



# MECHANISMS OF PUBLIC PARTICIPATION AND MULTI-TRACK DIPLOMACY IN PEACE PROCESSES

Lessons from the Basque Country in the context of the Nagorny Karabakh conflict



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Front cover image: The Old Gernikako Arbola of Guernica inside a church. The Gernikako Arbola is an oak tree under which past and present leaders of the Basque Country swear an oath of loyalty to the Basque people.

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**December 2014**

## Contents

About the authors	3
Foreword	4
Introduction	5
Lessons from the Basque Country: democracy as a mechanism for conflict resolution	12
The Basque “recovery” and a comparative analysis of the Nagorny Karabakh peace process	16
Calls for peace: face to face with terror	21
The role of social mediation, unofficial international mediation and EU cross-border cooperation programmes in the transformation of the Basque conflict	24
Experiences of cooperation between the central government in Madrid and the Basque Autonomous Community and possible parallels with the ongoing process to resolve the Nagorny Karabakh conflict	28

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## Foreword

International Alert has been engaged in conflict transformation in the South Caucasus since the mid-1990s. In the Nagorny Karabakh conflict context, we have sought to empower different sectors of society to build trust across the divide, explore alternative narratives on the conflict and advocate for peace among policy makers. Within the framework of the European Partnership for the Peaceful Settlement of the Conflict over Nagorno-Karabakh (EPNK), International Alert has brought together a group of experts from the conflict region to undertake comparative analysis of other conflicts.

Conflicts can be studied on different levels and with different aims – from understanding the causes, dynamics and driving forces of conflict to studying the positions of the conflicting sides and specific solutions. This project does not focus on any of these aims. Instead, we approach the analysis of other conflicts from the perspective of civil peacebuilding. In particular, we seek to study the participation of civil society and the role of multi-track diplomacy in peace processes and efforts to transform conflicts using specific mechanisms and institutions that do not have direct political leverage or resources. Another important part of the project consists of stimulating broad debate with diverse sectors of the population based on new ideas and perspectives on transforming the conflict and developing new approaches through direct dialogue with communities.

The first initiative of the expert group was to analyse perceptions of peacebuilding efforts among civil society. This research formed the basis of their joint publication, *Advancing the prospects for peace: 20 years of civil peacebuilding in the context of the Nagorny Karabakh conflict*, which represents an innovative attempt to collectively reflect on 20 years of peacebuilding efforts by civil society. Taking this joint work as the starting point for further study of other conflicts, the group went on to look at the experiences of the Northern Ireland peace process, which was followed by the publication *Mechanisms of public participation and multi-track diplomacy in peace processes: lessons from Northern Ireland*.

This publication is the result of the next stage in the work of the expert group and presents an analysis of and fundamental lessons drawn from peacebuilding efforts in the Basque Country. Each contribution focuses on a particular issue selected by the author and analysed on the basis of their own experiences. The views and conclusions presented by the authors often touch on controversial issues. Nevertheless, this report includes useful discussion material for the communities affected by the Nagorny Karabakh conflict and an opportunity to look at the route towards its transformation through the prism of comparative analysis.

International Alert would like to extend its thanks to the participants in the expert group, as well as to colleagues in Bilbao and Madrid, in particular Paul Rios and Juan Bautista Jiménez Guerra, who generously shared their knowledge and efforts for the project.

# Introduction

Juan Bautista Jiménez Guerra, co-authored with Paul Rios

For Basque nationalists, the “Basque conflict” arose due to divisions between the Basque people and the Spanish state, while for the political parties in Madrid it is a conflict between Basques. The origins of these divisions are historical and are based on the Basque nation being identified as having its own distinctive characteristics, setting it apart from an alien Spanish nation whose country and people are seen as hostile to the Basques. The Basque problem is one of a territory where half the population do not feel they belong to the Spanish state which, nevertheless, has considerable influence on them, whether they like it or not.

Against the background of the Franco dictatorship between 1936 and 1975, an organisation emerged in the Basque Country, or Euskadi, which sought to resist the political system through the use of arms, to overthrow the autocracy and to proclaim socialism in the Basque Country. However, even prior to its existence, during the early 1950s a group of young nationalists called EKIN had declared its intention to restore the Basque nation and prevent it from being diluted by representatives of other ethnic groups from neighbouring regions.

At that time Spain comprised a number of different regions, including the Basque Country, Galicia and Catalonia, all of which were governed centrally by Madrid. The 1950s and 1960s were a period of intensive internal migration. Rapid industrial development in the Basque Country drew migrants from other regions, such as Castile, Extremadura and Galicia, who went to Euskadi looking for new economic opportunities. It was during this period that ETA (Euskadi Ta Askatasuna, Basque Homeland and Freedom) was founded in 1959. For 50 years this organisation would play a key role in the history of the Basque Country. ETA sought to achieve its political objectives through armed violence, but its struggle proved futile and left countless victims in its wake.

Thus the fundamental difference between the Basque conflict and other territorial or regional conflicts within Spain was the use of terror as a weapon in the struggle. Today the Basque Country enjoys a greater degree of self-government than other Spanish communities or devolved entities in other countries, such as Scotland. However, these extensive powers were not attained for the Basque Country by ETA, but through a consensus of Basque political forces.

## The political map

The cessation of ETA’s activities marked the end of the use of violence as a means of achieving independence. For the nationalists it has heralded a new period when they have sought more extensive self-government. Nevertheless, their conflict with the state continues, although it is now political rather than paramilitary in character and is no longer seen as a priority by Madrid.

The differing views held by the political parties in the Basque Country translate into differences in the nature of their demands, whether for greater autonomy, self-determination or independence.

The nationalist community is primarily made up of moderate nationalists (the Basque Nationalist Party, PNV) and radical nationalists (Sortu), historically linked to ETA. Together they can form a slim majority, but a majority nonetheless. The problem for the nationalists is the mistrust which has developed over many years. Both elements are competing with each other for power in the region and the issue of relations with the centre is increasingly receding into the background. The PNV has never advocated a radical severing of relations with Madrid, whereas the left radical nationalists and ETA support just such a breach.

On the other hand are the political forces with ambitions at national level, although they differ fundamentally from one another in terms of ideology. The Socialist Party (PSE) and the People's Party (PP) are the main proponents of preserving the status quo. The PSE is progressive in character and now advocates a federal model for Spain, with greater autonomy for Euskadi and Catalonia. The PP is more opposed to change and resists constitutional amendments which could lead to a change in relations between the "historical nationalities" and central government.

Today, in accordance with the legislation, the Basque Country is governed on the basis of the Statute of Autonomy (1979), which was adopted by a majority and contains powers which have not all been fully implemented. The Statute has proved adequate for the regulation of issues of a general nature but cannot satisfy all political demands.

## ETA

The Basque conflict might have been consigned to history as one of many conflicts over territorial control were it not for the fact that it led to the deaths of over 800 people.

ETA emerged 50 years ago as a movement initially linked to the Basque Nationalist Party and its cultural milieu, which sought to protect the Basque language and the right to an identity distinct from the rest of Spain. ETA was formed not in opposition to Franco but in opposition to Spain, and its prime concern was the separate ethnic, linguistic and ideological identity of the Basques.

Basque radical nationalism has always been characterised by an assertion of its special place, initially linguistic ("Basque" meaning "Euskaldun", that is someone who speaks Basque or "Euskere" and has Basque roots) and then ideological ("Basque" meaning "nationalist").

Over time, ETA evolved into a strategic weapon of radical nationalism which saw in combat the route to independence. However, reality has been rather different and contemporary Basque history is characterised by political pluralism, demographic intermingling, bilingualism and the coexistence of different territorial entities.

Today the central powers in Madrid are of the opinion that the final cessation of ETA's activities has meant the end of the conflict. At the same time the nationalists believe that the moment has come to demand greater autonomy. The radicals see the establishment of nationalist alliances as a means of attaining a Basque state, while the progressives demand constitutional reform in order to fulfil their stated objectives through consensus. This means that all the divisions and differences are as relevant today as they have ever been.

The manifesto of the nationalist parties claims that after the 2015 general election a new majority will emerge which will reform the constitution to change the state structure and thereby fulfil the political demands of Catalonia and Euskadi.

## The end of ETA

The government in Madrid sees the end of the Basque political conflict as being connected with the cessation of armed activity by paramilitary organisation ETA.

In 2011 ETA announced that it was abandoning its armed struggle and has since embarked on the task of decommissioning its weapons. However, it expresses no clear intention to wind up the organisation. It is no longer planning to perpetrate terrorist attacks, but persists in its attempts to influence strategic political change on the radical left, despite the latter's explicit request that it refrain from so doing.



ETA's armed struggle came to nothing; it was traumatic for society and futile in realising the group's political aims and objectives, leading instead to ETA becoming the principal adversary of Spanish democracy and Basque autonomy. Finally, in 2011, after many years of terrorist struggle, ETA decided to put an end to its violent actions, but on operational rather than ethical grounds.

It is relevant here to make a brief detour into the history of relations between ETA and its political wing, as represented by a series of different parties, from Batasuna (Herri Batasuna) to Sortu. Throughout its history, ETA has prevented the political and social elements of its movement from adapting, evolving and participating in politics. In other words, ETA has hindered everything intrinsic to an organisation and movement created to enter the political arena, depriving it of opportunities and condemning it to a minor role under the auspices of its military wing. Towards the end of the 20th century ETA appeared to have been weakened by the political and legal actions of the authorities. ETA's emasculation led to its political wing, Batasuna and its successors, being outlawed.

