers inhabited by about 2,100,000 people, according to the 2005 census. There is an uneven population distribution within the three historic territories of the CAPV-EAE: 53 percent of the population lives in Bizkaia, 32 percent in Gipuzkoa, and 15 percent in Araba. The sociolinguistic map of the CAPV-

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5. For an educational perspective of these policies, see Idoia Fernández, “La escuela vasca y la larga historia de la postguerra,” in *Lengua, escuela y cultura. El proceso de alfabetización en Euskal Herria, siglos XIX y XX*, ed. Pauli Davila (Bilbao: UPV-EHU, 1995), 162.


7. For example, see the sanctions mentioned in Iñigo Urrutia, *Derechos lingüísticos y euskara en el sistema educativo* (Iruña: Lete Pamiela, 2005), 150.
EAE demonstrates that, among the population (older than five years old), 50 percent (984,656 people) are monolingual Spanish speakers; 32 percent are bilingual (besides Spanish, they speak Euskara well or quite well); and 16 percent were passive bilingual. In 1981, when the first linguistic policies were being implemented, 66 percent of the population was monolingual, 22 percent bilingual, and 12 percent passive bilingual. In sum, one in every three people older than five is bilingual to some extent in the CAPV-EAE, while half the population is monolingual Spanish-speaking.

These data show that the process of linguistic normalization is working. The percentage of bilingual people is growing while that of monolingual people is declining. One can therefore see that knowledge of Euskara is growing. This growth in bilingual numbers, and decline in monolingual numbers has taken place evenly across the three historic territories. That said, the sociolinguistic situation in each of these same territories is different, as it was at the beginning of this process. In Araba, for example, the percentage of bilingual people quadrupled in twenty years (from 4 to 16 percent), while in Bizkaia in the same timeframe it increased from 15 to 25 percent and in Gipuzkoa from 40 to 51 percent.

The data, then, represent a significant linguistic transformation. Taking into account the age groups studied, this has been a linguistic transformation encouraged by the school system. That said, this same school system based on linguistic models has its limits in guaranteeing Basque-speaking students. For example, in the fifteen-to-nineteen age group, only 56 percent of the students know both official languages; therefore, almost half the young people who complete compulsory education in the CAPV-EAE do not achieve the legal goal of graduating with an appropriate level of Euskara.

The Statute and the Law on the Normalization of Euskara

According to the 1978 Spanish constitution, Spanish is the official state language. Moreover, all Spaniards must learn it and have the right to use it—the Spanish constitution being the only in the world with a specific language requirement. Other languages are also addressed, the constitution states that they are also official—in line with their statutes—in their respective autonomous communities.

Unequivocal proof of the importance of the linguistic question in Basque society is the fact that whenever an attempt has been made to shape the future of the country by means of key legislation, the status of Euskara has always formed part of the debate. This was the case, for example, in the 1936 Basque statute of autonomy. Here, for the first time, Euskara was accorded official status, together with Spanish. Moreover, it established a zoning system to guarantee the status of Euskara, recognized the linguistic rights of euskaldunak (Basque speakers), and regulated linguistic codes for the school system.

8. For more on this, see Iñigo Urrutia, “Lengua y derecho a la educación en la CAPV: reflexiones jurídicas sobre el tránsito hacia un nuevo modelo,” Revista de Llengua i Dret 46 (2006), 275.
The same was true of the 1979 Statute of Gernika and the 2004 proposal by the Lehendakari Juan José Ibarretxe—approved in the Basque parliament by a thirty-nine to thirty-five vote—for a new political statute for the Basque Country.

The precept outlines legally the nature of Euskara’s status in the CAPV-EAE on the basis of four main parameters: shared co-official status with Spanish, linguistic rights and duties, Euskara’s status as the language of the Basque Country, and nondiscrimination. This equal status in the legal sphere is not matched by equality in either sociolinguistic or functional terms, given that in the public administration Euskara is promoted as part of the policy of linguistic normalization.

The basic linguistic rights derived from the status of Euskara and stated in the statute are the right to know Euskara and the right to use it. As regards the latter point, one should note that use of Euskara is a right of freedom in the sense that whichever of the two co-official languages people choose when communicating with the public authorities in the CAPV-EAE, these are legally protected. As regards knowledge of Euskara, the statute does not demand that people know it. Despite the fact that the Statute of Gernika only mentions the “right” to know Euskara, one might say that, de facto, it goes beyond this—to become an obligation—because of its co-official status in the CAPV-EAE. This is the case insofar as Euskara’s official status means that it is an obligatory subject in the school system, with a necessary degree of enforcement to ensure that this obligation is effective. One might, then, speak in terms of a moderate obligation to learn Euskara and, therefore, have some knowledge of both languages in the CAPV-EAE. Regarding nondiscrimination, no individuals should be discriminated against on the basis of the language they use. However, public authorities should draw up measures designed to encourage positive discrimination in favor of Euskara, the disadvantaged language, as a means of ensuring this principle of equality.

A law on the normalization of the use of Euskara was passed by the Basque parliament in 1982. Despite the high degree of consensus with which the law was passed in the Basque parliament, it was challenged as unconstitutional by the Spanish prime minister. The matter was finally resolved by the constitutional court in 1986. The court endorsed autonomous authority to regulate on linguistic matters in the different public sectors and only declared as unconstitutional three precepts that did not affect the basic thrust of the law.10

The law has four characteristics. It affirms the symbolic value of the Basque language as an expression of the distinctiveness of the Basque people or as a means of giving identity to a national reality. Further, it functions as a source of linguistic rights (although many of the rights it mentions are based on the co-official linguistic system). Then one should highlight the kind of linguistic policy it introduces, based on the policy

10. For more on this, see Edorta Cobreros, *El régimen jurídico de la oficialidad del euskara*, (Oñate: IVAP, 1989), 105. The articles declared unconstitutional were 6.2 (regarding use of the language when no agreement has been forthcoming between parties involved in a procedure), 8.3 (regarding exclusive use of Euskara in the local sphere), and 12.1 (on the position of official translator).
of separation, with symmetrical rights and duties (in official use) regarding both official languages. Finally, there is the beneficial dimension of the law, guaranteeing recognized linguistic freedoms and emphasizing the progressive principle. This is evident in multiple articles, as well as the law’s third additional provision. Recognition of these basic linguistic rights was complemented by the introduction of public duties. Article 5.3 stipulates that “the public authorities guarantee the implementation of these rights in the territorial sphere of the autonomous community with the goal of making them effective and real.” Public authorities located in the CAPV-EAE were thus entrusted with the task of guaranteeing recognized rights. The principal actor in devising linguistic policy is the deputy minister for linguistic policy, a position located within the Basque government’s department of culture.

Elsewhere, the advisory council on Euskara is the body that meets to study, direct, and coordinate the efforts and activities of the different public and private institutions involved in the task of linguistic normalization. Its main functions are those of analyzing any questions regarding linguistic normalization in the CAPV-EAE, suggesting to the Basque government coordinating measures among the public authorities with linguistic powers, and so forth.

In the foral sphere, there are offices of Euskara integrated in certain foral departments within the diputaciones. Their goal is to manage Basque-language services within their territorial area. As part of the municipal plan, practically all Basque towns have council members and fairly wide municipal areas to cover cultural and linguistic matters. Some towns have chosen to manage their authority in municipal linguistic policy via a larger association (mancomunidad)—Udalerrri Euskaldunen Mankomunitatea (UEMA, the Basque-speaking Towns’ Association).

As regards the private sphere, in the CAPV-EAE, there are a number of different business associations that devise, manage, and promote activity encouraging the social normalization of Euskara. In the educational sphere, the confederation of ikastolak, configured legally as a European economic interest grouping, stands out. This confederation is made up of individual federations in Bizkaia, Gipuzkoa, and Araba, together with that of Iparralde, known as Seaska. In the CAPV-EAE, ikastolak are coordinated via Partaide, a secondary level cooperative that integrates the federations of the three historic territories. Likewise, there are associations and organizations in many other fields, such as that

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11. See, for example, articles 6.1.b, 14.1, 15.2, 20.1, and 25, in law 10/1982 on the normalization of Euskara.

12. See decree 132/2000, June 11, on the modification and reworking of the regulations regarding the organization and functioning of the advisory council on Euskara; modified by decree 179/2002, July 16.

13. In Bizkaia, the office of Euskara is integrated in the foral department of culture. In Gipuzkoa, the central office for the normalization of Euskara forms part of the foral department of institutional and social relations. In Araba, the field of linguistic normalization is integrated in the department of the head of the diputación, with exclusively ad intra functions. On this last point, see foral decree 127/2003, July 9, on the departmental structure of the foral diputación of Araba.

14. A European economic interest grouping is a kind of supranational consortium designed to encourage cooperation between businesses and institutions in European Union member states.
of adult education, the written and audiovisual press in Euskara, municipal associations, and professional bodies (for the legal profession, medicine, university professors, and so forth). The organization that attempts to coordinate these different entities is Kontseilua: the council for Basque-speaking social organizations. It was established in 1998 as a non-profit organization and, in turn, created the Hizkuntz Eskubideen Behatokia (observatory of linguistic rights) in 2001. This is a private foundation whose function is similar to that of the ombudsman, although focusing on citizens’ linguistic rights.

**Euskara and Government**

The law for normalization states that all official communications must be written in the two official languages. The use of both languages together is only not required in government notices and communications when “private interests choose expressly to use one of the official languages of the autonomous community” (article 8.2). This is the case of a notification in just one language—that of the interested party or person or persons in question when contacting the government—as an exception to the rule of simultaneous use of both languages. The right to choose one language for notifications is applicable, logically, to either of the two languages.

Guaranteeing the right to choose one of the languages on the part of an interested party in its communication with government institutions requires the public authorities to have staff that is qualified linguistically in Euskara. Because of this, the system applied by the Basque autonomous, foral, and local government to guarantee progressively better application of the right to use Euskara is that of linguistic profiles. Briefly, this system consists of assigning a specific perfil lingüístico (PL, linguistic profile) to each civil service position, and the PL indicates the level of ability in Euskara necessary to fill each post. There are four linguistic profiles arranged in order from a lower to a higher level of Euskara (PL1, PL2, PL3, and PL4), and these are assigned to posts according to the linguistic requirements necessary of the position. All civil service or public jobs have an assigned PL.

As regards Spanish state peripheral government bodies located in the CAPV-EAE, the law on the normalization of the use of Euskara states, in its third additional provision, that the Basque government will promote, in agreement with the competent authorities, adopting measures aiding the gradual normalization of Euskara use in central state government spheres. However, the failure of this provision has been obvious, to the extent that one might say, without exaggeration, that in practice Euskara lacks any official status within Spanish state government bodies located in the CAPV-EAE. And one might venture the same speculation as regards the situation of Euskara in the justice system.

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**Euskara and Education**

The law on the normalization of the use of Euskara recognizes the freedom of students to choose to receive an education in Spanish or in Euskara at any level. The main distinctive feature of the education system in the CAPV-EAE is the separation of students according to which option they choose in regard to principal language of instruction. This is different from other autonomous systems in the Spanish state—such as those of Catalonia and Galicia—where students are required to use both official languages (Catalan or Galician and Castilian) in combined form as their languages of instruction.

Linguistic models established were as follows: Model A—characterized by the principal use of Castilian, except in the subjects of modern languages and Basque language and literature. In other words, here instruction is carried out entirely in Castilian, except in English and Euskara classes—Model B, characterized by the joint use of the two official languages as the principal languages of instruction. This model applies only to compulsory educational levels and not those optional ones. More or less, here half the classes are taught in Euskara and half in Castilian, with English as a separate subject—Model D, the reverse of Model A, given that the principal language of instruction here is Euskara, except in the case of modern languages (English) and Castilian language and literature.

The social demand for models with a greater presence of Euskara has increased since this time, with Model D now attracting 45 percent of all enrollment (a 10 percent increase in ten years) at the expense of Model A, which attracts 37 percent of all enrollment (a 10 percent decrease). Model B, meanwhile, has remained stable, attracting 18 percent of all enrollment. For someone unfamiliar with Basque sociolinguistic reality it is perhaps surprising to see this growth in enrollment for an educational model where instruction is primarily carried out in Euskara. What this demonstrates, in effect, is that Basque society wants bilingualism. For this reason, it has increasingly opted for Model D, the choice that best guarantees an equal and balanced knowledge of both official languages. Model A, for example, does not guarantee a sufficient level of knowledge in Euskara. In all other educational matters or subjects, levels of learning and ability at the school level do not vary according to the model chosen (whether A, B, or D).

The most controversial aspect of the education system in the CAPV-EAE stems from the confirmation by several technical studies (both public and private) that there remains a deficit in linguistic ability among students that finish their obligatory schooling, mainly in Models A and B. This situation is incompatible with the shared official

16. The freedom to choose the principal language of instruction at any educational level appears in article 15 of the law on the normalization of the use of Euskara. Here it states that “all students have the right to receive instruction in Euskara and in Spanish at the different educational levels.”

17. For an overall study of Euskara in education, see Urrutia, Derechos lingüísticos y euskara en el sistema educativo, 443.

18. See, for example, the report by the Basque Institute for Educational Research and Evaluation (a body dependent on the Basque ministry of education): Arrate Egaña, ed., Evaluación del nivel B2 de euskera: Al finalizar la enseñanza obligatoria (4º ESO) (Bilbao: ISEI-IVEI, 2005). This report concludes that current linguistic models should be reformed so that students achieve the results demanded by the guidelines.
status of the two languages and the principle of linguistic integration that must function via the education system. In other words, the education system must not produce two communities in the CAPV-EAE separated by a linguistic barrier.

In 2006, an intense social and political debate took place in the CAPV-EAE regarding the advisability of modifying the system of linguistic separation. This debate arose as the result of a request by the Basque parliament to the Basque government’s department of education to draw up a new educational model.\textsuperscript{19} Four alternatives were proposed: one single model in Euskara (Model D as the only option); maintaining the tripartite model but strengthening the teaching of Euskara in Model A (Models D, B, and a reinforced A); half the instruction to be in Euskara, and the other half to be a blend of Spanish and English (the Anglo-B Model); or, finally, to allow each school to cater its model according to the specific needs of its student body. Ultimately, the last option was chosen and Euskara became the main language of instruction for all students, although every school would be allowed a certain margin of deciding to what extent the other languages (Spanish and English) would be present. This would allow the system to be adapted to the different sociolinguistic contexts of the country.

\textit{Euskara and the Social Media}

The transcendence of radio and television for the diffusion and normalization of Euskara is clear. In this regard, article 5.2.c of the law on the normalization of the use of Euskara mentions the basic linguistic right of “receiving periodical publications, radio, and television programs and other media in Euskara.”\textsuperscript{20} Article 22 refers to the flipside benefit of the right to be informed in Euskara, stating the following: “The government will take measures designed to increase the presence of Euskara in the social media, leading to the gradual equality of use between both official languages.” In other words, it establishes the goal of having an equal presence of both languages in the social media.

\textit{Euskara in the CFN}

The situation in Navarre is quite different from the CAPV-EAE. There the situation is marked by the fragility of the legal foundations that support Euskara, which, in turn, open it up to restrictive measures on the part of the foral executive; this has been the case since 1997. In the CFN, Euskara has become one of the main ideological axes of anti-Basque nationalist political groups. They do not believe Euskara to be Navarre’s native language but an outside language instead. Indeed, the rejection of Basque nationalism is

\footnotesize{\textsuperscript{19} The motion regarding the educational linguistic system, passed on December 2, 2005, BOPV, December 16, 2005.}

\footnotesize{\textsuperscript{20} See the comments of Iñaki Lasagabaster and Iñigo Lazcano, “El euskara en los medios de comunicación: Una aproximación,” Revista Vasca de Administración Pública 69, no. 2 (2004): 101–49.}
accompanied by a rejection of Euskara.\textsuperscript{21} In effect, the normalization of Euskara itself is being called into question in Navarre.

The CFN covers an area of 10,391 square kilometers, in other words, about double that of the CAPV-EAE. However, its population is considerably less than that of the CAPV-EAE at 601,874 (in 2006). The sociolinguistic data at hand demonstrate that one in every ten Navarrese older than fifteen years of age is bilingual (10.3 percent or 48,300 people), 6.6 percent is passive bilingual (31,000 people), and 83.1 percent does not know Euskara (389,000 people). The monolingual proportion has remained more or less stable, having fallen only slightly in the 1990s (from 86 percent in 1991 to 83.1 percent in 2001). The Basque-speaking population in the CFN is distributed unevenly. The bilingual population is concentrated mostly in the northern part (where the population is 60 percent bilingual and 7.5 percent passive bilingual). That said, in total numbers the most populous area of people who consider themselves more or less bilingual is in the Iruñea-Pamplona area and its surroundings, with sixteen thousand bilingual people and twenty-three thousand passive bilingual people. These numbers add up to around 20 percent of the people in this area as a whole. Elsewhere, 37.2 percent of the Navarrese population lives in the center-south of the CFN (the non-Basque-speaking area). Here, 93.5 percent of the population is monolingual Spanish-speaking, although here one sees the greatest proportional growth of Euskara knowledge and use, despite the restrictive legislation. This demonstrates the social support for encouraging knowledge of Euskara on the part of many people in this area.

The Constitutional Law of Reinstatement and Improvement of the Foral System of Navarre and the Law on Basque

The process of regulating the official status of Euskara in Navarre was linked to the 1980 declaration of the foral parliament on November 3, 1980, that stated: “First, Spanish and Euskara will be the official languages of Navarre. Second, this principle will be incorporated into the constitutional law of reinstatement and improvement of the foral system of Navarre, as well as the full authority of the foral parliament to regulate it by means of a law.” Ultimately, however, this was not the case. In fact, the resulting text of the negotiations among representatives of the foral diputación of Navarre and the Spanish central government was based on the ideas defended by the Unión de Centro Democrático (UCD, Union of the Democratic Center) and the Unión del Pueblo Navarro (UPN, Navarrese Popular Unity) that Euskara should not be declared as an official language throughout the whole of Navarre.\textsuperscript{22} Eventually, then, the status of Euskara was established in article 9


of the constitutional law of reinstatement and improvement of the *foral* system of Navarre ("constitutional *foral* law" hereafter), where it states that Spanish is the official language of Navarre and that Basque is co-official in the Basque-speaking areas of Navarre, to be regulated by *foral* law.

Navarre’s constitutional *foral* law varies in a number of important respects from that of the other bilingual autonomous communities. First, there is the absence of a symbolic or identity-related element. Second, nothing is anything said about the basic linguistic rights of the Navarrese people (the right to know and use both languages). Finally, there is no reference to the obligations of public authorities to demonstrate the new status of Euskara or draw up a public policy aimed at normalizing use of the language.23

The basic feature of this regulation was its declaration of Spanish as the official language of Navarre and the introduction of a system of zoning with regard to the official status of Euskara. The constitutional *foral* law opens by stating the official nature of Spanish. Yet Spanish is official in Navarre only because of the Spanish constitution. This being the case, stating this in the new law was merely a formality; although this was an important formality that clearly functioned as a counterpoint to Euskara, whose status was not addressed in this law but instead is postponed to the subsequent development laws.

The 1986 law on *vascuence* (the Basque language in Spanish), established linguistic zoning based on three areas: “Basque-speaking,” “mixed,” and “non-Basque-speaking.” These areas are established according to territory comprised by the municipalities the law cites as making up each of the three areas. Additionally, it regulates—although with barely any legislative skill—the official use of Euskara in each area. Finally, it addresses education as a priority.

In contrast to the law on the normalization of the use of Euskara in the CAPV-EAE, the law on Basque in the CFN was not passed by consensus. Neither the right-wing UPN nor the *abertzale* or Basque nationalist parties voted in favor of the law. Moreover, the changing of the law’s title—from use of the word *euskara* in the development stage to the employment of *vascuence*—revealed a clear political interest. This law also stands out for its failure to define any objectives. It does not use the word “normalization,” yet in effect this is what the law addresses, in however limited form. Its preamble refers, for example, to the need to “preserve” and “avoid the deterioration” of the language. Yet nothing is said about the normalization of its use, nor any move to encourage more widespread knowledge of Euskara or to guarantee its linguistic rights.

From 1997, especially, the Navarrese government began to repress Basque language normalization. The UPN government implemented a restrictive series of regulations that progressively limited linguistic rights, were drawn up in preventative terms as regards linguistic freedoms, and were not aimed at the social integration of the two languages. In ten years, there were no less than ten *foral* decrees, each more restrictive than the

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previous one as regards the use of Euskara.\textsuperscript{24} The most restrictive occurred in 2000, with \textit{foral} legislation that called for the replacement of bilingual Spanish-Euskara road signs by those exclusively in Spanish, the disappearance of Euskara from the institutional image of public authorities (whether \textit{foral} or municipal) in the mixed linguistic area and including the Public University of Navarre’s campus in Iruña, the elimination of bilingual administrative circulars within the \textit{foral} public administration, and less value being placed on knowledge of Euskara for public positions.

In 2002, these new regulations were annulled by a decree of the Navarrese Supreme Court. The court invalidated the measures not as a result of examining the appellants’ complaints, but, rather on technical grounds (certain reports had not been submitted). Thus, in 2003, the Navarrese government reproduced word for word the invalidated articles. By this decree Spanish monolingualism was established in the mixed linguistic area of the CFN. This was also challenged in the Navarrese Superior Court, and the court invalidated only four of the decree’s articles.\textsuperscript{25}

And in 2005, the Committee of Ministers of the Council of Europe passed a recommendation by which it requested Spain to consider the possibility of applying certain guarantees resembling part 3 of the European Charter for Regional or Minority Languages in the mixed area on Navarre.

From the point of view of article 7.2 of the European Charter for Regional or Minority Languages, “the adoption of special measures in favor of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.” The basic reason behind linguistic normalization is, precisely, the adoption of measures that encourage knowledge and use of languages in unequal situations with the aim of creating equal conditions between contact languages.

\textit{Euskara and Government}

Despite these restrictions, in the Basque-speaking area, Euskara and Spanish remain official and citizens have the right to use both Euskara and Spanish in their dealings with the public authorities and the right to be attended to in the language they choose. All official notices and communications must be published in the two official languages, except where the parties concerned specifically choose one language. A question arises, however, over whether those official public notices originating in the mixed area, but aimed at residents of the Basque-speaking area, should be bilingual or not. In this regard, the Supreme Court of Navarre ruled that choice of language in official communications should be based on

\begin{enumerate}
\item See, for example, \textit{foral} decree 70/1994, March 21; \textit{foral} decree 135/1994, July 4; \textit{foral} decree 372/2000, December 11; and \textit{foral} decree 29/2003, February 10.
\item Several appeals were lodged against the \textit{foral} decree; therefore there were several (although ultimately identical) rulings. See, for example, the ruling of December 16, 2004.
\end{enumerate}
the criteria of the place of residence of the parties to whom these notices were aimed, rather than the system in place in the area from which they were sent.26

The law does not recognize the official status of Euskara in the mixed area, comprising the Navarrese capital Pamplona-Iruña. It does, however, establish certain linguistic rights. Article 17 of the law on Basque declares the right of citizens to “speak with the public authorities” in Euskara, although it says nothing about the language in which they must reply. Nevertheless, the law does state that measures should be taken to guarantee exercising this right.

In the non-Basque-speaking area, the right to communicate with the public authorities in Euskara is not even officially recognized. The authorities can ask the interested party to present a written translation in Spanish in order to begin any proceedings.27

Euskara and Education

Linguistic rights in education vary according to the region. In the Basque-speaking area, the dual linguistic legal framework requires the learning of both Euskara and Spanish in school. The learning of both languages (as required subjects) is, in fact, obligatory for all students in this area. Likewise, as regards the language used to teach classes, the legislation recognizes the right of parents to choose for their children to be taught in either Euskara or Spanish. This is, then, a system that separates the students in the same way as that of the CAPV-EAE. In this area, there are three teaching models: in Euskara (Model D), in Spanish (Model A), and a mixture of both (Model B).

In the mixed area, by contrast, there is no mandatory obligation to learn Euskara; that is, the law does not stipulate that students learn the language, even though it could have done so.28 Nor does any such obligation derive from the status of Euskara here, because it is not an official language of this area. Article 25.1 of the law on Basque states that: “In nonuniversity level educational levels, Basque will be taught to those students who want it, in such a way that at the end of their schooling they might have acquired a sufficiently good understanding of this language.” In the mixed area, moreover, teaching “in” Euskara is also voluntary. The law provides for options “in” Euskara within schools in the mixed area for those students that request them. Furthermore, within this linguistic area, students can choose from the Model G option (that is, entirely in Spanish, without Euskara as even a subject offered), as well as Models A (in Spanish, with Euskara as a subject), B (mixed), and D (in Euskara, with Spanish as a subject).

With regard to the non-Basque-speaking area, article 26 of the law on Basque stipulates that “the teaching of Basque will be aided and, where appropriate, financed either

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27. Juan Cruz Alli Aranguren underscores the lack of any obligation on the part of the public authorities in this area to proceed with any request unless the interested party presents documentation translated into Spanish. See “Perfiles institucionales de la lengua vasca en la Comunidad Foral de Navarra,” in Euskara 46 (2001): 1019.
28. I mention this in Urrutia, Derechos lingüísticos y euskara en el sistema educativo, 622.
wholly or partially by the public authorities based on the criteria of promoting and fomenting [the language], in accordance with the demand.” The norm does not mention teaching in Euskara but only the teaching of the language, without declaring either the right to receive this. The terms “aid” and “financing” appear to direct the stipulation toward private education.

The law has denied the renewal of five *ikastolas* in the non-Basque-speaking area. These schools, founded on the social initiative of parents, provide schooling in Euskara in an area where the law has made no provision for this.

*Euskara and the Social Media*

The CFN does not recognize the right to receive information in Euskara. Instead, all the latter says is that “the public authorities will promote the progressive presence of Basque in the public and private social media. To this end, the government of Navarre will draw up plans of economic and material support so that the media use Basque frequently and progressively.” With regard to the realm of the social media, the legislation limits itself to providing for development measures.29

The granting of FM radio frequencies in the CFN has been especially controversial. On various occasions, the radio station Euskalerria Irratia (broadcasting in Euskara throughout the Pamplona-Iruña area) has been denied a frequency as the result of proceedings against it that the Navarrese parliament itself has characterized as “arbitrary.”30

*Euskara in Iparralde*

A basic survey of the sociolinguistic situation in Iparralde reveals a worrying scenario. In 2001, 24.7 percent of the population in Iparralde of over fifteen years of age classified themselves as bilingual, 12 percent passive bilingual, and 63.4 percent monolingual in French. Ten years previously, bilingual people accounted for 33.1 percent of the total population in Iparralde. Consequently, both the number and the percentage of Basque speakers fell in Iparralde through the 1990s. Although almost half (49 percent) of the autochthonous population is bilingual, hardly anyone is bilingual (1.2 percent) among the people that have moved there. And the same is true of the autochthonous population descended from newcomers to Iparralde, of whom only 1.1 percent is bilingual.

In Iparralde, the percentage of bilingual people descends with age—the inverse of what happens in the rest of Euskal Herria, where most Basque speakers are to be found among young people (as a result of schooling in the language). In Iparralde, the largest


30. See the conclusions of the investigating committee of the Parliament of Navarre on this matter, published in the Boletín Oficial de Navarra 34 (May 4, 1999).
percentage of Basque-speakers is to be found among people of sixty-five years of age or older (36 percent), with the aforementioned decline as the age group drops. That said, among the youngest age groups, these percentages tend to stabilize.

The sociolinguistic survey also demonstrates that only 2.4 percent of people whose first language is French (in other words, 3,700 people in a population of 152,000) have learned Euskara to become bilingual. On the other hand, 26.2 percent of those who were native Basque-speakers now no longer speak the language, or in other words have become passive bilinguals (those who understand but who do not speak a language). This means that eighteen thousand out of sixty-nine thousand people have lost Euskara. To put it another way, the number of people who knew but have now lost Euskara (18,000) is five times greater than the number of people who did not know the language but learned it (3,700). And if one focuses on the younger age groups (sixteen to twenty-four years of age), the data are more worrying still. Specifically, the number of young people that learned Euskara at home but lost it later on is ten times greater than that of those young people who learned Euskara at school (the gains amount to 1.5 percent and the losses, 14.4 percent).

The conclusion is obvious: In Iparralde, Euskara’s survival is under threat; the number of Basque speakers is declining; and half of all those who formerly knew the language now no longer do so. Euskara is being replaced in areas that have kept it alive, such as family and friendship circles. Transmission of the language in the realm of the family alone is, however, still insufficient to guarantee its survival.

In the French state, political questions have influenced laws concerning linguistic matters. It is a politically unitary state, and the linguistic rights of citizens must conform to this situation. The legal status of French is not defined by constitutional declarations. Rather, it is the result of a historical process characterized by the efficacy of assimilationist linguistic policies. The political identity of the republic has functioned as a driving force behind linguistic policy. In fact, until 1992, the French constitution made no reference whatsoever to language. However, as a result of the 1992 Treaty on European Union (the Maastricht Treaty), the French constitution was revised to include in article 2 that “the language of the republic is French.”

From a legal perspective, there are no linguistic communities or minorities in the French state. Legally, France is considered an ethnically and linguistically homogeneous state. This formal perspective clashes with the legal practice itself of the French authorities to homogenize existent (linguistic) diversity.


Recognition of regional languages in the French state is comparatively recent, having been ignored by legislation until 1951. The “Deixonne” Law was the first piece of French legislation to recognize the existence of languages other than French in the republic. It was both a linguistic and a school law and addressed, specifically, regional languages. Paradoxically this law—whose content is very limited—served as a model for the Spanish general law on education in 1970. The latter was replaced eight years later while the former is still officially in effect. The regulations of the Deixonne Law have been developed more widely without being fully protected by the law—a demonstration of the precarious regulatory framework in which the status of Euskara in Iparralde has evolved.

The limited nature of the Deixonne Law is demonstrated by its intentions. Teachers may be authorized to use regional languages in kindergartens and primary schools, so long as this is beneficial to teaching and, especially, for learning the French language.33 The law contemplates the possibility of optional instruction in a regional language of one hour per week. Teachers may be authorized, according to the demand, to dispense the basic principles of reading and writing in a regional language (article 3). In short, this law allows for the studying of regional languages, rather than their use in school subjects. Such languages are recognized by the state via this law, but this does not mean that they enjoy a legal status. Indeed, the law denies such a status, and for this reason it had little major effect in Iparralde.

The process of recovering Euskara in Iparralde developed thanks to the efforts of an associativ movement, given that until very recently the French government ignored it completely.34 In terms of teaching the language, the Seaska (meaning “cradle”) association was created in 1969 as a means of promoting the ikastola system in Iparralde. From an initial intake of eight pupils at kindergarten level during the 1969–70 school year, Seaska currently oversees the schooling of 2,247 pupils in twenty schools at all levels.35 In the sphere of public education, the IkasBi association was created by parents of children whose schooling is bilingual. And there is a further association, Euskal Haziak (“Basque seeds”), for parents of children in Catholic schools who receive instruction “on” Basque or bilingually. There are many other associations, such as the Alfabetatze eta Euskaldunzte Koordinakundea (AEK, Coordination of Education and Literacy in

33. Article 2 of the Deixonne Law states: “Teaching instructions will be sent to education commissioners to allow teachers to use local languages in kindergarten and primary schools whenever it may be beneficial to learning, especially for the study of French.” This principle is transferred to article L312-11 of the national education code (legislative section) that states: “Teachers are allowed to use regional languages in kindergartens and primary schools whenever it might be beneficial to teaching, especially for the study of French.”


35. See the current data, under “History,” at www.seaska.net.
Euskara) and the Udako Euskar Unibertsitatea (UEU, the Basque Summer University),
that together with the aforementioned groups are all coordinated by the Euskal Konfed-
erazioa (Basque Confederation).

Official involvement in defining a linguistic policy to aid the development of Euskara
has been relatively recent. The Euskararen Erakunde Publikoa-L’Office Public de la
Langue Basque (The Public Institution of the Basque Language) was established in 2004,
made up of central state representatives, including the Prefect of the départment, the rector
or president of the Academy of Bordeaux (an educational district covering five départe-
ments within which Iparralde falls), and the head of France’s regional office for cultural
affairs, together with the Regional Council of Aquitaine, the General Council of the
Département of the Atlantic Pyrenees, the inter-communal syndicate in favor of Basque
culture, and the Council of Elected Officials in Iparralde. Its functions are to promote
(economically) linguistic professionals, developing and structuring teaching in Euskara,
and promoting Euskara in public life.

On February 7, 2007, an agreement for a new framework was signed and sealed
between the Euskararen Erakunde Publikoa and the Basque government regarding cross-
border cooperation in linguistic policy matters and the definition of a joint program of
action through 2010. Within this plan of action there was an elaboration, via common
criteria, of the fourth sociolinguistic survey and its evaluations. As a result of this, a fund
was established to distribute monies via joint public calls for projects.

Much like the educational sphere, the presence of Euskara in the media has been
aided more by private than public initiatives. There are presently three radio stations
broadcasting in Euskara in Iparralde: Gure Irratia, Irulegi Irratia, and Xiberoko Botza.
These are stations that, because of their status as “associative radios” (radios associatives),
receive funding from the French Institut National de l’Audiovisuel (National Audiovi-
sual Institute) more or less corresponding to a third of their annual budgets. They also
receive funding from other bodies: the départment, the Euskal Kultur Erakundea (EKE,
the Basque Cultural Institute), the Herrien Sindikatua syndicate, and the regional council
of Aquitaine, together with institutions in Hegoalde, such as the Basque government,
via its Department of Culture. With regard to the written press in Euskara, besides the
distribution of Basque-language publications published in Hegoalde, there is also the
weekly Herria, published and widely distributed in Iparralde. As regards television, the
only means of receiving information in Euskara is by tuning into ETB-1 (broadcast from
Hegoalde, with some correspondents based in Baiona), or watching a brief six minutes
of reports every day in the Basque language on the France 3 channel.

Euskara in the European Union

The territorial make-up of the EU is defined by a rich and varied linguistic universe
that is not just characterized by “state languages.” There are, in fact, around sixty-five
autochthonous languages in the twenty-seven member states of the EU. Indeed, the
multilingual reality is one of the defining features of Europe, and this should be reflected
in the recognition of linguistic rights within the framework of the EU. Yet as a result of European linguistic regulations, a distinction is made among these languages based on the differentiation between official EU languages and the remaining languages within the borders of the member states. The concept of a state or official language throughout the territory of a member state is the foundation on which some of these are defined as official EU languages, and therefore accepted as working languages among its bodies. The effect of this, however, is also exclusive and affects Europe’s very linguistic diversity.

Recognition of the right to use an official language in citizens’ dealings with their institutions should not be denied just because these are EU institutions. The Charter of Fundamental Rights of the European Union, proclaimed in Nice in 2000, recognizes the democratic right of European citizens to communicate with EU institutions in their own language. Given the nature of this idea as a “fundamental right,” it is difficult to justify why 8 million Catalans and 750,000 Basque-speakers cannot use their own languages when dealing with EU institutions, while 350,000 Maltese-speakers can.

