6 The long haul: Spanish counterterrorism and the throttling of ETA

Few terrorist organisations have held out longer than *Euskadi Ta Askatasuna* (Basque for Fatherland and Freedom, ETA). From the inception of Spanish democracy in 1975 to the group's permanent ceasefire declaration in 2012, ETA was the scourge of the Spanish government. According to statistics from the Spanish Interior Ministry, ETA is responsible for 829 deaths over the period 1968-2010, which makes it one of the most deadly terrorist organisations in European history.[1] On top of this substantial body count came economic damage, especially in tourism, long one of the pillars of the Spanish economy. ETA threatened tour operators and even carried out bombings at tourist sites, and did so to considerable effect.[2] According to econometric estimates, each ETA attack kept 140,000 potential tourists from coming to Spain.[3] In a telling illustration of the fear ETA instilled on Spanish society, the *Vuelta a España*, the country's main cycling race, stayed away from the Basque Country for 33 years. It was not until 2011 that the fear of attacks on the race had subsided to the point where officials felt it was safe enough to include the unruly province in the route again.[4]

In a way, it is surprising that ETA had such a big impact for such a long time. The group's history is littered with strategic and tactical defeats, its

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[1] "Últimas Víctimas Mortales de ETA: Cuadros Estadísticos," *Gobierno de España, Ministerio Del Interior*, accessed August 8, 2013, http://www.interior.gob.es/prensa-3/balances-e-informes-21/ultimas-victimas-mortales-de-eta-cuadros-estadisticos-630.

[2] F. Khan, "ETA Tells Tourists to Avoid 'Bombing Targets,'" *Independent*, March 31, 2001, http://www.independent.ie/irish-news/eta-tells-tourists-to-avoid-bombing-targets-26095218.html; E. Clark, "Spanish Holidays under Threat?," *BBC News*, August 23, 2001, http://news.bbc.co.uk/2/hi/business/1503882.stm; "ETA Bomb Targets Spanish Tourism," *BBC News*, August 26, 2001, http://news.bbc.co.uk/2/hi/europe/1458834.stm.

[3] T. Sandler and W. Enders, "Economic Consequences of Terrorism in Developed and Developing Countries: An Overview," in *Terrorism, Development and Political Openness*, ed. P. Keefer and N. Loayza (New York: Cambridge University Press, 2008), 37.

[4] A. Fotheringham, "Vuelta Prepares to End 33-Year Absence in Basque Country," *Cycling Weekly*, September 8, 2001, http://www.cyclingweekly.co.uk/news/latest/530011/vuelta-prepares-to-end-33-year-absence-in-basque-country.html.

popularity started to decline in the mid-1980s, and its violent campaign has not contributed significantly to the materialisation of the radical Basque nationalist agenda. Part of the explanation of ETA's failure to achieve full independence for the Basque Country certainly lies in the Spanish government's wide range of countermeasures. As will be shown below, Spanish counterterrorism covered the entire spectrum from political reforms and reintegration measures to repressive legislation, law enforcement pressure and even the deployment of death squads. Furthermore, ETA's longevity makes it possible to examine the longer-term effects of counterterrorism interventions. Some of the discussions in the second section of this chapter show how certain measures take some time to kick in, and how others wear off after a while. Thus, the fight against ETA is a rich case in more than one respect and should be very instructive for our understanding of counterterrorism effectiveness.

6.1 Euskadi Ta Askatasuna

6.1.1 Origins

Although this chapter focuses on counterterrorism in post-Francoist Spain, a brief description of ETA's antecedents under Franco is necessary for a full understanding of the group's political views. ETA grew out of the Basque frustration with the repression under the regime of Francisco Franco, the general who had emerged from the Spanish Civil War as the head of the new right-wing, nationalist and Catholic autocracy. Expressions of Basque national identity, such as waving the flag and using the Basque language, were repressed as part of the regime's strongly nationalist agenda, although less emphatically so as the years wore on.[5] Basque nationalism had always been an important factor in Spanish politics, but was dealt a heavy blow by the repression under the Franco regime, not in the least through the marginalisation of the Basque Nationalist Party (*Partido Nacionalista Vasco*, PNV), the champion of the Basque cause. With the PNV's leadership jailed or in exile and unable to take a meaningful stand against the regime, many Basque youths,

[5] D. Brown, Contemporary Nationalism: Civic, Ethnocultural and Multicultural Politics (Routledge, 2000), 83–84.

including members of the PNV's youth wing, lost their confidence in the party and started their own protest movement.