Gurutz Jáuregui, of the University of the Basque Country, describes this relationship: 'ETA and its political wing are two organisations which depend on and complement one another, but at the same time they are antagonistic and contradict each other. One cannot exist without the other, but they nevertheless each carry within them the gene which will inevitably destroy the other.' In the words of Tasio Erkizia, an eminent member of the radical nationalists, 'Violence and parliamentary games are not compatible in the long run'. It took the left-wing radical nationalists over 30 years to push ETA into restoring the independence they lost during the period of Spain's transition to democracy in 1975.

The cessation of terrorist activity by ETA did not lead to a change in ideals, it was merely a change of strategy for the achievement of their original objective – the establishment of a Basque state. Furthermore, the end of ETA's armed struggle was not linked in any way to talks with the Spanish government or the attainment of a bilateral peace; the process was unilateral in character. ETA's political achievements were considerably less substantial than those accomplished through any of the talks conducted with earlier Spanish governments. ETA refused to discuss the notion of peace in return for prisoners with the government and now it is the Spanish government which makes prison policy.

While ETA was gaining notoriety with each new victim, intending that this should pave the way to the negotiating table, Basque and Spanish society made a stand and came out on the streets. In the past the streets had been within the exclusive sphere of influence of the left-wing radical nationalists. Now civil society movements, such as Gesto por la Paz (A Gesture for Peace), Elkarri and the Ermua Forum, became driving forces in a society which was tired of violence and driven to despair by the senseless actions of ETA.

The Basque political parties reached their first agreement at the negotiating table in Ajuria Enea (12 January 1988). The peace agreement they signed included a qualification pertaining to the disputed issues. The left-wing radical nationalists sensed that the isolation caused by the signature of this agreement by the other parties would be damaging for them politically, but voters nevertheless continued to vote for them, despite the fact that they remained hand in hand with ETA.

This period saw the establishment of the first victims' organisations, such as the Association of Victims of Terrorism (AVT), founded in 1981. Until this point they had been rather fragmented and enjoyed virtually no support from the authorities, although the first victim had been killed in 1968.

ETA's chosen strategy, to inflict the greatest possible suffering through assassination attempts on political figures, ultimately destroyed the organisation. The response from the authorities

in the form of a law on political parties finally put an end to the party of the left-wing radical nationalists; Madrid outlawed Batasuna and indicated that its next step would be imprisonment.

## The road to reconciliation and coexistence

The terms “reconciliation” and “coexistence” generate major political debate in the Basque Country, although there is no doubt that in the wake of ETA renouncing violence Basque society has undergone a social transformation, the main aims of which are to heal the wounds, acknowledge the victims, preserve memories, engender respect for pluralism and difference, reinforce the ceasefire and foster a culture which will avoid any repetition of the suffering and conflict in the future.

In resolving these issues, Basque society has an advantage compared with other societies in conflict. During the worst years of the conflict it was civil society organisations which succeeded in making peace and refused to allow the central figures, public authorities and parties to tolerate the status quo. First Gesto por la Paz, which held silent protests against violence, then Elkarri, which campaigned to maintain dialogue and mutual understanding, helped to establish a powerful social network working to achieve peace. This is a key factor which has helped to preserve connections and prevent serious divisions in Basque society. Despite the fact that considerable rifts have developed within small, individual communities, on the whole Basque society has maintained its internal cohesion, which has enabled it to achieve reconciliation quickly, even with the difficulties which remain to this day.

The main obstacles on the road to reconciliation remain the following:

- **The difficulties of establishing an official version of what happened.** A number of different, often incompatible versions vie with each other in the process of establishing a historical memory: 1) ETA, the left-wing radical nationalists and nationalism are to blame for everything; 2) the violence was due to the conflict between the Basque Country and Spain; 3) ETA committed many acts of violence but the state must also acknowledge its role in human rights violations.
- **Recognition of the victims.** The state only recognises and protects the victims of violence perpetrated by ETA, yet there were also victims in the Basque Country of vigilante groups and the security forces. The Basque government has at least begun work on acknowledging victims of torture.
- **An ethical and critical evaluation of the past.** The majority of political parties call on the left-wing radical nationalists to undertake a critical appraisal of their own past actions, when they advocated support for armed violence, but they are not currently willing to do this.

At the same time, in this context a number of different initiatives are being established which seek to facilitate reconciliation. The Basque government has begun the implementation of an ambitious peace plan covering issues such as the rehabilitation of prisoners, remembrance, recognition of victims, citizen participation in peaceful coexistence and fostering a culture of peace. In parallel to this, civil society initiatives are arranging for victims and offenders to meet, and are holding gatherings which bring together victims, people who were involved in resistance and people who campaigned for the idea of peaceful coexistence at local level.

## ETA's past

In 1977 a branch of ETA took the decision to disband. At that time the Union of the Democratic Centre (UCD), a coalition of centre-right parties, was in power in Spain. The UCD led the country during the “Years of Lead” as they were known because of the number of murders taking place on a daily basis.

The government and judicial authorities of the time were relatively generous in their treatment of ETA prisoners, detainees and exiles, despite the fact that the organisation continued to use arms and was not negotiating for political concessions. In 1982 the ETA prisoners were rehabilitated – at a time when the victims of the conflict were not organised and had been forgotten by the authorities, so their voices went unheard.

## Conclusion

There was always a specific political calculation behind the murders perpetrated by ETA and the radical nationalists have constantly presented Basque reality as an uninterrupted succession of confrontations. ETA used violence to express an unresolved, age-old political conflict between Spain and the Basque Country.

In the end, violence is almost always employed as an ideological alibi. The history of the far left in the Basque Country has been a chronicle of predictable defeat.

Without going into too much complicated detail, it is important to note that the end of ETA's operations came during a period which was less politicised but when there was actually greater police activity, public response, political unity and international support. All these factors are important but they were also all present several years earlier when ETA was continuing to tread the path of violence.

This time another important factor was at play – the personal interests and specific decisions of the left-wing radical nationalists. A realisation of the futility and counter-productivity of armed operations resulted in a situation where leading figures radically changed their views. This illustrates the importance of maintaining contact with groups which employ violent methods and have significant political support. In the opinion of Jonathan Powell, this is substantiated by the example of ETA: 'If there is a crack somewhere, it's important to maintain contact, in order to avoid failure'. Following the unsuccessful talks initiated in 2007 by José Luis Rodríguez Zapatero's government, it became clear that Batasuna '...was gradually putting pressure on ETA to develop a new approach... since the mediators who were involved at the time were still engaged and able to get down to business again'.<sup>1</sup>

The restoration of the peace process after the talks stalled in 2006 was possible due to the convening of the Aiete Conference and, as Jonathan Powell put it, '...the attention on ETA from international figures who were prepared to take a risk to play a role in the last armed conflict in Europe', which was followed by the group's declaration of the cessation of its activities.

The efforts to resolve the Basque conflict began with talks in Geneva in 1976, continued in Algiers in 1989 and in Zurich in 1998, and concluded in 2006 in Oslo and Geneva. They all ended in failure, as did the numerous attempts to establish contacts which, over many months, failed to lead to dialogue.

As Jonathan Powell has said, 'Although the Basque conflict has not yet been fully resolved, its history is an example of how failure follows failure until it leads to success.'

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<sup>1</sup> EL CORREO [06/10/2014] "El mediador Jonathan Powell afirma que es un proceso de paz el que ha llevado a ETA a su final", Available at: <http://paratalibertad.org/el-mediador-jonathan-powell-afirma-que-es-un-proceso-de-paz-el-que-ha-llevado-a-eta-a-su-final/>

## Chronology

- 1952 Establishment of EGIN, bringing together young Basques seeking to revive Basque nationalism.
- 1956 EGIN merges with the youth wing of the Basque Nationalist Party.
- 1958 The organisation splits. One part remains with the youth wing of the Basque Nationalist Party and the other founds ETA.
- 1959 ETA makes itself known for the first time.
- 1962 First ETA Assembly declares 'Basque revolutionary movement for national liberation'.
- 1963 Second ETA Assembly. ETA joins the labour movement.
- 1964 Third ETA Assembly approves document entitled 'Insurrection in Euskadi'.
- 1964 Fourth ETA Assembly declares its aim of establishing a socialist society and the adoption of its principle of "action-reaction-action".
- 1967 Fifth ETA Assembly. The structure of the organisation is divided into four fronts: cultural, political, economic and military.
- 1968 First fatal terrorist attack by ETA. José Pardines is killed.
- 1970 Sixteen ETA militants brought before a military tribunal.
- 1975 Spanish government adopts anti-terrorism law.
- 1976 ETA publishes its 'KAS Alternative' programme, stating the conditions for ceasing its terrorist activities. First talks between the Spanish government and ETA in Switzerland.
- 1977 Meeting of nationalists in Txiberta. Talks between the government and the military wing of ETA in Geneva.
- 1978 Establishment of political party Batasuna (Herri Batasuna), a coalition of left-wing radical nationalists. The referendum in December approves the Spanish Constitution.
- 1979 Statute of Autonomy of the Basque Country adopted. Opposition from Batasuna and ETA.
- 1980 Elections to the first Basque parliament. Batasuna becomes the second largest political force after the Basque Nationalist Party.
- 1981 Elected members of Batasuna sing the Basque anthem, 'Eusko Gudariak', in front of King Juan Carlos in Guernica. Formation of the Association of Victims of Terrorism.
- 1982 Spanish Socialist Workers' Party wins a majority in the Spanish general election.
- 1986 The organisation Gesto por la Paz is founded. Silent protests are held following a series of assassination attempts in the country.
- 1987 In elections to the European Parliament Batasuna candidates receive 360,000 votes and take their seats days after a terrorist attack in which 21 people die.
- 1988 Basque parties sign the Agreement on the Normalisation and Pacification of Euskadi, known as the Ajuria Enea Pact.
- 1989 Ceasefire and pause in ETA's activities; talks in Algiers. ETA breaks the ceasefire and the government begins to move prisoners to prisons in different parts of Spain.
- 1992 ETA leadership arrested in Bidart, France.
- 1994 Next phase in escalation of violence by ETA, organisation of "street fighting" (*kale borroka*). Focus on inflicting greater suffering.
- 1996 Abduction by ETA of Ortega Lara lasting 532 days. Lara liberated by the Civil Guard.
- 1998 Ermua Forum against ETA. Nationalist forces sign the Lizarra agreement, shortly afterwards ETA declares an indefinite and unconditional ceasefire. The radical nationalist left wins a record 14 seats in the Basque Parliament.
- 1999 The platform ¡Basta Ya! (Enough!) established in opposition to ETA. In December ETA declares its ceasefire over.
- 2000 Anti-terrorism pact between People's Party and Spanish Socialist Workers' Party.
- 2001 Batasuna undergoes changes: critical members of the party form the organisation Aralar. Euskal Herritarrok (EH) is reduced to seven members of parliament. Gestoras pro Amnistía (Campaigners for Amnesty) is outlawed.