Whatever the case, recognition of linguistic diversity has still emerged as a new focus within the EU. Such express juridical recognition has emerged at a time when the EU is beginning to embrace the notion of fundamental rights, as well as its consideration as essential a new organizational model that must more closely approximate the idea of a Europe of citizens and peoples. Within the limits of EU powers, legislative developments are called for that encourage a European program for fomenting linguistic diversity.

When one shifts from a European perspective or focus toward the protection of linguistic diversity, the concept of a “linguistic community” emerges as a supranational idea. This is especially interesting with regard to those regional or minority languages, like Euskara, Catalan, and others whose use traverses state borders. Recognizing a linguistic community implies the EU promoting sufficient linguistic measures within that community, regardless of whether it crosses a state border—measures that should be taken as a result of EU policies and programs embracing cross-border and transnational cooperation, regional development, and European territorial cohesion—spheres of activity that have, until recently, been absent in EU policies.

References


36. Furthermore, though, because of this there is also a decline in official linguistic equality in the domestic sphere, insofar as administrative (or judicial) procedures carried out entirely in an official regional language that call for some kind of communication, report, or the participation of a European institution must be presented in a language other than that, despite it being official in their own sphere in which they were originally prepared. In such cases, any interpretation, then, of EU regulations must be made in a language different from that of choice—not just because these official languages are considered the only “authentic” options, but fundamentally because they are considered the only existing options.


Can one speak about one Basque political system? Perhaps it would be better to speak about several Basque political systems? Taking this into account, to what extent can we really talk about a Basque party system? Among the many different answers to these questions, there would be few political scientists who would defend the notion of one single Basque party system due to the fact that Euskal Herria is divided between two national states and three different administrative units (the French state, the Autonomous Community of the Basque Country [CAPV-EAE], and the Foral Community of Navarre [CFN]). In this regard, it is more appropriate to speak of Basque party systems and/or subsystems.

The first great divide within these systems differentiates those within the French part of Euskal Herria (Iparralde) from those within the Spanish part (Hegoalde). The party system in Iparralde is beyond the scope of this chapter.

Regarding the Spanish part of the Basque Country (Hegoalde), there is more debate over whether there exists a Basque party system with two subsystems (that of the CAPV-EAE and the CFN), or whether these two subsystems are really just part of the Spanish party system as a whole. At the same time, one might point to different combinations of these two ideas, both subject to alteration since the electoral reality in Hegoalde is likewise shifting. In this regard, I defend the notion that within the four historic provinces (Bizkaia, Araba, and Gipuzkoa, which comprise the CAPV-EAE, and Navarre, which comprises the CFN) of Hegoalde, there are different party subsystems born of the different conditions produced in each. The issue, though, is the extent to which one can group these different subsystems within one Basque party system. Undeniably, there is a
connecting theme between all these subsystems in the various Basque territories (including that of Iparralde), based on two specific factors: the existence of a center-periphery conflict and the reality of Basque nationalist parties with parliamentary or administrative representation. Moreover, in Hegoalde, the reality of two autonomous systems allows for the existence of a legislative and executive framework that favors the creation and development of systems differentiated from that of the Spanish party system.

The most relevant political parties in Hegoalde are broken down here according to their position on the ideological spectrum.

**Socialists**

The Spanish Socialist Workers’ Party (PSOE) was created in 1879 with the goal of attracting the support of the industrial workforce to a party founded on Marxist principles. However, due to the lack of widespread industrialization in the Spanish state at the time, at first, its organization and reach was limited to Madrid, Catalonia, Asturias, and the Basque Country.

By the early twentieth century, the PSOE had already gained widespread support in the mining areas of Bizkaia and Gipuzkoa, and during the Second Spanish Republic in the 1930s, it became the single largest parliamentary party in the Spanish state. However, at this time it never managed to become the single largest parliamentary party in Hegoalde. It achieved its best results in Bizkaia and Gipuzkoa during this era, although in both cases, the largest party was the Basque Nationalist Party (PNV). Meanwhile, Araba and Navarre were dominated electorally by traditionalist and right-wing political options. In 1936, after a statute of autonomy for Araba, Bizkaia, and Gipuzkoa was passed during the final months of the Second Republic, the PSOE took part (together with the rest of the pro-democratic republican system forces) in the first Basque government presided over by the PNV’s José Antonio Agirre.

During the Franco dictatorship, the PSOE lost ground in the clandestine struggle against the regime to the more dynamic and popular activity of the Spanish Communist Party (PCE). This had been founded as a breakaway faction of the PSOE and was committed to the principles of the Third Communist International decided on after the Bolshevik Revolution in 1917.

However, with the advent of democracy after the death of Franco, the PSOE regained its leading role among the leftist parties. In 1977, a federated Basque section of the PSOE was created, the PSE, that included the provincial groups of Araba, Bizkaia, Gipuzkoa, and Navarre. In this era, Socialist representatives of the four territories making up Hegoalde shared space both on the Basque General Council (the preautonomous body presided over by the Socialist Ramón Rubial) and the parliamentary group of Basque
representatives formed in the Spanish Senate. Moreover, the PSE at this time defended the right of self-determination for the Basque Country. In similar fashion, after the statute of autonomy bill was passed in 1979, and following the first autonomous elections in 1980, the PSE (among other measures) advocated the creation of a single Basque public bank and the transferring of authority over ports and airports, as well as social security, to the Basque government.

In 1982, however, the Navarrese Socialist group left the PSE to form the Navarrese Socialist Party (PSN). Thereafter, the PSN changed ideological course and opposed any autonomous unity among the four territories of Hegoalde. Moreover, it began its political life in Navarre with the significant handicap of a weak socialist and leftist tradition in the province. Yet despite this, the PSN became the single biggest party in the CFN between 1984 and 1991. The Navarrese right was divided during this period, and the PSN governed the province without enjoying an absolute majority. When the right regrouped, the PSN lost its control of the autonomous government in 1991, but returned to power in 1995 thanks to a coalition with the recently created Convergence of Navarrese Democrats (CDN, a centrist splinter group from the main Navarrese right-wing party) and Eusko Alkartasuna (EA, Basque nationalists). Due to a series of scandals involving PSN members, however—including the president of the CFN himself, Javier Otano—power switched once more to the Spanish nationalist Navarrese right in 1996. In the 2007 autonomous elections, the Navarrese right lost its absolute majority, and only held onto power through the PSN’s unwillingness to form a leftist coalition with Basque nationalists and United Left of Navarre (IUN).

In the CAPV-EAE, the PSE was traditionally the second political force in the autonomous community. In 1986, as a result of the breakaway EA tapping into traditional PNV support, the PSE achieved more seats than any other party in the Basque parliament (even though it remained second to the PNV in number of votes obtained). As a consequence of these results in 1986, the PNV and the PSE formed a coalition government, with the presidency in the hands of the Basque nationalists. In 1990, a new coalition government was formed by three Basque nationalist parties, the PNV, EA, and Euskadiko Ezkerra (EE, a party formed out of ETA (pm) and other minority leftist sectors), but this was short-lived due to discrepancies between the PNV and EA. The PSE therefore returned to the government coalition with the PNV and EE.

In 1993, the PSE and EE merged. In the 1980s, EE had served as a means of reintegrating former members of ETA (pm), who now rejected the use of violence. After an initial period of radical leftist and proindependence positions, EE transformed its ideological course to one of proautonomy social democracy and therefore in line with that of the PSE. Consequently, a new political party—the PSE-EE—became federated within the PSOE. Those members of EE against this merger formed their own party, Euskal Ezkerra (EuE), but it enjoyed only a brief life-span, advocating an electoral alliance with EA that suffered at the polls—perhaps as the result of this coalition taking part in Spanish Congressional elections in 1993 at a time when few people were open to the possibilities
of such political experiments. Specifically, during these elections, the Partido Popular (PP) challenged the PSOE in a highly bipartisan campaign where there were widespread calls for a tactical vote in favor of the PSOE for fear of giving victory to the Spanish right, the heirs to the Franco regime.

One consequence of this statewide tactical vote was the important electoral success of the PSE-EE in the CAPV-EAE, becoming the most-voted party in the autonomous community during these legislative elections. This led to a certain belief within the PSE-EE that the merger of the two parties had been a key and successful factor in these electoral gains. However, following the 1993 victory, the party once more fell into a subordinate role within the PSOE as a whole, and its fortunes declined thereafter as a result of it being associated with the scandal-ridden larger party. In short, it became more obvious that there had not been a merger between the PSE and EE, as much as the absorption of the latter by the former. Former individual members and groups within EE occupied few positions within the PSE, and with time, the letters “EE” were increasingly dropped when referring to the party.

Following the 1994 autonomous elections in the CAPV-EAE, yet another governmental coalition was formed, this time between the PNV, the PSE, and EA. Several months before this legislature was due to end in 1998, the PSE abandoned the government coalition due to a combination of mutually reinforcing factors: On the one hand, there had been an internal shift within the PSE to more clearly antinationalist positions, while at the same time, there was increasing collaboration among the different Basque nationalist forces. This, in turn, led to greater cooperation between the PSE and the PP and a joint policy of pressure on the Basque nationalist autonomous government to dislodge it from power. This joint policy initiative came to a head in the 2001 autonomous elections, when the PP-PSE axis lost out to the Basque nationalists and their allies.

During this clearly antinationalist shift within the PSE, its internal divisions became more evident. For example, the party’s dominant structure in Gipuzkoa appeared to be quite uncomfortable with the outright antinationalist tone of the PSE, and demonstrated a more pro-Basque stance that had originally forged the alliance with EE. That of Araba, however, was clearly more attuned to overt antinationalist postures, while the party organization in Bizkaia fell somewhat between the two positions. After the failure of the 2001 autonomous elections, however, the PSE retreated from its previously confrontational policy toward governing Basque nationalists. Through a pact between the Bizkaian and Gipuzkoan wings of the party, Patxi López became the new PSE leader in March 2002, with a mandate to follow more pragmatic and less overtly antinationalist postures than before. From this moment on, then, the PSE gradually began to regain its place as the second main political force in the CAPV-EAE, but rejected any notion of forming part of a Basque government unless it could lead such a formation. And this strategy finally paid dividends when, despite remaining the second-most-voted political group, taking advantage of the legal exclusion of radical left-wing Basque nationalism from the
electoral scenario and counting on the support of the PP, the PSE gained control of the Basque government in 2009.

**Postcommunists**

The PCE was formed in 1921 through the merger of two breakaway factions from the PSOE that had adhered to the Third Communist International. However, the party made little headway until the creation of the Second Republic in 1931. During the 1930s, the PCE grew in importance in Bizkaia and Gipuzkoa when Dolores Ibarruri became the most illustrious communist leader in the Basque Country and the Spanish state. Later still, after the republic had fallen, she became the single most visible face of leftist opposition to the Franco regime, years in which the PCE enjoyed growing and widespread support in Hegoalde.

After the death of Franco, however, the PCE made less headway at the polls and gradually lost the leading role it had formally enjoyed within the Spanish left. Its subsequent attempt to shift ideologically to Eurocommunism (moderate communism or, if one prefers, a more left-leaning form of social democracy) met with similarly disappointing results. In sum, the Spanish electorate preferred the original socialist vision of the PSOE, whenever its vote was not based on merely tactical or electoral reasons. Moreover, in Hegoalde, this tendency was exaggerated by a profusion of extreme leftist and left-wing nationalist parties. As a result, the PCE-EPK (Basque Communist Party) made little electoral ground in the four Basque territories, gaining one seat in the parliament of the CAPV-EAE in 1980 and never achieving parliamentary representation in the CFN.

In the late 1980s an important change took place with the creation of an electoral coalition, United Left (IU), formed by the PCE, the Socialist Action Party (PAS), and the Communist Party of the Peoples of Spain (PCPE). Despite disappointing electoral results, this coalition was strengthened when it was renamed as a political and social movement in 1989. Its subsequent development resembled that of a political party, although its internal organization was controlled carefully by the PCE. Ideologically, it developed into a leftist coalition-party that was republican (in favor of abolishing the Spanish monarchy and instituting a Third Spanish Republic), ecologist, and federalist, as well as defending the right of self-determination for the nations of the Spanish state.

With regard to Hegoalde, initially IU made little electoral headway, repeating the disappointing results of the PCE-EPK during the 1980s. However, the party surprised many when it gained two representatives to the Navarrese parliament in 1991. During its electoral discourse, it outlined clearly leftist positions and was amenable to strengthening ties between the CFN and the CAPV-EAE—including not ruling out the possibility of creating a common framework for the two communities, although rejecting the possibility that the CAPV-EAE might incorporate the CFN. Ultimately, IU created two separate federations in the CFN and the CAPV-EAE, and while the PCE maintained a presence in both through its single structure within the four Basque territories, it never became the dominant faction in either of these.
The proautonomy and federalist positions of the United Left of Navarre (IUN-NEB), the party’s Navarrese wing, were strengthened after the successful autonomous election results of 1995, when it gained five seats in the parliament of the CFN. Nevertheless, in accordance with Article 33 of IUN-NEB’s own statutes, it could maintain close relations with its counterpart in the CAPV-EAE through a joint commission with Ezker Batua-Berdeak.

In the 1999 autonomous elections in the CFN, during an important ETA ceasefire, IUN-EBN lost votes to the radical left-wing Basque nationalist alliance, Euskal Herritarrok (EH), in the process losing two of its seats in the Navarrese parliament. It regained one of these at the next autonomous elections in 2003, but lost a lot of support thereafter, falling to two seats in 2007 and losing all representation in the City Hall of Iruñea-Pamplona. Once again, this was probably due to a shift of some of its previous voters to a new, progressive Basque nationalist coalition, Nafarroa Bai (NaBai). Indeed, a faction within IUN-EBN, including one of its former representatives in the Navarrese parliament, defected to this new coalition.

Ezker Batua (EB) made its first successful foray into the politics of the CAPV-EAE in 1994, gaining six representatives in the Basque parliament. This success was due to two specific reasons: At the statewide level, IU was enjoying its greatest gains, and EB managed to take over the ground vacated by EE (now affiliated with the PSE). Interestingly, this same space appeared more like a no-man’s land in the subsequent autonomous elections of 1998 and 2001, when the electoral struggle took on the form of a contest between Basque nationalism and Spanish centralism. As a consequence, EB lost electoral ground during these years, winning just two seats in 1998 and three in 2001; and this thanks, in great part, to a new electoral law whereby with 3 percent of the vote a party could take part in the sharing out of parliamentary seats (it had previously been 5 percent). In 2001, EB joined a government coalition with the PNV and EA, and this coalition continued in power after the 2005 autonomous elections, at which it won three seats again. At these same elections, the party incorporated a new element, becoming EB-Berdeak.

EB-Berdeak, especially since its incorporation into the Basque government, added more pro-Basque positions to its leftist, republican, ecologist, and feminist postures, maintaining a federalist ideology that favored free adhesion to the state (and insisting on the need to recognize the right of self-determination). Within this modified strategy as an autonomous political party, after 2004, the party became Ezker Batua-Berdeak in an attempt to pursue its own policies, despite the fact that it continued to be the party of reference for IU in the CAPV-EAE, just as IU continued to be its party of reference in the Spanish state as a whole. The 2009 autonomous election results were, however, disappointing for this party, and it only gained one representative in the Basque parliament.
Center-Right Basque Nationalists

The PNV was created in 1895 after the Carlist Wars, the abolition of the fueros, and the growing industrialization that resulted in major non-Basque immigration altering the society of Bizkaia and part of Gipuzkoa. Within this context, Sabino Arana, influenced by his Carlist family and a brother (Luis) who had discovered the then-dominant Romantic nationalism of Europe, founded the PNV to achieve the independence of what he termed Euzkadi (the Basque Country). Moreover, this party was conservative and Catholic, as its name in Euskara demonstrated—Eusko Alderdi Jeltzalea, literally meaning the Basque “jeltzale” party, with this word meaning followers of the acronym JEL, referring to “Jaungoikua eta Lege-zaharra” or “God and the Old Laws” (the fueros).

From this moment on, the party ideological line would waver between its foundational proindependence stance and a more pragmatic support for proautonomy positions. These two wings led to a split in 1921, when the party lost its name and divided into the majority Basque Nationalist Communion and Aberri (Fatherland), made up of the more proindependence sector. The two groups united once more to reform the PNV in 1930, and from this moment on, it became a party-community uniting people from essentialist and pragmatic positions.

In this power game, the PNV was one of the main driving forces behind the General Statute for a Basque State (known as the Lizarra Statute), which declared an autonomous Basque state within the whole of the Spanish state, that would be formed by Araba, Bizkaia, Gipuzkoa, and Navarre, and whose name would be Euzkadi. This was, however, declared anticonstitutional, and finally, with the Spanish Civil War in full swing, the PNV promoted and supported the passing (in 1936) of a new Statute of Autonomy that spoke simply of a politico-administrative unity within the Spanish state, and in which Navarre was not included.

Similarly, after Franco’s death in 1975, the PNV initially steered clear of the process of reforming the Spanish state, calling for abstention in the 1978 constitutional referendum. Yet it soon adopted a more pragmatic approach, leading and supporting the pass-

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2. Different historians speak of either two or three Carlist Wars in the nineteenth century. Carlism was a royalist political movement that favored a distinct royal inheritance line to that of the Bourbon dynasty on the Spanish throne. It proclaimed itself antirevolutionary, traditionalist, Catholic, and a defender of the fueros. It attracted people with antiliberal positions, including a large part of Basque traditionalist sectors, and defended the Church and the fueros against Spanish liberal measures to standardize the market, laws, and institutions.

3. This was a nationalism that had a primordial-cultural vision of the nation that challenged citizen-based French nationalism.

4. The phrase in Euskara, “lehenengo alderdia eta gero aberria” (“first the party and then the fatherland”) synthesizes well the notion of a party-community as an element of cohesion between the wings.

5. Specifically, the article concerning church-state relations, in which the Basque state would have the authority to negotiate its own concordat with the Vatican, was declared unconstitutional.

6. The Lizarra Statute project was supported by a significant part of the Navarrese Catholic right. However, the 1936 statute did not have the same conservative and Catholic character as its previous counterpart, and for this reason, the Navarrese right disassociated itself from the later project, since, in part, it had opted to support the coup d’état forces.
ing of the Statute of Autonomy of the Basque Autonomous Community (1979). It has thus taken part since 1980, and until this day, in running the Basque government: at first, alone, and since the mid 1980s in two kinds of coalitions that defined different eras in Basque politics. The first was governed by an alliance with the PSE; and the second marked by a clear PNV supremacy in coalitions with smaller, Basque nationalist (EA) and federalist (EB) formations.

As a result of the 1930 reconciliation between Aberri and the PNV, a minority Aberri faction that was opposed to reuniting with the PNV created Basque Nationalist Action (EAE-ANV, Eusko Abertzale Ekintza-Acción Nacionalista Vasca). This was a nationalist, nonconfessional, and progressive-liberal party that, through its interaction with leftist groups in the Spanish Republic, ultimately came to define itself as socialist. From a discursive point of view, EAE-ANV symbolized the birth of a less culturally based conception of the Basque nation, and one more open, modern, and formed, in a large part, by more voluntary precepts. This allowed EAE-ANV to participate with other leftist groups in the state in the Popular Front and the republican government. In contrast, although it defended the legality of the republic, the PNV remained outside the network of pre-electoral alliances with left-wing parties, moving toward positions of a centrist party. However, centrist positions were effectively ended with the coming of the Civil War, and the PNV had to ally with the progressive forces of the Popular Front in defense of the Republic, and because this was also a means of achieving approval for the statute of autonomy. That autonomous Basque government was presided over by José Antonio Aguirre (PNV), but at the same time contained representatives of all the progressive forces, including ANV.

During the Franco dictatorship, ANV survived as a small party that never connected with new generations who were much more radical in the national and social conflict. In the Spanish transition, its lack of active members, yet immense historic worth, led to a fusion with new generations of nationalists shaped by Marxism in the creation of an electoral coalition, Herri Batasuna (HB). At present, it continues to be a part of the Izquierda Abertzale (left-wing patriotic movement) at a token level.7

During the 1950s, the group Ekin split from the PNV’s youth wing, Euzko Gazteri Indarra (EGI), because it considered the PNV party line too moderate in the face of Franco dictatorship. Thereafter, Ekin members established Euskadi ta Askatasuna (ETA, Basque Country and Freedom) with a clear separatist discourse and a new conceptual definition of the Basque nation and its members based on linguistic criteria.

7. The Izquierda Abertzale, as it is understood today, was born with the creation of ETA during the Franco dictatorship. As regards its party institutionalization (HB) in the transition to democracy, its backbone was formed by sectors originating in ETA. As a result, for the Izquierda Abertzale ANV has an extremely high symbolic value, because in its imagination, the older party represents a link between the guadarris (soldiers) who fought against the military uprising of 1936 and ETA militants classified as the new guadarris. ANV was used in the 2007 municipal elections as an electoral platform by the Izquierda Abertzale due to the outlawing of Batasuna. Only some ANV electoral tickets were allowed to take part in these elections, while others were banned.
The final split suffered by the PNV came in 1986 with the creation of Eusko Alkartasuna (EA, Basque Solidarity), a party led by the then-Lehendakari Carlos Garaikoetxea, and that represented a more modernizing wing of Basque nationalism. EA defended positions relying less on the weight of foral tradition and, as a consequence, had a fuller vision of the Basque nation. This split led to an electoral decline for the PNV, falling to second spot in the number of seats gained at the 1986 autonomous elections behind the PSE (although it gained the most votes of any party, as it had done at every other election). From 1990 onward, the PNV began to regain electoral ground at the expense of EA. However, toward the mid 1990s, and despite continuing to grow as a result of gaining votes from EA (thereby advancing in Basque nationalist circles in general), the PNV also began to lose support from among less nationalist sectors that had previously supported it. Consequently, by the late 1990s, statist parties had gained sufficient support to topple Basque nationalists. And in order to face this challenge, the PNV and EA began to try out an electoral coalition during the 1999 municipal and foral elections. This proved very effective at the 2003 autonomous elections, with the highest electoral turnout in the history of the CAPV-EAE recorded. By contrast, with a reduced turnout in 2005, the nationalist coalition achieved more discrete results.

From the time of the Second Republic onward, the PNV has established as its ideological basis that of a cross-class Christian Democratic party. It was a founding member of the Christian Democrat International, which it abandoned in 2004 because of the entrance of new right-wing parties and leaders into the organization that brought with them more neoliberal and populist ideas. The PNV was also a founding member of the European Democratic Party, together with other centrist formations of both right-wing and left-wing sensibilities. Consequently, the PNV defines itself as a Basque, democratic, nonconfessional, and humanist party, open to progress and any movement proposing an advancement for civilization that is of benefit to human beings.

To sum up, concerning its position between the two conflictual poles of Basque politics (Basque nationalism versus Spanish nationalism, and left versus right), it might be defined as a proindependence centrist party whose origins and current sensibilities lean toward the right. That said, these sensibilities have been toned down considerably, given that the PNV is a catch-all party with a blue-collar and basically leftist electoral base that, in part, channels these sympathies through its membership of the leftist labor union ELA (created out of the PNV). To this, one would have to add its Christian Democratic ideology that gives the party a social dimension in line with similar parties in the Low Countries and Germany. One should even point out that the PNV in practice has a social democratic agenda.8

Left-Wing Basque Nationalists

The first proindependence left-wing Basque nationalist party was ANV. It was established in 1930 and was most active during that decade. After the Civil War, however, the leadership of leftist positions within Basque nationalism was taken over by ETA and political and social movements close to it that organized themselves around an umbrella organization known as the Movement for Basque National Liberation (MLNV). In the 1960s, this faction approached Marxist positions that were finally incorporated into the MLNV in the 1970s. Although there were various splits among the different Marxist sensibilities (or isthmuses) and intensities with respect to Basque nationalist positions, ETA remained as a solid backbone of the movement, being its most active, numerous and powerful component. It was able to do this by embracing a sufficiently flexible ideology to attract different sensibilities around two main objectives: independence and socialism for the Basque Country. At the time, however, one might consider ETA formally as a Marxist-Leninist organization.

After Franco’s death, the MLNV established the Alsasua Roundtable in 1977 as a means of reorganizing itself and attracting different left-wing nationalist parties and groups. The outcome of these meetings was the creation of an electoral coalition, Herri Batasuna (HB, Popular Unity), incorporating the following parties: Popular Revolutionary Socialist Party (HASI)—a Marxist-Leninist formation dominant within HB; Patriotic Revolutionary Workers’ Party (LAIA)—a Maoist formation; Basque Socialist Assembly (ESB)—an independent socialist group; EAE-ANV; and a series of independent and prestigious figures within Basque nationalism, among whom Telésforo de Aranzadi, the former PNV minister of the interior in the Basque government during the republican era, stood out. After the first elections, ESB and LAIA abandoned the coalition due to internal differences, resulting in a more clearly defined ideological position for HB with sectors close to the MLNV taking a closer control of the group.

From this initial period of electoral activity after Franco’s death onward, HB demonstrated a greater capacity than EE to capture the leftist nationalist political space in the CAPV-EAE. For example, in the first autonomous elections of 1980, HB was the second-most-voted party, gaining eleven seats in the Basque parliament. It also quickly established itself as the main Basque nationalist force in Navarre and the fourth largest overall in both the CAPV-EAE and Navarre.

Thereafter, its electoral evolution through the 1980s and into the early 1990s was quite normal. In general terms, HB was the third-largest political force in the Basque parliament with a vote that fluctuated between 14.7 and 18.3 percent of all votes. Meanwhile, in the Navarrese parliament, it rose from fourth to third largest political party with a vote of somewhere between 10.6 and 13.6 percent of all votes there.

However, electoral support for HB began to decline in the mid 1990s (for example, dropping to 9.2 percent of the vote in the CFN in 1995) as a result of ETA incorporating a wider range of targets from different sectors of society into its armed strategy. The institutional response to this was to implement a form of apartheid against the
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MLNV, with a marked intensification of this policy after ETA began to target politicians in 1995 and also as the result of the PP coming to power in the state in 1996. From this moment on, this strategy of electorally, politically, and socially hounding and harassing HB intensified, resulting in the party’s isolationist and somewhat closed stance to other sectors of society taking on the shape of a kind of self-defense. This strategy changed, though, with the Izquierda Abertzale’s participation in the 1998 Lizarra-Garazi Pact and the corresponding ETA ceasefire. Indeed, during this time, the party opened up to other sections of society. Part of this strategic change was the creation of a new electoral coalition, Basque Compatriots (EH) to take part in autonomous elections in the CAPV-EAE in 1998 and municipal, foral, and autonomous elections in the CFN in 1999. Moreover, numerous independent figures supported this initiative, together with parties such as Batzarre and Zutik that stood out for their leftist and pro-Basque positions.

Zutik was a name adopted in the 1990s by a coalition between the Maoist Communist Movement of the Basque Country (EMK) and the Trotskyite Revolutionary Communist League (LKI), both of whom originated partly in working-class splits from ETA during the Franco era. The EH coalition was also supported, promoted, and joined by the Batzarre party in Navarre—a larger version of the Zutik movement-party that, like Zutik, might be located ideologically as leftist, radical-alternative, and pro-Basque. That said, both parties are weak electorally. Zutik has had a few councilmembers in some towns in Gipuzkoa, but its attempts to appeal to a broader electoral base always failed, and it therefore became used to asking people to vote for HB. Batzarre, however, never used to ask its sympathizers to vote for HB, and instead it presented candidatures at all foral and municipal elections in the CFN. Nevertheless, it never managed to gain enough votes for a seat in the Navarrese parliament, since it always hovered around 3 percent of the vote without ever overcoming this hurdle (and therefore missing out on parliamentary representation by a handful of votes). Yet through its participation in the EH coalition, it gained one representative to the Navarrese parliament and in 2007, as part of the Nafarroa Bai coalition, it also gained representation in the same parliament. As regards municipal elections, it is a pro-Basque reference point in the non-Basque-speaking area of Navarre, with its councilmembers in Tutera (Tudela) the only pro-Basque representatives at a municipal level in this city hall.

The EH experiment was a complete success. In the 1998 elections to the Basque parliament, the IA achieved its best-ever results, gaining fourteen parliamentary representatives. Juan Jose Ibarretxe was named Lehendakari with the support of votes from EH, and later signed a mutual support agreement with the coalition. In 1999, maintaining the same strategy, the IA achieved its best-ever results in the CFN, winning 15.5 percent of the valid votes and eight representatives in the Navarrese parliament. And in the foral and municipal elections in the CAPV-EAE that same year, EH became the second

political force, achieving more than 20 percent of all valid votes and a long list of foral representatives, council members, and mayorships.

However, when ETA broke its ceasefire in early 2000, the IA returned to a confrontational strategy with the rest of society, although this time accentuated by a concomitant internal division resulting from Zutik and Batzarre abandoning EH, and the creation of a separate and critical faction within the IA itself—known as Aralar—opposed to ETA’s violence. All of this resulted in a sharp electoral decline for the IA, achieving its worst ever results at the 2001 autonomous elections in the CAPV-EAE, losing half its seats and retaining only seven representatives in the Basque parliament.

From that moment on, the IA began to reorganize itself, in the process creating a new party named Batasuna. In turn, the new party was made up of members of the official party line alone, given that the critical faction—organized around the historic HB leader Patxi Zabaleta—ended up leaving the party and establishing a new political formation: Aralar.

While still in the process of reorganizing itself Batasuna was outlawed in 2002 according to a new and ad hoc law on political parties approved by the Spanish Congress. Four arguments were used to justify the new law: HB had in the past made frequent use of presenting as its candidates imprisoned members of ETA or ex-members of the organization; many of HB/Batasuna’s members and sympathizers had been arrested for collaboration with the armed group; ETA had asked people to vote for HB on various occasions; and HB had always refused to condemn the violence of ETA. For these reasons, Batasuna was outlawed in the Spanish state, while in France it remained a legal political party.

Thereafter, in 2003, and with a few exceptions (in a very few municipalities), every IA candidature for elections to the Navarrese parliament, the General Councils, and municipalities was outlawed. Despite all this, the IA still called on its supporters to vote, measuring its strength according to the number of spoiled ballots counted. The results were illuminating: Its core support remained loyal to the IA even though its vote was null and void. It was a similar result in the 2004 elections to the European parliament, with the presentation of the People’s List (HZ) candidature representing the IA. In the French Basque Country, this was a legal candidature, while in the Spanish state it was not and was outlawed as previous tickets had been (and its votes counted as null and void).

During the 2005 Basque autonomous elections, the IA managed to present a partly legal candidature: the Communist Party of the Basque Lands (EHAK-PCTV). This list was seemingly more successful than EH had been at the previous elections to the Basque parliament in 2001, winning nine seats.

10. These candidatures were presented under the names Patriotic Socialists (SA) Meeting Point for Self-Determination (AuB), as well as a number of independent lists in different municipalities.
Finally, the IA faced similar problems again at the 2007 foral and municipal elections. The IA registered a new party, Sozialista Abertzaleen Batasuna (ASB, Union of Patriotic Socialists), but it was outlawed along with all its candidatures. At the same time, however, the IA had also created candidatures under the acronym of the historic party, ANV, which would have been more difficult to outlaw because of its clear condemnation of the use of violence within its statutes. Consequently, a process of criminalization took place on the basis of ANV being “contaminated” by people with links to Batasuna. It is worth mentioning here that these same people were free citizens, with their full political and social rights intact, and without any convictions to their names. Yet despite being free citizens, they were prevented from presenting their candidacies for a then legal political party. In similar fashion, ANV candidatures were annulled during the 2009 Basque autonomous elections. The IA asked its supporters to vote anyway and obtained results (according to the null and void votes counted) slightly under the hundred thousand mark.

Aralar is a political party created as the result of a split from Batasuna. However, it has a number of members who have no past connection to the IA. As regards its ideology, in general terms it shares the same goal as the IA in that it favors independence and socialism for Euskal Herria. As its policies have made clear in Navarre, independence is the ultimate goal, although this does not rule out more pragmatic strategies in the meantime. As regards its leftist positions, Aralar perhaps stresses a new alternative left-wing discourse more than the IA, linking this to classic leftist postures in favor of democracy and socialism. Along the same lines, Aralar emphasizes the need to establish new, as yet nonexistent forms, and underscores its humanist positions. This special emphasis on left-wing postures might have been the space by which it intended to find a place in politics.

Its success so far in this regard has been uneven. It obtained excellent results in the CFN, both alone in the 2003 foral elections (becoming the fourth major party with its four seats) and in coalition in 2007. In the CAPV-EAE initially, it gained only one seat in the Basque parliament, yet in 2009 it won four, thereby becoming the fourth-largest party in terms of seats (although not in terms of votes gained if one factors in the invalid votes attributed to those people who voted for the historic IA).

**Basque Social Democrats**

EA was established in 1986 as a result of a split within the PNV. Its creation was led by the ex-Lehendakari Carlos Garaikoetxea, taking with him his closest followers and the modernizing faction within the PNV. This wing argued in favor of less support for foral tradition and, therefore, greater administrative centralization centered on the Basque government. Indeed, this was the debate that led to the split and resulted in the reform of the Law on Historic Territories. The PNV faction that ultimately became EA believed that it made no sense to have general councils (provincial parliaments), foral governments
with wide-ranging financial and legislative powers, and the authority to carry out public policy in such a small nation. This faction thought that this situation led to major differences among the citizens of the Basque Country, and a significant dissolution of resources, as well as making it difficult to implement more general policies.

EA’s results in the first two elections after it was created were very successful. In the 1986 autonomous elections, it gained thirteen seats and 15.5 percent of the vote. Then, in the 1987 foral and municipal elections, it became the major political force in Gipuzkoa (with sixteen foral representatives) and Araba (with twelve). In the Navarrese elections, it also beat the PNV (which did not even win 1 percent of the vote), gaining 7.1 percent of the vote and four representatives. Thanks to these excellent results, EA governed in the diputación of Gipuzkoa, as well as in the city halls of Donostia and Gasteiz.

The numbers spoke for themselves. In many respects, EA won over the electoral support for the PNV outside Bizkaia, while it could not make inroads in this province. The PNV’s strong connection to Bizkaia had been punished in the other provinces with the support for EA. Indeed, EA came to symbolize a nationalism thought out for the Basque Country as a whole.

However, once EA began to evolve toward more social democratic positions and came out more clearly in favor of Basque independence as opposed to the PNV, things changed. The Araba section of EA, although it shared a certain antipathy toward the dominance of Bizkaia within the PNV, was also more moderate in its Basque nationalism. For this reason, a number of members rejoined the PNV. As a result, both Araba and Gasteiz once more became PNV territory, with EA declining in strength and lacking any electoral importance.

This situation was aggravated by the fact that Basque nationalism was losing ground in general in Araba, and the pro-nationalist tactical vote increasingly went to the PNV. Similar developments, although less pronounced, were also taking place in Bizkaia and Gipuzkoa, with the result that EA began to lose ground throughout the CAPV-EAE. Although despite this, EA did participate in every Basque autonomous government from...

11. Specifically, the power to raise taxes via the foral treasuries in matters such as personal income tax, corporation tax, and so on.

12. The PNV, a Bilbao-born party, was created and led by the Bizkaian Sabino Arana. He created the party according to his experience as a Bizkaian and in response to the reality of Bizkaia. One example of this was the Basque flag, the ikurrina, a symbol originally intended to represent Bizkaia. More importantly, it would appear that historically the Bizkaian nature of Basque nationalism has made it difficult for the ideology to gain ground in other Basque territories with a strong provincial personality, such as Navarre.