- 2002 Law on parties adopted. It prohibits any political organisation which does not condemn violence from taking part in elections. ETA declares the People's Party and the Spanish Socialist Workers' Party military targets.
- 2003 Batasuna banned in accordance with the law on political parties.
- 2004 ETA declares a ceasefire but only for Catalonia.
- 2005 The Spanish parliament begins a dialogue with ETA on peace without political concessions.
- 2006 Indefinite ceasefire declared by ETA. The ceasefire and peace talks collapse following the terrorist attack in Barajas which kills two people. Elkarri becomes Lokarri.
- 2009 European Court of Human Rights ratifies the 2003 decision outlawing Batasuna.
- 2010 Left-wing radical nationalists establish new political platform moving away from violence. In a document entitled 'Zutik Euskal Herria' the nationalist left fully renounces violence.
- 2011 A weakened ETA declares a final, general and permanent ceasefire. The left-wing radical nationalists establish Sortu and file its statutes as a new party, replacing the armed struggle. Its alliance with other parties forms the second largest bloc in Basque politics. Lokarri organises an international peace conference in San Sebastián which calls on ETA to put an end to its armed struggle. In October ETA announces the cessation of its armed activities.

## Lessons from the Basque Country: democracy as a mechanism for conflict resolution

Mikayel Zolyan

### Authoritarianism, democracy and conflict

One obvious lesson to be drawn from the Basque conflict is the link between democracy and peaceful conflict transformation. There is another side of this coin, of course – the link between a non-democratic regime and the escalation of conflict. Thus, experts on the Basque conflict agree that the Franco dictatorship was instrumental in the emergence of the conflict or, at least, in its transformation into a violent conflict. Clearly, the potential for conflict was already present in the Basque Country even without Franco: as long ago as the early 20th century there were obvious contradictions between the aspirations of Basque intellectuals, who wished to preserve Basque culture and language, and Madrid, which sought to unify the country and promote its homogeneity. However, during the period of the Second Republic, it appeared that a compromise had been found and the issue could be resolved by means of regional autonomy. The Civil War and the dictatorship which followed it temporarily buried all hopes of autonomy.

To start with, there was a brutal war in which Basque nationalists fought on the side of the Republicans and were subsequently cruelly punished for their support in the form of the bombing of Guernica, shootings and the arrests of thousands of people. This was followed by the years of the Franco dictatorship which virulently opposed any manifestation of Basque identity and imposed a complete ban on any political demands for autonomy. In this respect, the situation in the Basque Country was reminiscent of the Soviet period in Nagorny Karabakh: on the one hand an ethnic minority was concerned about the preservation and development of its culture and, on the other hand, it was impossible to express these concerns within the existing political system. In the Basque Country this led to a situation where, in the mid-20th century, the Basque Nationalist Party (PNV), which had traditionally been the principal proponent of the idea of national self-determination for the Basques, began to lose support.

The younger generation was disappointed with the PNV's ideology, which combined social conservatism and a commitment to achieving its ends by non-violent means. Many young people saw an alternative in uniting Basque nationalism, left-wing (Marxist) ideology and active – including violent – opposition to the dictatorship. This evolution led to the emergence of ETA, which embarked on a path of armed struggle against Franco's dictatorship. In the late 1960s and 1970s ETA was part of a broad front, which united opponents of Franco's regime and enjoyed the support of European public opinion.

The situation changed fundamentally with the dismantling of the Franco regime and the democratisation of the Spanish political system. The ETA militants were quickly transformed in the eyes of Spanish society from heroes in the struggle against the dictatorship to terrorists and murderers. In the Basque Country itself opinion was less unequivocal, but even here many people, including those who shared their desire for full independence, turned away from the ETA radicals. The fact was that, during the process of the democratisation of Spain, a compromise had been found which paved the way for a peaceful transformation of the conflict in the Basque Country. The new state structure in Spain was itself a compromise between the centrifugal tendencies in the regions, including Basque and Catalan nationalism, and the centralising instincts of Madrid. As a result, although neither side achieved the result it most desired (complete independence or a unitary state), a situation was established which was, in principle, relatively acceptable to both sides. Since this took place during the democratic reconstruction of the Spanish state, to many Spanish people it did not seem as though the centre was being forced to make concessions to the

separatists, although naturally for some people, including former Francoists, this was exactly how the developments were perceived.

Consequently, what happened in the Basque Country was somewhat similar to what took place as a result of the peace process in Northern Ireland: the conflict was not resolved, but it did undergo a democratic transformation. Of course, there are significant differences, such as the fact that it was much more difficult to transform ETA/Herri Batasuna into a political force than the IRA/Sinn Féin, in part because of the persecution perpetrated by the state. However, that is a separate topic which cannot really be covered in the course of this short essay.

## The mainstream and the radicals

As the experience in the Basque Country shows, there is a correlation between a peaceful, democratic, political process and the level of radicalisation among the sides in the conflict. When political struggle by democratic means is impossible due to restrictions imposed by an authoritarian political regime, it leads to the radicalisation of society and the increased popularity of radical political forces. In contrast, with the transition in Spain to a democratic political system, the influence of the radical forces in the Basque Country waned.

Analysts consider it to be no coincidence that the terrorist attacks committed by ETA peaked at the end of the 1970s, during the period when the post-Franco reconstruction was taking place. Some experts explain this as being due to the fact that the ETA radicals feared that if the programme of democratic reform was implemented and the Basque Country gained autonomy within a Spanish state, it would have an impact on the level of support for their violent methods and radical programme which called for full independence. Events went on to show that the radicals' fears were justified. The militarist authoritarian regime, which refused to make compromises and suppressed political dissent, proved to be an easier opponent for the terrorist revolutionaries of ETA than the democratic central government which was established in Madrid by the reforms of King Juan Carlos.

Certainly, the methods employed under the new political system by the Spanish government to combat the Basque separatists were, to put it mildly, not always consistent with its democratic rhetoric. There is plenty of evidence that the Spanish law enforcement agencies allowed serious human rights violations to be perpetrated. Unfortunately, this is not the only example of the noble aim of "fighting terrorism" being used to justify extremely unsavoury methods, including torture and illegal arrests. There were also instances of restrictions being applied to the democratic political process, such as when politicians suspected of having links to terrorists were excluded from elections. However, in general, those who advocated national self-determination for the Basque Country had the opportunity to pursue their goals by legal and peaceful means.

Against this background, division increasingly appeared within the Basque community itself. It should be noted that this situation is very typical of such conflicts: the conflict between separatists and the centre is frequently accompanied by conflict between supporters and opponents of separation within the community whose self-determination is the subject of the dispute. Often the dynamics of the conflict, in particular repressive measures by the central government, lead to a large portion of the community consolidating around the forces which espouse the most radical programme. A distinctive feature of the Basque situation was that the opposite happened: the influence of the moderate forces increased and the radicals were marginalised. For a number of reasons, as Spain became a democratic, economically developed state, integrated into European structures, the position of those who rejected the violent struggle for self-determination was strengthened.

Democratisation facilitated the emergence of a relatively diverse range of political views in the Basque Country. Many people living there (including many ethnic Basques) support a united

Spain. Others seek a high level of autonomy, while a third group favour complete independence for the Basque Country, but reject violence. Finally, although there are considerable numbers of people who in theory support what they see as the “liberation struggle” against “Spanish imperialism”, relatively few of them are actually prepared to join this “liberation struggle”.

In this context, the experiences of civil society are of particular interest to us. A range of civil society actors who opposed violence were able to ensure that the supporters of violence were marginalised and, eventually, renounced these methods. These included organisations such as Elkarri and Gesto por la Paz, which brought together supporters of peaceful conflict resolution in the Basque Country itself, and various groups of relatives of victims of the conflict. A significant role was also played by intellectuals, journalists and artists. Of particular note is the role played by those who advocated full independence for the Basque Country but rejected violent methods in pursuit of this goal. This position deprived the radicals and proponents of violence of what might be described as a “monopoly” on patriotism.

The experience of these groups is also important for our region. Although it is a completely different context, unfortunately in our countries there is a very clear tendency for radicalism to allow one group of people to position themselves as the only “true patriots”, accusing all the others at best of extreme softness and lacking strength of purpose, and at worst of betrayal. Of course, peacebuilders in the Basque Country encountered similar attitudes. According to Paul Rios, director of Lokarri, the Spanish government accused peacebuilders of collaborating with the terrorists, while many ETA supporters saw them as Madrid’s henchmen (Skype interview, 22 October 2014). Nevertheless, broad sections of Basque society accepted the message of the peacebuilders and it was actually the advocates of violence as a means to resolve problems who ended up being marginalised.

## Conclusions and recommendations

As in the case of Northern Ireland, there are too many differences between the conflict in the Basque Country and the situation in Nagorny Karabakh to talk about adopting specific models of conflict resolution. However, similarly to Northern Ireland, certain lessons can be drawn from a study of the conflict in the Basque Country.

Thus the first striking point is that, while the conflict did not originally arise as a result of the authoritarian policies of Madrid, they did lead to it becoming violent in nature. In this context an analogy can certainly be drawn between the repression of dissent, including of the so-called “manifestation of nationalism”, in the Soviet system and the policies of the Franco regime towards supporters of Basque nationalism, which led to their radicalisation and shift towards armed struggle. In both cases, despite very clear differences (including, and in the Soviet system’s favour, the fact that Nagorny Karabakh was autonomous while the Basque Country was not), the most fundamental and significant correlation is the fact that lack of democracy made a peaceful transformation of the conflict impossible.

Naturally, Spain was “luckier” than the USSR because the Spanish version of “perestroika” ended in the establishment of a democratic political system. It was because of this, albeit not without difficulty, that a transformation of the conflict was possible and its transition from a violent to a political struggle was able to take place. However, it is interesting that during the first stages of democratisation there was an escalation in the violence, although it did not last for long. As it became clear that democratic mechanisms work and autonomy began to take shape, the proponents of violence among the Basque nationalists started to lose public support.

Democratisation also led to changes in the political arena in the Basque Country, as radical forces became marginalised and the influence of more moderate voices grew. Some of them came out in



favour of compromise and others, while maintaining their maximalist positions, renounced the armed struggle. Those who renounced violence realised they had the moral support of a significant proportion of society, which enabled them to move forward, despite the fact that they themselves risked becoming victims of violence (which, in fact, turned out to be the case for some of them).

Finally, much has already been said about the fact that the resolution of tensions in the Basque Country was facilitated by European integration. We shall therefore limit ourselves here to noting that European integration certainly removed many of the more painful aspects of the Basque problem. One of the obvious elements of the issue which, although it has not been resolved altogether, has at least become less acute as a result of European integration, is the fact that before Spain's accession to the European Union the Basques were a people divided. The border between Spain and France, which had divided the Basques for decades, has now virtually ceased to be a barrier.

As stated above, the situations in the Basque Country and Nagorny Karabakh are too different to allow specific models to be taken from the Basque Country and applied to Nagorny Karabakh. However, a study of the situation in the Basque Country does allow a number of recommendations to be made for the parties with an interest in the success of the peace process in Nagorny Karabakh.

- The role of moderate forces who advocate compromise or a resolution of the conflict by peaceful means must be strengthened. In the case of civil society this could be expressed in support for citizens' initiatives and in the case of the political elites it might be achieved through the use of diplomatic channels of communication.
- Work should be done to limit the influence of radicals, the political forces which advocate violent methods of conflict resolution. In particular, mediators and the international community should be tougher in their response to the use of aggressive rhetoric by political activists and officials.
- Work on radicalism should go beyond simple opposition: it is important to make contact with the radicals and invite their representatives who are willing to engage in civilised dialogue to take part in intra-community initiatives and dialogue.
- It would be useful to develop a media strategy which would facilitate the promotion of more peaceful approaches to the conflict and prevent attempts to marginalise people who advocate peacebuilding positions.
- Work should be undertaken with organisations which represent people who have suffered as a result of the conflict (former combatants, relatives of victims of the conflict and refugees) and use their peacebuilding potential, without allowing their history of suffering to be used by the radicals to incite hatred of the other side in the conflict.

# The Basque “recovery” and a comparative analysis of the Nagorny Karabakh peace process

Gegham Baghdasaryan

## Participation – the cornerstone

The history of the emergence of inter-ethnic conflicts and experiences of their resolution demonstrates that, as a rule, the conflicting sides formulate their rights and claims without attaching any importance to the position of the opposing side. Each side sees the way out of the current situation, in other words the resolution of the conflict, in the light of their own rights and demands, allowing no place for the rights and claims of the other side. Conflict expert Clem McCartney believes that, ‘They construct a narrative of the conflict and its history which represents their preferred understanding of the conflict and which provides them with support for their current actions and proposed solution. Such narratives do not in the main deny the facts, but the meaning they give to the facts can differ markedly from each other.’<sup>2</sup>

The issue is not only that each specific system of rights and claims allows no room for the rights and aspirations of the other side; it is also rare for one of the conflicting sides to set out its vision for a solution to the situation to the other side. Usually this vision for a resolution is presented to the mediators and international organisations involved. Yet there is a simple distinction here: if you present your vision of how to resolve a problem to the opposing side, you cannot avoid taking their interests into account. This sort of discussion requires a degree of objectivity and a search for shared narratives.

In this respect, the Basque peace process differs positively from other conflicts, at least in recent times. On 11 June 2013 the Basque government presented its Plan for Peace and Coexistence 2013-2016. This is not simply a box-ticking, window-dressing exercise aimed at making the powers on one of the sides in the conflict look better in the eyes of the international community.

In contrast with the Nagorny Karabakh peace process, for example, which is an extremely closed negotiating process, the Basque peace process deliberately makes room for the communities on the conflicting sides (‘The issue lies in the structure of the negotiating process. The presidents of Armenia and Azerbaijan chose a very private and confidential format, which released them from any political accountability to their societies at home in their own countries. In essence, it is they alone who are conducting the talks: they decide what is said about the negotiations to the public, they set the pace and get away without paying for the failures of the mediators’ endeavours’<sup>3</sup>). The Basque government consciously wanted its Plan for Peace and Coexistence to be rooted in a process of public and political participation, and participation is an essential element and cornerstone of the Plan.

This principled position taken by the Basque government was already in evidence long before the Plan for Peace. Thus in 2009 Gorka Espiau Idoiaga, an advisor to the Basque President, told Armenian journalists that, ‘The President decided to take the tools to change the situation into his own hands. He prepared a road map for the settlement of the conflict which proposed increased participation by civil society and, in this way, ensured that the issue of resolving the conflict was shared between political parties and civil society organisations’.<sup>4</sup>

2 C. McCartney (2014). ‘How did we get here?’ in *Mechanisms of public participation and multi-track diplomacy in peace processes: lessons from Northern Ireland*. International Alert: London, p. 5.

3 T. de Waal (2014). *Cherny sad: Armeniia i Azerbaydzhn mezhdu mirom i voynoy*. ROSSPEN: Moscow, p. 361. [This is the Russian version of a book originally published in English: T. de Waal (2013). *Black garden: Armenia and Azerbaijan through peace and war*. New York University Press: New York.]

4 Internews Armenia. ‘Obyknovennaya utopia’ [‘Ordinary utopia’] [film funded by the British Embassy in Armenia]. 35.22. Available at: <http://vimeo.com/61610186> [in Armenian].

In the Nagorny Karabakh peace process it is generally considered that the leaders are prepared to compromise but the public is not. This assertion is very one-sided, since the public's unwillingness is, primarily, due to the actions of the leaders. However, it is another aspect of the issue which is of interest to us. The communities in Nagorny Karabakh, Armenia and Azerbaijan are not informed about the negotiating process and so naturally cannot be ready to compromise. In his day the first president of Armenia, Levon Ter-Petrosyan, said that in Armenia and Nagorny Karabakh there were only six people who understood the nuances of the Nagorny Karabakh peace process (and there were probably the same number, or possibly even fewer, in Azerbaijan). Given these circumstances, we can only speak of public participation with considerable reservations.

In the Basque Country the experiences of peace processes in other conflicts were apparently studied and the conclusion was drawn that any agreement reached between the political leaders of conflicting sides means nothing unless it has public support. The Plan for Peace emphasises the importance of public participation and the Basque government is seeking to ensure that today's divergent views will have converged as far as possible by the end of the period covered by the plan. This is a very challenging goal, considering the reality of the Basque Country.

In his book, *Baskskiy konflikt* [*The Basque conflict*] (part of a series published by the Moscow State Institute of International Relations or MGIMO), Sergey Henkin talks about associative democracy: 'In such societies, stable democracy and sound governance is achieved through the establishment of associative democracy, which involves the principles of grand coalition, mutual veto, proportionality as a fundamental criterion of political representation and a high level of autonomy for each segment. The main obstacle to the implementation of associative democracy in this part of Spain is the ambitious, competitive behaviour of the political elites (in particular, the nationalists), who are not working to resolve their differences. The existence of an aggressive, radical nationalist minority, which is fighting for independence for the region and refuses to recognise any kind of coalition, also has an impact. The absence of an established historical tradition of consociational democracy in Basque polity similarly plays a role.'<sup>5</sup>

## Seeking a predictable past

In Soviet times there was a joke about the fact that not only was the Soviet people's future unpredictable, their past was unpredictable too (an allusion to all the re-interpretations and falsifications of history). In inter-ethnic confrontations a re-evaluation of the past often turns into a revision of history.