13. It is no coincidence that EA was the first party to operate throughout Euskal Herria (in both Hegoalde and Iparralde).

14. EA developed a progressive discourse as a means of counteracting that of the PNV, and, among other examples, its coalitions with Euskadiko Ezkerra in the diputación of Gipuzkoa (thereby weakening the PNV) stood out. Similarly, in the 1993 elections to the Spanish Congress, EA formed an electoral coalition with Euskal Ezkerra (EúE, Basque Left), a faction of EE opposed to its incorporation in the PSE. However, the alliance fared badly at the elections.

15. The best example of this was the mayor of Gasteiz, José Angel Cuerda, who, on rejoining the PNV, remained as mayor of the city until his retirement in 1999.
1994 through 2009. As regards the CFN, after EA’s impressive initial results there (winning 7 percent of the vote), support for the party stabilized at around 5 percent, but always ahead of the PNV. EA even became part of a coalition Navarrese government in 1995, led by Javier Otano of the PSN. However, this government fell a year later after a number of corruption scandals in which the PSN was implicated, and Miguel Sanz (UPN-PP) became the new Navarrese leader.

As regards the latest elections, dominated by a struggle between Basque nationalist and Spanish centralist allegiances, since 1999, EA had to present coalition candidatures in autonomous, foral, and municipal elections with the PNV. This changed in 2009, when EA went alone to the Basque autonomous elections, and the results were terrible with the party only winning one seat. In Navarre, EA was one of the promoters of the NaBai coalition that obtained one representative in the Spanish Congress at the 2004 elections, and that had similarly impressive results in the 2007 municipal and foral elections.

Ideologically, EA defines itself as social democratic, proindependence, pacifist, and nonconfessional. It is a member of the European Free Alliance (EFA), a European political party that includes progressive nationalist parties from different countries. In the European parliament, members of this party form part of the European Greens-European Free Alliance, the fourth-largest parliamentary group. Regarding EA’s position in terms of the two poles that define Basque politics, it is a proindependence and center-left party.

**Centrist, Right-Wing Regionalists, and Spanish Centralists**

These parties are Franco’s political heirs, and therefore establishment politicians are especially important in their internal structure; however, they possibly have undergone most transformations since Franco’s death.

The last prime minister of the dictatorship—in other words, not elected democratically—was Adolfo Suárez, who was also at the forefront of creating the center-right Union of the Democratic Center (UCD). Most of the leading figures in this party had been members of the institutional structure of the dictatorship, but it also attracted small groups of social democrats, conservative liberals, and Christian democrats. The UCD triumphed at the first elections in the Spanish state in 1977, with Adolfo Suárez becoming prime minister of the first democratically elected government in this new era. The UCD won again at the 1979 elections and, as a result, was the point of reference in the CAPV-EAE and the CFN for the Spanish center-right in the first autonomous vote. It did not fare very well in the CAPV-EAE, but was much more successful in the CFN, where it was the clear winner in the 1979 elections to the Navarrese parliament.

Yet beyond taking part in these first elections, it was clear that this party would not last much longer because it had been created mainly to see through the new constitution and the new democracy. Suárez resigned as prime minister in 1981, and thereafter the party disintegrated. Suárez formed a new, more centrist party—the Social and Democratic Center (CDS)—that competed with the UCD in the 1982 elections, although both fared
badly. In fact, the political panorama turned full swing with the victory of the PSOE, and the second-place finish of the Popular Alliance (AP), the party that now led the forces of the right. In effect, then, these elections signaled the end of the UCD. As a consequence, its small social democratic faction joined the PSOE. And when the Popular Democratic Party (PDP) and the Liberal Party (PL) merged with the AP, the UCD finally dissolved in 1983.

The CDS continued to take part in elections through the 1980s with varying degrees of success. As regards the CAPV-EAE, it fared best in 1986 (also its most successful year in the state as a whole), when it gained two representatives in the Basque parliament. It enjoyed even better results during elections to the Navarrese parliament in 1987, winning four seats there. Yet these years marked the pinnacle of its electoral success, and thereafter it never again won representation in either the CAPV-EAE or the CFN.

The AP was created in 1976 as a federation of a number of conservative Spanish nationalist parties that attempted to attract the more right-wing elements of the Franco regime. Its leader was Manuel Fraga Iribarne, the former minister of information and tourism in the Franco regime during the 1960s. In 1975, he had been appointed deputy prime minister and minister of the interior after Franco’s death. He was a controversial figure as minister of the interior, proclaiming publicly that he “owned” the streets—and for presiding over the police force that, at that time, killed five people during an operation to remove striking workers from a sit-in protest in the San Francisco de Asís church in Vitoria-Gasteiz, as well as for the fatal attacks by pro-Franco groups on leftist Carlists during the Montejurra (Navarre) festival, resulting in two deaths.

The AP had modest results during the first elections of 1977 and 1979, winning sixteen and ten seats respectively in the Spanish Congress. It was a similar case in the first autonomous elections, with the AP gaining two representatives in the Basque parliament and one in the Navarrese parliament. One should remember that the AP had been hostile to Basque autonomy and adopted a position against it in the referendum for an autonomy statute.

A major transformation, however, took place in the 1982 general elections, with disastrous results for the UCD and its later dissolution, and a triumph for the AP, which became the second-biggest party in Congress with 107 representatives. Yet despite several factions of the now-defunct UCD integrating within the AP, the latter failed to build on this initial success through the 1980s, and support for the party even declined (a situation mirrored in the CAPV-EAE and the CFN). In other words, the AP won eight seats in the Navarrese parliament in 1983 and seven in the Basque parliament in 1984. In 1986, however, with the rise of the CDS, it only won two seats in the CAPV-EAE. And its representation in the CFN fell to five in 1987, partly due to the fact that two-thirds of former UCD leaders there joined the Union of the Navarrese People (UPN), thereby preventing the AP from becoming the principal reference point for the right in Navarre. In the CAPV-EAE, the AP became, for all intents and purposes, a minority party with little influence.
In order to change the image of the party—which was clearly one of right-wing Spanish nationalism—it was reorganized under the name Popular Party (PP) in 1989. From this moment on, the party presented itself as a center-right formation, emphasizing in particular its centrist credentials. As regards the CAPV-EAE, it did a policy turnabout and accepted the same Basque autonomy it had previously criticized. In response to this, an AP faction in Araba that had been especially critical of this province’s incorporation into the CAPV-EAE rejected the new policy line. It therefore split from the PP in 1989 and formed a new party, Araba Unity (UA), to take part in the 1990 Basque autonomous elections. The result was spectacular, with the new party winning three seats in the Basque parliament. UA continued to grow in strength through the mid 1990s, because the PSE shared a coalition government with the PNV and the PP was still electorally too weak in the CAPV-EAE to attract wider support. For these reasons, many people in Araba saw in UA a means of expressing their support for antinationalist and Spanish centralist positions. And as a result, UA became the second-most-voted party in Araba after the PNV, winning five seats in the Basque parliament at the 1994 autonomous elections.

Yet at the same time, through the 1990s the PP’s change of image also began to have steadily positive results, especially thanks to a growing number of corruption scandals within the PSOE, together with the revelation that several leading Socialists had been implicated in the state-sponsored terrorism of the Antiterrorist Liberation Groups (GAL) in the 1980s. In the CAPV-EAE, in particular, the PP gradually absorbed both the electorate and ultimately the politicians of the CDS, and began to grow even more. In 1994, the PP won eleven seats in the Basque parliament—an important step forward thanks mainly to support of former PSE voters. Consequently, despite UA’s impressive results, its voters began to discern an alternative to Basque nationalism beyond the confines of Araba through support for the PP, and support for the provincial party began to wane. This was also a tragic time for the Spanish right, with ETA beginning to assassinate politicians from both the PP and the PSOE in 1995. Between then and the 2001 autonomous elections, fourteen PP and UPN politicians were assassinated, together with five Socialists.

Within this context of assassinations and bitter political infighting between statist and nationalist parties, the PP won sixteen seats at the 1998 Basque autonomous elections, thereby becoming the second major party in the Basque parliament. UA won only two seats that year and began a period of decline that culminated in 2005 with its dissolution (although prior to this it did gain one representative in the 2001 autonomous elections by appearing on the PP ticket). The PP strategy at this time had been to wrest control of the Basque government from Basque nationalists via a pact with the PSE, yet the results were disappointing. The PP remained the second party in the Basque parliament with nineteen seats but it was unable to find the majority necessary to form a government. And from this moment on, mirroring its decline at the state level, it lost ground electorally in the CAPV-EAE. This tendency was confirmed at the 2007 municipal and
foral elections, after the PP had been especially critical of the 2006 peace process and had used the terrorism issue to attack the PSOE-led Spanish government. Finally, in 2009, and despite its continued decline, the PP became the key player in allowing the PSE to form a new Basque government. One should also point out that in 2009 a new party appeared on the political scene: Union of Progress and Democracy (UP y D). This party had an ideology that resembled the anti-Basque postures of UA, and it won one seat (corresponding to Araba) in the Basque parliament at these same autonomous elections.

The UPN was created in 1979 as a conservative, Navarrese, and Spanish centralist party. Its principal distinguishing ideological feature was its defense of Navarre as an autonomous community distinct from the other Basque territories, and for this reason it has always been quite aggressively opposed to all things Basque, both in linguistic and cultural matters. In the first foral elections in 1979, the UPN came only third in the CFN with thirteen seats in the Navarrese parliament. However, with the dissolution of the UCD and the passing of its support to the UPN, it subsequently rose to become the major Spanish centralist and regionalist right-wing political force in the CFN. Despite this, the PSN won the first elections and remained the primary political force in the CFN throughout the 1980s. In order to challenge this, the PP and UPN signed a pact in 1991 by which they agreed to never present different candidatures in the future. Consequently, PP members took part in UPN activities, and the UPN joined the PP bloc in the Spanish Congress.

This concentration of Spanish centralists and regionalist right-wing interests proved successful from the start. In the 1991 elections to the Navarrese parliament, with twenty seats, the UPN(-PP) beat the PSN, although only just, because with the latter winning nineteen seats it appeared as though the Socialists had won a large part of the moderate and centrist vote from the CDS. This led to the UPN leader, Juan Cruz Allí, forming a government and he maintained more conciliatory positions than expected, both in terms of social policies and in more symbolic matters relating to Navarrese identity. Yet such moderate positions clashed with more excluding and radicalized postures within the UPN toward all things Basque. As a result, at the end of this legislature, Juan Cruz Allí left the government and the UPN to form Convergencia de Demócratas Navarros (CDN, Convergence of Navarrese Democrats). This was a more centrist party that defended a plural and integrating Navarrese identity that, moreover, for the CDN remained more important than Spanish centralism. The CDN also contributed a novelty to politics in talking of Navarre as a nation in its own right, thereby potentially opening up a space of nonseparatist Navarrese nationalism—in other words, along the same lines as the Canary Islands nationalists or Convergence and Unity (CiU) in Catalonia.

As a consequence of these changes, the 1995 elections in the CFN represented a significant political realignment. The UPN won seventeen seats yet, surprisingly, the CDN won ten. In short, the CDN’s centrism had apparently won it support from both the UPN and, more especially, the PSN, with the Navarrese Socialists falling to eleven representatives in parliament. Here we should recall that the PSN had originally attracted
former CDS voters more inclined to the right, so these would have been more inclined sociologically to favor the CDN. As mentioned above, the Navarrese government pact between the PSN, the CDN, and EA was short-lived owing to the scandals associated with Socialist cases of corruption.

As a result of all this, the UPN returned to power in the CFN in 1999 with a convincing victory, gaining twenty-two seats in parliament. The Navarrese electorate would appear to have punished the CDN (which won just three seats) for its previous collaboration with Socialists and Basque nationalists, which ultimately ended disastrously. This new legislature witnessed a growth in parliamentary agreements between the UPN and the CDN, anticipating even closer future cooperation when the two parties formed a coalition government after the 2003 autonomous elections, in which the UPN won twenty-three seats and the CDN four. From this moment on, Navarrese government positions radicalized against any pro-Basque initiatives, especially in the linguistic realm. Many of the right-wing government’s linguistic measures were denounced in the courts, and the UPN was obliged on occasion to rectify its policies. Despite this, however, the Navarrese government’s attacks on the Basque language became notorious and even the European Union’s Commission on Minority Languages denounced its Basque-language policies.

Following the same line, the Navarrese government also appealed consistently for a repeal of the fourth transitory arrangement of the Spanish Constitution that allows for the potential incorporation of Navarre into the CAPV-EAE if the Navarrese people so wish via a referendum. On this point, in its support for the fourth transitory arrangement, the CDN attempted to distance itself from the UPN, yet it would appear to have been unsuccessful in this attempt because it has still been perceived in recent years as a close ally of the UPN. In this respect as well, it would seem that the Navarrese electorate preferred the original version. In other words, the UPN enjoyed an increased vote at the 2007 elections and won twenty-two seats, while the CDN lost votes and gained only two representatives. Following these elections, the UPN retained the presidency of the CFN thanks to an agreement with the PSN—an agreement that, in turn, led to a rupture between the UPN and the PP, with the later deciding to present different candidatures in the future.

**The Basque Political Party System**

Returning to the question posed at the beginning of the chapter about whether one can indeed speak of a separate political system for Euskal Herria, I would first recall my initial answer. Here I underscored the different administrative reality of the Basque Country, with a concomitant difference in laws and electoral districts.

On the other hand, Euskal Herria possesses several objective and subjective elements that favor classifying it as a stateless nation: Its language, its culture, and even its historic characteristics are objective criteria that distinguish and differentiate the Basque collectivity in a defined territory, even though its borders are contested. Moreover, a significant number of Basque people believe in developing a high degree of autonomy that includes the right of secession, a popular option itself among this same part of the
population. Basque nationalist parties, the transmitters of this objective and subjective singularity, are rooted in this reality.

And beyond the states, territorial divisions, and different circumstances experienced in the territories of Euskal Herria, Basque nationalist parties are the central thread among all of them. This is due to the fact that because the current party systems in the different territories behave in different ways, their one point of connection is the existence throughout these systems of relevant Basque nationalist parties. For this reason, I contend that in both Iparralde and Hegoalde, and in both the CAPV-EAE and the CFN, there exist different variants of the same center-periphery conflict.

On the other hand, empirically it is impossible to speak of the same party system throughout Euskal Herria. Yet in Hegoalde at least empirical political analysis demonstrates that the four territories evince two variants of the same system. This system is not so far removed from the state to which these territories belong, but it is still a distinct system that is rooted in the particularities of Euskal Herria.

I have looked at four variables in relation to political parties. The first reveals that, in the two autonomous communities of Hegoalde, there are three thematic dimensions to Basque politics (as opposed to two and a half in the Spanish state). The second reveals that, although the southern part of Hegoalde retains many aspects of the Spanish electoral system, in the CFN the rate of disproportionality is 3.61, while in the CAPV-EAE it is 2.54—while in the Spanish state this rate is quite different at 8.15. It is a similar case with the third variable—namely, that in both the CFN and the CAPV-EAE there is a polarized plural party system with 3.9 and 4.6 effective parties, respectively, while in the Spanish state there are 2.6 effective parties representing a two-and-a-half party system.

Finally, the fourth variable has allowed me to break free of the restrictions associated with the different administrative divisions to observe what kind of system developed in regard to electoral behavior in Hegoalde. Starting from the base of two perfect typologies—a Spanish party system and a Basque nationalist party system (the latter completely outside the margins of the Spanish system)—I concluded that there is a distinct party system in Hegoalde that is the result of the interrelation of the two aforementioned systems. This blend leads to three subsystems: a pure mixed system where both ideal types compete, such as occurs in Bizkaia and Araba; a predominantly Spanish mixed system where the state model is more influential, as is the case in Navarre; and a predominantly Basque nationalist mixed system, where a model alternative to that of the state predominates, such as is the case in Gipuzkoa.

Recently, Basque nationalism has declined in the CAPV-EAE, whereas it has grown in the CFN. The fact of the matter is that Basque nationalism itself has changed during this time. In other words, its discourse and its support have both changed.

Europe of the early twenty-first century is witnessing a rebirth of stateless peoples’ nationalism. This is a phenomenon that has been clearly aided by a growth in postmaterialist values. For example, as regards a minority language, although it may be at risk of distinction in the society where it is spoken, individuals there may have to concern
themselves more with their basic needs, and this situation means that it is likely that the minority language in question will not be of primary political importance. However, if these basic needs are satisfied and people share postmaterialist values, one of these values may very well be the defense of a minority language and culture. Put simply, postmaterialism helps a nationalism based on cultural and/or linguistic dimensions.

In the case of Basque nationalism, following the Spanish Civil War, the gradual transformation in defining members of the nation—from essentialist to voluntary terms—implied a change in the political subculture. The nation was defined in primordialist terms, but its members were defined more openly (for example, anyone who lived and worked in the Basque Country was now considered Basque). It was a question of creating a majority Basque nationalist subculture in a population where most people were Spanish-speakers. For that reason, the principal role of language was to define the nation’s borders while nationalism’s day-to-day discourse attempted to sustain a blend of this identity with the specific needs of a materialist political culture. This eclectic discourse of Basque nationalism that attempted to adapt itself to the values of industrial society was captured in the following statement: “If the Basque Country is independent, we’ll be better off economically.” In sum, emphasizing such a discourse meant that this was an industrial society where materialist values dominated.

Besides this discourse there was another, smaller dialogue based on cultural and linguistic concerns and spoke of the undervaluation of the autochthonous culture and its potential disappearance. And it is, precisely, now this discourse that is gaining ground in a postindustrial Basque society where postmaterialist values are growing. Thus, to the extent that postmaterialist values continue to grow in Basque society, we will continue to see a discourse underpinned by the phrase “we have to save our language and culture.” As such, “independence is necessary” as,

(a) A guarantee that the constitutive and differentiating features of the national community will not disappear; (b) as the culmination of one of these same features . . . affirming oneself as Basque and as a member of the Basque nation implies that one shares with other members of that nation a distinct language and culture from the other peoples/nations (whether these peoples or nations have a state or not); and it implies that one also shares the desire and will to not depend as a people/nation on those other peoples/nations.16

In this way, in the late 1970s it was easier for non-Basque immigrants in the Basque Country to adhere to nationalism because of its materialist justification of independence. Today, in contrast, given that the linguistic base of Basque nationalism is more important, it would appear that integration is more difficult it does not embrace the linguistic-cultural community. This leads us to a rather complex current reality in Basque society. Given that 25 percent of this society (in Hegoalde) is Basque-speaking and the rest not, one could say that most people are objectively “culturally Spanish” (that is, 75 percent).

Yet even though election results do not demonstrate this, it is also true that the decline in electoral strength of Basque nationalism that began around 1990 has not ceased; and indeed, this contrasts with the progressive growth of state parties. In the CFN, on the other hand, where Basque nationalism was much weaker than in the CAPV-EAE, it has become progressively electorally stronger, benefiting from an electorate that has been angry at the linguistic and anti-Basque policies of the Navarrese right. Yet still today, Basque nationalism has not managed to translate its appeal to people who are more distant from the Basque language and culture. Probably this is because it takes a long time for this kind of discourse to sink in, although obviously it had some reach if we take into account the impressive 2007 election results in the CFN. Indeed, this success boiled down to the fact that a new electoral format was established (NaBai) that sold a new conception of politics comprised of a new leftist and progressive outlook as a means of reaching out to a wider electorate.

As a consequence, I would contend that linguistic identity and political tendencies, while they are still not related directly, are indeed marking out a new tendency to create bridges among different sectors of the population. There are, for example, very interesting case studies to observe such as the towns of the left bank of the Nervión River in Greater Bilbao and Araba—places where Basque nationalism has declined unremittingly and in spectacular fashion. However, at the same time, in the more Basque-speaking areas of Gipuzkoa an inverse process has been the case, with the nationalist vote in recent elections achieving historically high levels, beyond those even achieved in 1986–87.

References


Political Parties in Iparralde

IGOR AHEDO GURRUTXAGA

Until recent times, the Basque electoral system in Iparralde was characterized by the hegemony of center-right political formations. After the French Revolution, a close alliance developed between religious elites who were attempting to maintain their privileges and popular social classes that were attempting to safeguard their language and traditions; both were opposed to the secular and centralist spirit in which the new French state had been born.1 However, the sociopolitical influence of the church gradually diminished in inverse proportion to the rising state consolidation of its periphery. As a consequence, the religious elites were gradually squeezed out of their leading social role to be replaced by political cadres, the notables,2 who in time became the new mediators between the regular people in Iparralde and the political leaders in Paris.

The Power of the Notables

The importance of the notables is crucial in that they maintained the fragmentation of Iparralde as a puzzle of small fiefdoms whose pieces never fit together smoothly, thereby


2. These were important local figures who were also elected officials who maintained privileged relations with the political center in Paris, thanks to the strength of local support, which made their local power base seem immutable through time. To mention but two examples, one need only look at the long-standing tradition of political representation among the Inchauspé and Grenet families in Nafarroa Beherea (Basse Navarre) and Baiona (Bayonne), respectively. Michel Inchauspé was a deputy for Nafarroa Beherea between 1967 and 2002. His father, Louis, had been president of the conseil général (general council) of the département of the Pyrénées-Atlantiques between 1949 and 1960. Similarly, father and son Henri and Jean Grenet were respective mayors of Baiona from 1959–95 and 1995–present (2010).
feeding the “invisibility” of the territory as a whole for decades among its people. In the same way, the strength of the notables explains the historical weakness of the political left in Iparralde. These are two issues that have only changed recently as a result (already analyzed in chapter 3) of planning strategies that made the “Basque” space more visible and therefore eroded notable power. The entrance on the political scene of a third actor—Basque nationalism—that has made traditional center-right power bases (leading to a decades-long hegemony of Christian Democrats) less stable—or even potentially leading to a new scenario between more conservative and more progressive blocs (the latter being made of socialists and Basque nationalists).

The dependency on local power by Paris defines the power of the notables. Historically, the power of an elected official was measured by the extent to which he could mix in state-level decision-making circles. For example, the position of deputy in the French Assembly is considered the highest political office one can achieve. Simultaneously, the particular system of accumulating positions—allowing one person to share political responsibilities at different governmental levels—also lends itself to cementing notable power and influence in the French political system.

Notables became the guarantors of the state in different regional territories and, especially during the phases of consolidating state construction, in mediators and fervent defenders of centralized political relations. In this way, fragmented political and administrative elites allowed for and extended the unitary system, because at root they were strongly characterized by a centralist French Jacobin ideology. According to Pierre Grémion, “the notable . . . is a man who enjoys a certain power to act within the state apparatus at certain privileged levels, and who, at the same time, sees his power reinforced by the privilege conferred on him by these contacts insofar as they achieve results. Thus, the notable is defined less by his personal attributes than by a system of activity made up of a narrow interdependence with the functions taken on by territorialized levels of the state apparatus.”

Yet this local elected official’s power was curtailed by the temporal limitations shaping his reelection. Members of the central administrative bureaucracy could interpret the political reality from a long-term perspective without those engaged in this “state service” needing to be dependent, on any kind of relationship with local populations. However, the elected officials were obliged to establish and maintain contact with their electorates, and were thus forced to think in more short-term ways. If they wanted to maintain the level of trust that had got them elected to the position of deputy or regional or general councilmember in the first place, they had to incorporate the political culture of “their citizens.”


This dual relationship for the elected official, with both his local environment and the central state apparatus, forced him to develop a dual role: in short, he was a realist in decision-making circles and showed empathy to his local environment. This is the root of the mutual distrust between elected officials and technical advisors—a distrust that impeded, for decades, establishing official public planning policies in the Pays Basque.

As a consequence of the notable model, most elected officials internalize the exogenous nature of local development, which they accept unconditionally despite the fact that they may accompany it with a critique of the system of dependence. Thus, political representatives in every territory attempt to claim responsibility for any state initiative as their own, trying to show to the local population their influence in the political system so that they might achieve the necessary local support to achieve those positions of power in the center. In this way, notables need the state in order to guarantee their local influence and power quota; and, consequently, their access to centers of influence. Yet in the same way, they need their local electors to be able to accede to state power circles.5

Furthermore, as well as temporal limitations, the spatial or territorial restriction of their own particular “fief” conditions their actions. Local elected officials are elected by a particular local electoral district in such a way that their spatial horizon is reduced to their own particular “hunting ground” or, at most, the territories over which they might influence. This is another factor that impedes the realization of inter-communal public cooperation policies that might lead to implementing strategies of planning and development for a minimally widespread territory; and the factor that meant the initial attempts to draw up development policies for Iparralde as a whole were doomed to failure.6

However, with the coming of the Fourth French Republic in 1946, traditional power relations changed. Thus, what were previously “notable families,” using a Basque identity to maintain their power in local society, transformed into a more centralized structure based on “notable parties” that attempted to mobilize the local population on ideological and political grounds justified more on state than local terms. In this way, and connecting with a prior conservative Catholic tradition, Iparralde became a territory rich in right-wing political options: above all, the Gaullism of the Rally for the Republic (RPR)7 and the Christian Democracy of the Union for French Democracy (UDF).8

In this sense, the historical strength of Catholicism in Iparralde left its imprint on power relations, explaining the greater dominance of the UDF there than in any other territory in France, where more typically the RPR gained most support from the center-

5. On this, see François Fourquet, Planification et développement local au Pays Basque (Bayonne: Commissariat Général au Plan; Group de Recherche Sociale Ikerka, 1988).

6. Ibid.

7. In most cases in this chapter, political parties are identified by their name in English to help the English-speaking reader identify their ideological basis, but their French or French and Basque acronym, which is how they are regularly identified internationally.

right electorate. By contrast, the strength of the RPR in Iparralde has been closely tied to the personal influence of specific individuals, such as Michel Inchauspé, a former Gaullist minister, and Michèle Alliot-Marie, the current French defense minister.

Additionally, the lack of major industrial development in Iparralde meant that an industrial working class never emerged on a sufficient scale to give rise to an economics- or class-based political cleavage. This is why communist and socialist parties found it so difficult to gain a foothold in the Basque political system in Iparralde. This is why socialist parties in Iparralde have attempted to win over two sections of society there that are socially influential but with little effective or efficient political strength: the modernizing bourgeoisie and pro-Basque culture advocates. This, in turn, explains successive socialist pledges (that have never been fulfilled) in favor of specifically Basque institutions for Iparralde.

At any rate, despite the proclivity for center-right parties, the development of the political and electoral system in Iparralde has been influenced as well by macro tendencies at a state level. Thus, the PS gained deputy seats in the Baiona electoral district during times of socialist growth throughout the French state as a whole, thanks mainly to the existence of a working-class vote on the right-hand bank of the Atturi (Adour) river in Baiona and the pro-Basque départemant vote. However, the other coastal electoral district and the rural interior of Iparralde (joined in electoral districts with Bearn) remained a stronghold of the right, thanks to the influence of aforementioned figures like Alliot-Marie in Biarritz and Donibane Lohizune (Saint-Jean-de-Luz), Lapurdi (Labourd), and Ichauspé in the Garazi (Cize) area of Nafarroa Beherea.

Finally, this bipolar model with hegemonic tendencies is amplified as a result of the electoral system—a two-round, majority and “winner takes all” voting system. Therefore, in the same way as in legislative elections, in cantonal elections the electorate votes on the basis of which candidates have the best access to key decision-making circles. This tendency, linked to the residual strength of the UDF and the RPR in the first round of voting and their subsequent alliances to form a majority against any PS candidate that might break the 10 percent mark, explains the innate advantage and absolute strength of the center-right among the twenty-one seats of the general council of the Pyrénées-Atlantiques.

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9. In contrast to the situation as a whole for Iparralde, where industrial development had been important in specific areas in the territory, left-wing parties were likewise significant. For example, in north Baiona, the main political contest is between the Socialist Party (PS) and the French Communist Party (PCF).

10. For example, in 1981, the (ultimately winning) PS presidential candidate, François Mitterrand, promised to create a separate Basque département if elected in pledge number 54 of his “110 propositions pour la France” (110 propositions for France). After taking office, however, he reneged on his word. Similarly, in 1995 Lionel Jospin (subsequently prime minister of France 1997–2002) stated that he supported demands for a single Basque département, should a majority so wish it in Iparralde. However, once again, once in office the socialist leader did nothing to follow up on his previous words.

The Development of French Parties in Iparralde

As Bixente Vrignon contends, Iparralde experienced two complementary developments during the Fifth French Republic (1958–present). On the one hand, there was an accelerated “normalization” of the vote, characterized by a growing balance between support for left-wing and right-wing formations. Thus, in 1958, the French right held an overwhelming advantage, while the left attempted to gain ground in the face of great difficulties. Moreover, with the disappearance of the old radical center-left after the events of May 1968, the situation was still more complicated for the left-wing statist formations in Iparralde. However, since 1997, the pro-right vote has fallen to below the French state average in Iparralde. Similarly, while the pro-left vote there in 1958 was twenty points below the French state average, this discrepancy had narrowed to just six points by 2002. Nevertheless, this “normalization” must also be explained in terms of a second development: the rise and consolidation of the Basque nationalist vote, especially after the 1997 legislative elections when Basque nationalism achieved 9.3 percent of the vote in Iparralde. The Basque nationalist movement was basically progressive, so if one adds its votes to those in favor of French left-wing formations, one sees a transformation in Iparralde—from a highly conservative society to one in which the left now enjoys a slight advantage over the right.

French Parties and the Territorial Question

It is worth considering the different positions of the French parties as regards the growing tendency, since the 1980s, to consider recognition of some degree of local institutional organization. In brief, while the socialists embraced calls for a separate Basque departamento in 1981 and 1995, RPR was strongly opposed to any form of Basque institutionalization, while there were contradictions on the question between the leadership and the elected officials of the UDF.

There are various reasons explaining why socialists and communists have found it difficult to find support in Iparralde. The rural, traditionalist, and Catholic nature of Basque society there made it complicated to find an audience for socialist discourse, beyond certain industrial enclaves where the class logic had more resonance (and which explained the minimal presence of a leftist vote). Moreover, the notable system discouraged mass party formations (the legal-rational dominant model of the PS) in favor of those shaped by more of a patron-client (the traditionalist dominant model of the UDF) or populist (the charismatic dominant model characteristic of RPR) nature based on Christian Democratic and Gaullist ideals.

However, beyond ideological criteria, or perhaps because of the weakness of the class dimension, in the 1970s and 1980s, the PS attempted to concentrate on the identity

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question as a means of consolidating support in the peripheral and rural territories of the French state (where the center-right held hegemonic control). Previously, during the interwar period, some socialists had been critical of the capitalist concentration and colonialist model, expressing a degree of sympathy for regionalist sentiment in underdeveloped areas of the French state. However, this sympathy disappeared after the liberation of France after World War II due to the fact that some regionalist leaders had been seduced by complimentary overtones on the part of the Nazi German occupiers during the war. Similarly, as William Safran points out, socialists withdrew from any debate on the role of the peripheries because they were obliged (together with all actors) to take part in the reconstruction of the political and economic systems at a state level.\(^\text{13}\)

Yet once the Fifth Republic had been firmly established, critical voices began to emerge about the French state’s treatment of its minority cultures. Added to this, there were other issues surrounding France’s standing in the world. French, long regarded as the universal illustrious language, had in practice been overtaken by the omnipresent and omnipotent English language. The traditional model of political sovereignty was gradually being replaced by the nascent process of European integration beginning around this time. This, in turn, implied a loosening of border restrictions and increasing cross-border cooperation. Then there were new ideas emerging as well about the nature of internal colonialism, coupled with growing calls for federal solutions in Europe. In short, the French nation was losing its “epic” dimension and needed reform of the kind that implied addressing its own internal structure. And this need of reforming the sense of nation took specific shape in the form of a conception based on greater respect for ethnic diversity within the PS itself.

This discursive change took place at the same time that various new movements were emerging in Iparralde, and the PS saw an opportunity of gaining the support of these groups by embracing demands for Basque institutionalization. In 1980, then, the PS presented one draft proposal for a law “designed to create a Basque département” and another recognizing and promising to support regional languages. This was followed (as already noted) by presidential candidate Mitterand’s pledge number 54 in favor of Basque institutionalization in his “100 proposals for France” in 1981. There was a calculated dual purpose to this about-turn by the PS. In part, such public vows of support for a Basque département were designed to attract Basque nationalist voters and the modernizing bourgeoisie in Iparralde (the latter members of the Baiona Chamber of Commerce, an organization that had demanded a Basque département since 1839). The PS also sought to develop its own ideas in order to distinguish itself from the discourse of dominant local elites. One should mention that at this time Gaullists rejected the idea of Basque institutionalization because of the power of French nationalism in their discourse. As

regards the Christian Democrats, although they offered some muted support for Basque institutionalization in the 1970s, they gradually distanced themselves from the idea in the 1980s in order to differentiate their own political line from that of the technocratic bourgeoisie—a group encroaching onto their client networks.

The PS line continued into the 1990s and explains Jospin’s statement favoring the creation of a Basque département if that was the majority wish of elected officials in Iparralde. However, both at this time and on previous occasions, once the PS got into power, it pushed these pledges to one side, especially as a result of pressure from the Spanish authorities who were opposed to Basque institutionalization to the north of the Pyrenees. This is why the PS is the main focus here of my analysis of governing strategies, and especially its creation and designation of a new territorial unit, the “pays,” in 1997.

In contrast to the ambiguous line of the PS, RPR was quite clear as regards demands for a Basque département. It rejected the idea outright, linking any such initiative to the possible spreading of political violence to French soil. On August 30, 2000, the RPR president and mayor of Donibane Lohizune (and future defense minister), Alliot-Marie, contended that “in the tragic and dangerous context which the Spanish Basque Country finds itself in, I reaffirm my opposition to the creation of a Pays Basque département that would be perceived as a victory for the most hardline separatist formations that have made this demand their primary objective. In the same way, I hope that many elected officials reflect on the new conditions caused by the degradation of the Spanish Basque Country, obliging us to be more prudent and completely vigilant.” The day after, these comments were endorsed by the RPR departmental commission that, in a communiqué, announced that “the call for the creation of a Pays Basque département is today among the main demands of the legal showcase of ETA, it is totally inopportune and dangerous, and it is not convenient to encourage the more radical separatist formations.” For this reason, the communiqué called on “the inhabitants of this ‘pays’ to reject ‘risky’ paths” in the hope that they would instead “demonstrate their ability to construct, within the frame of the institutions of the Republic, a Basque Country loyal to its identity, its language, its culture, open to others, tolerant, and a bearer of future projects.”