As part of a peace process it is very important to try to establish a shared, objective view of the past, since the past contains both the origins of the conflict and the keys to its resolution. Even more important is a critical evaluation and the establishment of a new narrative of the past. One of the priorities among the strategic objectives of the Plan for Peace and Coexistence specifically involves contributing to a critical narrative of the past. The first step towards such a narrative is to create the conditions within which different opinions can be reflected. The Plan for Peace takes into account all the risks involved in re-evaluating the past (such as attempts to view one violation as justification or compensation for others, or the minimisation or concealment of certain violations in order to prevent them from being used to justify other violations) and therefore advocates looking at the past through the prism of truth and accountability. This forms the basis of the Basque "ethical minimum".

Maintaining that the price of constructing a future should not be an absence of memory of the past or disregard for what already exists, the "ethical minimum" is defined as follows: 'The attempt to establish a collective memory as a means to alleviate the unfair suffering of the victims, prevent

<sup>5</sup> S. M. Henkin (2011). *Baskskiy konflikt vchera i segodnia* [*The Basque conflict yesterday and today*]. Moscow State Institute of International Relations (MGIMO) of the Ministry of Foreign Affairs (MID): Moscow. Available at <http://www.mgimo.ru/news/experts/document210060.pdf> (in Russian).

impunity and achieve peace and democratic coexistence. This collective memory should be used to understand and formulate a future without being an anchor chaining us to the events of the past.’ (Plan for Peace and Coexistence 2013-2016)

This approach, apart from anything else, aids an understanding of the pain, fears and expectations of each side of the conflict. The Plan for Peace contains a ground rule for dealing with the past, which comprises three elements: objective facts, subjective perceptions and joint evaluation.

Juan José Ibarretxe, President of the Basque Country, speaking at a meeting with victims of the conflict, said: ‘Democracy cannot return to you what you have lost, but you can be certain that the memory of your loved ones will always remain in our hearts. Because we are sure that peace and coexistence can be founded on truth and justice.’<sup>6</sup>

In a similar vein the Basque premier, contributing to a general policy debate, drew attention to the following points: ‘Peace and coexistence require a recognition that violence is wrong and an acknowledgement of the harm inflicted on and the dignity of the victims, who have earned the right to truth, justice and compensation’.

In the context of the Nagorny Karabakh peace process, it would arguably be similarly appropriate to begin with “a reconciliation with the past” and the establishment of an “ethical minimum”.

## Mini-agreements instead of “everything straight away”

The contemporary Russian satirist Mikhail Zhvanetsky has a famous saying: ‘If you want everything straight away, you get nothing gradually’. Unfortunately, this wise advice is often disregarded by the conflicting sides. In the context of the Nagorny Karabakh peace process this is a tactic employed by the Azerbaijani leadership.

An important tool in the Basque peace process is the “mini-agreement”, described as a ‘working method which allows small “fragments of agreement” to be used in order, ultimately, to achieve fundamental, solid, consistent consensus’.<sup>7</sup> This methodology aims to establish a base comprising three types of mini-agreement: on a shared understanding of the past, on normalising the current situation and on ethical and non-political principles to shape a future consensus.

## Contradictions and trust during dialogue

The Basque government believes that clear dialogue is instrumental in bridging differences and achieving consensus. Aware that agreement on everything is impossible and that in a pluralist, democratic society there will be differing opinions on almost every topic, the Basque government is convinced that pluralism nevertheless requires a minimum level of consensus, defining the existing state of affairs and the rules of the game. Consequently, this principle of the contradictions of pluralism must be balanced by a principle of basic trust. The transition from mistrust to trust is an issue which the Plan for Peace and Coexistence seeks to resolve. Its ultimate success will be the establishment of conditions of basic trust, with the aim of joint participation in seeking consensus.

In this, the Basque peace process differs from that of Nagorny Karabakh. In the Nagorny Karabakh peace process international mediators – the co-chairs of the OSCE Minsk Group – have been discussing what are known as the Madrid Principles for a long time in a context of information

<sup>6</sup> Internews Armenia. ‘Obyknovennaya utopia’ [‘Ordinary utopia’] [film]. 38.00. Available at <http://vimeo.com/61610186>

<sup>7</sup> Plan for Peace and Coexistence 2013-2016.

warfare between the conflicting sides and persistent border skirmishes, in a word, in the absence of a minimum level of trust between the opposing sides. However, it would make more sense to start by seeking to change the public mood and to build bridges of trust between the communities in the conflict. As the Plan for Peace and Coexistence puts it:

*“We must overcome the mistrust which is an intrinsic part of our reality and establish a climate of basic trust between all the political traditions of the country, in order to normalise the social aspect of coexistence. Mistrust dominates the political arena and neutralises it. It is based on clearly identifiable and in many cases probably justified fears. These fears are not shared, since depending on their substance, they only have an impact on one group of people. Thus, the concerns and fears of some people can seem irrelevant or incomprehensible to others.”<sup>8</sup>*

How can mistrust be overcome? ‘There is only one way to solve this problem: by talking plainly and openly. We must respond clearly to the issues which provoke fear or mistrust in our political opponents.’<sup>9</sup>

In addition to dialogue, the Plan for Peace emphasises the importance of strengthening social and educational responsibility. Alex Carrascosa, Head of the Peace and Culture Unit of the Gernika Peace Museum Foundation, supports a variety of peacebuilding initiatives. A range of projects are helping to transform public attitudes through culture and education, the aim of which is to neutralise hardline antagonism.<sup>10</sup>

## Healing and the media

The media, including new media, offer a platform for dialogue that promotes new processes, such as developing ideas around the value of peace and non-violent conflict transformation and steps along the way to “healing”. It was the media which was a catalyst in fostering public and political participation. The role of both the traditional media and new technologies and social networks is invaluable in opening up political debate to a wider audience and encouraging public engagement. It is no coincidence that the Plan for Peace pays special attention to collaboration with Basque television (EiTB) and other media outlets, with the aim of raising public awareness.

Paul Rios, director of Lokarri, talks about the relationship between peacebuilding organisations and the media:

*“We have a high level of pluralism in our country. Some media organisations defended the official Madrid position. We realised the importance of media support and so we focused considerable efforts on cooperating with the media. We didn’t just give them information, we also provided them with analysis. In order to win the support of the media we first had to gain their trust. With the new media, six years ago we did an experiment: we developed a specific new-media strategy. The idea was to create a platform where people could exchange opinions and engage in debate. We also used social networks and set up a blog where a wide range of people expressed their points of view. This was at a time when there were no great hopes of a settlement of the conflict. We consciously sought public dialogue and through it tried to find the resources for reconciliation.”<sup>11</sup>*

Of course, in a pluralist society, the media are accessible to all social groups, political forces, opinions and positions, including the most radical and nationalist. However, it should be noted

8 Ibid.

9 Ibid.

10 Internews Armenia. ‘Obyknovennaya utopia’ [‘Ordinary utopia’] [film]. 40.25. Available at <http://vimeo.com/61610186>

11 Skype interview conducted by the author with Paul Rios, director of Lokarri, 20 October 2014.

that, first, this takes place within the framework of the above-mentioned “ethical minimum” and, secondly, debate can lead to a collective search for a solution to a situation and a rejection of the prescriptive dominance of a particular idea. The most important factor in these discussions is the right to collective decision-making. This is something Lola Gomez of political party the Union of Patriotic Workers highlights: ‘Self-determination is completely unrelated to independence. Self-determination means the right of our people, our citizens, to take decisions.’<sup>12</sup>

José María Esparza Zabalegui, author of the book *One hundred reasons not to be Spanish*, says: ‘I, like many people, support independence, but I will somehow have to reconcile myself with the reality, if democratic conditions are established and we gain the right to self-determination. Let our fate be decided by the democratic route: shall we remain part of Spain, shall we somehow be linked with both Spain and France or shall we gain independence?’<sup>13</sup>

In the Basque Country dialogue has become a fundamental tool in bridging difference and achieving consensus and conditions are thus being established within which different opinions can be expressed. The media provide an important platform for this kind of dialogue. They enable the greatest possible rapprochement of opposing views – for the ultimate achievement of a strong and consistent consensus.

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12 Internews Armenia. ‘Obyknovennaya utopia’ [‘Ordinary utopia’] [film]. 42.10. Available at <http://vimeo.com/61610186>

13 Internews Armenia. ‘Obyknovennaya utopia’ [‘Ordinary utopia’] [film]. 18.02. Available at <http://vimeo.com/61610186>

## Calls for peace: face to face with terror

Avaz Hasanov

To gain an understanding of the key elements of the conflict in the Basque Country, it is helpful to explore the history of the region where these proud people live and to examine the fundamental principle of respect with which the people treat its language and history. The unique nature of the Basque language, the way it differs from all other European languages and the fact that so little is known about its origins have given the Basque people a strong sense of their own distinctiveness, reinforced their national identity and fuelled their struggle for independence over many centuries.

As they exercised the rights they enjoyed due to their autonomous status, the Basque people were obliged to use Spanish in their efforts to advance themselves. The result of this was that the Basque language risked falling out of use, a situation which was naturally of grave concern to nationalists.

A critical moment in the history of the Basque people came in 1959 when some of the younger members on the extreme left of the Basque Nationalist Party, who had been subjected to severe persecution by Franco's government, set up Euskadi Ta Askatasuna (meaning Homeland and Freedom) or ETA. The aim of the organisation was to liberate the Basque people from dictatorship and establish an independent Basque state. In practice, ETA called on the Basque minority to make demands in relation to the assimilationist policies of Spain, and a series of terrorist attacks was perpetrated against Spanish politicians and officials, with the aim of achieving independence for the Basque Country. To date, over 800 people have been killed in terrorist attacks since the organisation was first established.