It is paradoxical, however, that this modern awakening of the departmental demand was due mainly to a leading RPR figure in Iparralde, Michel Inchauspé. In 1994, he proposed creating a “3B” region (that is, Basque, Bearnais, and including Bigorre, a historic province located in the département of the Hautes-Pyrénées), despite his outright hostility to Basque institutionalization in the 1980s. This, in turn, increased the opportunities of many actors to press for their own demands—to such an extent, in fact, that they transcended the proposals of any one individual while at the same time awakening a collective action that had lain dormant for decades, thanks to the apathy generated by the...
power and control of the major elected officials. These changing positions on the idea of a Basque *département* revealed, ultimately, a change in the 1990s in the nature of the bases on which the political system was sustained, in contrast to those of the 1980s. On the one hand, the territorial limits that had previously defined the activity of elected officials\(^{15}\) gradually lost their local mandate (within the context of a canton or district, for example) and incorporated a wider Basque dimension as the result of territorial restructuring—one of whose basic references was now the “Pays Basque” as a whole. On the other, the consolidation of a fresh and dynamic network to promote this policy—the Development Council of the Basque Country (CDPB) and the Council of Elected Officials of the Basque Country (CEPB)—forced the elected officials to take in consideration the views of other actors who had been excluded for decades from access to circles of local reflection and decision-making: civil society, led by economic and cultural representatives, many of whom were Basque nationalists.

These changes were more than likely taken into account by the major elected officials in Iparralde, starting with Inchauspé. And from a rational perspective,\(^{16}\) it would seem that he decided that there were benefits to be made from encouraging a departmental debate, despite the costs this repositioning might incur. However, this calculated logic,\(^{17}\) despite resting on a plan to create a (not entirely Basque) region that would have made Inchauspé into a kind of mini or Basque de Gaulle, wavered when it came to finding support for his proposal. Indeed, the plan was opposed by both the UDF and RPR, although for different reasons. Thus, from a purely rational perspective, the negative balance between personal gain and cost should have made Inchauspé rethink his original proposal. Instead, however, despite his proposition falling on deaf ears in 1994, four years later, he repeated the plan (again unsuccessfully) in the French Assembly.

Nevertheless, and independent of the profound reasons for Inchauspé’s u-turn on the issue,\(^{18}\) a new correlation of forces gradually took shape thereafter to demand a greater pledge on the part of political parties favorable to the notion of Basque institutionalization (hence the response of Jospin in 1997). And this, in turn, provoked a reconsideration of the issue by those major elected officials opposed to the idea of a Basque *département* who, for the first time in decades, realized that the foundations of their power might be called into question.

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15. See Fourquet, *Planification et développement local au Pays Basque*.
18. Indeed, he personally financed a poll to be taken among all the homes of the “3B” region he proposed (obtaining majority support for the idea), and some saw in the about-term what might be termed a kind of “pro-Basque” conversion. On this, see Igor Ahedo Gurrutxaga, “Redes de políticas públicas de desarrollo e institucionalización y movimiento social pro-departamento Pays Basque en los territorios vascos de Aquitania,” Ph.D. diss., University of the Basque Country, 2002 and *Entre la frustración y la esperanza: Políticas de desarrollo e institucionalización* (Oñati: IVAP, 2003).
The UDF remained ambiguous on the question. Therefore, while many of its local elected officials in Iparralde championed strategies for local institutional recognition, the party leadership and its major elected officials rejected the proposition. This paradox was explained by the fact that the UDF president, François Bayrou, had been, at the same time, president of the département of the Pyrénées-Atlantiques for three legislatures. Obviously for Bayrou, the splitting up of his own particular fiefdom would have been ill-fated for his political ambition at the national or state level, especially given his presidential aspirations. At the party base level in Iparralde, however, most UDF elected officials were either comfortable or outright supporters of the new prodepartmental idea.

This can be explained by the residual pro-Basque sentiment in Christian Democrat circles in Iparralde. The already noted alliance between the church and Basque traditionalists in the post-Revolutionary era eventually resulted in Basque Christian Democrats, despite their embracing of the French Republican cause, retaining pro-Basque cultural sentiments. For example, many Christian Democrats took part in the first major expression of Basque nationalism in Iparralde: the creation of Enbata in 1963. Perhaps the most paradigmatic figure among them was Michel Labéguerie, a versatile figure in Basque culture, a singer and politician whose name was mentioned as a potential successor to the Basque lehendakari at that time, José Antonio Aguirre. Labéguerie was involved in drawing up the Itsasu Charter (1963), the foundational document of Basque nationalism in Iparralde that envisaged the creation of a Basque region that would unite the territories north and south of the border in a “Europe of the peoples.” However, Labéguerie soon distanced himself from Enbata as a result of the group’s radical shift on the identity issue (transforming from an initially federalist into a separatist formation) and in its ideological positions (from Christian Democracy to socialism), as well as the increasing influence of ETA within Enbata circles. He therefore created the federalist Basque Democratic Movement (MDB) as part of the wider Christian Democratic Popular Republican Movement (MRP). However, the MDB could not resist the wave of Gaullism that enveloped the Fifth Republic at its inception and fell into crisis.

Labéguerie and the MDB are interesting, though, for representing a constant feature among many Basque notables: the two-homeland logic.19 The petite patrie (the Basque Country) represented the realm of cultural socialization, while the grande patrie, or France, represented the political space. In this way, many Christian Democratic notables promoted Basque culture, but carried out their political activity within parameters defined by the center. This was a contradiction that was resolved gradually and by two different events in particular: A small number of those people who initially embraced Basque cultural initiatives because of their Christian Democratic beliefs wholeheartedly went over to Basque nationalism after the creation of Enbata in 1963, thereby relinquishing the French homeland for the Basque nation alone. And later, in the 1990s, large sections

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of Basque society gradually developed a Basque sensibility as the result of the aforementioned changes in development strategy policies. As a result of these transformations, a kind of hybrid culture emerged—that we may term as that of the “Pays Basque” (in contrast to that of Euskal Herria, for example)—characterized by the desire to be “French in Iparralde” and “Basque in France.” However, faced with the lack of any response on the part of the French authorities, this identity joined forces with Basque nationalism to demand some form of institutional representation for Iparralde. And therefore the logic of the petite patrie was suddenly modified to not only encompass cultural socialization, but political mobilization as well. For this reason, the Batera platform\textsuperscript{20} managed to attract many sectors of society in Iparralde beyond those people principally sympathetic with Basque nationalism—reflecting more than anything else the strength of opinion in favor of the departmental demand.

\textit{A New Actor: Basque Nationalism}

Currently, we are witnessing the emergence of a new actor in the politico-elective system of Iparralde. Despite its cautious appearance, it may in time become a third main actor and therefore force a metamorphosis of the current bipolar political system. I am referring here to Basque nationalism, organized principally through the party Abertzaleen Batasuna (Nationalist Unity).

The French state construction process induced not only a profound crisis in feelings of belonging and Basque identity in general, but it also held back the emergence of Basque nationalism until relatively late. As a result, the first expression of organized Basque nationalism coincided with what has been classified as the third and progressive wave of peripheral nationalist movements in Western Europe in the 1960s.\textsuperscript{21} This would explain the early shift to the left in Enbata, created in 1963. At the same time, from the center-right the Christian Democratic two-homeland logic, as noted, meant that pro-Basque cultural sympathies were never translated into political action until much later. Moreover, many members and sympathizers of the main expression of Basque nationalism in Hegoalde, the conservative PNV, who had taken refuge in Iparralde as a result of Franco’s triumph in the Spanish Civil War, were reluctant to organize Basque nationalism on the other side of the border for fear of being extradited by the French authorities. This meant that more moderate or centrist Basque nationalism did not emerge until later. Yet, the early emergence of leftist Basque nationalism was not without its problems either. In particular, it was beset by internal divisions arising from the growing influence in Iparralde.

\textsuperscript{20} Batera was created in 2002 as a cross-party platform with four major demands: the creation of a Basque département, the founding of a full, working university in Iparralde, official administrative status for Euskara, and the establishment of a Basque agricultural chamber.

\textsuperscript{21} The first and second waves were, respectively, royalist or reactionary and populist, and swept through Europe in the second half of the nineteenth century. See Francisco Letamendia, \textit{Game of Mirrors: Centre-Periphery National Conflicts}, trans. Karen Hatherley (Aldershot, UK: Ashgate, 2000), 54–56.
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This organizational or political weakness, however, has always contrasted with Basque nationalism’s strength in the cultural and economic fields in Iparralde—as reflected, for example, in the election of leading Basque nationalist Ramuntxo Camblong as the first president of the CDPB. Further, between 1992 and 2002, a series of events served to situate Basque nationalism in a new position in Iparralde. During this period, individual Basque nationalists played leading roles in planning and development policy; leading, encouraging, and investing huge effort in the setting up of regeneration initiatives for the region. Further, other elected officials took an increasingly back seat in the face of new proposals and ideas emerging from pro-Basque sections of society. This led to a synergy of efforts that took on its own life and, at the same time, transformed many of the (strongly Jacobin) points of consensus exponentially among the elected body. As a consequence of this, the Pays Basque feeling of belonging and identity became an active factor in local regeneration, with its most privileged exponents being Basque nationalists because of their close relations with the Basque cultural world. Simultaneously, the crisis of development policy in Iparralde took place against a period of strategy redefinition by AB. Specifically, it sought to occupy a central place in the growing call for change in Iparralde—something that undoubtedly converted the party into the main reference point of the second-most-important political dynamic of the decade. Ultimately, one should also mention the fact that left-wing Basque nationalism in the 1990s gradually managed to overcome its internal fractionalization. In particular, its emergence as a reference point in the aforementioned dynamics led to a decreasing level of internal division. In short, the culture of fractionalization was replaced by a strategy of consensus. And this explained the transformation of AB from its beginnings as an electoral coalition in the mid 1980s into a permanent political movement from the mid 1990s on. One should, finally, also mention AB’s decision to favor a political solution to the Basque conflict, outlined long before the similar Lizarra-Garazi peace process established in Hegoalde in 1998–99. Concomitantly, AB chose to undertake a campaign of peaceful civil disobedience rather than violence. Moreover, its more radical members left the party when the radical Basque nationalist party in Hegoalde, Batasuna, decided to form a section in

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22. See Ahedo, *The Transformation of National Identity in the Basque Country of France, 1789–2006*, chaps. 9 and 10. In fact, Basque nationalism in Iparralde managed to resolve these internal problems within a decade, while its counterpart in Hegoalde still wrestled with them after sixty years. All the internal debates within Basque nationalism in Hegoalde during the 1970s—the unity of either nationalist or progressive (leftist) activity, a leading armed movement or one subordinate to a political party, a pro- or anti-European integration stance, and so on—were transferred to Iparralde, thereby dividing the weak and nascent Basque nationalism there. At the same time, Basque nationalism in Iparralde had to confront the proselytism of the radical French left after the events of May 1968. Finally, the decision by radical Basque nationalism in Hegoalde to limit its use of violence to Spanish territory led to a division among Basque nationalists in Iparralde between those who thought initially that armed conflict should be avoided there and those who supported Iparretarrak (IK), a group that used violence from 1973 on.
Iparralde. Thus, AB freed itself from the prejudices that connected left-wing nationalism to the use of violence.

This is a key fact to bear in mind when considering the potential of progressive Basque nationalism in Iparralde. On the one hand, AB is open to finding common ground with moderate Basque nationalist sectors opposed to the use of violence (the admittedly modest space occupied by the Basque Nationalist Party (PNB, or PNV in Iparralde) and Basque Solidarity (EA). Yet this same nonviolent position allows AB the potential to attract, in the medium term, pro-Basque and progressive sections of society. In such an eventuality, AB would be able to extend its own electoral hunting ground in a much wider way than one may previously have thought possible in a society like that of Iparralde. On the other hand, AB has freed itself of all symbolic and practical influences of Basque nationalism in Hegoalde. This means it is better prepared to design a specific discourse attuned to the needs of Lapurdi, Nafarroa Behera, and Zuberoa rather than repeating a discussion that has already taken place in Bilbao or Donostia-San Sebastián. Moreover, once AB had been established as a key reference point (through its discourse on development policy and institutionalization as part of a prosovereignty strategy), it began to work on particular areas and in specific local contexts with which many people feel strongly connected: for example, its support for cooperative development models in the rural interior of Iparralde or its insistence on affordable housing projects on the coast.

Added to all this, the limits of the French electoral system itself have helped AB from several points of view. The political culture of Iparralde is based on drawing up diverse electoral lists in such a way that, traditionally, Basque nationalists have been present in the candidatures of other formations (as has been the case in Biarritz and Angelu (Anglet), for example). Thus, AB might use this as a means of increasing its municipal presence via the more generic candidature, or even increase its own support. Meanwhile, the logic of the second ballot obliges candidates to think about how they might attract the vote of other sectors if they do not achieve an outright majority in the first round of voting. Thus, if the struggle is between the center-right and the left, Basque nationalist votes might be crucial to determining the outcome of the second ballot. In this eventuality, Basque nationalists become the arbiters of the final outcome and can condition their support according to the competing candidates’ level of pro-Basque sympathies. Yet, still further, should Basque nationalism in Iparralde achieve a sufficiently critical mass of support, then it could break the myth of nationalist inability to compete at the real electoral level, the second ballot. Thus, the options for Basque nationalism in Iparralde are multiple, and it can even adapt its strategies to each particular local or electoral context.23

Taking all this into consideration, the scenario that opened up after the 2001 cantonal and municipal elections did not come as a great surprise. As regards the cantonal

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23. To be sure, these options refer to departmental (Pyrénées-Atlantiques), municipal (local) and regional (Aquitaine) elections, given that the polarization and the national or state dimension of legislative elections (French Assembly) keep Basque nationalism off center stage.
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elections, for the first time in thirty years, a Basque nationalist was elected to the general council of the Pyrénées-Atlantiques. In fact, it was the only time a Basque nationalist ticket had triumphed in a canton. Meanwhile, in the municipal elections AB also achieved a significant victory, winning the mayorship in one of the few towns in Iparralde with a population of over 3,500. At the same time, AB also won municipal representation in tremendously symbolic towns, such as Baiona. In sum, Basque nationalism, in general, and AB, in particular, had continued the trend of a growing vote for Basque nationalist formations that had started in the 1990s, with a rise of 96 to between 120 and 130 nationalist councilmembers.

Simultaneously, as noted, Batasuna also began to take part in politics in Iparralde from 2000 on, capturing the radical nationalist vote and some one to three thousand sympathizers. Yet beyond its electoral weakness, because of its capacity to mobilize its support and the radical nature of its discourse, Batasuna enjoyed the technical conditions and dedication of its members to spread a sovereignty discourse in Iparralde. Its presence alone in Iparralde constituted an authentic check-mate against the central authorities, who were witnessing how what the neo-Jacobin Jean-Pierre Chèvenement termed a Pandora’s box was beginning to open up. In this sense, the “Batasuna effect” could be crucial if it manages to demonstrate the capacity of Basque nationalist unity, making a clear statement in Iparralde that Euskal Herria need not wait for the state to respond in order to construct an alternative future (which might indeed have happened via the Udalbiltza organization had it not been declared illegal).

The PNV (or PNB as it was later known) in Iparralde has been present there since the 1930s as a result of the Spanish Civil War and the exile of many of its members. Having said that, it was for most of this time a party that remained external to the local political context. Its presence in Iparralde, achieved thanks to its control of the Basque government-in-exile, was tolerated by the French government so long as it did not interfere in local politics. Indeed, activity such as the opening of a Basque consulate in Baiona by the PNV was directed not so much as toward the local population but, rather, as an instrument of diplomatic influence against Franco’s dictatorship. Yet this lobbying against the Franco regime by the Basque authorities in France and, more specifically, in Iparralde—led by the PNV—had to contend with a number of symbolic failures in the 1950s. For example, Basque delegations were expelled from premises that were later occupied by Franco’s representatives in France. Moreover, the radio station Radio Euzkadi-Euzkadi Irratia was closed down in 1954 by the then-minister of the interior François Mitterand.

24. Chevènement had been a member of the PS, but disagreements over the Jospin administration’s concessions to Corsican nationalists led him to found a new movement—the Mouvement Républicain et Citoyen (MRC, the Citizen and Republican Movement)—advocating a neo-Jacobin French nationalist ideology.

25. Udalbiltza (the Assembly of Basque Municipalities), composed of the spectrum of nationalist parties from both sides of the border, was created in 1999 during the ETA ceasefire and the Lizarra-Garazi peace process. Shortly after, in 2000, it split into two factions, with one (Udalbiltza-Udalbide) controlled by the PNV and EA and the other (Udalbiltza-Kursaal) by Batasuna. After Batasuna was outlawed in the Spanish state in 2003, the latter ceased to operate.
From this moment on, the PNV began to lose its central role among Basque nationalists in Iparralde, in contrast to the situation in Hegoalde (specifically in what would later become the CAPV-EAE). Consequently, other movements, such as Enbata (strongly influenced by the mysticism surrounding ETA’s struggle against the Franco dictatorship) became the principal nationalist point of reference in Iparralde.

The PNV thus abandoned all political activity voluntarily for decades in the Basque Country of France. And it was not until this formation suffered its own internal split—resulting in the creation of EA in 1986—that “moderate” Basque nationalism appeared in Iparralde, with EA introducing a northern section soon after its formation. However, a moderate Basque nationalist discourse had been present in Iparralde since, in 1981, the PNV-influenced weekly *Ager* first appeared to inform the population of Iparralde about the Basque question. This was an attempt by the PNV to extend its influence in the North, albeit indirectly and without any formal political organization, given the weak presence of nationalism there. The editorial line of *Ager* reflected the PNV’s political strategy in Hegoalde, as well as its rejection of the use of violence by Iparretarrak.

As Jean Marie Izquierdo notes, it was not until the early 1990s that the PNV formally established itself in Iparralde: On April 7, 1990, the Ipar Buru Batzar (Northern Governing Council) was established as the PNV’s wing in Iparralde—the PNB. However, as opposed to all the other nationalist options in Iparralde, it was not initially PNB strategy to take part in elections. This was because, despite the support of individuals such as Jean Etcheverry-Ainchart (the former deputy for Baigorri) and Ximun Haran (formerly of Enbata), it lacked a social base that would have given it sufficient affiliates to be able to structure itself accordingly. Consequently, despite officially forming in 1990, it was not legally constituted as a political party in France until 1996.

When it did, however, enter the political arena proper, it did so from the outset independently of all other Basque nationalist formations. This was because, on the one hand, it wanted to be seen as an alternative to the leftist nationalism of most of the other parties in Iparralde—that during this time were close to Popular Unity (HB) positions—but also because it could not make an alliance with EA, which had, after all, split from the PNV ten years before and created its own structure in Iparralde.

Effectively, soon after its formation, various EA leaders began to make contact with certain centrist Basque nationalist figures in Iparralde. In 1986, the EA leader Carlos Garaikoetxea publicly expressed his desire to create a northern branch of the party. Thereafter, EA became one of the few truly cross-border formations, and the northern section was led by well-known nationalist figures, such as Ramuntxo Camblong (future president of the CDPB between 1994 and 1998) and the historian Jean-Claude Laronde. The EA program in Iparralde was composed of the following points: a commitment to working within the system and a rejection of the use of violence, working toward

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27. Ibid., 174–77.
the liberation of the Basque Country, and defining the first steps toward this goal: the creation of a single Basque département and the passing of a statute that would safeguard the Basque language and culture. After its constituent assembly in Hazparne on March 2, 1987, with the attendance of eighty people, the Iparralde section of EA was formally incorporated into the party structure as a whole, with representation on its national executive committee.

Despite these efforts, neither the PNB nor EA ever gained a significant foothold in the local system. Therefore, moderate Basque nationalism never won more than a third of the nationalist vote in Iparralde. At the same time, their relative electoral strengths also wavered, with an initial support of moderate nationalists for EA gradually shifting to the PNB. Yet the PNB could never attract pro-Basque Christian Democrats to its fold, despite underscoring its clearly regionalist credentials in Iparralde. And while it maintained close ties with certain notables in the region, it never managed to exploit these for electoral gains, and ultimately another formation emerged to occupy the conservative pro-Basque political space in 2002: Elgar-Ensemble. Indeed, the emergence of this formation, temporarily at least, closed the door to any moderate nationalist consolidation in Iparralde, something to which the PNB (PNV) was forced to respond to by a more committed electoral strategy under the leadership of Ramuntxo Camblong, formerly of EA.

In short, the Basque nationalist vote has grown steadily since 1988. It is symptomatic, in this regard, that Basque nationalism achieved its highest share of the vote in 1997, in the middle of the crisis over development strategies for Iparralde and growing calls for a single Basque département. The 1997 legislative elections demonstrated equally the dominance of AB among the Basque nationalist formations, winning 7,573 votes (6.45 percent) as opposed to the 3,370 votes (2.87 percent) for the PNB-EA coalition. One should add to this picture the influence of Batasuna on these results, although this should not necessarily detract from the influence of the other nationalist parties, especially AB. In other words, just as some voters might swing to Batasuna, others might be equally likely to favor AB because of its position in favor of a peace process to end the conflict or its day-to-day work at the local level (especially, for example, regarding the issue of house prices). Currently, different Basque nationalist formations are working together to see if they can draw up and implement a united strategy.

A Non-nationalist Pro-Basque Party

During the 2002 cantonal elections, a new political movement emerged, Elgar-Ensemble, that attracted certain pro-Basque sympathizers who had, to that time, been more likely to vote for French state-focused parties. Created in 2002 by leading members of the batera platform, most notably Peyo Labéguerie (son of Michel), it was designed to combine an interest in the Basque language and culture with a strong identification with French republican ideals. It also revived a traditional connection between pro-Basque-culture Christian Democrats in Iparralde. Such individuals had voted principally—to that date, at least—for parties such the UDF, yet it was now significant that they had a new
political option, a party that stressed being “Basque in France and French in the Basque Country.” While this slogan might be dismissed by Basque nationalists in Hegoalde as nothing new, it did, in subtle fashion, redress the previous imbalance implied by the hegemony of French identity over its Basque counterpart—that is, it interrupted the zero-sum game deriving from the strength of the state-building process. Consequently, the political articulation of a dual identity, of belonging to two nations, at least marked the end of the former dominance of French identity. Yet more than this, Elgar-Ensemble’s platform was unequivocally pro-Basque and demanded some degree of political recognition for Iparralde. At the same time, the party was tied closely to the Batera platform advocating civil disobedience in the search for Basque institutions. One might even contend that at this moment, at least, Elgar-Ensemble prioritized pro-Basque ideals over French republican ones. Thus, support for Elgar-Ensemble was not nationalist, but had much more in common with Basque nationalism than with Christian Democracy, from which its adherents presumably originate. Most importantly, it achieved 9 percent of the vote in the four cantons where its candidates ran during the 2004 cantonal elections.

Conclusion

A number of opportunities, then, have opened up for Basque nationalists. However, one should not fall into the temptation of making use of easy or simplistic mechanisms. Thus, while it is true that a feeling of belonging or certain kind of pro-Basque sentiment is being consolidated in Iparralde, this is still a long way off being translated into widespread political support for Basque nationalism. Yet this tendency also leads one to speculate about various other possibilities that might condition the consolidation of nationalist formations and AB in particular, among which I would underscore the effects that a potential extension of ETA violence to Iparralde might have or exceptional political situations at the French state level (such as the 2002 presidential elections, when the run-off was between Jacques Chirac and the extreme right-wing candidate, Jean-Marie Le Pen). Nevertheless, we are undoubtedly witness, at the start of the twenty-first century, to a qualitatively different panorama to that of previous decades, with the most significant development being the fact that Basque nationalism has gained a privileged position in the político-electoral system of Iparralde.

References


The end of the Spanish Civil War and the beginning of the Franco regime created the seeds that would grow into ETA (Euskadi ta Askatasuna or Basque Country and Freedom) twenty years later. After the fall of Bilbao to Franco’s forces in July 1937, the law of the victorious was applied to the provinces of Bizkaia and Gipuzkoa, and to a lesser extent Araba and Navarre, with a concomitant series of imprisonments and executions. The Franco regime subsequently carried out a relentless repression of the “traitorous” Basque provinces and especially Euska, the Basque language.

The Basque Nationalist Party (PNV) ideology at this time in the immediate post–World War II era—a combination of Christian Democracy with pro-European integration and Atlanticism (close cooperation between Western Europe and the United States)—reinforced the position of the PNV among the pro-Spanish Republic media and gave the party a privileged position among European Christian Democrat antifascist groups. However, the Cold War climate ended any resolve among the Allies (if they ever had any in the first place) to aid in bringing down the Franco regime in Spain. Quite the contrary, in fact, because in 1955 Spain was admitted into the United Nations, which, in turn, led

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1. In most cases in this chapter, political parties are identified by their name in English to help the English-speaking reader identify their ideological basis, but their Spanish or Spanish and Basque acronym, which is how they are regularly identified internationally.
to a crisis within the PNV and other anti-Franco groups dating from the Spanish Civil War.

New social agents then took up the baton of activism from those groups still associated with the civil war: In the social sphere, a labor movement self-organized into clandestine workers’ commissions, and in the Basque nationalist sphere, groups of (still insufficiently organized) young people that took inspiration from classic nationalist sources while at the same time accusing their elders of passivity. Although Basque society under Franco took on the structure of a “world of silence,” an underground social life was organized around cuadrillas (groups of predominantly male friends from the same neighborhood who shared a similar ideological affinity), while the clergy offered refuge to activities, such as the promotion of Euskara and clandestine associative life.

The Ekin group—the embryo of the future ETA—emerged in the early 1950s as a closed group of nationalist students dedicated to raising its intellectual awareness and obsessed with safety measures. Ekin definitively broke with the PNV youth group in 1958, and in 1959 named itself ETA. Subsequently, ETA’s proindependence and anti-autonomy positions, together, especially, with its pro–Third World models of resistance from the early 1960s onward, made it impossible for the group to accept the state consensus being generated at this time among anti-Franco pro-Spanish Republic exiled and clandestine groups.

A mutual animosity emerged between ETA and the PNV that was aggravated in 1961, when ETA planted a device to derail a train carrying former pro-Franco combatants from the civil war. Indeed, the PNV condemned the ETA act unreservedly. Meanwhile, ETA remained hostile toward the Basque government-in-exile, accusing it of serving Spanish interests and proposing that it should be replaced by a Basque national resistance front.

The repression stemming from the Franco regime’s response to ETA activity resulted in the gradual exile of the group’s leadership. ETA held its first assembly in exile in May 1962 in the French state. There, this leadership learned about Third World national liberation movements (especially that of Algeria) and began to conceive of how violence, instead of being an auxiliary factor in such struggles, could actually be understood as a dynamic generator of the national idea.

The Armed Nucleus, 1962–68

In the 1960s, a new and intensive process of industrialization took place in the Basque Country, leading to another wave of Spanish immigration into the industrialized areas. A new self-organized and clandestine (given the Franco regime’s prohibition on any such collective right to organize or hold strikes) labor movement emerged based on the collective decisions made by workers in assemblies. And, in turn, Franco’s repression led to a rapprochement between these labor collectives and new radical nationalist groups, an understanding that prevented the latter from adopting the same ethnocentric ele-
ments originally adopted by Basque nationalism during its formative years in the late nineteenth and early twentieth centuries.

During 1963 and 1964, blending classic nationalist ideas with a new perception of violence, ETA transformed into an armed nucleus guaranteed to generate a perpetual struggle. The notion of a revolutionary war as applied to the Basque case was developed by two important texts at this time. One of these was *Vasconia* (The Basque Country, 1962) by Federico Krutwig (someone who never joined ETA), while the other was a short ETA handbook titled *Insurrección en Euskadi* (Insurrection in the Basque Country, 1964). The latter work was inspired by the war treatises of Mao Tse-Tung and guerrilla warfare texts of Che Guevara. Its argument was that revolutionary war should come about as the result of three factors: psychological warfare (a tactic encouraged in order to win over the spirit of the Basque people), guerrilla warfare, and social revolution. Consequently, the *gudari* (warrior or soldier) activist who undertook this struggle must first be convinced of its absolute truth, and therefore remain uncompromising in commitment to the notion. ETA then needed to create a nationalist community that accepted it and legitimated it as leading the vanguard of this revolutionary war. This idea was central to two further publications by the group in 1965, *Carta a los intelectuales* (Letter to Intellectuals) and *Las bases teóricas de la guerra revolucionaria* (The Theoretical Bases of the Revolutionary War).

Influenced by the work of Frantz Fannon, the former was an open call to Basque professionals and intellectuals to make some commitment, through the realm of culture, to the Basque “integral revolution.” This attempt to create a new Basque civil society was completed with the elaboration of a new strategy in the latter work known as the action-repression-action spiral, an attempt to achieve the same goal from a different perspective. As a result, the goal of this revolutionary war was not the destruction or expulsion of the enemy from Basque territory. Rather, the armed struggle was meant to unmask the true oppressive nature of the occupying state, with the objective of seeing its repression extended to the masses until these, in turn, rebelled and became more and more willing to collaborate with ETA. This instrumental conception of violence thus took shape in the decade prior to Franco’s death in 1975. In other words, the characteristics of the Franco regime allowed this idea to take shape through the use of a relatively low degree of physical violence and relatively few mortal victims. And during this time, ETA also began to use Marxist terms for the first time to refer to the class struggle.

During 1965 and 1966, the Marxist terminology incorporated into ETA’s totalization process took root and these ideas began to contradict the central imagined notion of the revolutionary struggle. Specifically, at the group’s fourth assembly in 1965, the leaders of ETA’s political office were charged with analyzing the labor situation from the perspective of a struggle within the state as a whole. Consequently, they accused traditional Basque nationalism of being “bourgeois nationalism,” and emphasized the need

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of replacing the idea of revolutionary struggle with that of “nonreformist reforms.” ETA detected for the first time an interior enemy within its ranks.

As a result, during the initial proceedings of the group’s fifth assembly, in 1966, the leaders of the political office were expelled from ETA. And at the later proceedings of the same assembly (held in 1967), a new structure was adopted, based on a new theoretical synthesis, that would last five years. In short, ETA reaffirmed its anti-imperialist line, as well as its solidarity with the international proletariat. Further, the concept of the Basque working people was coined to indicate a dynamic leading class in a national as well as a social struggle. At the same time, the strategic principle of the action-repression-action spiral was reaffirmed, and ETA was divided into four sections or fronts. A year later, only two of these fronts were operational: the military front and the workers’ front, the latter of which took part in the intense popular mobilization after 1967 alongside members of the workers’ commissions and being sent to prison with them as well. Essentially, then, two rival factions had emerged within ETA and competition between both would define several internal crises within the organization until Franco’s death in 1975.

The Antirepressive Community and ETA Militar, 1968–75

In June 1968, following the deaths of a Civil Guard and the young leader of the group’s fifth assembly, Txabi Etxebarrieta, in a shootout and chase, ETA assassinated a police inspector and infamous torturer, Melitón Manzanas. In turn, the Spanish government decreed a state of exception that suspended the few constitutional guarantees recognized by the Franco regime and heralded a very specific kind of exception that lasted, on and off, for a further four and a half years. This situation led to the emergence of a new nationalist community (one of ETA’s objectives for some time) formed in the guise of an antirepressive movement. Following this movement’s argument, because state repression was not aimed at a particular ethnic group, but rather at a specific (Basque) territory, it encouraged the integration of (Spanish) immigrants resident in this territory into the new national community through their participation in the antirepressive struggle. Members of the Spanish police force were consequently defined as the opposing (and negative) pole—because of their function rather than their ethnicity—for this new national community. Consequently, then, a new kind of identity-based relationship was established between the symbols of Basque differentiation and democracy; and the new subterranean nationalism began to experience a new kind of longing for freedom, based on thousands of debates and transgressions, that, in turn, reinforced within it strongly utopian ideas.

In December 1970, the Spanish authorities held what is known as the Burgos Trial at which fourteen ETA members and two priests were brought before the authorities, six of them threatened with the death penalty. It was an attempt by the Franco regime to teach the new Basque nationalism a public lesson, but instead turned into an interrogation of the regime itself. Protest against the trial became a way of protesting against the regime itself, and there was widespread solidarity for those on trial throughout the Spanish state and the rest of the world. In the Basque Country, that previous subterranean clandestine
society took to the street in direct confrontation with Franco’s security forces. A tense Spanish nationalism then developed, paying homage to Franco in Madrid by transforming the image of the “enemy within” from communism and labor organizations into that of “terrorist separatism and communism.” As a result, the Spanish army and police, concentrating their efforts during the next five years on the “war in the north,” paid less attention to the labor of the Spanish democratic opposition to Franco in its preparations to take over power after his demise. The Burgos Trial thus marked a general test for the alternative to the Franco regime.

ETA Militar or ETA (m) (the military wing of the organization) at this time in the early 1970s was the direct product of the Burgos Trial and its aftermath. It was a radical and utopian organization, the symbol of the new Basque nationalism. Its activism took to the street against the Franco regime’s repression in a desire for freedom, beguiled by the illusion of the Burgos Trial (influencing a generation of young Basques) that the labor movement had emerged already with a notion of national struggle. Members of the PNV youth wing, EGI, joined ETA (m) en masse. Thereafter the ETA (m) faction became ETA itself and the models it proposed following were not rural Third World movements but urban guerrilla struggles, such as those of the Tupamaros in Uruguay, Palestinian groups, or the IRA.

At the same time, one group within ETA (m) began to transform into a group-state. Its group ideal was to convert certain negative images projected by the Franco regime—being working class, coming from a Basque-speaking area, and speaking Spanish badly, for example—into positive identity markers. It did this by a process of mimesis or counter imitation of the state itself—whether the Spanish state it was fighting against or the French state that, with its arbitrary administrative acts conditioned daily aspects of its members’ lives. After years of infighting with those among its members who were in favor of disbanding the group in order to create another kind of organization, these were people who were now against using the spoken or written word and instead supported armed eloquence.

In 1973, two different ideas about the meaning of the armed struggle once again confronted one another within the heart of ETA. The Workers’ Front contended that it should serve as a compliment to the class struggle. Meanwhile, for the Military Front the armed struggle was necessary to highlight the contradictions at the heart of the dominant bloc, thereby enjoying complete autonomy. At the same time, the general realization that the Franco regime was coming to an end favored insurrectional strategies, as did popular intellectual theories at the time. For example, Jules Régis Debray advocated the *foco* (focus) revolutionary theory whereby various cadres or small groups—arranged in both political and military fronts—provide focal points for a wider movement. And Abraham Guillen, a theorist and tactician on urban guerrilla warfare, suggested a solution to the potential problems of confrontation within a dual front by creating a single politico-military structure for such groups.
In December 1973, ETA assassinated Franco’s second-in-command (and hand-picked future successor), Admiral Luis Carrero Blanco. This assassination allowed groups within Franco’s political system to seek alternative potential successors to the dictator, thereby confirming the theory of the armed struggle as a means of highlighting contradictions within the regime. And through this act, ETA’s Military Front achieved perhaps its greatest support among the nationalist youth of the Basque Country. In 1974, the Workers’ Front left ETA and reconstituted itself as a political party, Nationalist Workers’ Revolutionary Party (LAIA), and also creating workers’ councils that would later become an important left-wing nationalist labor union, the Nationalist Workers’ Councils (LAB).