When it abandoned its radical left political position and embarked on the path of terrorism, ETA began to lose the authority it had gained among the people through its advocacy of Basque national rights. The Spanish government and the Basque people themselves pursued a campaign against ETA's terrorist activities and a number of ETA's leaders were arrested by the Spanish government. In the meantime, some ETA activists entered politics, having realised the pointlessness of the use of terror as a tool in the struggle. This led to the establishment of the political party, Batasuna. However, the Spanish government banned Batasuna, denouncing it as the political wing of ETA.

In conflict resolution the use of talks has unlimited potential. Within Basque society antipathy towards ETA's terrorist activities continued to grow. Many politicians, journalists and local activists, who over the years had gained support and authority through their articles and speeches, expressed their disapproval of the politics of terror.

During the struggle for independence, the most popular civil society organisation to be set up was Elkarri, which in a very short space of time brought together around 30,000 members from the Basque community. In 2004 Elkarri collected 150,000 signatures as part of its campaign to bring peace to the region. This action represented a major contribution to increasing and broadening peacebuilding initiatives.

Studying the examples and experiences of different conflict regions, with a particular focus on the involvement of the communities in the process of resolving the Basque conflict and strengthening resistance to terrorism, may play a vital role in future decision-making. In this context, analysing how Basque militant groups renounced their armed resistance after a period of time and the steps taken by the Spanish government towards achieving peace allows the following interesting conclusions to be drawn which may be applied to the Nagorny Karabakh conflict.

- Spain's economy, weakened by the financial crisis of recent years, has provided the Basque Country with an opportunity to pursue greater autonomy. Since the income per capita there is higher than in the rest of Spain and Catalonia, the Basque people are unwilling to share their income with Madrid. In Nagorny Karabakh the absence of an independent source of economic income dictates its dependence on external financial support.
- The discussions and talks which the Spanish government conducted with armed groups in the Basque Country gave impetus to the resolution of the conflict. In particular, this move by the Spanish government was instrumental in the cessation of the armed struggle and in engaging ETA in political processes. In 1992-1994 a ceasefire agreement was negotiated in the Nagorny Karabakh conflict, but it is Azerbaijan and Armenia which play the key roles in the process of conducting talks.
- When the people lost confidence in the members of militant group ETA and pressure was brought to bear on them (largely by right-wing forces) for the criminal acts they had committed, the result was that ETA was forced to change its position. Once it had joined the political struggle, it could no longer justify terrorist operations, which is why people came out on to the streets to demand a halt to talks with perpetrators of acts of terrorism.
- Despite the fact that ETA members have stopped committing acts of mass terror, politicians, experts and journalists seeking to improve relations with Spain have still continued to be targets, meaning that voices calling for improved relations have gone unheard. Similarly, in both Nagorny Karabakh and Azerbaijan the persecution of organisations and individuals advocating compromise in order to bring about peace has become a major issue in the process of articulating peace proposals.
- Despite the existence in the Basque Country of problems with Madrid, both communities live within the framework of a single political system. Among people living in the same region some support the Madrid government while others favour the separation of the Basque Country from Spain. Yet both support Athletic Bilbao football club and discuss the issues of coexistence within the Basque Country. Although the people of Azerbaijan and Armenia have been unable to have direct physical contact since 1994, in both communities there are people who preserve shared memories which could contribute to the establishment of relations between them in the future.
- Unlike in Nagorny Karabakh, in the Basque Country the Spanish and Basque communities live in constant contact with each other. The regional authorities grapple with diverging public opinion on the future of the Basque Country, while the central government seeks to curtail calls for separation from Spain.
- During discussions in the Basque Country of the processes for separation from Spain, due regard and respect is paid to the opinions of individuals, politicians and experts who support the policies of Spain. In the societies of Nagorny Karabakh and Azerbaijan people espousing such attitudes are few and far between. In addition to being subject to persecution in their own communities, they are also not popular in the media.
- The Basque community is concerned about the fact that thousands of ETA supporters and political activists, convicted of involvement in terrorist activities, are serving their sentences outside their homeland. The Basques are calling on Spain to remedy this situation. Any event organised by the left-wing movement includes participants demanding that the prisoners be released or transferred to Bilbao. Resolving this issue could lessen tensions between Spain and the Basque Country. Similarly, searching for those who went missing during the Nagorny Karabakh conflict and resolving their problems could lead to a partial restoration of trust between people and reduce recriminations on both sides.
- There are potential opportunities for the Basque Country if relations were established with the European Union and if it participated in the work of the European institutions in conditions of greater autonomy while renouncing independence. Such possibilities are not currently being explored by experts and decision makers in the context of the Nagorny Karabakh conflict. However, if the broad economic and political opportunities for the Basque Country were to be analysed and the results disseminated, it could significantly influence approaches to the Nagorny Karabakh conflict.
- The Social Forum, which brought together political parties and representatives of civil society, became an important arena for formulating positions in the Basque Country. The different sides in the Nagorny Karabakh conflict lack a similar institution. There is no forum for debate about the conflict between political parties or civil society representatives.



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## The role of social mediation, unofficial international mediation and EU cross-border cooperation programmes in the transformation of the Basque conflict

Masis Mayilian

*This text was prepared for use in open and private discussion in the communities affected by the Nagorny Karabakh conflict. The experience, negative as well as positive, gained by studying the Basque conflict could form the subject of useful discussions. Debates and comparative analysis reveal a number of points of interest, including how far the sides in the Nagorny Karabakh conflict have progressed towards its settlement; what barriers to peace exist in the Basque community itself and between the Basque Country and the government in Madrid; what progress has already been made in the Nagorny Karabakh conflict; and which issues remain current in the Basque Country but are not priorities for the Nagorny Karabakh peace process.*

An examination of the conflict in the Basque Country reveals different types of nationalism and the contradictions between its different strands and also between nationalists and the central government in Madrid.

*“The main division in the Basque Country is between nationalists and non-nationalists. According to data from the influential sociological survey centre, Euskobarómetro, the balance of power between the nationalists and non-nationalists is roughly equal but is changing in favour of the latter. Non-nationalists, who are oriented towards Spanish organisations and legislation, are largely happy with the status quo of the Basque Country within a “state of autonomies”. They either do not wish to see any change or aspire towards innovations which would not affect the fundamental principles of the current territorial arrangements.”<sup>14</sup>*

The interests of nationalists and non-nationalists are represented in the parliament of the Autonomous Community (2010) by seven political parties, which indicates the fragmented nature of the political spectrum.

In addition to the political parties, four large trade unions and a number of social movements are also key players in the Basque Country.<sup>15</sup>

The main political actors in the Basque Country differ fundamentally in their views of the relationship between the Autonomous Community and Spain:

- The Basque Popular Party (PP) supports the Statute of Guernica and the Constitution of Spain (according to Paul Rios, the PP is opposed to reforms<sup>16</sup>).
- The Socialist Party of the Basque Country – Euskadiko Ezkerra is in favour of reforming the Statute of Guernica and extended self-government within the framework of the Spanish Constitution.

14 S. Henkin (2011). 'Baskskiy natsionalizm: metamorfozy razvitiia' ['Basque nationalism: metamorphoses of development']. Perspektivy. Available at [www.perspektivy.info/book/baskskij\\_nacionalizm\\_metamorfozy\\_razvitija\\_2011-01-11.htm](http://www.perspektivy.info/book/baskskij_nacionalizm_metamorfozy_razvitija_2011-01-11.htm)

15 S. Chapman (2006). *Report on the Basque conflict: keys to understanding the ETA's permanent ceasefire*. Lokarri., Available at [www.lokarri.org/files/File/PDF/Inform.pdf](http://www.lokarri.org/files/File/PDF/Inform.pdf)

16 Interview by the author with director of Lokarri, Paul Rios, London and Bilbao, 20 October 2014.

- The Basque Nationalist Party (PNV) broadly calls for the implementation of the Ibarretxe Plan (it should be noted that the PNV has recently put forward the idea of establishing a new framework which would accord greater sovereignty to the Basque Country<sup>17</sup>).
- Batasuna unconditionally demands self-determination for the Basque people and subsequent independence.<sup>18</sup>

Spanish political expert Ignacio Suarez-Zuloaga believes that this very wide range of alternatives is evidence of the potential for social conflict in the Basque Country. 'This society does not acknowledge the presence of shared values and so has no incentive to unite'.<sup>19</sup>

The lack of public consensus in the Basque Country in relation to its separation from Spain is one of the main stumbling blocks on the road to settling this long-standing conflict.

In order to achieve consensus or a rapprochement of the positions of the key players within Basque society, it became clear that social mediation was needed. An active social mediation role has been played in the Basque Country by organisations and movements such as Elkarrri and Lokarri.<sup>20</sup> Social mediation has facilitated a consolidation of approach in relation to a number of issues. For example, the results of a sociological survey conducted in spring 2013 showed that 80 percent of respondents supported the idea of dialogue between the Spanish government and ETA, 80 percent called for recognition of the (rights of) all victims of the conflict, 80 percent wanted ETA to disarm and 70 percent of respondents supported the idea of prison reforms for ETA prisoners (around 550 people).<sup>21</sup>

In contrast, there has long been public consensus in the Nagorny Karabakh Republic in relation to the fundamental values of Nagorny Karabakh society and this has facilitated its effective self-organisation. Evidence of this societal consensus can be seen in the results of the national referendum on the constitution which was held on 10 December 2006 in which there was a turnout of 87.02 percent of those registered to vote and the draft constitution was approved by 98.58 percent of voters.<sup>22</sup>

Public consensus and governmental legitimacy are factors which are conducive to holding peace talks. Whereas in the Basque conflict multi-party talks have had to be held both within the Basque Country and between the Basque Autonomous Community and the central government, in the Nagorny Karabakh conflict the number of participants in the talks has been limited to the governments on the three sides. With the necessary political will, this fact will play a positive role in the Nagorny Karabakh peace process.

Ethno-territorial division and the actual and spontaneous exchange of people and territories between the Nagorny Karabakh Republic and Azerbaijan and between Armenia and Azerbaijan in the pre-war years (1988-1991) and during the war (1992-1994) created a broadly homogeneous political environment in each of the three communities in the conflict. At any rate, each of the countries involved in the Nagorny Karabakh conflict has its own vision of the future of the region, even though these points of view may be different.

17 Interview by the author with director of Lokarri, Paul Rios, London and Bilbao, 20 October 2014.

18 S. M. Henkin (2011). 'Baskskiy natsionalizm: metamorfozy razvitiia, ['Basque nationalism: metamorphoses of development']. *Perspektivy*. Available at [www.perspektivy.info/book/baskskij\\_nacionalizm\\_metamorfozy\\_razvitiia\\_2011-01-11.htm](http://www.perspektivy.info/book/baskskij_nacionalizm_metamorfozy_razvitiia_2011-01-11.htm)

19 I. Suárez-Zuloaga (2007). *Vascos contra vascos: Una explicación ecuánime de dos siglos de luchas [Basque against Basque: a balanced account of two centuries of struggle]*. Planeta: Barcelona, p. 115.

20 Lokarri, citizens' network for agreement and consultation, [www.lokarri.org](http://www.lokarri.org)

21 P. Rios (2014). 'Basque Country. Experiences of the Social Forum to invigorate peace' in *Legitimacy and peace processes: from coercion to consent*. Accord issue 25. Conciliation Resources, p.40. Available at [www.c-r.org/sites/c-r.org/files/Accord25\\_BasqueCountry.pdf](http://www.c-r.org/sites/c-r.org/files/Accord25_BasqueCountry.pdf)

22 Official site of the Central Electoral Commission of the Nagorny Karabakh Republic, [http://cec.am/?p\\_ID=156](http://cec.am/?p_ID=156)

In contrast to the Northern Ireland and Basque conflicts, society in Nagorny Karabakh is not divided into unionists and republicans, supporters of independence and self-government. A peace process with the participation of a limited number of key players or negotiating parties has a greater chance of success than a process involving, on the one hand, many representatives of different and sometimes opposing parts of the political spectrum from within the same community and, on the other, central government.

No comparison can be made between ETA and the armed forces of the parties in the Nagorny Karabakh conflict and it is important to note that all the security forces in the region of the Nagorny Karabakh conflict are under the full control of the civil authorities of the conflicting sides. The existence of ETA as a separate player and military and political entity creates additional difficulties for a purely peaceful transformation of the Basque conflict.

The European Union established Cross-Border Cooperation (CBC) programmes which opened up new opportunities for cooperation between neighbouring regions in the EU. The Basque Country, which geographically comprises the Basque Autonomous Community and the Chartered Community of Navarre in Spain and parts of the *Département Pyrénées-Atlantiques* (in the region of Aquitaine) in France, uses the CBC programme to promote socio-economic development in the three administrative entities. In addition, a new legal entity has been established by the EU to enhance the effectiveness of cooperation between regions and their economic and social cohesiveness in the form of European Groupings of Territorial Cooperation (EGTCs).<sup>23</sup> On the basis of this concept, which came into force in January 2007, the Euroregion of Aquitaine-Euskadi was created.<sup>24</sup>

The establishment of a platform for humanitarian and socio-economic cooperation between the different regions of the three countries involved in the Nagorny Karabakh conflict (and/or the six countries of the South Caucasus) could depoliticise interactions, reduce the level of tension between the conflicting sides and also create new opportunities for peaceful conflict transformation. There is a great deal of unused peacebuilding potential in non-politicised cooperation between neighbouring administrative regions.

As is well known, there is no official mediation in the Basque conflict, but a number of eminent foreign political and community activists, Nobel laureates and various organisations have an unofficial association with the peace process.<sup>25</sup> The OSCE Minsk Group has a “monopoly” on mediation in the Nagorny Karabakh conflict. The Group is headed by three co-chairs from the USA, France and Russia – three of the five countries which are permanent members of the UN Security Council.

Nevertheless, some limited involvement by individual authority figures in resolving specific issues in the Nagorny Karabakh peace process (such as the adoption and implementation by the sides in the Nagorny Karabakh conflict of confidence building measures (CBMs)) could help to advance the peace process.

In the Basque conflict a number of issues remain unresolved, such as the political prisoners who are serving their sentences outside the territory of the Basque Autonomous Community, the issue of people who are “on the run”, the reconciliation of opposing points of view in Basque society

23 European Groupings of Territorial Cooperation (EGTC), [http://europa.eu/legislation\\_summaries/agriculture/general\\_framework/g24235\\_en.htm](http://europa.eu/legislation_summaries/agriculture/general_framework/g24235_en.htm)

24 Euroregion Aquitaine-Euskadi, [www.aquitaine-euskadi.eu](http://www.aquitaine-euskadi.eu)

25 For example, the Centre for Humanitarian Dialogue ([www.hdcentre.org/en/](http://www.hdcentre.org/en/)), the International Verification Commission ([www.ivcom.org/en/home/](http://www.ivcom.org/en/home/)) and the International Contact Group, established in 2010 (<http://icgbasque.org/>), as well as participation by Kofi Annan, Gro Harlem Brundtland, Bertie Ahern, Pierre Jose, Gerry Adams and Jonathan Powell, Jimmy Carter, Tony Blair and George Mitchell at the International Conference [17 October 2011, Donostia and -San Sebastián]. The International Conference concluded with the reading of a declaration prepared by the international figures following a process of consultation with the political parties and trade unions ([www.lokarri.org/index.php/en/about-lokarri](http://www.lokarri.org/index.php/en/about-lokarri)). The Declaration text is available at [www.basquepeaceprocess.info/?p=3375](http://www.basquepeaceprocess.info/?p=3375)

on the future of the region, the rejection of violence, ETA disarmament and establishing dialogue between official Madrid and ETA.

The key issues for the sides in the Nagorny Karabakh conflict are usually considered to be ensuring the security of the Nagorny Karabakh Republic and its population, international and legal determination of the status of Nagorny Karabakh, the issue of refugees and territories and the unblocking of transport and energy links.

A comparative analysis of the current issues in different conflict zones can reveal the level of “maturity” of a particular conflict. In the Basque conflict the priority issues are specific to conflicts between the centre (parent state) and an autonomous community, while the key issues in the Nagorny Karabakh conflict are indicative of its inter-state nature.

In a study of material published on the conflict in the Basque Country, it is essential not to overlook important documents such as the Plan for Peace and Coexistence 2013-2016, published in November 2013 by the Basque regional government, and the ‘Recommendations to promote the peace process’,<sup>26</sup> developed following the Social Forum to support the peace process (14-15 March 2013).<sup>27</sup> These two documents broadly reflect the approaches of the regional government and parts of Basque society to resolving the conflict.

The only proposals on the negotiating table in the Nagorny Karabakh peace process are those from the international mediators. There are no documents which reflect the views of the governments and communities involved in the conflict. The development and publication of appropriate proposals on the peaceful settlement of the Nagorny Karabakh conflict by the authorities and the expert community from the conflicting sides will aid better public understanding of the positions of the opposing side and, thus, will promote the negotiating process to Track I diplomacy level.

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26 Plan for Peace and Coexistence 2013-2016. Available [in Spanish] at [www.irekia.euskadi.net/assets/attachments/3871/plan\\_paz\\_convivencia.pdf?1386084559](http://www.irekia.euskadi.net/assets/attachments/3871/plan_paz_convivencia.pdf?1386084559)

27 Materials from the Social Forum to promote the peace process (Iruña and Bilbao, 14-15 March 2013). Recommendations to promote the peace process. Available at [www.forosocialpaz.org/recomendaciones/recomendations/](http://www.forosocialpaz.org/recomendaciones/recomendations/)

## Experiences of cooperation between the central government in Madrid and the Basque Autonomous Community and possible parallels with the ongoing process to resolve the Nagorny Karabakh conflict

Ilgar Velizade

During the almost 40 years since the restoration of the constitutional monarchy in Spain, relations between the central government in Madrid and the Basque Country have undergone major changes.<sup>28</sup> Notably, this process took place in parallel with reforms to the political system and the transformation of Spain from a unitary state to something very like a federal one. Taking as its basis existing practice in Western Europe with regard to the transfer of the greatest possible level of powers to first-tier administrative divisions, the central government in Madrid has focused on resolving the fundamental issues linked to the administration of government.

It is very significant that the possibility for change is a concept deeply rooted in the political system in Spain and is enshrined in the country's constitution. Self-government for the Basque region thus complies with the relevant articles in the Spanish Constitution which regulate relations between the centre and the regions.