The Transition and Rejection of the Proposed Reform, 1975–78

During this time, the Spanish opposition to Franco gradually changed its original goal of bringing down the state as a whole to that of merely bringing down the regime. Later this change would manifest itself as the compromise reform (reforma pactada) between those forces that had opposed Franco clandestinely or in exile and groups close to the Franco regime itself. This drift away from the tactic of breaking up the state as a whole by these groups led ETA to increase its activity and, from mid 1974 onward, it was responsible for an increasing number of assassinations, especially of members of the Spanish police forces. This, in turn, led to yet another, and important, split within the Military Front in October that same year. Specifically, one faction broke away from the organization stating it was against the idea of an armed political struggle. Instead, it believed in creating a proindependence civil front that would be able to operate legally within the imminent bourgeois democratic structure that was already being planned for with Franco on his deathbed. This party was named the Basque Socialist Party (EAS), later to become the Socialist Party of the Basque Country (EHAS) and then the Popular Revolutionary Socialist Party (HASI).

Faced with this changing panorama, ETA Politico-Militar or ETA (pm) differentiated between a two-point program of action: There was a maximum program made up of long-term objectives, such as independence, a campaign to maintain and extend knowledge and use of the Basque language, and the construction of socialism and anti-imperialism, and a minimum program, made up of short-term objectives to be carried out with the imminent fall of the Franco regime, such as defending the right of self-determination and achieving a suitable initial territorial solution (in other words, making sure Navarre was incorporated into any new Basque territorial settlement). These ideas, however, differed greatly from those of the Spanish opposition to Franco—those making up the aforementioned compromise reform. In January 1975, at the second sitting of its sixth assembly, ETA (pm) once again analyzed the role of the single armed struggle (that had for some time replaced the tactics based on the action-repression-action spiral). Its conclusion was that with insurrection impossible, a war of usury against the enemy was necessary in order to force a political negotiation. At the same time, ETA (pm) sought the support of other opposition Basque groups for its minimum program.
In April 1975, the Franco regime decreed the last and harshest of its states of exception in the Basque Country, leading to thousands of arrests and extensive use of torture attested to by Amnesty International. As part of this campaign by the Spanish authorities, two young ETA activists—Juan Paredes Manot (“Txiki”) and Angel Otaegi—together with three GRAPO (First of October Antifascist Resistance Groups) members, were executed in September. There was an intense response to these executions in the Basque Country, throughout the Spanish state and in the rest of the world. As a result of various mobilizations, what came to be known as “left-wing nationalist” (izquierda abertzale) circles created the Socialist Nationalist Coordinating Council (KAS). This was an umbrella organization that brought together different groups often led by well-known individuals—groups that gave shape to the basic goal of the Basque antirepressive society: to achieve an amnesty for all Basque political prisoners and exiles.

Thereafter, between Franco’s death in November 1975 and the first democratic elections in June 1977, a growing number of large Basque labor and national demonstrations were held, as rising levels of unemployment (which really hit Basque society in the 1980s) began to take hold. A global crisis in the manufacturing sector—the basis of Basque industrial monoculture (formed by the iron and steel industry, metallurgy, and shipbuilding)—together with a number of irrational, large-scale plans implemented by the late Franco regime, led to a decline in the economic fortunes of Basque society. From enjoying full employment in the 1960s, levels of unemployment reached 20 percent in the Basque Country during the 1980s. This decline led to a widespread rejection against the system by numerous alternative Basque social collectives, and a concomitant politicization and radicalization among their ranks. For example, from 1976 onward, major demonstrations in favor of amnesty for Basque political prisoners incorporated large numbers of unemployed workers.

The organizational erosion of ETA (pm) because of numerous splits within the group (themselves the product of that last state of exception), added to this new radical turn in social activism, resulted in the idea of dividing up the armed organization once more. Subsequently, ETA (pm) assigned the armed struggle a subordinate rearguard role. Following Gramscian and political structuralist theories, the armed struggle must now fulfill a dual function: that of dissuasion as regards the bourgeoisie and that of guaranteeing popular support. Simultaneously, the groups making up KAS ratified this ETA (pm) alternative strategy. And at the seventh ETA (pm) assembly, held in September 1976, the organization officially approved the creation of a revolutionary political party on the one hand, and another section dedicated to the armed struggle on the other.

ETA (m) expressed its support for the plan. However, within its own missives it still argued that the armed organization should form the only nucleus that could not be assimilated by the organization’s oligarchy. In other words, its struggle was an offensive strategy and therefore ETA (m) should reserve the right to constitute itself as a group-state, thereby diverging completely from the ideas of ETA (pm) in this regard. Moreover, while for ETA (pm) the new party should be at the vanguard of KAS, for EHAS and
ETA (m) it would be better to structure KAS autonomously, with KAS itself retaining authority over the parties that made it up.

On the initiative of Adolfo Suárez, by a November 1976 law, the Franco parliament approved its own dissolution and the transition of Spain into a parliamentary democracy. The Spanish opposition parties, and the PNV, opposed the measure somewhat halfheartedly and in a December 1976 referendum, 75 percent of the Spanish electorate approved the measure. In the Basque Country, however, where KAS openly opposed the planned reform, the approval rates for the new measures were much less (50 percent in Bizkaia and 42 percent in Gipuzkoa). A Basque differential within the Spanish political system was, therefore, clearly evident at the outset of the transition.

This compromise reform prevented any break with the previous structure of coercion (formed by the police, judicial and especially military authorities) associated with the Franco regime. The Spanish army, although finding it difficult to recognize the newly legalized Spanish Communist Party (during the Easter period in 1977), incorporated the changes as a kind of done deal. And from this moment on, antiseparatist rather than anticommunist tendencies came to mark the armed forces, which, in turn, led to a mollifying of postures on the part of the Spanish Communist Party (PCE) and the Spanish Workers Party (PSOE) toward the police, judicial, and military authorities. Consequently, in a state historically polarized into two extremes, political centris...
In the Basque Country, the weight of history played heavily on the vote, with the two leading political groups of the Spanish Civil war era, the PNV and the PSOE, gaining the most votes. As a result of these elections, EE gained one representative and one senator in the Spanish congress and senate respectively.

The constitutional text drawn up after these elections, and ratified by means of a referendum in late 1978, was the result of these circumstances: The logic of the compromise reform was reflected not just in this document’s essentialist definition of the Spanish state—that sat uncomfortably beside official recognition of autonomy and the nationalities and regions of Spain—but also in its reverential treatment of the Spanish army. At this time, a demand by the Basque left for recognition of the right to self-determination was rejected by the Spanish parliament—as was a motion by the PNV to recognize the historic rights of the Basque Country as a whole and to be settled through equal negotiation between Basque and central government representatives. However, the creation of a so-called state of the autonomies did allow for the emergence of an autonomous political sphere. The PNV, a party that advocated abstention in the December 1978 constitutional referendum, agreed to this on the basis that it saw the future possibilities that might emerge from having a statute of autonomy.

Meanwhile, radical Basque nationalism selected and appropriated from a new set of identity signs. The deception created in the Basque Country through the frustration of national expectations engendered by the Spanish constitutional debate opened up a space of demands in which numerous alternative groups more properly associated with post-fordist societies took refuge. From late 1977 onward, these demands were then fused with radical nationalism to forge an anti-institutional rejection front. At the same time, however, the growing institutionalization of Basque society from early 1978 onward, and the hegemony within this new institutional framework of traditional Basque nationalism, invalidated the position of the extended generation forming the anti-repressive nationalist community. At the close of 1977, therefore, ETA (m) embarked on a campaign of violence reaching previously unseen levels as a means of consolidating support for the group not within the Basque nationalist community as a whole, but rather in the socio-political community that had identified with and legitimized it to that time.

The Institutionalization of the Antirepressive Community: Herri Batasuna, 1978–1987

Following the elections of June 15, 1977, the proamnesty movement began to diverge. On the initiative of the PNV and the PSOE, the two groups making up the autonomous front in the Basque political spectrum and that had won twenty-seven of the forty-two seats available in the Spanish parliament for the four Basque provinces, created an assembly of Basque parliamentarians that proposed achieving both amnesty and Basque autonomy. After large-scale proamnesty demonstrations held in the Basque capitals on September 8, 1977, two worlds—one institutional, the other extra-parliamentary—collided in Donostia-San Sebastián in one large gathering called by the two dominant parties.
EHAS became HASI in July 1977. At its founding congress, the new party recognized the idea of KAS as a leading bloc within which it was subsumed. The left-wing nationalist movement thus took shape around the EHAS (HASI)-ETA (m) axis and this alignment, together with the so-called Bereziak (Special groups), pressured KAS to expel EIA (the party close to ETA [pm]) on the grounds that it had taken part in the Spanish general elections. In September, KAS duly expelled EIA and that same month the Bereziak announced their fusion with ETA (m).

In the meantime, the assembly of Basque parliamentarians created a draft proposal for a preautonomous system, based on an agreement between the PNV and the PSOE, in November 1977. EIA, which had together with the other groups making up KAS as well as two other parties to the left of the PNV3 created the Alsasua roundtable as a means of opposing the preautonomous settlement, actually ended up approving the idea. In the spring of 1978, the Alsasua roundtable became Popular Unity (HB) as a coordinating organization for four parties: HASI and LAIA (both in KAS), together with Basque Nationalist Action (ANV) and the Basque Socialist Assembly (ESB).

Thereafter, the schism between two forms of Basque nationalism became apparent from October 1978, just prior to the referendum on the proposed new constitution. After the approval of the Basque statute of autonomy by referendum in late 1979, the PSE (the second most voted party within the new Basque autonomous community) proposed replacing the old dichotomy of Basque nationalists-Spanish nationalists with that of a new differentiation: Basque democrats (those parties that favored autonomy) as opposed to Basque fascists (antistatute radical Basque nationalists that supported the armed struggle). Subsequently, the social sphere associated with the PSE’s latter category, through a combination of fear of official repression, governmental criminalization of HB, and the growing social siege to which it was being submitted, was gradually transformed into a community based on fear.

On February 23, 1981, there was an attempted Spanish military coup. ETA, believing the Spanish state to be a mere continuation of the Franco dictatorship and therefore the coup to be merely an internal rebellion, saw no reason to halt its violence. ETA’s war of attrition strategy provoked a symmetrical response on the part of the state, which pursued both legal and illegal measures as part of developing its own counterinsurgency offensive that would last many years. By way of reply to the insurgent slogan of “to resist is to win,” the state adopted a counterinsurgent strategy of isolating the armed nucleus. For example, any social media suspected of supporting radical nationalism were singled out for isolation and stereotyping. However, during this era, given that the objective of those responsible for heading the counterinsurgency offensive was, to put it bluntly, “reclaiming the Basques for Spain,” it remained impossible for them to win over most of

3. Acción Nacionalista Vasca (ANV, Basque Nationalist Action) and the social democratic Euskal Sozialista Biltzarra (ESB, Basque Socialist Congress).
After triumphing at the general elections of October 1982, the PSOE took over the mantle of this counterinsurgency offensive. In 1983, it introduced the ZEN (Zona Especial del Norte, Special Northern Area) Plan, which embraced the notion of “mistrust” as a principle motive for police activity in the Basque Country. Moreover, at the close of 1983, a shadowy terrorist group, the Antiterrorist Liberation Groups (GAL, Grupos Antiterroristas de Liberación), emerged in Iparralde, and began to target Basque refugees and activists through a campaign of kidnapping and assassination.

Yet this (still officially unacknowledged) dirty war strategy had little to do with rational counterterrorist tactics. From the outset, Basque society suspected the state’s hand in setting up the GAL, which, in turn, delegitimated it in the Basque Country—still further so when no public assumption of the state’s role in perpetrating such acts was forthcoming and, indeed, all official discourse attempted to draw an insuperable line (based on that earlier dichotomy established by the PSE) between “democrats” and “the violent.” This PSOE government strategy appears to have been a short cut tactic by the governing Socialists to get into the Spanish military’s good graces because of a fear of further military uprisings during the early 1980s. Indeed, the GAL disappeared completely in the period 1986–87, just at the moment when the Spanish state, and therefore the Spanish army, joined NATO.

All of this made ETA’s claim that the Basque Country was in a state of war credible to the social base close to HB and consequently, this social base began to adopt and reproduce characteristics associated with communities at war. Thus, the MLNV embraced a form of counter-state (ETA) and counter-society (HB) that functioned according to their own laws and codes within the real Spanish state and real Basque society they both imitated.

**The Ajuria Enea Pact and Algeria Conversations, 1987–92**

ETA conceived of the possibility of a bilateral form of negotiation with the Spanish state, based on the conviction that it could speak in the name of the Basque people with the Spanish government. However, this was highly misguided, especially after the 1977 election results that demonstrated the importance of traditional nationalism (the PNV) in Basque political life. Moreover, from about 1985 onward, the PNV was increasingly converging with the state in its plans to combat ETA, and the traditional party’s support for humanism, pacifism, and pluralism led it to disagree sharply with the Third World revolutionary ideologies of the MLNV.

The convergence between the PNV and the PSOE over the struggle against ETA and its civil support structure led to a joint government program in the Basque Country after 1985, a coalition government there between the two parties after 1987 and, above all, to the Agreement for the Normalization and Pacification of the Basque Country, popularly known as the Ajuria Enea Pact, at the beginning of 1988. The goals of this
agreement were to achieve the necessary social and political support in the Basque Country to reinforce police action against ETA and to socially isolate those civil groups that legitimated ETA activity. Thus, it was hoped, sufficient pressure would be put on the MLNV to force ETA to the negotiating table within the limits proscribed by the Spanish government. However, because there remained significant differences between the signatories of the Ajuria Enea Pact over the basic Spanish autonomous model—total agreement in the case of the PSOE and other statewide parties, but only relative in the case of Basque nationalist parties—the wording of the agreement also reflected this disaccord. For instance, the pact did not exclude the possibility that the official representatives of Basque popular will might discuss questions referring to the Basque politico-juridical framework. Specifically, although point ten of the agreement separates emphatically dialogue with ETA over an end to the violence from negotiation on political questions, it does acknowledge that such questions might be resolved by parliamentary methods.

Between 1984 and 1986, ETA drew up negotiation plans based on the ideas it had outlined during the years 1975–78, in particular developing the “accumulation of forces” notion as a means of achieving political negotiation. By this idea, the MLNV had to accumulate forces on three fronts: emphasizing the contradictions among the various political parties that had signed the Ajuria Enea Pact, the mass struggle, and strengthening the armed organization. Any negotiation could not question the KAS alternative (which was nonnegotiable), but it would discuss the pace and the way to institutionalize its content. The intermediaries involved in the negotiation would be ETA and the PSOE (with the latter taking on the role of representing the other political parties), and it would be a long drawn out process of negotiation covering every detail with a fine-tooth comb. Once a political agreement was achieved, HB would have to draw up an outline of a future Basque national administration and aim to take the leadership within this institutional struggle. As regards ETA, it would have to now fulfill a guaranteeing and deterring function for overseeing the fulfillment of the agreement and preventing obstacles to it. It would also be required to prepare the structure of a popular Basque army.

Negotiations thus took place in between ETA and the PSOE in Algeria from late 1986 through 1989. Termed the “Algeria conversations,” they broke down for a number of reasons: ETA’s demand to be the exclusive Basque representative in this political negotiation with the state; the Spanish government’s fruitless attempt to repeat the strategy used for the dissolution of ETA (pm) in 1982 (based on the handing in of arms in return for individual guarantees for the group’s members, without any political concessions at all); and a lack of resolve, perhaps, among some individuals involved in the negotiation process who were not at all interested in seeing an end to the violence (in the case of ETA, it would presumably have constituted a source of considerable personal profit). Consequently, the logic of the Ajuria Enea Pact as a means of laying siege against ETA gained ground.

The first deployment of the Ertzaintza (the Basque autonomous police force) between 1987 and 1991, and the concomitant gradual withdrawal of the Spanish police force from
the Autonomous Community of the Basque Country (CAPV-EAE) reinforced the autonomous power of the PNV. Yet the Erzaintza was immediately pitted against not only a “natural” enemy like ETA (a group responsible for common law offences, such as murder, robbery, and kidnapping), but also against civil organizations (mostly youth groups) that arranged public demonstrations supporting the armed group. At the same time, ETA’s assassinations—now taking place on two fronts, in the state and in the CAPV-EAE—were more and more thoughtless and indiscriminate, eventually including the Basque police themselves and politicians by the 1990s. Moreover, because ETA’s leadership was now concentrating on one single objective (Basque independence), it closed ranks and silenced any internal dissent. Meanwhile, as regards the international dimension, all Western states—led by France—now supported openly the Spanish state’s struggle against ETA.

From mid 1991 onward, the PNV and Basque Solidarity (EA) began to adopt a more conciliatory attitude, favoring dialogue with the MLNV. As a result, there were a round of talks between the PNV and HB in June and July of 1992 with the aim of halting the lack of communication between the two and drawing up a common diagnosis of the problem that might lead to an end to the violence. However, yet again the talks broke down. Within ETA, a military logic still predominated, while the PNV did not stress enough its opinion on what might be negotiated politically with HB—specifically, a peaceful means of achieving sovereignty.

**Fissures: Elkarri and the Democratic Alternative, 1992–97**

Nevertheless, at the close of the 1980s, a number of social processes converged that might possibly facilitate such an agreement. Specifically, a current that had always been present in radical Basque nationalist circles began to take shape. It was a faction rooted in alternative social and political movements, such as environmentalism, feminism, antimilitarism, and pacifism. Consequently, it took seriously the notions of consensus and participation implied by the term “negotiation.” A new group thus emerged from this current in 1992, Elkarri, offering a fresh vision of the Ajuria Enea Pact that emphasized its pronegotiation dimensions as a means of resolving the conflict—a perspective that challenged the sacred anti-MLNV bonds between moderate Basque nationalist and Spanish statist parties. At the same time, the impossibility of making the Basque Country a single autonomous framework within which to organize labor relations under the current political system gradually led to the convergence of two Basque labor unions, ELA (traditionally associated with moderate Basque nationalism) and LAB (a component of the radical Basque nationalist world). This created a bridge between the two different worlds of the Basque nationalist family and provided an important social base of support for the new perspectives on resolving the problem.

Through the 1990s, radical Basque nationalism gradually took on board the failure of its strategy based on ETA’s monopoly of all negotiations, as evinced in the breakdown of the Algeria conversations. Influenced by the growing support for new movements, such as Elkarri and the ELA/LAB alliance, and fearful that such movements might erode
the power of its own social bases, it began a reforming process regarding both its ideological positions and its willingness to negotiate. This all took place within a general context of internal swings between moderation and radicalization, yet ultimately resulted in the 1998 Lizarra Agreement.

The mass arrest of ETA's main leadership in Bidarte (Bidart) in Iparralde in 1992, led to a decline in the group's activity. However, it still managed to kidnap the industrialist Julio Iglesias Zamora in July that year, and the street violence by radical youth groups increased. Then, in September, two alleged ETA members died in police custody. ETA blamed the Ertzaintza for prior responsibility for one of the deaths, and in November 1993, its confrontation with the Basque police escalated when it assassinated a police officer, Sergeant Joseba Goikoetxea.

The PSOE again triumphed at the June 1993 general elections, but this time only just, and a new era began without there being a single dominant party in the Spanish state (as had been the case through the 1980s and early 1990s). However, from this time onward a number of PSOE scandals were gradually revealed, damaging the standing of the PSE as well in the CAPV-EAE. The most serious of these scandals was the revelation that the PSOE government had indeed taken part in the “dirty war” perpetrated by the GAL between 1983 and 1987. In short, government ministers, secret service officials, and police officers had all taken part in setting up the GAL, a group responsible for numerous assassinations and kidnapings.

Within this context, the PNV, inspired by the peace process model in Northern Ireland—specifically the 1993 Downing Street Declaration by Britain and Ireland that ultimately led to IRA's indefinite ceasefire—began a search for other roads to peace, thereby further aggravating the growing crisis within the Ajuria Enea Pact. On the initiative of this pact, existent propeace social groups were aided and new organizations founded. The most important of these groups was Gesto por la Paz (Gesture for Peace). However, another propeace group, Elkarri, whose origins (as noted) could be traced to left-wing radical Basque nationalist circles, took a distinct approach to the question by emphasizing more dialogue across the political spectrum. This was an approach that also had more in common with moves for conflict resolution in Northern Ireland than the Ajuria Enea Pact. Elkarri thus proposed cross-party dialogue without the need of a prior ETA ceasefire. The PNV seconded the idea, but it was rejected by both the PSE-EE (although with some reservations) and out-of-hand by the PP. This heralded a shift in Basque politics toward a center-periphery cleavage that marked events between 1998 and 2001.

For the MLNV, the growing confrontation between ETA and the Ertzaintza (defined by radical nationalists as an instrument of the PNV designed to perpetuate Spanish occupation of Basque territory) was in principle more important than the obvious shift taking place among the Basque nationalist parties that had signed the Ajuria Enea Pact. This idea was laid out in an ideological statement by KAS (the Txinaurri text) in late 1994. And in April 1995, HB members reinforced this black-and-white vision of Basque politics by ratifying the same ideas as set out in what is known as the Oldartzen communication.
Elkarri had, then, achieved little in its initiative to bring the different groups together. However, it still believed that it had identified a potential locus or physical point of encounter between the opposing groups.

The labors of Elkarri through the 1990s had some effect on ETA’s political strategy. The armed group incorporated Elkarri’s insistence on the existence of such a locus and, in 1995, reframed its earlier ideas (expressed in the “KAS Alternative”) into a new policy statement: the “Democratic Alternative.” By this idea, ETA would be responsible for negotiating with the state Spanish acceptance of the Basque right to self-determination and the territorial unity of the Basque provinces. Later, the Basque people as a whole would vote on what political unit they wanted.

However, the Democratic Alternative was presented just a week after ETA had attempted unsuccessfully to assassinate José María Aznar, the PP candidate for Prime Minister, and some months after it had already assassinated the Basque PP leader, Gregorio Ordoñez. And ETA’s campaign against these elected officials had initiated a period of civil confrontation unknown up to this point in Basque society.

Between 1995 and 1998, then, the consensus achieved in the Ajuria Enea Pact gradually broke down. As a consequence, the former dominant coalition formed by the PNV and the PSE, settled in power during 1989–92, but in crisis since the period 1993–94, also began to break down rapidly as each party sought new alliances in the new alignment of a center-periphery confrontation. This resulted ultimately in a new configuration whereby Basque nationalists would face off against Spanish statists.

**The Ermua Spirit and the Lizarra Agreement, 1997–99**

In the mid and late 1990s, ETA carried out a series of kidnappings that aggravated public confrontation between proponents of an end to the violence and radical nationalists. During this time, in an HB election slot on TV, a video explaining ETA’s Democratic Alternative was broadcast. This resulted in the entire leadership of the party being arrested and imprisoned. Then in July 1997, ETA kidnapped a PP councilmember in Ermua (Bizkaia), Miguel Ángel Blanco, threatening to kill him if the impossible task of regrouping all Basque political prisoners was not carried out in twenty-four hours. When ETA carried out its threat, despite multitudinous demonstrations to the contrary, a still greater popular mobilization took place that effectively led to the social and political isolation of civil groups close to the MLNV, and even physical assaults on their premises.

Thereafter, the PP began to emphasize its differences from its Basque nationalist fellow members of the Ajuria Enea Pact. Following the Blanco assassination, it merged popular repulsion for the killing with the discourse it had elaborated as a result of the Ajuria Enea Pact calling for harsher jail sentences, a rejection of any dialogue with ETA, and the denial that there was any Basque political problem at all (the only problem being ETA). This discursive symbiosis, that came to be known as the “Ermua spirit,” was progressively supported by the PSE through to 2002. Meanwhile, within the PNV
a contrary posture took shape, and in 1997, it elaborated a text on peaceful resolution of
the conflict in which it proposed a dialogue without limits.

Although HB had made ETA’s Democratic Alternative proposal public, the con-
unued assassinations, street violence, and the political line defined by the Oldartzen com-
munication only strained relations further between the party and other Basque political
and social groups. The strong antinationalist reaction provoked by Blanco’s assassina-
tion led to fears within institutional Basque nationalism that it might lose its hegemony
within the CAPV-EAE to non-Basque nationalist sectors. Just then, the new leadership of
HB—elected in February 1998 and led by Arnaldo Otegi—called for democratic dialogue.
While Spanish judicial power was employed to close down the radical nationalist newspa-
per, Egin, conversations were underway between all those parties most in favor of Basque
self-government. These conversations were eventually aided by news from Northern
Ireland, where a multi-party agreement there resulted in the Good Friday Agreement of
April 1998, laying the foundations for a lasting peace.

In June 1998, the PSE-EE decided to withdraw from the Basque government in
response to a combined Basque nationalist vote in the Basque parliament (including
members of HB) against a plan to make new Basque parliamentary representatives swear
an oath of allegiance to the Spanish constitution. With this withdrawal, so the Ajuria
Enea Pact ceased to be in effect.

On September 12, 1998, the Lizarra Agreement was signed. It was the result of many
months of conversations and dialogue between all the Basque nationalist parties. Six
days after it was signed, ETA declared a ceasefire. The Basque nationalist parties began
to implement the agreement, knowing that it did not include the principal nonnationalist
groups (an essential condition for any lasting peace process to take root). ETA waived its
previous condition that any ceasefire it might declare would only be forthcoming if the
state recognized the Basque right of self-determination and the territorial question (the
inclusion of Navarre in any negotiation). Instead, the armed organization agreed to leave
all the accomplishment of these objectives to the groups involved in the Lizarra (later
renamed Lizarra-Garazi) Agreement.

**ETA Activists, Programs, Organization, and Activity**

The profile of the typical ETA activist changed through the 1980s. The number of women
activists grew appreciably. A society beset by unemployment, and an increasingly mar-
ginal existence for many people, led to a rising number of nonskilled workers entering
ETA’s ranks, together with those people with routine jobs: The archetypal activist during
the 1980s, was a blue collar individual with little or no professional qualifications from
the industrial outskirts of the four major capitals in Hegoalde. Simultaneously, the aver-
age age of these activists rose significantly, to the point of overtaking that of HB voters.

One study by the press agency Vasco-Press published in 1988 attempts to offer a
sociological analysis of ETA members. Based on the data of 220 people arrested in the
previous two years, it provides the following information: The average age of the social
ETA base of ETA was rising, and the number of young people declining notably; the major urban centers located on the outskirts of Bilbao and Donostia-San Sebastián were the principal recruitment points, followed by the capitals; the rural sector was of secondary importance in terms of support for ETA; and most of the support structure was involved in professional activity requiring little or no professional qualifications, with a minimal number of students.

In terms of organization, ETA’s structure in the 1980s and 1990s probably resembled that of other similar armed groups. Specifically, the organization was structured into three kinds of commando units: free units, (commandos de liberados) whose members had not been registered by the police, carried out the most important acts; legal units (commandos legales), whose members were unknown to the police, were, in turn, composed of various subunits, such as the links, the “letterboxes,” and the information units; and support units (commandos de apoyo) whose job it was to furnish the free units with whatever they might require.

According to police sources, at this time between twenty-five and forty people, (based in Iparralde) made up the ETA leadership as a whole, and more specifically there was an executive committee composed of seven people. The organizational apparatus was divided into different sections: propaganda, information, a political office, illegal units, legal units, and international relations. Those responsible for finances, border operations, logistics, and training, together with all operative units, were directly accountable to the executive committee.

The Spanish secret services estimate that there are around five hundred ETA activists. In the early 1980s, according to Lieutenant General Andrés Cassinello, ETA (m) was composed of about two hundred armed individuals divided into twenty or thirty full-time (illegal) units, with the remaining three hundred divided into part-time (legal) units.

Regarding assassinations and specific acts of violence, if we look at ETA (m)’s activity between 1977 and 1998 we can classify these acts. In its own publications from the late 1970s, ETA (m) defined its targets as members of the state security forces and the military (logical symbols in its war against the state, and the two groups that were most targeted by ETA); the proposed Lemoiz (Lemóniz) nuclear power plant in Bizkaia; and (from 1980 onward) drug traffickers—with the latter two targets the result of the importance of new alternative social movements for the group.

To these four types of target that ETA itself defined, I would add three more: the so-called revolutionary tax, a practice started in 1975 that consisted of demanding payment of a certain amount from a given organization, either as a one-off or sporadically demanded, and usually targeting small- and medium-sized Basque businesses; the kidnapping of people to be freed once a ransom had been paid; and what one might term “internal” acts, that is, strikes against former activists or collaborators branded traitors by ETA. In general, ETA became less and less selective in its armed activity after about 1985, using more indiscriminate devices, such as car bombs and letter bombs. Thereafter, more and more indiscriminate targets were singled out as well: department stores,
barracks, including housing where families of Civil Guard members lived, and political leaders (targets ETA had prohibited for many years on considering these “adversaries” rather than “enemies”). Moreover, in the 1990s, ETA came into confrontation with the Ertzaintza, the Basque police force controlled by an autonomous government led by Basque nationalists.

In the Basque case, a kind of violence somewhere between the instrumental and spontaneous varieties emerged. It was carried out by the most radical members of ETA’s community of legitimization and almost always by its youngest members, perpetrating symbolic acts against the state or autonomous police forces, or against everyday symbols, such as public telephone boxes or public transport. This became known as *kale borroka*, street violence or politicized acts of vandalism, and it really took off in the 1990s, just as ETA assassinations declined dramatically.

The number of dead attributed to the various wings of ETA between its beginnings and the early 1990s was over seven hundred. In 1995, ETA crossed a new threshold with the assassination of the Basque PP politician, Gregorio Ordoñez. However, through this decade the group’s “social acceptability” within its social support group began to wane and an important internal faction emerged that began to doubt the effectiveness of the violent path.

Through the 1990s (with the exception of a transitory moment in 1991) and up to the 1998 ceasefire, the number of assassinations declined compared to the 1980s, yet at the same time the social repercussions of ETA’s deadly attacks rose. In numbers, those killed were as follows: forty-six in 1991, twenty-six in 1992, fourteen in 1993, thirteen in 1994, fifteen in 1995, five in 1996, fourteen in 1997, and six in 1998. After the 1998 ceasefire, and in the absence of ETA violence, the political representatives of radical Basque nationalism (named EH at this time) achieved their best-ever electoral results, increasing their historical level of support by over a third—the clear expression of widespread satisfaction with ETA’s decision to lay down its arms.

**State Terrorism: The Different Phases of the Dirty War in Spain**

The dirty war—in the same way as peripheral nationalist violence—had its own thresholds. In order to cross these, it also needed to count on a diffuse means of legitimization (denied officially but affectively supported) rooted in the identity-based dimension of the Spanish state’s antiterrorist nationalism. These thresholds were the illegal use of legal methods (for example, torture as a means of interrogation); permanent exceptional legislation applied exclusively to a peripheral territory; the uncontrolled violence of the state security apparatus; state, police, or mercenary terrorism; and an open war against an ethnonational collective. In violent center-periphery conflicts of this nature one must rule out the final threshold of a military coup d’état to be followed by the implementation of an authoritarian state, except where a democratic system is weak and this weakness may be used by military rebels.
In Spain, there were three periods of “mercenary” terrorism, all of them motivated by the Basque conflict. The first began with Franco’s last state of exception in April 1975 and lasted until early 1977. The so-called Anti-ETA Terrorism (ATE) claimed responsibility for the violent acts undertaken during this period. The second period took place between the summer of 1978 and late 1980, ending shortly before the attempted military coup in February 1981. This time, another group, the Spanish Basque Battalion (BVE) claimed responsibility for a number of attacks.

Finally, a third period was marked by GAL activity between 1983 and 1986. It began with the kidnapping (and subsequent torture and murder) of two ETA refugees in Iparralde, José Antonio Lasa and José Ignacio Zabala, in October 1983 and ended abruptly in 1986, when the French authorities began to expel Basque political refugees from French territory. Many of the twenty-six people GAL killed were French citizens without any connection to the conflict. In short, the GAL had a twofold objective: one it did not achieve, that is, to divide the community of Basque political refugees in Iparralde; the other it did, that is, to get the French authorities to start expelling these refugees from France.

**The Tortuous Path toward Conflict Resolution, 1998–2007**

From 1998 onward, radical Basque nationalism changed course in its strategy of collective action toward the idea of conflict resolution. It was influenced in this change of course by both external and internal factors. The clearest external factor was the Irish peace process and especially the 1998 Good Friday Agreement, but the international context was also important for the rise in Islamic fundamentalist terrorism after the September 11, 2001, attacks—a heightened level of armed activity in comparison to that which ETA was willing or able to carry out. Of the internal factors influencing this change, one should probably highlight the diffusion within radical Basque nationalism of new identity-based and ideological elements.

In general terms, the role of ETA changed from being at the vanguard of a national liberation process to be resolved by armed methods to becoming the guarantor of a process of civil negotiation aimed at resolving the conflict through the dual questions of self-determination and territoriality. In this latter conception, violence became for ETA a response or consequence of undermining the negotiation process on the two cited issues. As such, violence was now conceived of as transitory and always directed toward realigning the negotiation process.

The 1998 ETA ceasefire came to an end in November 1999. With a renewed campaign against members of nonnationalist political parties, their offices, and private homes and possessions, the PP and the PSOE reached an accord: “The Agreement on Freedoms and Against Terrorism,” signed on December 9, 2000. The preamble to this accord defined its central objectives: to achieve an effective freedom and end terrorism. It also argued that the Lizarra-Garazi Agreement was incompatible with democracy because the PNV and EA, in agreement with ETA, had put a political price on the abandonment of arms—namely, the imposition of self-determination as a means of attaining Basque
independence. However, this agreement contended, no political price should be put on ending terrorism.

This agreement demanded a permanent collaboration between the PP and the PSOE through the exchange of information, joint action in questions of legislative reform, penitentiary policy and international cooperation, citizen and institutional mobilization, and the search for joint positions on counterterrorist strategies. Moreover, the two parties maintained that their principal preoccupation was with the victims of terrorism (but only those who were victims of ETA). This agreement, its signatories claimed, was a combative text, not just against terrorism, but against all those Basque nationalist groups that had signed the Lizarra-Garazi Agreement.

One of the most important consequences of this agreement was the passing of the Law on Political Parties in February 2002. Although the stated objective of this law was to impede the complicity of a political party with terrorism by outlawing it, the vague and complex nature of its wording was aimed at always identifying, should the authorities so wish, such a relationship. On the back of this law, the Supreme Court declared unanimously Batasuna (the later manifestation of HB) illegal in March 2003. Finally, the combined votes of the PP and the PSOE were also used to pass a law in May that same year reinstating (if not formally, in practice) the full life sentence for terrorist acts.

At the same time, by means of a macro indictment the Audiencia Nacional (Spain’s special high court) presented a series of accusations based on the notion that “everything was ETA” against members of a wide range of both radical nationalist and simply pro-Basque culture organizations: AEK, Ekin, the Joxemi Zumalabe Foundation, the Pro-Amnesty Committees, Batasuna, the newspaper Egunkaria, and Udalbiltza—all organizations that had until that time carried out legal activities.

**ETA Activity, 1999–2003**

Between the ending of the ceasefire in late-1999 and 2003, the number of ETA’s victims killed was as follows: twenty-three in 2000, fifteen in 2001, three in 2002, and three in 2003. The profile of these victims now had little in common with those of the 1970s and 1980s (namely, members of the Spanish police forces and the military). By way of measuring this change, if one looks at ETA assassinations in the year and a half between January 2000 and June 2001, less than one-fifth of the group’s targets were members of the state security forces. By contrast, during the same period, fourteen PP and PSOE members were assassinated (eight and five respectively). Linked to this changing tactic, one should point out that at the same time there was growing opposition to ETA activity from within its own community of legitimization—a fact revealed by the poor showing (indeed, the worst in their history) of the radical Basque nationalists in the 2001 autonomous elections.4

On Conflict Resolution

In November 2004 (the outlawed) Batasuna—the central political party of radical Basque nationalism—presented the so-called Anoeta Declaration, incorporating the following points as a means of getting to the roots of the conflict: respect for the different sensibilities of the Basque people, settling differences in a peaceful and democratic way, and basing any agreement on the principles established by the UN universal declarations on human rights and civil and political rights.

Furthermore, Batasuna also proposed here the creation of two different spaces for undertaking dialogue in an attempt to reach some agreement. One would consist of an agreement among political, social, and labor union agents on the creation of a new scenario in which any potential political status might be discussed and a decision taken thereupon. The other would involve an agreement between ETA and the French and Spanish states on the demilitarization of the conflict, the prisoners, deportees, refugees, and victims. ETA endorsed the Anoeta Declaration in January 2005 and declared a permanent ceasefire in March 2006. However, by December 2006, the ceasefire had been broken. The Spanish government had made no gestures regarding its penitentiary policy, no cross-party roundtable for dialogue had been established, and then ETA planted a bomb in the parking lot of Madrid’s Barajas airport that killed two people. The armed group had not intended to kill anyone, having given a previous warning that the bomb had been planted, but such consequences were always possible in acts of this type. In a communiqué shortly afterward, ETA stated that its ceasefire was still officially in place, but in June 2007, the group announced the formal end to the truce and the reactivation of all its fronts.

The attitude of radical Basque nationalism, and therefore ETA, to resolution of the conflict reflected a debate between the old and the new. The new revolved around a conception of any resolution process based on agreement between different parts. Although neither ETA itself nor the civil organizations associated with radical Basque nationalism have rationalized this model, let me try and sum up its premises.

The leading role of nationalism in the process of self-determination, so necessary during a great part of the evolution of this process, finds itself at a certain point aware of its own limitations. It is clear that within the national territory, there are different relational axes between majorities and minorities, defined by a central dividing point of identifying with or being against the state. Above all, it is obvious that nationalist activity alone is not enough to construct a national identity that extends to all groups. Further still, such activity can even widen the breach between different collective feelings of belonging, especially if once includes violence in this activity. Evidently, the use of violence leads to increased state repression, but at the same time it also facilitates the imposition of (state-driven) politico-mediated unilateral discourse in which there are only victims and violations of rights on one side: that of the state.
The moment comes, then, when one realizes that the road to resolving the conflict exists in the bringing together and consensus of all concerned, based on mutual concessions among different expressions of minority nationalism and those loyal to the state.

Self-determination is now the conflict resolution process on which the foundations can be laid for an agreement among all citizens, whatever their national loyalties or ideologies. The nation to be constructed is not ethnocultural, nor even nationalist, any more—it is a citizens’ nation, that of all citizens within the territory in which there is a national conflict to resolve.

The mirror in which this model sees itself is that of real conflict resolution processes, especially that of Northern Ireland, that, in turn, incorporate the following aspects: the construction of a locus or point of reconciliation; international mediation; acknowledgement of the questions and relations that need addressing and repairing (decommission of arms, freedom of prisoners, police respect for human rights, redress for the victims of all sides in the conflict); and the drawing up of plans for real political and social change that all parties that have been antagonists in the past can agree on, implying the starting point for a new institutional model as a means of constructing the citizen nation.

According to theorists of conflict resolution,\(^5\) the normative grounding of such processes is reconciliation. Reconciliation favors establishing relations, not only among people, but also among activities. Relations form the common root of conflicts, but also their resolution in the long run—the potential future where interdependence between different parts must be sought once more. Reconciliation is, then, a locus or a place where people and activities come together. Self-determination forms, then, part of the conflict resolution “package.”

This new model stands in contrast to its older counterpart, based on maintaining ETA’s vanguard attitude about itself as expressed still in its role as guarantor of any such process, with the implied ever-present risk of once more falling back on the use of violence—in fact, exactly what ETA stated in its June 2007 communiqué.

Clearly, these are not the only problems associated with a conflict resolution process based on reconciliation and agreement between different and opposing parts. Old attitudes have also been expressed by Spanish socialism in its refusal to carry out a coherent commitment to the notion of a plurinational Spain, as well as its attempts to impose, from the numerical force of votes within its own \textit{staatsvolk} or state group symmetrical or homogenous solutions for all territories throughout the state, whether regions of Spain or nations without states.

Similarly, old attitudes within institutional Basque nationalism are apparent in its attempts to maintain hegemony in one of the three territorial components of the CAPV-EAE through a distribution of shares in political and social power with the Socialists—a

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5. See, for example, John Paul Lederach, \textit{Building Peace: Sustainable Reconciliation in Divided Societies} (Washington, DC: United States Institute of Peace Press, 1997).
kind of “Ajuria Enea mark 2” agreement—thereby obstructing any agreement with radical Basque nationalists and therefore a possible reconciliation among all parts.

Another difficulty is the triangular nature of conflict resolution, the only possible model of solution today, but one that is perhaps not the most desired. The configuration of political forces in the Basque Country is not triangular but quadrangular because it includes, besides the three components already mentioned, the PP. However, the dominant discourse within this party since its second term of office in Spain during the period 2000–4, was one of statism, an identity-based reaction to the demands for self-government from the periphery, at the same time denying the existence of national groups or a national conflict within the state’s borders and therefore considering any attempts to find a solution for this “inexistent” problem vacuous. Such statism only conceives of a world made of states, a world viewed in black and white without any acknowledgement of gray or intermediate situations. Any demands by the peripheries only hide, for this statist world, secession motives, which it considers an aberration, something akin to a crime and treason. Negation of the conflict is ultimately a stripped down, and therefore a-theoretical, expression of the oppression of national groups by a staatsvolk or state majority—an idea absent from any serious theoretical space, but very popular in the media and day-to-day politics.

No one can say whether such attitudes will diminish. However, the transformation of the framework for Basque conflict resolution from a triangular to a quadrangular setting is a necessary requirement for the stability and permanence of any such solution.

International mediation is a structural element of conflict resolution. Securing such mediation demands, in almost all cases, removing the political game from a dual setting and relocating it in a multilateral situation, while along the way securing the approval if not the open support of the international community. However, as evinced by the real-life secessions that have taken place throughout the world in successive historical eras of self-determination, the neutrality of states and the support of the international community depend much more on the balance of power between hegemonic blocs and its transformation in the global geopolitical arena than on any general or current norms.

In the Basque case, the European Union is the dominant international actor in conflict resolution. The attitude of various EU bodies toward the Basque conflict, although not negative, has been different in a variety of subtle ways to the open spirit they demonstrated to the case of Northern Ireland. The European Council and the European Commission welcomed ETA’s permanent ceasefire in March 2006, while the European Parliament made a similar pronouncement in October that same year. Indeed, the latter declaration was hardly innocuous given that its approval was challenged vigorously by the Spanish PP, a party that resisted all attempts to internationalize the conflict. However,

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one should bear in mind that this same text was essentially based on approving the peace initiatives of democratic Spanish institutions, a condemnation of violence, and the need to make amends with the victims (of ETA). Consequently, it associated Basque conflict resolution more with an end to ETA terrorism than the right of Basques to self-government. Moreover, the resolution did not even gain the support of most (right-wing) European People’s Party members in the European parliament.

References


Defining what might be meant by the term political culture is of course a far from straightforward task. Nor is this task made any easier by attempting to describe political culture in the Autonomous Community of the Basque Country (CAPV-EAE) and the Foral Community of Navarre (CFN), places where politics has been established as a privileged central vertex within any area, including culture.

It is worth recalling that political culture consists basically of the subjective orientations (cognitive, affective, and evaluative) of individuals toward political objects. In order to analyze and study these orientations, the concept of political culture is used and made operational through the concept of “attitude.” For this reason, when we consult statistical sources that tell us something about the political culture of a community, what we find is a way of measuring attitudes.

In my study of political culture in the Basque Country, I have followed the line established by Gabriel A. Almond and Sidney Verba in *The Civic Culture* and consequently will divide my description of Basque political culture according to the attitudes demonstrated toward the following political objects: the general political system, the self as a (subjective) political actor, political input, and politico-administrative output.

The outline I will now follow divides the case of the CAPV-EAE and that of the CFN into two different sections. As I will explain later, unfortunately there are not enough data or sources to facilitate a perfect comparative dimension between the two.

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because what does exist for the CFN is neither so complete nor as up to date as that at our disposal for the CAPV-EAE. However, we can still approximate enough of a description of the case of the CFN to allow us some idea of its differences and similarities with that of the CAPV-EAE.

**An Overview of Political Culture in the CAPV-EAE**

As regards attitudes toward the political system, the level of satisfaction among Basque citizens with the functioning of democracy in the CAPV-EAE. Here we can see that, despite a slight improvement, almost four out every ten people surveyed (38 percent) were not very satisfied and that 12 percent were not satisfied at all with the functioning of democracy. In other words, 50 percent of those surveyed had a negative attitude regarding the functioning of the political system as opposed to the remaining 50 percent who valued it positively. In comparative terms, one can say that these levels of satisfaction (with a –5 balance of satisfaction) are significantly lower than those of the European Union average (with a +15 balance of satisfaction).

With regard to attitudes toward the political community, and given the Basque political situation, I thought it important to include here the following issues as indicators of political culture: subjective national identification (SNI) as a gauge of affective sentiment toward the community; in addition, I consider attitudes regarding the potential independence of the Basque Country since, as a discursive element focused on territorial definition, it indicates the “desired” or “undesired” political community.

In the first instance, 31 percent of citizens in the CAPV-EAE consider themselves just Basque, 16 percent more Basque than Spanish, 34 percent equally Basque and Spanish, 4 percent more Spanish than Basque, and 7 percent just Spanish. Therefore, 47 percent of those surveyed considered themselves primarily Basque as opposed to 11 percent who considered themselves primarily Spanish.

Regarding independence, a 2007 survey indicated that 30 percent were in favor of Basque independence, as opposed to 35 percent against. Meanwhile, 15 percent either did not know or did not answer the question and, significantly, 20 percent said their answer depended on the circumstances. In this latter case, the main condition for agreeing to independence was that peace should be secured in the Basque Country. Other conditions included, in descending order, a peaceful and democratic independence process; that it should cause no confrontation between Basques; that it should be approved via popular referendum; that it should be negotiated with the state; that it would not have negative economic consequences; that the Basque Country should remain in the

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2. Throughout this section, we refer to Basque citizens as citizens of the CAPV-EAE and therefore not encompassing the entirety of “Basque” experience, but a better rendering than the awkward “citizen of the CAPV-EAE.” We hope readers will pardon this indulgence.
European Union; that independence should be approved by majority in each of the three provinces; and that Euskara would not be obligatory in a Basque state.\(^5\)

With regard to the form of political organization most desirable to the Basque population, in general terms, the options of independence and federalism experienced a notable growth in support during the period 1999–2006, with both achieving a maximum degree of support in 2005 (a year when there were autonomous elections). Elsewhere, the autonomy option enjoyed a quite high level of support (44 percent) in 2000, when, in fact, was the most favored option, but it fell to a 26 percent level of support in the first half of 2006. That said, support for this option recovered notably in the second half of 2006. Therefore, we might conclude that while both autonomy, and, also clearly, centralism lost support during the period 1999–2006, federalism and independence increased their respective levels of support.

It would appear that attitudes regarding the general political system (taking into account the level of satisfaction with the democratic system, the SNI, and agreement or not with Basque independence together with the evolution of support for the different forms of state) were not, in principle, too optimistic. In all the cases analyzed, the data demonstrate that 50 percent (or more) positions existed—plural and lacking clear majority references in some cases—that although they did not completely delegitimize the current political system, they did not entirely endorse it either. Generally speaking, then, we can see that during this period in the CAPV-EAE, both a decidedly pro-Basque (vasquista) attitude regarding identity and support for forms of state based on the ideas of independence and federalism, together with a certain lack of satisfaction with the current functioning of democracy, increasingly defined attitudes among Basque citizens.

Studies on political culture have focused especially on measuring the interest of the individual for politics in general. Some authors underscore important levels of political dissatisfaction in current democracies. When I refer to dissatisfaction here, I mean “the subjective feeling of ineffectiveness, cynicism and lack of confidence in the political process, politicians and democratic institutions that causes a distancing and alienation in relations with the aforementioned, a lack of interest in politics, and the lowest levels of participation in the main institutions of political representation, but without questioning the system.”\(^6\) As regards the interest of Basque citizens for politics, the 2006 data indicate that 40 percent of them are not very interested and 31 percent are not interested at all in politics. At the same time, 27 percent state that they are very or quite interested in politics.\(^7\)

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**Political Input**

This political object refers to the entrance process; in other words, to the demands and support that, in ideological terms, serve as points of reference from which individuals situate themselves in the political system. Thus, for example, the classic analytical components in this category are the dimensions of left or right, nationalist, materialist, postmaterialist, and so on.

Despite the by-now famous crisis of these concepts, the left/right dimension does not seem to escape any study of political culture. The ability to situate oneself within these margins appears to still allow us in some way to locate our own position in the complex political sphere, understand and outline this complexity to some extent, and reduce it to accessible positions that are easy to manage and that give us a simplified image of our place.

According to 2006 data, regarding the individual’s placement on the left/right axis, the left enjoyed its highest level (44 percent) for a decade. By contrast, the right axis is only located at somewhere between 3 and 6 percent of those surveyed.8

Regarding the nationalist dimension of these surveys, the attitudes analyzed attempt to measure loyalty to a national community.9 The 2005 survey by the Center for Sociological Research (CIS) on the social and political situation in the CAPV-EAE gives some insight into this question. The data here indicate that if we add up the percentages of responses that register as more than 5 on the scale of nationalism, 51.3 percent of those surveyed replied affirmatively. However, it is striking that the highest percentage of any response (24.9 percent) was located in the area of minimum nationalism. At the same time, one should point out that 37.9 percent of those surveyed did not register as higher than 5 on the scale of nationalism. Likewise, an interesting number of people (10.8 percent) either did not know or did not answer the question. Meanwhile, we can also see here that an almost even number of people believe the Basque Country to be a region (41.6 percent) and a nation (39.7 percent).10

Finally, a 2002 study, despite being based on slightly older data, is interesting because it mixes SNI information with that concerning materialism/postmaterialism. This issue

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9. Some current areas of research are incorporating new elements of reflection on and analysis of political culture. Among these new elements, studies on cultural history in regard to collective action and mobilization, reflections about the social foundations of citizens, and work on the social bases of nationalism stand out. As regards this latter example, it would appear that these works “coincide in emphasizing the relevance of cultural foundations and values in the redefinition of nationalist ideologies, in ways in which these function at a time when a new democratic public sphere is being constructed and, finally, in the emergence of new political actors and the adaptation of older ones to the new political circumstances.” Luz Morán, “Los estudios de cultura política en España,” REIS 85 (1999): 123. For studies of this kind on the Basque case, see Alfonso Pérez-Agote, *La reproducción del nacionalismo: El caso vasco* (Madrid: CIS-Siglo XXI, 1984) and *The Social Roots of Basque Nationalism*, trans. Cameron Watson and William A. Douglass (Reno: University of Nevada Press, 2006); and Ander Gurrutxaga, *El código nacionalista vasco durante el franquismo* (Barcelona: Anthropos, 1985) and *Del PNV a ETA: La transformación del nacionalismo vasco* (Donostia-San Sebastián: R&B, 1996).
refers to the changing values of postindustrial society. It concerns a transformation from the importance of values based on economic and physical security to values in which individuals, with their material values covered, now center their attention on issues previously considered secondary, such as quality of life and their position in society. This study indicated that positions including a high level of Basque identity in people’s individual identification tend to correlate to postmaterialism, while those that do not, correlate with materialism. At the same time, the intermediate or mixed category indicating a transition from materialism to postmaterialism evinces high percentages in both categories.\textsuperscript{11}

\textit{Politico-administrative Output}

Politico-administrative output refers to the products created by the general political system in the shape of the administration and implementation of public policies. For the process by which the decision-making, administration, and implementation of these policies takes place to be effective depends not just on the form in which it is done but also, and in a significant way, on the extent to which the (potentially active) public consider it legitimate and believe in it. I am thus referring here to a kind of public compliance with the authorities that in practice allows them to carry out their decisions, since this effectively legitimizes these decisions and may even lead to citizen collaboration.\textsuperscript{12} This is a kind of less specific or exact support that has more in common with the loyalty shown by citizens to the system over a long period of time.

In order to analyze this question, I will now examine the classic indicator of such confidence: political parties. Outside the issue of the confidence Basque citizens may have in institutions such as the Basque government or parliament,\textsuperscript{13} the case of political parties is a clear reflection of the widespread lack of confidence that goes hand-in-hand with the kind of political dissatisfaction described above. With the exception of the party in power at the time (the PNV or Basque Nationalist Party), none of the remaining parties manage to inspire a level of confidence, indicating that either no party or that those surveyed do not know which party gives them confidence, defends the interests of the Basque Country or their own interests, has better leaders, or is more able to govern.\textsuperscript{14}

\textit{Violence and Peace in the Political Culture in the CAPV-EAE}

Any analysis of Basque political culture should incorporate the singularities that, over time, have to a great extent shaped it. I am speaking here specifically about the use of violence and the construction of peace processes in the Basque Country. Here, then, I

\begin{itemize}
\item \textsuperscript{11} Francisco Letamendia, ed. \textit{Redes políticas en la CAPV y Iparralde} (Donostia: Erein, 2002), 240.
\item \textsuperscript{13} See on this the \textit{Sociómetro Vasco} 31 (2006): 7.
\item \textsuperscript{14} CIS Study 2593 (2005).
\end{itemize}
will present some data about how these issues are perceived by the Basque people with the aim of completing a portrait of Basque political culture.

The latest studies undertaken by the Sociómetro Vasco (Basque Sociometer) incorporate the issues of violence and peace quite thoroughly into their questioning. Mainly, the questions examined in order to analyze the current attitude of the people toward the peace process are based on interest in the peace process, negotiations between the Spanish government and ETA, dialogue between the political parties, the latest assassination by ETA, the outlawing of the left-wing abertzale or nationalist movement, and so forth.

Some basic data on these issues tell us that a majority of Basque society (82 percent in 2006) is interested, to a greater or a lesser extent, in how the peace process might develop.15 Further, in 2007, a clear majority of people (83 percent) believe that there should be dialogue on the question among the political parties.16 With regard to the question of whether the Spanish government should negotiate with ETA, a likewise clear majority (72 percent) is in favor of this.17 Another question revolves around the outlawing of the left-wing nationalist party, Batasuna, and the resultant prohibition on it from taking part in electoral processes. Surveys on this issue reveal interesting attitudes: 53 percent believe Batasuna should be outlawed, while 33 percent are against the measure, while a significant 15 percent either did not know or did not answer.18 To conclude this brief account of attitudes regarding violence and peace, an interesting 75 percent of those surveyed have some hope that there will be peace. Although this figure dropped from the level it had in 2006, when ETA declared a ceasefire, it is still significantly higher than in previous years.19

**An Overview of Political Culture in the CFN**

As noted at the beginning of this chapter, comparing the CAPV-EAE and the CFN is complicated. The lack of data and statistics for the CFN is significant and allows us only the most general of overviews of the many questions surveyed in the case of the CAPV-EAE. This is why I have avoided a direct description of both political cultures at the same time. Therefore, what follows here is a description of the political culture of the CFN using the data obtained by a 2005 CIS survey (number 2610). Here I will follow, again in the most general of terms, the categories used for my description of political culture in the CAPV-EAE, and I will analyze, where possible, the similarities and differences between both cases.

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17. Ibid., 38.
18. Ibid., 40.
19. Ibid., 47.
As in the previous case, here I will examine attitudes to both the political system and the political community, specifically through an exploration of SNI and attitudes toward the organization or definition of territory in the CFN.

When we compare the data for the CFN with that of the CAPV-EAE, we see that the highest levels are to be found in categories of shared national identity (both Spanish and Navarrese or Basque), although this percentage is higher in the CFN than in the CAPV-EAE. Identification with being Spanish alone is, like in the previous case, very low at fewer than 10 percent of those surveyed. Finally, unlike in the previous case, where a preference for Basque national identification reached 47 percent, in the case of the CFN a predominant feeling of Navarrese national identity was only registered by 36.8 percent of those surveyed.\(^{20}\)

With regard to attitudes on territorial definition, and specifically the issue of independence or other forms of state organization, most Navarrese favor the current form of territorial organization around the concept of autonomous communities (49.4 percent). This is followed by a similar state model, but where the autonomous communities have more power than at present (28.5 percent) and a state where the autonomous communities would have the right to become independent nations (13.4 percent).\(^{21}\)

**Political Input**

With regard to the left/right axis of political identification, after adding up all leftist positions in the CFN, the leftist balance is 42.3 percent—a similar level to that of the CAPV-EAE (44 percent). Elsewhere, 9 percent of those surveyed in the CFN identified themselves as right wing, while 25.8 percent situated themselves in the center.\(^{22}\)

Nationalist identification was not specifically addressed in the 2005 CIS study, and data on this question is difficult to find. However, we do have some information, albeit indirect, where some attitudes to this subject can be seen. However, in response to the question, “thinking about a possible reform of the statute of autonomy, would you be very much in favor, quite in favor, quite against, or very much against the following objectives?”

The findings here refer to a hypothetical reform of the statute of autonomy in the CFN and the potential idea of terming Navarre officially as a nation. If we compare this data to what we saw for the case of the CAPV-EAE, we see that the results are completely different. In the CFN, only 13.6 percent of those surveyed would use the term “nation,” whereas in the CAPV-EAE, the figure is 39.7 percent. Supposing that being very much in favor or quite in favor of including the term “nation” in such an eventuality indicates some degree of nationalism in the CFN, we might then conclude that it would approxi-

\(^{20}\) CIS Study 2610 (2005).
\(^{21}\) Ibid.
\(^{22}\) Ibid.
mate 13 percent of the population. However, clearly we cannot be sure about this, nor can we compare the two cases with any degree of real precision.

**Politico-administrative Output**

The support of people for different authorities (political, administrative, judicial, and so forth) is a classic means of measuring their legitimacy and credit. As we saw in the case of the CAPV-EAE, the most often used indicator is that of confidence levels in these authorities.

For the CFN, the only data we have is a particular and perhaps too specific example: the levels of confidence people in the CFN have in their autonomous president, Miguel Sanz. It is paradigmatic to observe that, by adding up the percentages of people with little or no confidence in their autonomous president, we reach 59.8 percent of those surveyed, while only 26 percent do have some confidence.

Taking the data available as a whole on issues covered in this section, it is clear that any description of political culture in the CFN requires a significant amount of additional information. However, we can see, albeit in succinct fashion, certain characteristics of this culture, as well as some brief comparative perspectives with the CAPV-EAE. Summarizing the findings, there seems to be a similar level of shared national identity in the CFN and the CAPV-EAE (between feeling Spanish and either Navarrese or Basque respectively). This is followed closely, in the case of the CAPV-EAE, by a Basque national feeling, although similar feelings of Navarrese identity are lower. Independence does not enjoy the level of support in the CFN that it does in the CAPV-EAE. Just as in the case of the CAPV-EAE, the leftist balance is quite high in the CFN. A relatively low number of people identify Navarre as a nation, and finally, almost 60 percent of those surveyed have little or no confidence in their autonomous president.

**Conclusion**

What I described here is by no means meant to be understood as a full reflection of the political culture of the CAPV-EAE and the CFN. I understand that the indicators used are just some of the many that can and must be consulted for an examination of any political culture to be more complete. However, and as a general overview, I include the data here as a means of addressing some of the most important attitudes associated with political culture, without forgetting the specific characteristics associated with each of the cases I have addressed.

Specifically, then, the data (more complete for the CAPV-EAE than for the CFN) consulted allow us to conclude the following general observations: that people are not very satisfied with politics (in the CAPV-EAE); that there are a range of plural national

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23. Ibid.
24. Ibid.
identities (in the CAPV-EAE and the CFN); that as regards independence, opposing positions achieve similar levels of support in the CAPV-EAE (proindependence levels of support are much lower in the CFN); that there is not a great level of interest in politics and little confidence in political parties (in the CAPV-EAE); that there was little or no confidence in the president of the CFN; that an important level of people in the CAPV-EAE identify themselves as left-wing and nationalist (although this is not the case in the CFN); and, finally, that despite many setbacks, most people are interested in and have hope for a consolidated peace process in the CAPV-EAE.

As mentioned, then, it is practically impossible to compare the cases of the CAPV-EAE and the CFN with the data available. This is why I have avoided direct comparison, for the most part, and relied instead on presenting and assessing the data separately, all the while mentioning any noteworthy or clear examples of coincidence or difference. Perhaps this has been a somewhat general definition of political culture in the CAPV-EAE and the CFN, but this is because such a study would require time and space not available here. That said, there is still much value to be gained from the data offered by the surveys cited here because these help us to detect and understand many attitudes and orientations in the two cases.

References


Due to the high level of protest and social mobilization in Euskal Herria,¹ it has become customary to speak of Basque society as a “movement society.” This phenomenon of popular organization and mobilization has implied in the Basque case the development of a dynamic and diverse society in constant debate with political institutions and economic powers at both a local and global level. Through our study of the Basque case—with its central politico-national conflict—we see that collective action and social mobilization leads to a dynamic and movimentista (supporting citizens’ initiatives) society.

From the Franco Dictatorship to Globalization

Basque society has undergone a radical metamorphosis since the end of the Franco dictatorship and the installation of the liberal democratic system that brought Basque society into line with the rest of the industrialized world. Social and economic structures have also rapidly evolved. Cities, towns, and countryside now form part of the globalized world; however, Basque society maintains certain features that distinguish it. Among these, we will focus on positive traits, such as the dynamism and abundance of citizen

¹. Euskal Herria here is used to refer to the entirety of the Basque Country, traditionally divided into northern Iparralde and southern HegoaBdhe: the border between these is the international frontier between Spain and France. These are highly charged terms subject to much debate, but are used here in the strict sense given.
initiatives and negative ones, such as overly ideologized and sectarian partisanship and the persistence of political violence.

In contrast to the general European student movements and the “new left” of the late 1960s, in Euskal Herria the political, social, and cultural context was dominated by confrontation with the Franco dictatorship. Even in Iparralde, demonstrations of solidarity with and campaigns of support for refugees and victims of reprisal from the Spanish dictatorship were more important than the lessons and consequences of May 1968.2

The final years of the Franco dictatorship marked a historical period that would strongly influence both the shaping of Basque civil society and the forms in which socio-political events unfolded in Euskal Herria in the decades that followed. In particular, there were two voices in the Basque Country that rejected centralist subjugation, linguistic uniformity, the lack of democratic freedoms, and the repression of the Franco regime: on the one hand, the industrial workers’ movement and its political organizations and pre-labor unions, and on the other, the abertzale (patriotic) or Basque national liberation movement. These, then, formed the two pillars or extremes around which the rejection of Franco took shape.

From the time of the Burgos Process (1970), when several ETA members were condemned to death, until the general amnesty declared in 1977, there was a crucial period of mobilizations, social protest, and a growing number of strikes and demonstrations in which, despite the wide ideological range of the people who took part in all these and the vast difference in objectives and strategies of the various anti-Franco organizations, there was general agreement on a “unity of action” as the best tactic and way to assure the fall of the regime. Furthermore, during this period prior to the Spanish political reform, civil society operated clandestinely or from within Catholic Church walls because of the dictates of the Franco regime. It was only allowed to escape this clandestinity and enter the public sphere through a handful of folkloric and cultural demonstrations.

The change in the political cycle was marked by the way in which the Spanish transition took place. This was not a sharp and democratic break with the past as many expected and hoped for, but rather a “reform” approved by the dictatorship that involved forgetting the past.3 The Moncloa Agreements led to the establishment of a constitutional monarchical system and a state made up of autonomous regions with a new structure of political opportunity. Yet the level of political, economic, and cultural dissatisfaction with this settlement was reflected in the Basque refusal to ratify the new Spanish Constitution in the referendum of December 12, 1978, in the continued high level of Basque working-class mobilization and in the continued cultural and linguistic demands.

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3. Throughout the Spanish state, a number of local and statewide initiatives seek to recover historical memory through compensation and apologies to Franco’s victims.
In general, antinuclear, feminist, antimilitarist, and alternative movement demands existed during the transition. However, with the start of the new autonomous era after the passing of the Statute of Gernika (1979) and the law on the reinstatement and improvement of the foral system in Navarre (1981), a new cycle began for the different Basque social movements that, in turn, implemented a new round of sociocultural demands. However, the central feature of social mobilization continued to revolve around the national question, leading to the continuation of demands for the self-determination of the Basque community because of the failure to resolve the national conflict.

This meant that in the new Autonomous Community of the Basque Country (CAPV-EAE, comprised of the historical territories of Araba, Bizkaia, and Gipuzkoa) and the Foral Community of Navarre (CFN) there was still a high degree of confrontation between institutional dynamics and proposals emanating from civil society. This resulted in less collaborative, integrative, and consensual spaces than those gained in other European countries and even in the rest of the Spanish state. There, a weak variety of welfare state was established, led by a neo-conservatism of rapidly professionalizing parties and interest groups, and by a mostly materialist and barely participative culture.4

Basque society political dynamics continue to revolve around national or identity positions on the question of political violence, rather than the classic conflict between social classes or division between left and right. There are other features that, added to strictly political facts, help to understand the how and why of the strength and diversity of the social mobilization that characterizes Euskal Herria: the strength of Basque nationalism and its associative networks, industrialization, and the massive influx of (Spanish) immigrants during the early and mid-twentieth century, the later industrial rationalization or restructuring, the trilingual conflict, the separation of the rural or agricultural world in the mountainous or inland Basque terrain, the symbiotic bourgeois/working class atmosphere of the Basque capitals, in both the cities and their peripheral neighborhoods, the diminutive size of the Basque territory together with its great diversity of climates and landscapes, and the strong idiosyncrasies of its towns and regions.

For reasons of time and space, we will now consider only a few areas of the wide spectrum of Basque civil society—these are important because of their strong mobilizing power or because of the social, cultural, and political change they encourage. We will examine the movement defending the recovery of Euskara and Basque culture, the women’s movement, and the antinuclear and environmentalist movements. For obvious reasons of space, we are not able to treat all movements, and especially consider antimilitarism, sexual liberation, the okupa (squatters) and gaztetxe (youth organization) initiatives, and antiglobalization as movements particularly worthy of continued research.

For methodological reasons—because they are more political than social (even more so in Euskal Herria where they are normally associated politically)—we have also left

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out of our examination labor union, student, and antirepressive organizations. However, we must stress that without an understanding of these movements, it is difficult to fully understand Basque society. This chapter misses these crucial pieces; we hope interested readers will see these four social movements as four faces of the polyhedral Basque civil society during the last forty years. We have broken our discussion into three general periods: the effervescence and dynamism of the first wave of development following the end of the dictatorship, a period of institutional consolidation, and an uncertain future due to the widespread and rapid social change.

**Effervescence and Dynamism**

For almost four decades, the repression of the Franco regime resulted in the Basque language (regarded by the regime as a separatist symbol)\(^5\) disappearing from public life. Schools, streets, the administration, and even churches ceased to be places where Euskara could be used. Instead, it was forced to retreat into the spheres of the family, the rural world, and bars.

However, in the 1960s a new (and at the time clandestine) social movement began to take shape with the goals of standardizing the various Basque dialects and thereby normalizing its use, implementing Basque-language schools (*ikastolas*), helping Basque-speakers to become literate in the language, and organizing language classes for adults. Moreover, the same movement intended to introduce Basque into all walks of cultural life, from the arts to sports, music and literature, and including universities, the business world, and the public administration.

After Franco died in 1975, the social movement in favor of Euskara enjoyed a flowing in the absence of authority and legislation on the matter. In 1977, 150,000 people and 711 Basque associations signed a petition in favor of official recognition for Euskara. Also, in 1977, the first *Kilometroak* fundraiser was held in Gipuzkoa; this type of event has since spread throughout Euskal Herria.

In 1978, Euskaltzaindia (the Academy of the Basque Language) instituted the “Bai Euskarari” (Yes to Euskara) campaign after publishing the *Libro blanco de Euskara* (White Book on Euskara). This led to a months-long mobilization of Basque society with multitudinous acts attended by tens of thousands of people. Ultimately, this campaign passed on the baton to Korrika, a biannual sponsored run organized by the Coordination of Education and Literacy in Euskara (AEK)\(^6\) adult education group that lasted various weeks and traversed the entire Basque Country. In 2007, this initiative celebrated its fifteenth edition.

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6. In most cases in this chapter, political parties, groups, and the like are identified by their name in English to help the English-speaking reader identify their ideological basis, but their Spanish, Basque, or Spanish and Basque acronym, if that is how they are regularly identified internationally.
This movement has a very wide spectrum of goals, objectives, and directions. There are everything from language and cultural teaching organizations, like the Federation of Ikastolas (Ikastolen Federazioa), the Basque Summer University (Udako Euskal Unibertsitatea), adult literacy groups, magazines, and dailies, such as Ar gia and Euskaldunon Egunkaria; to local initiatives, such as Arrasate Euskaldundu Dezagun (Let’s Make Arrasate Basque-speaking); to sectorial or specialized associations, such as the Council of Basque in the Bizkaian Lawyers’ Association.

Paulo Agirrebaltzategi offers a threefold typology to classify this mixed group: politico-administrative groups formed to pressure public institutions to comply with their linguistic normalization responsibilities; anthropological-communitarian groups that ignored political power and institutions and concentrated instead on empowering, widening, and reinforcing the Basque-speaking community; and sociological-dialectic groups that coordinate and plan projects aimed at linguistic recovery and function between institutions and associations.7

**Feminism**

In the same way as in practically all Western countries, feminism became an important social movement in Euskal Herria in the 1970s. In the Basque case—and like other social movements—feminism was shaped closely by the idiosyncrasies of Basque society, leading to a protest-based movement with few institutionalized dimensions.

The Basque feminist movement was created toward the end of the Franco dictatorship after the significant incorporation of Basque women into the workplace—mainly in the tertiary sector (e.g., health, education, administration, and office work). This led to a “change of mentality among women themselves, as a result of better education and economic independence, by the pressure of a double day’s work, and the liberalization of social customs and habits beyond what the Franco regime itself wanted.”8

The 1970’s movement, organized around Women’s Assemblies, drew little from the nationalist Women’s Patriotic Section (Emakumeen Abertzale Batza) founded by Eli Gallastegi of the Basque Nationalist Party (PNV) in 1922. Following the example of the Irish nationalist movement, the goal of this organization was to guarantee the survival of Euskara and the Basque nation. It ultimately had 38,500 members by 1936, making it the most numerous Basque feminist organization in history.