According to Article 2 of the Constitution, the unity of the Spanish nation is indissoluble. At the same time it recognises within that unity the existence of nationalities and regions with the right to autonomy. In particular, autonomy in the Basque Country, in contrast to other regions, has a clearly defined historical background and the Spanish Constitution thus simply enshrines in law a long-standing reality and provides it with the necessary legitimate basis. Taking into account the seriousness of the existing problems in this area and the need to minimise the contradictions which might arise, the Constitution does not provide a precise definition of the concepts of "nation", "nationality" and "region" and it leaves open the question of the extent of the rights covered by regional autonomy. Each Autonomous Community (Comunidad Autónoma) can develop a statute which defines the extent of its powers, with the one reservation being that this must be without prejudice to the interests of its partners (i.e. any party with which the autonomous community interacts). The distribution of powers between the centre and the autonomous community is decided on the basis of mutual agreement and, in the case of disputes, is subject to arbitration by the Constitutional Court.

Spain's constitutional framework thus enshrines the right of the Basque Autonomous Community, its parliament and government to establish the outline and principles of its relationship with Madrid. In accordance with Article 151 of the Spanish Constitution, the Basque Country was accorded the highest status of self-government.<sup>29</sup>

It should be noted that this approach involves a bottom-up process of state-building, with considerable scope for people to participate actively in the development of legislative proposals. Existing legal procedures allow the diversity of situations present in the region to be taken into account and enable the region to preserve its institutional and cultural identity. The flexible mechanism envisaged for agreeing the powers of the centre and the regions has become in practice a means of removing potentially volatile regional issues from the political arena to the realms of the extremely "technical" (legal and regulatory processes).<sup>30</sup>

28 'Predlozhenie baskov o sozdanii "svobodnoy assotsiatsii" brosaet vyzov ispanskomu federalizmu' ['The Basques' proposal to establish a "free association" presents a challenge to Spanish federalism'], *Forum federatsiy* [Federation Forum], Issue 4, No. 4 (June 2005), pp. 7-9.

29 A. Avilova. 'Ispania: novaia model otnosheniy mezhdru tsentrom i regionami' ['Spain: a new model of relations between the centre and the regions'], *Problemy teorii i praktiki upravleniia* [Problems of the theory and practice of administration], issue 3/97.

30 *Avtonomiia v Ispanii i federalizm v Shveysarii: obshchee i osobennoe* [Autonomy in Spain and federalism in Switzerland]. Available at <http://www.refbank.ru/konpravo/1/konpravo1.html>

At the same time, it is important to mention the emerging contradictions in this process. Thus, extending the powers of autonomy is dependent on the institutional framework. This can be seen very clearly in the example of the plan devised by Basque Prime Minister Juan José Ibarretxe Markuartu (Ibarretxe Plan), which contained a proposal from the autonomous government on an extension of its political powers and the establishment of a ‘free state associated with Spain’.

The plan was technically put forward as a reform to the Statute of Autonomy (Estatudo de Autonomía) for the territory inhabited by the Basques. In practice, the implementation of this plan could lead to general constitutional reform. With the Spanish system of government, each region has the right to exercise a considerable range of powers, established through a process of negotiation with the centre, in accordance with the Constitution. Thus the Spanish Constitution provides a clear definition of the concept of asymmetrical federalism. The Ibarretxe Plan aimed to increase political power in the region to the point of creating a state within a state.

The text of the Plan contains a call for the recognition of the Basque nation (as mentioned above, the Spanish Constitution does not provide a precise definition of the concept of “nation”), with a particular focus on expanding the use of the Basque language, which is known and spoken by fewer than 20 percent of people living in the region. In the same vein, the Plan raises the possibility of the secession of the region on the basis of a referendum. It also foresees the establishment of a supreme court in the region and the extension of exclusive powers to the Basque government in a number of areas which currently come under joint jurisdiction with the Spanish government. This includes education, immigration and the electoral system. In addition, the Plan calls for the establishment in the region of direct diplomatic relations with countries of the European Union, which might even require amendments to any European Constitution.<sup>31</sup>

However, the proposed reforms are in conflict with both the existing Spanish Constitution and the established practice of relations between the centre and autonomous communities in other parts of the European Union. The inconsistencies in these reforms were one of the reasons why they were rejected by the government of Spain. Furthermore, they would result in far-reaching constitutional reform, requiring a Spanish referendum at national level and not only in the Basque Country. The Plan has also been criticised for the fact that it does not contain any proposals for reforming certain areas, such as the system of taxation, which has barely changed since it first came into effect in 1981. Many experts maintain that the existing system leads to the region receiving excessive funding.

Currently, across Spain the regional and local authorities account for 35 percent of consolidated non-financial government expenditure but no more than 25 percent of its total income (in “classic” federal states like Germany, these figures are around 41-42 percent). This imbalance is responsible for the marked unilateral dependence of the regions on the centre: targeted budgetary subsidies still make up over half of the entire budgetary resources of the regional and local administrations. Only four of the autonomous communities, Madrid, Catalonia, the Basque Country and Cantabria, have sufficient resources to adequately fund their expenditure. As a result, the regional authorities have to compete for financial resources, acting as “lobbying groups”. Experts believe that, in order to achieve real budgetary federalism, the system of taxation would have to be revised to increase the resources of the autonomous communities.

Consequently, despite the fact that the Plan was approved with an absolute majority by the Basque Parliament on 30 December 2004, it was rejected by the Spanish Parliament on 1 February 2005 by an overwhelming majority. This was followed by turbulent and stormy rhetoric in the run-up to the Basque elections which took place on 17 April 2005. Mr Ibarretxe had already announced his government’s intention to proceed with the Plan because, in his words, the Basques should have the right to determine their own future. The Basque nationalists categorically reject the

31 A. Avilova. ‘Ispaniia: novaia model otnosheniy mezhdru tsentrom i regionami’ [‘Spain: a new model of relations between the centre and the regions’], *Problemy teorii i praktiki upravleniia* [Problems of the theory and practice of government], issue 3/97.

idea of holding a national referendum in Spain. However, it seems that no one can actually imagine what would happen if the Basque nationalists were to insist on their Plan. There is a provision in the Spanish Constitution which gives the national government the right to 'suspend' a territorial entity's political autonomy if it is affecting 'general interests'. Legally, the government has this option. Politically, this would mean the end of attempts to reach a consensus on Spanish decentralisation. A possible solution could be for the Spanish government to "revisit the issue" in some way.

As described above, the process of developing political institutions in the Basque Autonomous Community has taken place in parallel with the transformation of Spain from a unitary to a federal state. The Basque Country, together with Catalonia, has made the most progress in this process. In both cases there is now talk of transforming them into state structures, vested with a higher status than autonomy. What stands out in this process is the fact that it has complied with the framework provided by the Constitution and has progressed to the extent that only constitutional change at national level will allow it to develop further. In accordance with the existing rules, these changes are only possible if there is a national plebiscite.<sup>32</sup>

At the same time, even in such difficult circumstances, there is still the possibility of constructive dialogue between the centre and the autonomous community. This dialogue could take the form of a broad discussion between different representatives of the central administration and the administration of the autonomous community and involve representatives from all interested sections of civil society. It could be closely linked to resolving current issues affecting the region, such as finding a way out of the financial crisis and strengthening peace. These are the challenges currently at the top of the Basque agenda and in order to tackle them it makes sense to talk about normalising relations between Madrid and the capital of the Basque Country, Vitoria-Gasteiz. At this stage it is important to define a political framework for this dialogue and how it can be conducted in accordance with existing legal norms and the wealth of practical experience available with regard to relations between central authorities and autonomous communities, not only in Spain but also in other EU countries.<sup>33</sup>

A comparative analysis of the Basque and Nagorny Karabakh situations allows conclusions to be drawn about the fact that the constitutional changes in Nagorny Karabakh have taken place outside the constitutional framework of Azerbaijan and are in complete contradiction with it. Thus political processes here have developed in parallel, in isolation from each other. Subsequent to the implementation of the peace plan for the resolution of the Nagorny Karabakh conflict, there is a proposal to grant Nagorny Karabakh a transitional status, accepted by all the sides in the conflict, which would allow legitimate relations to be established between Baku and Nagorny Karabakh, with its transitional (temporary) status. These relations would in future allow the formation of the framework for a political process, within which appropriate governmental institutions and mechanisms for relations between them could be developed. However, before this can happen participation in this process must be guaranteed for all the ethnic groups in Nagorny Karabakh.

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32 J.M.C. Andreu (2003). 'Transformatsiia gosudarstv. Opyt Ispanii - Statut avtonomii v ispanskom gosudarstve avtomoiy' ['The transformation of states. The experience of Spain – the Statute of Autonomy in the Spanish state of autonomies'], *Kazanskiy federalist* [Kazan federalist], No. 3 (7). Available at <http://www.kazanfed.ru/publications/kazanfederalist/n7/5/>

33 O. M. Orlińskaia (2007). 'Federalizm v Ispanii: mif ili realnost' ['Federalism in Spain: myths and reality'], *Istoricheskie, filosofskie, politicheskie i iuridicheskie nauki, kulturologiia i iskusstvovedenie. Voprosy teorii i praktiki* [Historical, philosophical, political and legal sciences, cultural science and studies], pp. 134-137; V. Ia. Schweitser (2007). 'Separatizm ili avtonomiya?' ['Separatism or autonomy?'], *Rossiia v globalnoy politike* [Russia in global affairs], No. 1, January-February 2007. Available at [http://www.globalaffairs.ru/number/n\\_8153](http://www.globalaffairs.ru/number/n_8153)









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