It was clear at the First Feminist Meetings of the Basque Country in Leioa (Lejona), in 1977, that women students and workers who joined the working-class and Basque nationalist movements at the end of the dictatorship were overwhelmed with traditionally chauvinistic and puritanical attitudes toward gender. In response to this patriarchy,

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women began to establish groups in towns and neighborhoods that were coordinated into the Women’s Assemblies of Bizkaia, Gipuzkoa, Araba, and Navarre. These emphasized that “the personal was political,” that patriarchy shaped society from top to bottom, that the family was a basic institution of feminine oppression, and that feminine sexuality had been crushed. In sum, this marked the initial phase of discovering an outside world far removed from women’s experiences to date, of a total, clear, and radical critique of society, the left, activism, and politics—all with the goal of reaffirming the hidden, silent, female perspective.

The major differences in Basque feminism go beyond merely those of a feminism of equality or one of difference, although this distinction is clearly present. From the beginning, there was an autonomous feminism that criticized what it believed to be the “intrusive control” of left-wing parties (Marxist feminism). This gave rise to Independent Women’s Assemblies in parties and groups such as Lanbroa. Elsewhere, as opposed to an outward-looking activist, protest- and campaign-based feminism that sought to engage with political power—very typical in that moment of political change experienced by Basque society in the late 1970s—there was also a more inward-looking, reflective form of feminism that emphasized study, theoretical discussion, deeper understanding, and self-awareness. Last but not least, with all its organizational and discursive consequences, there was the Basque national question and, more specifically, the issue of political violence as a dividing line within Basque feminism.

There were, moreover, other kinds of feminist groups based on other differential aspects, such as collectives of lesbians, young women, and prointernational solidarity activists. Not all these tendencies, specificities, and differences, however, resulted in the formation of different organizations or groups. Indeed, many of them existed comfortably side by side within the Women’s Assemblies. In fact, this was the most important associative expression of Basque feminism, grouping together various feminist currents in a diverse organization.

**Environmentalism and the Antinuclear Movement**

In Hegoalde, the establishment of the antinuclear and environmentalist movement in the 1970s did not emerge out of other associations linked to the natural sciences, as was the case in other countries, such as Great Britain, Switzerland, Germany, Holland, Sweden, and the United States—with the exception of certain groups, such as ANAN, founded in 1971 by biologists in Navarre. Instead, in Hegoalde this movement emerged largely out of the anti-Franco movement. Basque environmentalism was born out of the debate on and organization of mobilizations in favor of better living conditions for the working classes (those people who lived near and worked in major industrial concerns like the gas installations in Erandio, Dow Chemical in Leioa, and Sefanitro in Barakaldo); antinuclear protests in areas where there were plans to install power stations, such as Lemoiz (Lemóniz), Ea-Ispaster, Deba, and Tutera; and the defense of natural spaces, such as Belagoa, Gorbeia, Urdabai, and Txingudi.
The initial public discourse of the Antinuclear Committees was openly anticapitalist and, besides calling into question the civil applications of nuclear energy, also questioned—by self-organizational, assembly-style, and antibureaucratic means—the societal model that nuclear energy implied. At a crucial moment of the political transition, when the old institutions of the Franco regime had been discredited but their new autonomous counterparts were weak, the project to install a nuclear power station in Lemoiz (Bizkaia) was a test for all the competing actors. Following the Three Mile Island accident in Harrisburg, Pennsylvania, in 1979, the Basque antinuclear movement adopted the slogan “Euskadi or Lemoiz” to maximize the distinction between what had been the nuclear strategy of the Franco regime and Basque desire for self-determination. In this way, too, the movement grounded its protest in the mobilizing capacity of the Basque nationalist community. The Antinuclear Committees argued that to continue building the nuclear power station in Lemoiz was to deny the Basque people its right to decide and, indeed, its very self-government.

The recently created autonomous authorities were, in fact, favorable to the nuclear power station, but with still limited and symbolic power, they promised to hold a referendum on the Lemoiz project in 1980, although this was never realized. At the same time, there was a long campaign of civil disobedience, talks, assemblies and public meetings, demonstrations and concentrations, protest walks and camp outs, sit-down and lock-in protests, and many acts of sabotage aimed at both the public authorities and the construction company hired to build the site (Iberduero), together with the armed activity of ETA. Finally, all this managed to halt the project in 1982. Of the six nuclear reactors originally planned for Hegoalde by the Franco authorities in Madrid, not even the one that had been partially built (Lemoiz) ever managed to function. The Basque Environmentalist Movement (MEV) was thus born out of triumph, not just in a procedural or cultural sense, but also in a substantial and political way.

Institutionalization, Strengthening, and Diversity

After an energetic beginning, Basque social movements went through a new organizational phase in the 1980s. During this time, protest dynamics were increasingly accompanied by new identity processes that resulted in a greater diversification of groups and organs. At the same time, new institutional processes in the political system and the restructuring of industry and the economy were the breeding grounds for generating a new field of play and activity for Basque civil society. The new processes of political institutionalization and industrial rationalization led to a new wave of protest and mobilization. However, the response of Basque society was neither as cohesive nor as potent as in the previous era.


Basque Language and Culture

The 1979 Statute of Gernika and the 1981 foral reinstatement in Navarre led to a new era that included the law on the use of Basque (1982) and the foral law on Basque (1986) in the CAPV-EAE and the CFN, respectively. According to these new laws, the autonomous and provincial governments instituted linguistic policy with translation services and technical departments. In Iparralde, where no new institutional apparatus was created, there were movements to consolidate and strengthen the language, such as the coordinating platform Deiadar and the semi-public Basque Cultural Institute (EKE, Euskal Kultur Erakundea). Its creation was a response to the demands of the pro-Basque culture movement as organized around the Euskal Konfederazioa (Basque Confederation).

These developments were followed by a decade of confrontation between the bulk of the pro-Euskara social movement and political institutions on both sides of the Pyrenees. This political tension had many consequences: For example, there was a need to coordinate different local, area, district, provincial, and national groups, entities, organizations, and initiatives. In 1983, the Basque Cultural Congress (EKB, Euskal Kulturaren Bazarra) was established. Besides the EKB, in Navarre and Iparralde, coordinating responsibility also fell to Oinharriak and Deiadar, respectively. Therefore, there was a degree of overlapping in these coordination efforts.

During this era, the most important controversy and confrontation was that of the competition between AEK and the Institute for the Teaching of Basque and Basque Language Literacy (HABE) for leadership and institutional resources in the teaching of Euskara to adults. Later, although more internal in dimension and as a result of organizational discrepancies, AEK suffered divisions with the creation of Bertan in Bizkaia and Study and Fast (IKA, Ikas eta Ari) in Araba and Navarre.

In his Un futuro para nuestro pasado (A future for our past, 1987), Jose María Sanchez Carrión attempted to offer a theoretical reflection on the controversies surrounding the promotion of Euskara as a means of overcoming the growing despondency and internal division within this world—the result, as noted, of the sectorial lack of communication and confrontation among ideologically different parties and options. His argument was that the pro-Basque-speaking world should embrace an independent, prepolitical outlook prior to any ideological differences. For him, unifying the Basque-speaking national conscience was a priority for the survival of Euskara.

Feminism

With regard to feminism, the Second Feminist Meetings, held in Leioa in 1984, evinced an enterprising protest-based feminist movement that was attempting to win over certain parts of the social reality, such as the workplace and education, where fixed masculine and feminine roles led to widespread discrimination and oppression for the “second sex.” It was during the 1980s, too, that many groups split from the Women’s Assemblies (for example, Aizan!, Lanbroa, the Independent Groups of Donostia, and lesbian collectives) or new groups were established (such as the María de Maeztu Forum and the
Agora Feminista or Feminist Meeting Place) in search of homogeneity, coherence, and their own discourse.

However, with the creation of an official autonomous institution—Emakunde, the Basque Women’s Institute—in the CAPV-EAE in the late 1980s, there was a new focus of tension and misunderstanding. Initially, both the Women’s Assemblies and Aizan! opposed the establishment of Emakunde for not being a legitimate participant and interfering in certain areas of activity by the Basque feminist movement with its policy of positive action. Other groups, such as the María de Maeztu Forum and the Clara Campoamor Association, supported the creation of Emakunde because, unlike the Spanish Women’s Institute, it was not a partisan institution. In contrast with other autonomous regions in the Spanish state, the positions and debate on relations with Emakunde—revolving around the questions of reform policies for and the institutionalization of feminism—were more bitter. This had much to do with the tense sociopolitical situation in Euskal Herria at the time.

Environmentalism

The conflict surrounding construction of the Leitzaran state highway, at its most bitter during the period 1990–92, was the most virulent dispute on Basque soil since the Lemoiz question. Faced with an institutional project to construct a state highway between Irurtzun (Irurzun) in Navarre and Andoain in Gipuzkoa, the environmentalist movement chose to confront this plan through the Anti-State Highway Coordinating Platform. This had been established in 1985 as a means of coordinating efforts to defend the Leitzaran Valley. This platform’s main argument was initially based on an antidevelopment discourse hostile to any plans for building a new highway (under the slogan “Autobiarik ez!” or “No highway!”). With time, however, the discourse developed into one of elaborating the alternative “Lurraldea” (territory) plan in 1989. This plan included both environmental and scientific-technical suggestions for improving road connections between Gipuzkoa and Navarre, and ultimately called for dialogue and a modification of the plans. Obviously, this new approach led to differences and disagreement in the Basque environmentalist movement.

The Leitzaran state highway question did not create as widespread and effective of a social network for the Basque environmentalist movement as the Lemoiz protest had ten years earlier. This time, moreover, the Basque autonomous institutions—that had ultimate authority in the project—were clearly more established and settled. Faced with this situation, and almost inevitably, the Basque environmentalist system of alliances turned to the Basque National Liberation Movement (MLNV). The result was that when work began on the project, a series of sabotage attacks were carried out against the machinery involved. Meanwhile, ETA carried out attacks on the construction companies involved, and as a result, the environmental dimension of the question was relegated to a secondary level.

The conflict over the Irurtzun-Andoain highway demonstrated that the problem was transformed from an environmental issue into a political and partisan question. It now
became a point of conflict between, on the one hand, moderate Basque nationalism and supporters of the new autonomous settlement established by the Spanish Constitution, and on the other, by defenders of self-determination and going beyond this new political framework. The result was a widespread and participative democratic debate against the backdrop of the Ajuria Enea Pact—an agreement by most Basque political parties to try and isolate and reject any links with the MLNV.

In sum, the legacy of the Leitzaran highway issue was bittersweet for the Basque environmentalist movement. Important advances, to be sure, had been made: in communication, developing a viable alternative route for the project, multitudinous mobilizations, and so on. However, the focus of debate shifted quite clearly from being an environmental issue to becoming a political and partisan issue. And the construction project, despite altering the route somewhat and then only in the Leitzaran Valley, was ultimately completed.

**End of the Cycle? Basque Social Movements since the 1990s**

In the period after 1990, Basque civil society rearranged both its organization and its forms of activity. For some groups, this meant the end of a mobilization cycle that had begun in the mid-1970s. In our opinion, from the 1990s on Basque civil society and its associations and movements reconsidered their objectives and operational forms because there had been many changes in both the politico-economic system and how people thought and lived in Basque society.

One product of these transformations was that a number of new groups emerged (such as NGOs) to work in favor of social development, together with other types of welfare and aid associations for marginalized social groups (immigrants, HIV-positive people, and so on). These groups attempted to address areas that were not sufficiently well covered by the public authorities; and therefore they came into conflict with these same authorities. This was due, in part, to the fact that they also depended on public funding for their solidarity projects, which, in turn, meant that for many they had lost the tag of popular organizations.

However, and despite a period of, to some degree, latent activity—without the large-scale campaigns and mobilizations of earlier decades—in certain spheres, such as the anti-militarist, environmentalist, and pro-Euskara movements, for example, significant levels of engagement, mobilization, and activism were maintained.

**Basque Language and Culture**

The same practices that, for some, signified a risk of marginalization and ghettoization of the pro-Euskara movement for others signaled a future guarantee for its wealth, diversity, and practical proposals beyond merely political demands. Within this give and take between different positions, there were agglutinative initiatives, such as that of the the Basque Universe (Euskararen Unibertsoa). And parallel to this, pro-Euskara activism entered a fourth (and current) phase with establishment in 1999 of the Social Council on
Euskara (Euskararen Kontseilu Soziala). This incorporated all the organizations that, to that date, had worked in favor of Euskara, while at the same time implementing a policy of mobilization, planning, and participation in which 650 businesses, entities, institutions, and popular organs promised to take part. As a symbolic demonstration of this collective pledge, Kontseilua (as it was known popularly) organized another “Bai Euskarari” celebration on December 26, 1999, in which three hundred thousand people (or 11 percent of the Basque population) took part, with events organized in the five soccer stadiums of the five Basque capitals.

At present, then, there is much hope for the future, with broad agreement among the different pro-Euskara social organizations. These organizations have, in turn, implicated business, financial, and political sectors by calling for close collaboration between the pro-Euskara social movement and the public authorities, at least in the CAPV-EAE. In the CFN and Iparralde, the politico-social reality is more unfavorable, as evinced for example by the decision of the Navarrese government to withdraw co-official status of Euskara by law in certain areas of the CFN. Reasons to undertake new strategies and mobilizations have not, then, disappeared altogether. And if it is true that Euskara has never had so many schools, pedagogical and communicative means, and so many people in favor of learning and extending the language, the pro-Euskara movement still warns that diglossia (where one language dominates another in a bilingual community) still exists and even, in many cases, is on the advance.

**Feminism**

After two decades of existence, at the Third Feminist Meetings of the Basque Country held in 1994, the diverse Basque feminist movement recognized its internal differences and attempted to improve relations among its numerous components. This decision was made in the understanding that, despite theoretical, juridical, and legal equality, there remained a lot of work to be done for women to feel free and equal in the workplace, university, home, or in public. And these different groups agreed that only the social and political participation of women in Basque social and political institutions would lead to the disappearance of rape and gender violence, workplace and economic discrimination, double shifts, and homophobia.

There were, however, alternative forms and practices for interacting with political power. Groups such as Lanbroa or Plazandreok were not unsympathetic to creating a separate political party, with the latter presenting its candidature in municipal elections in Donostia-San Sebastián. Other feminist organizations, meanwhile, functioned more as pressure groups on parliamentary political parties, calling on them to be more representative when presenting their electoral tickets or to guarantee the presence of women in public office. Indeed, in the latter case, there have been many advances since the political changes instituted in 1977. For example, 28 and 34 percent of the seats in the Navarrese and Basque parliaments were held by women in the legislatures beginning in 1999 and 2001, respectively. And in the 2004–08 legislature of the Basque parliament, for the first
time in its history and, in fact, for the first time in any of the legislative chambers in the Spanish state, women outnumbered men by thirty-nine to thirty-six—a consequence of the passing of a Law on Equality between Men and Women (February 18, 2005) by the parliament in Vitoria-Gasteiz.

Basque feminism in the 1990s was, then, multifaceted and functioned in a society where the equality between women and men, together with nondiscrimination, had supposedly been achieved. Free access to education and the labor market, together with the right to go out at night, were changes that might be interpreted as a triumph for Western feminism, implying that women’s liberation was only a pending issue in the so-called Third World. Faced with this idyllic and false picture of the reality for Basque women, currently the Basque feminist movement is attempting to provide answers to urgent questions about social conditions—for example, regarding young women, working women, immigrant women, prostitutes, unemployed women, divorced or separated women, and homemakers. In doing so, it assumes its natural allies to be alternative movements and those people who fight against patriarchy from within political parties or labor unions.

As a means of rejuvenating the movement, the Feminist Meeting-Point (Bilgune Feminista) was founded in 2002. This was a new association of Basque feminism that sought to unite the efforts of women and organizations that struggle for equality in Euskal Herria with the notion of implementing a strategic feminist plan. It was hoped that this might lead to a diagnosis of the current situation for Basque women and set out an effective, integral, and structural plan of action aimed at overcoming the still existent power relations between the sexes.

Environmentalism

The most pressing environmental issue in Euskal Herria in the 1990s was the plan to construct the Itoiz reservoir. However, unlike in other cases, this issue was principally of local interest and, in part, removed from a national logic. The Itoiz Coordinating Platform (Coordinadora Itoiz)—a local group that included residents, local politicians, and environmentalists from the area of Navarre affected by the plan—was established in 1985 to defend this community’s land.

The Navarre autonomous government and the central Madrid government never recognized the Itoiz Coordinating Platform as an official intermediary and therefore refused to undertake any kind of contact, dialogue, or discussion with the body. This forced the platform to balance its efforts at informing and social mobilization with a series of administrative and judicial processes in Navarre, Madrid, and Brussels in order to halt construction of the reservoir.

Having discussed these developments, some mention should be made of the environmentalist movement in Iparralde. Its best-known campaigns have been that of Gas-Pars against the construction of a gas pipeline from Lacq (Bearn) to Navarre, various campaigns against tourist resorts, marinas, golf courses, and highways, as well as that against a high speed train in their region. Generally speaking, environmentalist organizations
and movements in Iparralde have had little contact with their counterparts in Hegoalde. In August 1990, several groups (including Ortzadar, Pays Basque Écologie, Ideal, and so forth) decided to set up a coordinating body to share information, try to be more efficient, and work together to encourage common approaches and mutual trust. This first step gave way later to the establishment of the Collective of Associations in Defense of the Environment. This subsequently became the principal focus for environmental groups and activism in Iparralde through its leadership and campaigning on issues such as the TGV, the trans-Pyrenees highway, tourist projects, municipal solid waste incineration, and transgenic products.

A significant difference of the political framework and environmentalism in Iparralde was the emergence there of the Basque Country Greens (EHB) in 1990—as an independent yet federated part of the French political party, Les Verts (The Greens). Indeed, EHB succeeded in winning one seat in the Aquitaine regional council in Bordeaux and several municipal representatives in towns across Iparralde.

In Hegoalde, a significant part of the environmentalist movement there did not think it opportune to join the Green Party project for a number of reasons. Among these was the fact that there were different options for this movement within the Basque leftist movement—options that closed down the possibility of links to the Green Party political space. That said, there is a Green Party in Hegoalde, and following the 2007 municipal elections, it gained representation in Sopelana (Bizkaia) and Mutriku (Gipuzkoa).

Elsewhere, the most important and well-known international environmentalist networks and organizations (such as Greenpeace, the World Wildlife Fund, Friends of the Earth, and BirdLife International) have had a limited relevance and presence in Euskal Herria. Nevertheless, Greenpeace is the environmentalist organization with most members in the CAPV-EAE and the CFN. It has undertaken various campaigns, such as its protest against the importation of steel powders, its defense of the Basque coast and traditional fishing methods, its role in the campaign against the Itoiz reservoir, and its stand against incineration as a method of treating waste.

Lately, the main objective of Basque environmentalist protest has been directed at the public authorities themselves. Indeed, according to the data of the TEA research project, between 1987 and 1998, 71.8 percent of all environmentalist protest was directed at various governmental institutions. The core of the protest revolved around major infrastructural projects, bringing Basque environmentalists into permanent conflict with the local, provincial, autonomous, and central authorities—as demonstrated by the confrontation over the Itoiz reservoir project, plans for a Basque high speed train network in Hegoalde, wind farms, the Bilbao incineration plant, and other energy-related projects (such as the Boroa and Bahía Bizkaia thermal power stations in Bizkaia, the thermal power station in Castejón, Navarre, and the integrated gasification combined cycle (IGCC) complex adjacent to the Petronor refinery in Muskiz, Bizkaia), marinas and industrial ports, and the lindane in wastewater treatment plant in Barakaldo, Bizkaia.
From its beginnings until the present, the Basque environmentalist movement has been opposed to most of the major development projects pushed through by the politico-economic system. This has led to a political culture of environmental conflict,\(^{11}\) which, in turn, has set institutional values (growth, competitiveness, presenting a “new face,” technological change, and representative democracy) against those defended by the Basque environmentalist movement (sustainability, fairness, health, clean production, and participatory democracy).

During the 1990s, both public institutions and the business world adopted, in part, an environmental discourse. This implied a certain degree of environmental institutionalization and, at the same time, a loss of control over environmental issues for the different environmentalist organizations. However, these same groups seemed to maintain a stable level of both human and organizational resources. The Basque environmentalist movement has sought to be flexible and pragmatic in order to be more efficient, but this has not been reflected so much in its relations with public institutions. Rather, there has been more capable use of the media, as well as legal and judicial means, to express its causes.

We thus believe that the Basque environmentalist movement has made a virtue of necessity in its successful vetoing or halting of certain projects, or in aiding mobilizing dynamics—not so much as a result of mobilizing its own resources, but rather as the consequence of winning over useful allies. In other words, the movement has managed to appear before public opinion and its political followers as a defender of reason and common sense. And this has stood in contrast to the tight secrecy and intransigence of the institutions that have time and time again adjusted their organizational “needs” to current political situation and developed an environmental discourse blending nationalist, localist, and antidevelopment ingredients.

New Social Movements and Change in Euskal Herria

New social movements emerged with a new way of “doing” politics in the political systems of advanced industrial societies. By competing with traditional interest groups and political parties, and sometimes by even transforming into new parties or electoral alternatives (as Greens, feminists, or alternative tickets), new social movements were successful in getting the highest political and institutional profile for their topics and agendas. At the same time, it is more difficult to evaluate whether they were equally successful in getting the policies they advocated implemented. Put another way, we might still ask to what extent their proposals for change have been embraced by Basque society.

In the specific case of the Basque Country, their impact is visible in certain areas: the failed nuclear policy on Basque terrain, the ever-present issue of gender on the political and media agenda, and the abolition of compulsory military service. Elsewhere, though, it is more difficult to judge this impact: for example, as regards changes in values and

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attitudes, processes of social and political appeal, new forms of collective action, new discourses and ways of thinking, and so forth.

For forty years there have been high levels of protest and social mobilization in Euskal Herria. If, moreover, we take into the account the high degree of social organization to defend various interests and the extension of alternative values to the institutional dimension of politics, we might well conclude that Basque society is a movement society, and even a social movement society.12 The Basque context has encouraged a persistent and cyclical mobilization of the new Basque social movements. These were characterized by assembly-style, horizontal, and participatory dynamics and organization. And this alternative perspective, imbued with a certain anti-institutionalist tone, is in reality just a coherent argument in favor of participatory democracy.

These new social movements have consolidated their position as new actors in the Basque political and social terrain. They have made history in this country, although they were not alone, and it is impossible to imagine the Basque Country without them. Furthermore, despite their aforementioned ups and downs, crises, disagreements, and regroupings, or, precisely because of them, the new social movements now demonstrate an enviable maturity with almost thirty years of experience. Herein lays their legacy. Besides their cultural production and organizational set-up, one can note certain changes that Piotr Sztompka classifies as processes of redistribution.13 In certain areas such as that of environmentalism, with scarcely any participatory tools, we now have a situation of widespread information and a degree of popular consultation.

A greater responsiveness on the part of the public authorities is another important achievement. Governments and political parties of both left and right have had to respond to the new agendas emerging as a result of the conflict created by new social movements. Indeed, this is another way of doing politics, what has been termed contentious politics. These public authorities have, as a result, had to create ad hoc departments—of the environment, Euskara, women, and so forth—in order to implement new public policies, but also to convince the electorate and public opinion of their institutional pledge to address problems and questions raised by social movements. Having said all this, there are still few spaces for popular or citizen consultation and participation. And joint decision-making and management practices are the exception rather than the rule. Perhaps for this reason, social movements continue to protest and mobilize assiduously.

Perhaps also for this same reason, or even because the different organizations that make up these social movements wish to jealously guard their independence, the progressive incorporation of their discourses and agendas by institutions has not led (as in other places) to an institutional co-opting of their activists, or to the integration or institutionalization of these organizations into the public system. The new Basque social movements


are very distinct from those that emerged toward the end of the Franco dictatorship. Major changes have taken place. For example, their organizations are now more autonomous. They are not as “supervised” as before by parties of the radical Basque nationalist left—at least those not directly integrated in the “family of movements,” the MLNV. Further, they now tend to be mainly self-financing, and this allows them to be free of a patronage-type reliance on the public institutions. Thus, their budding institutionalization appears to be more to do, above all, with their recognition as valid partners by public opinion, the media, and the institutions.

Finally, we would say without hesitation that the new Basque social movements have been a great incentive for extending democratic values in Basque society. Their participatory culture and practice of civil disobedience have served to reinforce a culture of dialogue, popular sovereignty, tolerance, and respect for minorities that make the consolidation of democracy possible. In a country such as ours, where the demand for personal and collective self-determination is such an important presence, the existence of a firm network of social movements implies a level of social and political capital that allows one to dream of a much more optimistic future than that offered by the obdurate events of daily life.

References


This chapter addresses the dynamics and evolution of labor unions and employers in the Autonomous Community of the Basque Country (CAPV-EAE, by its Spanish and Basque acronym) and the relations between them. It is divided into three parts: We will first describe the actors that make up the labor union and employer map. In order to do this, we will describe the historical evolution of Basque labor unions and employers. Then we will analyze the different modern points of conflict among the different blocs that make up the Basque labor union panorama, the antecedents and evolution of these dynamics, the debate on labor union centralization, the conflict over autonomous powers, and labor union discrepancies over the political framework (with special emphasis on those differences emerging as a result of the Lizarra-Garazi Agreement). We will, however, not overlook points of common interest among Basque labor unions and, in this way, the evolution of this collective movement through the twenty-first century. In the final section of the chapter, we will differentiate the different organizational dynamics of Basque employers since 1977, at the same time examining their interaction with their Spanish counterparts.

**Labor Unions**

There are four main legally recognized labor unions in the Basque Country: Basque Workers’ Solidarity (ELA), ¹ Patriotic Workers’ Councils (LAB), Workers’ Commissions

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¹ In most cases in this chapter, labor unions, employer’s associations, political parties, groups, and the like are identified by their name in English to help the English-speaking reader identify their ideological basis, but their Spanish, Basque, or Spanish and Basque acronym, if that is how they are regularly identified internationally.
of the Basque Country, and the General Workers’ Union (UGT). From the mid-1980s on, the delegates of these four labor unions represented between 85 and 90 percent of the total union representation in Hegoalde.

ELA—formerly known as Basque Workers’ Solidarity—was founded in 1911. Its foundation was driven by the Basque nationalist movement, and it was established in an environment of Christian social action, although it did radicalize during the Second Republic (1931–39). In 1964, the organization within the Basque Country split from its counterpart in exile and adopted a socialist orientation in line with other European Christian labor unions. At ELA’s third congress, held in Euba and Eibar in 1976, the two factions were reunited, and the labor union affirmed its independence from any political party, as well as the incompatibility of holding both union and political posts at the same time. This congress witnessed the first mention of the expression “an autonomous framework of labor relations,” which coincided with a collective negotiation with employers. The meeting agreed to create a self-sufficient organization based on affiliation and significant membership dues and establish an emergency or contingency fund. External relations were important to ELA because it belonged to the European Trade Union Confederation (ETUC), the Confederation of Mexican Workers (CTM), and the International Confederation of Free Trade Unions (ICFTU). In the post-Franco era, ELA became the hegemonic labor union in the CAPV-EAE. In every labor union election held there since 1980, it has achieved the highest number of delegates.

LAB is the newest of the four main labor unions. It was created in 1975 by one of ETA’s branches. In 1980, when it split from the Basque Left (EE), it defined itself as a sociopolitical organization that linked the national liberation of the Basque Country to the class struggle. Between 1980 and 1996, it was part of the Patriotic Socialist Coordinating Council (KAS) structure. However, in the mid-1980s, it abandoned the marginal radical sphere that characterized its first decade of existence, and in 1994, it became the most representative labor union in the CAPV-EAE.

The Basque Worker’s Commission, integrated in the Worker’s Commissions (CCOO) of the Spanish state, was established (like its Spanish reference point) during the Franco dictatorship out of the assembly and anti-Franco experience of various workers’ commissions. When it took on an institutional dimension in the early years of the political transition, it demonstrated a clear proximity to the Spanish Communist Party. This connection gradually weakened after United Left (IU) was created in 1986. Indeed, it disappeared altogether in the 1990s. The Worker’s Commission includes Navarre in its Basque branch, which brings it into conflict with all the other components of its statewide organization. It defends a separate Basque framework of labor relations, but also the unity of the Spanish working class.

The Basque UGT is part of the Spanish UGT, the leading labor union in the state. In the post-Franco era, UGT reappeared as the labor union wing of the Spanish Socialist Worker’s Party (PSOE, or the PSE in the CAPV-EAE). This proximity waned after
1988 as a result of the PSOE government’s economic policies, although it improved after the replacement of Nicolás Redondo by Cándido Méndez as UGT general secretary. UGT had included Navarre as part of its Basque section until 1981. This labor union defends the unity of the state market and the Spanish working class.

**Employers**

Although we will examine Basque employers in more detail later in the chapter, it is worth mentioning here a few introductory observations. In the CAPV-EAE, Confebask (the employers’ organization) is subject de facto and de jure to the Spanish state employers’ association, the Spanish Confederation of Employers’ Organizations (CEOE). ADEGI, the business people’s association of Gipuzkoa, was established in 1977, and the Business Association of Araba (SEA), an employers’ union, was created in 1978. Both expressed a wish to establish a Basque business association, but Confebask was not founded until 1983—fast-tracked by the labor relations council at the behest of the Basque government. The most problematic area was Bizkaia, as we will see below. In 1984, the Industry and Trade Center of Bizkaia was created—known today as the Business Confederation of Bizkaia (CEBEK). Finally, the Confederation of Business People in Navarre (CEN) was founded in 1981. And various organizations associated with trade, commerce, and industry have great influence in all these organizations.

The degree of autonomy Confebask has with regard to the CEOE is mirrored in the same level of independence the different historical territories’ organizations have in relation to Confebask. This, in turn, means that there are significant distinctions between these different territorial organizations. Basque employers, as we will see, feel closer to financial and industrial aspects of self-government than to a distinct Basque framework of labor relations. ADEGI and SEA were initially quite receptive to a Basque framework of labor relations although this enthusiasm later diminished as a result of more pragmatic interests taking hold.

**Antecedents and Evolution of the Confrontation between Labor Union Blocs**

Union activity in the 1980s was conditioned, in both the Spanish state and the Basque Country, by the centralist labor relations imposed by the Workers’ Statute (1980) and the Freedom of Labor Unions constitutional law (1983), and in the economic sphere, by the restructuring applied to helping the industrial rationalization laws negatively affecting the three pillars of Basque industrial monoculture: the fabrication of capital goods, naval construction, and the iron and steel industry. At its fourth congress in 1979, ELA recognized that the Statute of Gernika was a valid starting point for a self-government process in the Basque Country. At the same time, it also recognized its insufficiencies in terms of Basque national aspirations, as well as those of Basque workers. As regards other issues,
it realized it would have to function according to the model of labor relations established by the agreements and pacts of the framework created that decade. LAB, which decided at its 1980 congress to fully integrate in KAS, opted for a policy of radical resistance in the field of labor relations.

The union climate in the 1980s, favorable to a Basque framework of labor relations, was the result of the sole governance of the PNV at the autonomous level in the CAPV-EAE and the confrontation between UGT and CCOO at the state level (which, in turn, produced a rapprochement between CCOO and ELA at the Basque level). This climate, in general, favored the signing of agreements among labor unions at the Basque level.

The 1980 Agreement on an Inter-confederal Framework (AMI), agreed on by the CEOE and UGT, promised to overcome the atomization of recruitment units, thereby promoting business and industry sector unity within the “national” sphere, as demanded by Article 83 of the Workers’ Statute. However, CCOO’s refusal to sign the AMI (due to its then conflict with UGT) meant that this article was barely invoked in the CAPV-EAE. Moreover, the ruling PSOE government in Madrid favored reconciliation and agreement of this kind between 1982 and 1986, which weakened collective negotiation and meant that such negotiation efforts remained scattered.

The general strike called throughout the state by UGT in 1988 against the neoliberal policies of the PSOE government ushered in a new phase in the Basque union world. This took shape in the form of unity of action between CCOO, UGT, and ELA, and centered on collective negotiation. This phase came to end in 1993 in an economic context that was especially unfavorable for workers. During this time, employers relinquished any notion of flexibility and distanced themselves from collective guarantees. Meanwhile, the PNV-PSE coalition Basque government embraced the PSOE model of social pacts, and neoliberal ideas gained ground within autonomous government circles as well.

From this moment on, CCOO changed course as a result of its new agreement on collective action with UGT. CCOO had lined up alongside ELA in 1993 in their joint declaration on industry and employment that was highly critical of the Basque government’s industrial policy. Yet at the same time, it signed national agreements in Madrid on continuing training (education in new skills for people employed in the workplace) in 1992 and 1996, as well as a 1997 recentralizing inter-professional agreement on collective negotiation.

During this time, there was a rapprochement between ELA and LAB, the latter of which had become the most representative labor union in the 1994 union elections. These closer ties were the result of both labor unions defending the idea of a specifically Basque framework of labor relations—beginning with a joint statement in February 1994 and culminating in the joint ELA-LAB manifesto published to coincide with the Aberri Eguna of 1995. In parallel fashion, at the same time, CCOO in the Basque Country and the Basque section of UGT reinforced the ties their respective central counterparts had established with one another. As a result, these two Basque sections of central labor unions increasingly opposed the decentralization of collective bargaining, as well as any
autonomous power transfer that would have aided the creation of a specifically Basque framework of labor relations and a specifically Basque socioeconomic space.

The initial phase of this realignment had taken place in February 1993 as the result of an agreement between ELA, LAB, and CCOO to foster joint action in the demand for a specifically Basque economic space. UGT, meanwhile, did not enter into the agreement. However, a few weeks later the Basque president (lehendakari), José Antonio Ardanza, presented plans for a social pact that had been worked out with the significant input of his PSE coalition partners in the Basque government. ELA rejected the pact, but this brought the labor union into conflict with CCOO, which was in favor of signing it. The difference of opinion led, in turn, to the two unions gradually growing apart from one another, and in November 1993, CCOO moved toward a closer relationship with UGT.

At its eighth congress in June 1993, ELA recognized the growing difficulty of forging a unity of action with the two state-centered labor unions and their Basque sections. And this, in turn, led ELA to reevaluate its relations with LAB. Then, in 1994, article 84 of the Workers’ Statute was modified in a decentralizing way to favor the negotiation of agreements at the autonomous level, and this led ELA to support collective bargaining or negotiation over institutional participation. Still later, the significant increase in LAB union delegates in 1995 further encouraged this idea of unity of action between the two Basque labor unions.

On the Aberri Eguna in April 1995, ELA and LAB published a joint declaration that connected political calls for self-government to their particular union demands. They denounced the structural lack of power within the Basque autonomous institutions in labor and social protection matters together with the central government’s refusal to transfer powers, such as those associated with the National Employment Institute (INEM) and social security to the CAPV-EAE. These powers should have been transferred according to the terms of the 1979 Statute of Gernika, but still remained in the hands of the central authorities. Moreover, ELA and LAB demanded Basque authority over questions of employment, vocational education and training, and social security that might make a specifically Basque framework of labor relations possible. And they called for similar powers over financial, industrial, and fiscal matters in order to facilitate the creation of a specifically Basque economic space. Finally, they also demanded the right of self-determination and encouraged workers to join in the task of Basque national construction, at the same time defending dialogue and political negotiation as the best means of overcoming the conflict in the Basque Country.

From 1995 on, the specifically Basque labor unions gained ground on their centralist counterparts. In the union elections that year, the former received 55 percent of the vote and the latter, 32 percent. At its fifth congress in February 1996, LAB officially incorporated the new policies into its general strategy. At the same time, it became more autonomous after it officially left the KAS framework. Yet its relationship with ELA was not completely smooth. Specifically, LAB refused to publicly denounce ETA’s political violence, condemned explicitly by ELA as a serious obstacle to Basque national construction.
This point of discrepancy reached its most serious point after ETA assassinated a psychologist at the Martutene prison near Donostia, Javier Gómez Elosegí, in March 1997. He had been personally involved in resolving the Basque conflict via dialogue.

The Debate on Labor Union Centralization

The major labor unions at the state level—UGT and CCOO—relied on external financing for a number of reasons: the low level of union membership among the Spanish workforce, the relative insignificance of dues as a means of union funding, and the basic nature of union services for members—not much more than basic legal assistance. In 1982, the National Employment Agreement introduced the principle of public subsidies for labor unions, and during the initial period of applying this new measure, 1982–84, 800,000 million pesetas were paid out.2 In 1984, the PSOE government favored UGT, naming it the principal benefactor of the assets belonging to the, by now, inexistent vertical labor unions of the Franco regime (the official labor union structure of the dictatorship).

Consequently, UGT and CCOO had most to gain from being named as exclusive beneficiaries of this public funding throughout the state as a whole. The 1983 Freedom of Labor Unions constitutional law strengthened the centralist aspects of the 1980 Workers’ Statute, conferring the status of “most representative labor union” on those unions obtaining at least 10 percent of the vote for union delegates throughout the state—in other words, UGT and CCOO. Meanwhile, the minimum percentage necessary for a labor union to acquire this status at an autonomous level was set at 15 percent of the delegates elected. However, the regional sections of UGT and CCOO also benefited from this rule in their status, as centralized labor unions radiated toward (thereby empowering) them at a regional level as well. In other words, even though they might not achieve this autonomous mark within the autonomous framework alone, the power that was redistributed to them from the center allowed them to attain the necessary number of votes. These major structural deficits of the Spanish labor union system explain, together with other reasons, the main labor unions’ support for centralism.

The PSOE government’s 1994 neoliberal reform of the labor market, however, encouraged collective negotiations in territorial levels below that of the state because of the weakened role for centralized negotiation in this policy change. And this opened up the possibility for decentralized negotiation in the autonomous regions.

Throughout 1996 the central state labor unions attempted to halt the anticentralist modifications associated with article 84 of the Workers’ Statute. Then, as a consequence of the triumph of the Spanish right at the general elections that year, the new PP government was (surprisingly) in tune with the major Spanish labor unions. This resulted in three inter-professional agreements in 1997 and a renewed orientation toward labor union centralization. These inter-professional agreements established, to the detriment of

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2. At an exchange rate of 125 pesetas to 1 dollar (an average, because the rate fluctuated in this period between approximately 100–150 pesetas to the dollar), this would be equivalent to $6.4 billion at that time.
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peripheral spheres of labor relations (and very specifically the Basque one), a new kind of centralization of labor relations and proposed articulating all the different aspects of negotiation in a centralist way. The most important matters would be reserved for state-level negotiation according to the industrial or economic sector involved, and directly applied, while secondary matters would be resolved at lower levels. Further, the content of the collective agreement reached by a particular industrial or economic sector at this central level would in all cases overrule anything agreed to at secondary levels of the overall negotiation. Among the important dimensions of negotiation ignored by this new set-up were such territorially important aspects as relations with the surrounding environment and media control (among many others)—all of great significance in matters of negotiation.

The Conflict over Autonomous Powers: Continuing Training

From 1993 on, specifically Basque labor unions (ELA and LAB) increasingly denounced the lack of advances in implementing the power transfer associated with the core of the Statute of Gernika—as noted, especially in relation to the failure to transfer the powers associated with the INEM and social security. Meanwhile, Basque labor unions that were part of central Spanish state organizations (UGT and CCOO) were opposed to the transfer of these powers to the autonomous authorities. The debate centered, in particular, on the collection of dues with which INEM financed training programs, a figure that in the CAPV-EAE was around 9,000 million pesetas.3

Vocational education and training in general, and continuing training in particular, are more and more important. The continuing training system to teach people employed and active in the workplace new skills is regulated by the National Agreement on Continuing Training and the Tripartite Agreement, both signed in December 1992 and renewed in 1996. The equivalent state body is the Foundation for Continuing Training (FORCEM), and this foundation functions alongside the INEM in this field. It is funded by receiving part of the 0.7 percent of tax revenue allotted to vocational education and training, and its stated goal is to aid continuing training and worker mobility, together with improving productivity. While regulated vocational educational and training (aimed at young people preparing to enter the workplace) and occupational vocational educational and training (aimed at unemployed adults with a view to entering the workplace again) have been progressively decentralized in their organization, this has not been the case for continuing training (of adults already employed in the workplace). Instead, continuing training is now administered by central state social agents (in other words, by leading state-centered employers and by UGT and CCOO).

This discrepancy of authority or power led to major tension in the CAPV-EAE. According to ELA and LAB, UGT and CCOO opposition to the transferring of this third power was down to the fact that these funds were used by FORCEM members, the

3. Or just under $70 million at that time, calculated at a rate of 130 pesetas to the dollar, an average for the early 1990s.
two major state labor unions, and the state-centered employers to finance themselves in a concealed way.

And this conflict led the CAPV-EAE to an agreement to establish an alternative continuing training body, Hobetuz. Its function, in contrast to its state counterpart, is carried out by vocational education and training centers. This 1995 inter-professional Basque agreement was initially signed by Confebask, CCOO, ELA, and LAB, and a little later by UGT. ELA and LAB argue that Hobetuz should receive tax revenue to aid training for Basque workers, although CCOO and UGT are opposed to this. While in power in Madrid, the PP government refused to allot tax revenue to Hobetuz.

**Labor Union Discrepancies over the Lizarra-Garazi Agreement**

At its ninth congress in 1997, ELA called for the need to go beyond the current model of Basque self-government based on the Statute of Gernika granting autonomy to the CAPV-EAE. This model, felt ELA, was by now obsolete. At the same time, the labor union argued that it was impossible to reach any kind of lasting agreement with employers and the public authorities while they lacked their own specific political project. Instead, it argued, a specifically Basque framework of labor relations and socioeconomic space was needed. The efforts of the majority Basque labor unions in favor of their own labor, social, and economic goals implied promoting an abertzale or nationalist dynamic as well in order to overcome the stalemate in national construction. In all this activity, ELA-LAB unity was central to the dynamic.

In September 1997, in Gernika, the general secretary of ELA, José Elorrieta, referring to the new period of national construction, argued that the autonomy statute was dead and that ETA was pointless and an obstacle to any advancement in the matter. In 1998, this initiative in favor of a new Basque political framework that had originated among social actors was passed on to Basque political parties. And in conversations between the parties in February of that year, the bases for the Lizarra-Garazi Declaration the following September were put in place. This declaration contended that there was a political conflict between the Basque Country and the state, and that the questions in need of resolution were territoriality, the decision-making subject, and sovereignty. Thereafter, it called for a negotiation process open to all agents and society as a whole in the Basque Country. It also asked for the states in question to respect this decision-making process and to not contemplate definitively closed scenarios but, rather, to encourage frameworks to open up to new formulas.

Thereafter, Basque society would divide along the lines of those collective actors who signed the declaration and those who did not, the latter terming themselves constitucionalistas (those in favor of the constitution). In other words, those opposed to the declaration supported the current political framework based on the 1978 Spanish Constitution and the 1979 Statute of Gernika. The Basque sections of CCOO and UGT aligned themselves with the constitucionalistas.
Common Interest in the Struggle for Employment

Despite the aforementioned points of difference, the Basque labor unions worked together through 1999 to demand employment, a thirty-five-hour working week, and to encourage initiatives aiding the most disadvantaged sections of society. After a year of debate organized via the employment roundtable, three agreements were signed by Confebask and the four most representative unions in the CAPV-EAE. These were agreements covering (among other topics) the elimination of overtime and renewing staff contracts.

The four main Basque labor unions agreed on, at the beginning of 1999, a basic agreement on employment issues with the Basque employers’ association, Confebask, via the Labor Relations Council. This agreement included the following demands: the replacement of workers of sixty years of age or more by younger people, without these workers losing any economic benefits; eliminating overtime except by force majeure (a clause in an agreement freeing the signatory parties from the obligation to fulfill the accord in extraordinary circumstances); the improvement of salary and working conditions for temporary workers in companies, the regulation of which should be according to the current contractual agreements within the company in question; and the promise to continue negotiating the existing discrepancies in the length of the working week.

The Evolution of the Basque Labor Union Movement into the Twenty-first Century

The disbanding of the Lizarra-Garazi network after ETA called off its ceasefire in 1999 had many consequences for negotiations. Union activity had led to some of the best salaries and pensions in the Spanish state, and in 2000, there had been a substantial reduction in hours for the working week. However, from this time on collective negotiation had to face both the same old problems deriving from state centralism and employers’ mistrust, and new problems stemming from the minority signing of agreements, as well as cracks in the majority ELA-LAB alliance. Yet the sum strategy (a strategy of joining forces with alternative social movements in labor and social campaigns) had acquired an international dimension in 1999 and 2000, when Basque labor unions participated in the World March of Women and the mobilizations against neoliberal globalization in Prague.

Meanwhile, at the Spanish state level, the PP-PSOE Agreement on Freedom and Against Terrorism in early 2000, drawn up and promoted by the PP government, implied an assault on any notion of Basque decision-making. Indeed, thereafter, Spanish government initiatives became a legislative and judicial attack on not just the so-called ETA milieu (that linked allegedly in some way to ETA) but also against Basque nationalism as a whole. In fact, the executive, legislative, and judicial branches of state took part in a coordinated strategy of outlawing and criminalizing an ever-expanding milieu. As a response, ELA proposed the establishment of a platform composed of political and social actors that supported Basque sovereignty centered on the right of self-determination.
This platform would, in turn, be responsible for leading the process as a whole, but the public institutions would fulfill a key role in the foundational steps of this process.

The PP government then drew up a new neoliberal reform package for the labor market with the state-based labor unions, accompanied by renewed attempts to centralize collective bargaining or negotiation. However, the PP believed it could bypass an agreement with UGT and CCOO, and in 2002, the Spanish government passed an unemployment reform decree without their consent. This reform introduced a kind of Social Darwinism against the most underprivileged sections of society, and in response, UGT and CCOO called for a general strike throughout the state on June 20. ELA and LAB, although they opposed the PP reform bitterly, did not want to help UGT and CCOO regain their obligation of the Spanish government to reach agreement first with them as a prerequisite for any labor reform. Instead, the Basque labor unions called for a strike in the Basque Country on June 19, which was a major success. In February 2003, ELA, LAB, and the Leftist Union Convergence (ESK) reached an agreement whose principal feature was achieving the principle of collective negotiation. And with this, the Basque labor unions recovered a strategy of unity of action.

In early 2002, the Spanish government and parliament began a process of outlawing Batasuna, as set out in the recently passed Law on Political Parties. On the orders of Judge Baltasar Garzón, the Ertzaintza (the Basque autonomous police) force proceeded to close down local Batasuna headquarters in the CAPV-EAE. On September 14 of that year, fifty thousand people demonstrated against these measures in Bilbao, but were halted in their attempts by the Ertzaintza. The Basque labor unions criticized the posture of Basque government in its promise to uphold the law.

In October 2003, the Lehendakari, Juan José Ibarretxe, presented his Proposal for a Political Statute for the CAPV-EAE (known as the Ibarretxe Plan). ELA responded in detailed fashion to the plan, highlighting the positive elements it contained, such as its inclusion of the right of self-determination. However, for the Basque union, limiting the required consensus to the three branches of government, while valid, was insufficient if the process was to be completed successfully.

In the twenty-first century, Basque labor unions had a greater presence at European and global social forums organized by social networks opposed to neoliberal economic globalization. This gave them a new international projection to the social alliances previously established at the Basque local and national levels. The sum strategy was based theoretically on the notion that economic globalization affected workers, to be sure, but that it also had repercussions for many other sections of society. For example, it forced industrial models on agriculture to the detriment of a local balance, environmental destruction, discrimination against women, and so on.

Basque labor unions took on board the principles of the Basque platform Hemen eta Munduan (Here and Across the Globe): horizontal structural organization, an absence of executive or management structures, and consensus-based work patterns. At the same time, they adhered to the 2005 Porto Alegre Manifesto, the result of the second World
Social Forum in this Brazilian city. This manifesto defined the cultures and identities of peoples as belonging to everyone and supported the right of self-determination, dialogue, and the nonviolent resolution of conflicts. Yet Basque labor unions also believed that their struggle against neoliberalism should be carried out in Basque Country via union activity and the general push for a greater well-being, and not in Porto Alegre.

The Organizational Dynamics of Basque Employers

In a similar way to the Basque labor unions, Basque employers entered a new situation after the passing of Law 19/1977 of April 1 regulating the right to labor union assistance. Indeed, from this moment on strategic movements organized around Basque employer associationism began to grow appreciably. Four associations stand out in this recent history of Basque employer associationism.

The General Confederation of Employers in Bizkaia (CGEV) was established in 1977 and remained the only employers’ association there until 1981. That year, another association was founded by the CGEV’s own executive committee: the Bizkaian Employers’ Center (CEV). The CGEV mainly included businesses associated with trade and the chemical industry, while the CEV incorporated companies in sectors such as metal and graphic arts. In Gipuzkoa, meanwhile, the business people’s association, ADEGI, was created in 1977. And in Araba, the SEA was founded in 1978.4

Another indication of this growing associative tendency among Basque employers was the major effort given over to attempts to establish an employers’ association for the CAPV-EAE as a whole. During the final years of the Franco regime, and in the response to the new situation arising, different Basque business people began to work on creating a common Basque business organization: Einkor.5 This process came to a halt as the result of a difference of opinion among the various people involved over what shape the new confederation should take. These differences were not so far removed, at root, from the sociopolitical conditions of the time and the different political sensibilities of the different sectors making up Basque employers as a whole.

The very division within the Bizkaian employers’ organization (in other words, that between the CEV and the CGEV) had hindered to that time any effective means of creating a unified Basque employers’ organization within the framework of the CAPV-EAE. However, the consolidation of autonomy in the CAPV-EAE and the fact that the main labor unions possessed a unified structure at the autonomous level favored the development of a specifically Basque framework of industrial relations. With this in mind, Confebask was established on March 4, 1984.


From the outset, Confebask was connected de facto and de jure to the Spanish employers’ association, the CEOE. In the early 1980s, ADEGI, SEA, and the CEV had already expressed their willingness to create a Basque employers’ confederation. In 1984, this confederation was fast-tracked into existence by the labor relations council at the request of the Basque government. This was because of its interest in having a valid intermediary, at a strictly Basque level, for the impending negotiations over government plans for industrial rationalization and re-industrialization.

Bizkaia was the most problematic area, and the territory that has been researched the most thoroughly, when it came to the plans for creating this new Basque employers’ confederation. The CGEV remained the most resistant of any organization to the plan. Initially, it responded favorably to the plans drawn up by SEA, ADEGI, and the CEV, but at the same time it warned that it would not join the new confederation if it did not apply strict criteria of proportional representation by territory (thereby ensuring dominance for Bizkaia as the most populous province). In other words, it wanted the unified employers’ association to represent the CAPV-EAE as a whole rather than being the sum of the different provincial associations.

Finally, after resolving their differences, the CGEV and the CEV merged to create the Bizkaian Merchant and Industrial Center in July 1984, rechristened CEBEK in 1999. Thus, one association had been established to represent Bizkaia, and this meant that there were now three organizations to represent each of the territories making up the CAPV-EAE.

As regards employers’ organization in the CFN, the central role was that of the CEN. Created in 1981, it has full legal status and jurisdiction in the CFN. It is a member of the CEOE and the Spanish Confederation of Small and Medium Businesses (CEPYME) through its own council on small and medium businesses.

The Basque employers’ collective took another important step in representing their interests with its incorporation into the CEOE on November 17, 1988. Founded in 1977, the CEOE represented eight hundred thousand business people and today includes a million public and private companies from throughout the Spanish business, industrial, and financial sectors.

The autonomy of Confebask in regard to its incorporation into the CEOE is mirrored by the autonomy of the three provincial associations in regard to Confebask. This leads to (sometimes significant) differences of opinion between the three associations. ADEGI and SEA were initially quite favorable to the notion of a specifically Basque framework of labor relations, but this enthusiasm faded with time as they both embraced a more politically pragmatic approach to the issue. Meanwhile, CEBEK has sought from

6. See ibid.
the outset employer unity on the policy of not taking part publicly in the debate on any political question.

The relationship between Confebask and the CEOE was strained for a number of years. Mainly, this coincided with the CEOE being under the presidency of José María Cuevas, a former Falange (Franco’s party) sympathizer. He was finally replaced in 2007 (after thirty years in charge) by Gerardo Díaz Ferrán. Two episodes were particularly of note during Cuevas’s presidency of the CEOE that brought the tension between Spanish and Basque employers to the media spotlight. In 2003, Cuevas publicly advocated taking measures against Basque autonomy, alluding to his belief in treating all autonomous regions in the same way, and calling for unity among all Spanish business and industrial sectors in the name of the CEOE. In 2006, Cuevas again took a critical view of Basque employers, this time for their attitudes toward the PSOE prime minister José Luis Rodríguez Zapatero’s efforts at a negotiated peace deal with ETA. Specifically, Cuevas divided Basque employers into two groups—those who had been persecuted by ETA and those who thought that peace was best. Although Confebask and the CEOE never formally broke off relations—despite the Basque association making its rejection (or at least nonapproval) of Cuevas obvious in his seventh successful election to the post of presidency—their connection was never characterized by understanding or mutual support.

Basque employers feel closer to the fiscal aspects of self-government than a specifically Basque framework of labor relations. This has been confirmed on more than one occasion by the Basque employers’ call for a widespread political pact in order to guarantee the legislative capacity of foral initiatives. These would ensure security for and conviction in the fiscal pact (concierto económico) and avoid initiatives originating in the diputaciones being judged for their legality elsewhere.9

Likewise, Basque employers’ associations took a special interest in plans to reform Basque corporation tax. These plans included reducing the tax burden of Basque companies and setting their tax rate at 25 percent, in line with the average in the European Union. It attempted, moreover, as a back-up measure to get a legal safeguard for the arrangements regarding the taxable income of such a levy in the CAPV-EAE.

At the Basque level, Confebask called on the provincial governments to support business competitiveness by both maintaining and reviewing the current fiscal incentives. It thus informed the autonomous institutions of the need to create a specifically Basque framework of fiscal insurance to aid Basque business. An example of this would be the possibility of compensation for backdated losses—at least for one year as suggested by the employers—in line with the model established legally in other European countries, such as the French state, Holland, and Ireland.10 Since 2000, Confebask has also emphasized

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time and again one of its central concerns: the need to improve the competitiveness of Basque products compared with those produced in the territories around the Basque Country. For this reason, it has asked repeatedly of the autonomous institutions that they take the necessary measures to develop this competitiveness and economic development.\textsuperscript{11} In short, as is evident from its many declarations, Confegask is interested in participating decisively in the construction, modernization, and progress of the CAPV-EAE and its institutions.

As regards the CEOE and its analysis of the economic situation, it reaffirms its pledge to encourage investment in and the competitiveness of the Spanish economy. As such, it calls on the public institutions to maintain a rigorous and disciplined tax system within the framework of the Spanish state.\textsuperscript{12} Spanish employers call on businesses to make every effort to encourage greater productivity, while at the same time calling on public institutions to facilitate this by helping economic activities.

Another of the key issues in the mutual understanding between Basque and Spanish employers is that of their respective positions on ETA’s terrorist violence. Indeed, this issue has often been a point of friction between the two employers’ organizations. Although both the CEOE and Confegask condemn any terrorist act by ETA, there are differences of expressing their respective opinions. This was more than evident following the terrorist organization’s bombing of Madrid Barajas airport on December 30, 2006. Basque employers as a whole, and separately as represented by SEA, ADEGI, and CEBEK, supported “any initiatives that explore ways and alternatives to end the scar of terrorism definitively.”\textsuperscript{13} The CEOE responded differently. On June 30, 2006, it had in part supported some of the efforts to negotiate an end to the violence by the PSOE government. However, following the Madrid airport bombing, it called on the same government to return to the hardline policies associated with the PP-PSOE Agreement on Freedom and Against Terrorism. Both the CEOE and the CEPYME had signed this agreement alongside the PP and the PSOE, and together with the UGT and CCOO. Confegask, however, believed in alternative methods of resolving the conflict, and this served as another point of friction with its Spanish counterpart. Likewise, Confegask also demonstrated a more cautious reaction in its first communiqué after the Madrid airport bombing. It offered its support to the political parties and public institutions while at the same calling for caution, unity, and serenity.\textsuperscript{14}

It is clear that framework of economic interests differs between Basque and Spanish employers, and that their relations have been conditioned in part by these differences. Basque employers call for unity of purpose among the three diputaciones that together make up the CAPV-EAE in their fiscal treatment of Basque businesses. Spanish employers,

\textsuperscript{11} Ibid., December 15, 2006.
\textsuperscript{12} Junta Directiva de la CEOE, communiqué, September 12, 2007.
\textsuperscript{13} Confegask, communiqué, March 9, 2006.
\textsuperscript{14} Confegask, press release, December 30, 2006.
meanwhile, call for this principle of unity to be applied at the state level. Clearly, these two, at times incompatible, demands have been and are the focus of much contention between the two bodies. That said, as noted, since the election of Díaz Ferrán to the presidency of the CEOE in 2007, these relations are less controversial and more cordial.

Finally, and as regards relations among the three provincial employers’ associations, and between these and Confebask, one might say that at times there are crossed lines and they do not all appear to speak with one voice. Such was the case with the Ibarretxe Plan for a new Basque autonomy statute, when CEBEK called for the employers’ associations to remain apolitical in the issue, while ADEGI and Confebask had rejected it. In general, however, relations are good, and there is a unity of purpose in fiscal issues for businesses in the CAPV-EAE.

References
The relations between the most relevant and active different political groups in Hegoalde and the relations between Basque and Spanish political institutions and those of the Spanish state are marked by several conflicts. However, there is one especially important root conflict that not only appears at certain moments but also shapes (and occasionally burdens) how a whole set of other sectorial and local conflicts are formulated and resolved (or not, as the case may be). We are referring to the conflict over political sovereignty and self-determination.

To greater or lesser degrees, depending on the historical moment, disagreement and also agreement over the actual framework of self-government has become a public question. On certain occasions—for example, the 2003 Ibarretxe Plan—disagreement has been clearly voiced. Moreover, social perception of the current framework of self-government has become both more obviously and more visibly critical. Today, an ample majority of the population believe that not only must this actual framework be altered, and by implication extended, but that moreover the Basque community should have the capacity and the right to decide the level of self-government it considers to be appropriate. As a result, we would point out that reflecting on a new political future for the Basque Country is not an exercise in wishful thinking, but rather that it constitutes an effort to put together

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1. Hegoalde refers to the portion of the Basque Country to the south of the international frontier between Spain and France. It is comprised of the Autonomous Community of the Basque Country (CAPV-EAE, by its Spanish and Basque acronyms) and the Foral Community of Navarre (CFN, by its Spanish acronym).
and describe a wide range of social and political demands that are today very relevant in the Basque Country.

A New Scenario to Confront the Crisis

In response to this crisis, political parties have shown some tendency to initiate a process of dialogue, negotiation, and eventual agreement on the question of modifying the Basque self-government framework, whether in the CAPV-EAE alone or in both communities.

The vast majority of political parties have already expressed what their positions will be in this future debate. In this regard, they have therefore already defined, albeit in a very general way, what limits (if any) there will be for them on this future form of self-government. However, most political parties are willing to enter into a process of dialogue and negotiation. In this regard, one should point to a substantial change in one particular party: For many years the Basque Socialist Party (PSE, the Basque chapter of the national Spanish Socialist Worker’s Party [PSOE]) refused to enter into any profound reconsideration of the actual autonomous framework. However, the PSE has recognized the necessity of renegotiating the statutory limits of the CAPV-EAE. This means that, with the exception of the Popular Party (PP), all other Basque parties represented in the parliament of the CAPV-EAE are willing, according to specific and different conditions, to enter into this phase of dialogue.

Clearly, the breakdown of the 2006 ceasefire and ETA’s continued use of violence make the beginning of any new dialogue and peace process—that at the same time might also incorporate discussion on negotiating a new model of self-government for Basques in both communities—difficult. However, it is equally true that there is greater awareness in Basque society that a process of political negotiation must be established regardless of the violent conflict driven by ETA. In other words, ETA cannot become an obstacle to establishing a new framework of self-government.

In sum, there are unfavorable contexts and serious conflicts that hinder any potential attempt to set up a process of transforming the politico-juridical framework of the CAPV-EAE and the CFN. However, we argue that in contrast to recent historical moments, a significant change has taken place as regards the disposition of the majority of Basque political parties, mainly in the CAPV-EAE, to initiate some process of change.

The Necessity of Developing the Statute

The insistence on the right of self-determination for the Basque people as a means to achieving independence does not prevent Basque institutions—the very institutions

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2. In most cases in this chapter, political parties, groups, and the like are identified by their name in English to help the English-speaking reader identify their ideological basis, but their Spanish, Basque, or Spanish and Basque acronym, if that is how they are regularly identified internationally.
that are the products of the current statutes of autonomy in the CAPV-EAE and the CFN—from the complicated task of defending themselves.

In 2006, the Spanish parliament passed bills authorizing reforms of the Catalan and Valencian autonomy statutes, while in 2007 further reforms of autonomy statutes were approved for Andalusia, the Balearic Islands, and Aragon. Similarly, those of the Canary Islands, Castilla La Mancha, and Castilla León were also due to be reformed, pending ratification. By contrast, and as was the case in 1931 during the first process of creating Basque autonomy, the projected reform of the Basque statute has been delayed by the Spanish government. Specifically, Ibarretxe’s projected reform of the Basque statute that was passed in the Basque parliament by absolute majority was rejected in the Spanish parliament by 90 percent of the members of Congress. This itself is an indicator of the lack of concord between the Basque and Spanish political arenas.

In this sense, the political balance of recent years for secessionist parties has been quite negative. In other words, since 1999 there has been no development of the Basque statute of autonomy at all. Those pending powers have still not yet been transferred, and it does not appear that the Spanish government, whether controlled by the PP or the PSOE, is willing to fulfill what was agreed to in the statute itself or the constitutional laws of the Spanish state. Thus, nearly three decades after being passed, the Basque statutes of autonomy have still not been developed fully.

Furthermore, successive peace processes resulted in failure in 1998–99, 2002, and 2006. In the last case, the breaking of the ETA ceasefire after the attack of December 30, 2006, ruined the hopes for a peace agreement for both the Basque Country and the Spanish state. Finally, the process of political normalization has been obstructed by statist parties through their rejection of the Ibarretxe Plan in 2003 and after.

The Necessity of a Dual Process of Negotiation

Basque political parties have a dual objective: to achieve peace and political normalization. In effect, this is a question of two related but separate objectives. For the secessionist parties, peace is not, as defended by the PSOE and the PP, a means to achieve a political end, such as political normalization or the basis for institutional development of the reality of the autonomous framework in the CAPV-EAE and the CFN. Rather, it is an objective goal in its own right. That is, one should not wait for an absence of violence to establish the basis of a program of political normalization given that this implies, de facto, leaving the calendar for political negotiation in ETA’s hands. It is, then, imperative that a dual negotiating process is encouraged and that there is all-round acceptance of dialogue as the only valid key to providing a solution to the political conflict that has afflicted Hegoalde for at least two centuries.

The key to negotiation will consist in overcoming the stalemate caused by the conflict and reaching a political agreement among all actors in Basque institutional life. The bases of this dialogue or political negotiation process would be: encouraging and supporting, throughout Hegoalde and within its different territorial frameworks, multiparty
forums for dialogue and institutional, political, and social participation aimed at achieving different forms of consensus to eventually overcome the political stalemate. For these forums to remain firm, they should be created on the dual premise of recognition that both a political conflict exists and that there are plural and divergent opinions about this conflict, as well as its central tenets (the politico-juridical framework, territoriality, political subjects, sovereignty, and so on); creating tools of citizen participation and encouraging processes that allow the free and democratic expression of social will, and respect for its declarations; encouraging the triple pledge that inspired the Ibarretxe Plan and the open process this led to, or promoting in the CFN and Iparralde initiatives that can lead to proposals that allow, together with other social and political forces, processes of debate to be set in motion with the aim of achieving general agreement; and proposing that these processes of dialogue are based on a promise to use only nonviolent means, the guarantee of pluralism without exceptions, and respect for the voluntary social will together with the right to express it freely and democratically.

Regarding the strategic principles of the process of dialogue, two parallel processes would have to be set up: a peace process leading to an end to the violence and the disappearance of ETA; and a process of political normalization to agree on a political scenario that all the political groups can concur on—and essentially ratified by Basque society because it must support this agreement through a popular consultation or referendum. Finally, secessionist parties consider it appropriate that the European Union acts as a guarantor of this process.

**Lehendakari Ibarretxe’s 2008 Road Map**

After the stalemate in negotiations to bring about a new statute of autonomy for the CAPV-EAE in 2005, in late 2007, in the course of a debate on general policies opening a new session of the Basque parliament, Lehendakari Ibarretxe proposed a new route map in an attempt to overcome the deadlock and begin a new process of statutory reform. For Ibarretxe, this proposal would allow the beginning of a new cycle in which Basques would take the initiative without being impeded by either ETA or the Spanish government. In the opinion of the Lehendakari, the Spanish executive could not use ETA as a political excuse to hold back the Basque people from following their own course. The goal of his route map was to achieve peace and a framework of political normalization for the CAPV-EAE through the passing of a new statute and to undertake political initiatives designed to break the spiral of violence and a lack of dialogue, with the aim of channeling a viable solution to the Basque political conflict. The route map, specifically, consisted of five sections or phases.

The first, in September 2007, was marked by Ibarretxe’s initial proposal in an institutional offer of dialogue to the Spanish prime minister in order to reach a political agreement between the CAPV-EAE and the Spanish state on two principles: the ethical principle of rejecting violence and a pledge by Basque society to act by political and democratic means alone, followed by the democratic principle of respecting the majority
wishes of Basque society and a pledge to incorporate this recognition, together with its implementation, in juridical legislation. Ibarretxe thus included in this way a form of including the right of self-determination into state legislation.

Thereafter, in June 2008, a full session of the Basque parliament would vote on endorsing the political agreement reached with the Spanish state and authorize a legally binding consultation for its ratification. In the event that no agreement was forthcoming with the Spanish prime minister—a more than probable outcome—the lehendakari would call a full meeting of the Basque parliament with the aim of asking for a popular consultation to open up a new process.

Following on from this, in October 2008, there would be a popular vote on the issue. This would be a consultation to ratify the political agreement, or a facilitating consultation to begin a process of resolution. Ibarretxe commented that, by means of a popular consultation to be held on October 25, 2008, Basque society might set this resolution in motion, legitimize its content, and validate a process of political negotiation between the CAPV-EAE and the state. Basque society would therefore directly have the capacity to ratify the agreement reached or unblock the impasse and open up a route to a process of resolution.

In the first of these cases, and always on the authorization of the Basque parliament, Basque society would have the opportunity to ratify the political agreement in a legally binding consultation, called by both the Spanish prime minister and the lehendakari. In the second case, the popular consultation would not be imperative due to the fact that it would not be approved by the Spanish government. Whatever the case, though, such a consultation would be politically and socially valid because it would be legitimized in a democratic referendum.

March 2009, according to the route map, would mark the end of the legislature. Whatever the result of the consultation, Ibarretxe announced his pledge to dissolve parliament and call autonomous elections.

Finally, this would ultimately lead to a resolution phase for the process of negotiation and the referendum in the second half of 2010. The process, whether it derived from approving the political agreement with the state or whether it was the result of a democratic mandate originating in the popular consultation, had to culminate in a referendum aimed at a final resolution based on giving the Basque people the right to freely decide their own future.

Before holding this second referendum, the Basque political parties, without exception, would agree to set up a political negotiating table in order to arrive (in a fixed period of time) at an agreement on the right of the Basque people to decide its territorial relations with the state. At the same time, ETA would be obliged, by virtue of the result in the popular consultation, to undertake a clear demonstration of its pledge to put an end to its armed struggle, because Basque society would have demanded this in the referendum. As a result, dialogue would begin with the Spanish government.
For Ibarretxe, and his opinion was endorsed by Aralar, EA, the PNV, and EB-Berdeak (as well as Batasuna, to some extent at least), if all political forces, including ETA, had demonstrated on numerous occasions a willingness to respect popular will, the logical undertaking should be, in the first instance, to accept the notion of Basque society being consulted and then to take on board, respect, and give shape to this popular will through the holding of a popular consultation. Once such a consultation was held to ratify a political agreement with the state, or, if necessary, a facilitating consultation, and if the result was positive, the second natural step was for all implicated parties to feel obliged democratically to take the corresponding measures to initiate a process of resolving the Basque conflict in all its dimensions: the institutionalization of the Basque Country through passing a new statute and an end to the violence.

Regarding this last point, ETA would be obliged by a popular decision to undertake a clear demonstration of its promise to put an end to its armed struggle and consequently begin a process of dialogue with the Spanish government with the aim of elucidating all dimensions involved in putting an end to political violence. As regards institutionalization of the Basque Country, all Basque political forces, without exception, would promise to set up a negotiating table to reach, in a predetermined time-frame, an agreement on political normalization on the right of the Basque people to decide (the right of self-determination), territorial relations (the question of the CFN and Iparralde), and naturally all those questions that the parties might consider as being of interest.

All this would later be put to the vote in a popular referendum. Ibarretxe observed that for any proposal to develop the CAPV-EAE institutionally or the Basque Country in general, the state parties demanded a level of consensus and popular support that went way beyond that required of actually maintaining the current politico-juridical framework (40 percent according to parliamentary representation) by arguing that any change or alternative model would lead to division.

Ibarretxe admitted that the process would run into difficulties because it is more difficult to construct peace than to wage war and because it is more difficult to reach agreement than remain entrenched in the reasons of state.

Effectively, the first difficulties did not take long to emerge. The PP rejected out of hand the idea of entering into any negotiation. And, after a meeting between Ibarretxe and Zapatero on October 10, 2007, the Spanish prime minister, in the name of the Spanish government and of the PSOE, refused to accept any popular consultation or open up any channel of negotiation on any of Ibarretxe’s key points. As a result, Zapatero charged the proposal with being illegal, because the power to undertake popular consultations resided in the Spanish government alone. In turn, Ibarretxe argued that the legality of his proposal for a popular consultation was not up for debate, because while article 149 of the Spanish constitution gave exclusive authority to central government to hold referendums, it did not cover nonbinding popular consultations. Therefore, for him, this proposal was not only legal but necessary.
Finally, in June 2008, the parliament of the CAPV-EAE passed a text that would be put to popular consultation and the holding of this vote. However, this was contested by the Supreme Court, and thus the method of popular consultation was closed down definitively without the statist parties offering any strategic alternative for resolving the Basque political conflict.
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