The response of the younger generation came in 1959, with the founding of ETA, which was made up of radical elements of the PNV's youth wing and members of radical nationalist study groups that had been debating and writing about the oppression of the Basque people for some years.[6] Initially, ETA was a primarily non-violent movement, focused on spreading its ideas through underground newsletters and other means of propaganda. It undertook its first violent action in July 1961, when it tried to derail a train that was taking Franco supporters to a party rally. The attempt was a dismal failure, as not a single carriage went off the rails and none of the passengers got hurt.[7] After a lull of several years, the group resumed its violent activities in 1968 with the shooting of a police officer who was trying to arrest ETA-leader Txabi Etxebarrieta, and the assassination of Méliton Manzanas, a high-ranking police officer with a reputation for torturing political prisoners. The subsequent trials, which were held in Burgos, generated considerable media attention and inadvertently brought ETA the reputation of fearless freedom fighters. Several contemporaries who would later become ETA members even compared the worship of the defendants to the kind of adoration that is usually reserved for movie stars and football players.[8] The impact was increased by the fact that this was the first time that Spain - not just the Basque Country - could believe in the electrifying notion that were groups out there who were willing to take up arms against the oppressor. ETA further cemented its reputation in 1973, when, after months of painstaking preparation, they managed to kill Prime Minister Luis Carrero Blanco, Franco's right-hand man and heir apparent. The group

[6] J.L. Sullivan, ETA and Basque Nationalism: The Fight for Euskadi, 1890-1986 (London: Routledge, 1988), 29–30.

[7] R.C. Clark, The Basque Insurgents: ETA, 1952-1980 (London and Madison: University of Wisconsin Press, 1984), 35.

[8] C. Hamilton, Women and ETA: The Gender Politics of Radical Basque Nationalism (Manchester and New York: University of Manchester Press, 2007), 78 and 82.

still benefited from that popular appeal when Franco died and Spain started its democratic transition process.[9]

6.1.2 Ideology

As a result of the group's heterogeneity in the early days, the *etarras* (members of ETA) initially had little in common but a notion that the Basque people needed to be saved from the yoke of the Franco regime. ETA's membership was quite diverse, as it included former seminarians as well as orthodox socialists. Unsurprisingly, ETA's founding was followed by lengthy debates about what to achieve, who to cooperate with and what methods to use. Under Franco, ETA consisted, broadly speaking, of three main strands: the nationalists, the socialists and the anti-imperialists.[10] The nationalists perceived the difficult position of the Basques as a cultural issue: the Basques were being put down because they were Basque, and the regime's goal was the extermination of the Basque way of life. Since the fight was thus one for the restoration of the Basque culture, only Basque parties and organisations could be involved. The socialists on the other hand, interpreted the repression of the Basques in terms of class struggle. In their view the Basques were repressed not because they were Basque, but because they were working class. The Basque language and culture played a less prominent role in the socialists' agenda. Unlike the nationalist wing, the socialists did not oppose cooperation with Spanish parties like the PSOE. The third wing was the anti-imperialist one, which strongly identified the Basque struggle with national liberation movements in the third world. This wing was mostly made up of younger members who aspired to follow the example of Fidel Castro's and Che Guevara's armed rebels and wanted to wage a guerrilla campaign against the Spanish state.[11]

[9] K. Mulaj, *Violent Non-State Actors in World Politics* (New York: Columbia University Press, 2010), 74.

[10] Clark, The Basque Insurgents, 33–34.

[11] Sullivan, ETA and Basque Nationalism, 41.

In the sixties and seventies, ETA went through an extremely intricate series of feuds and splits. Few of these internal struggles were purely about politics, as the three factions were held together as much by personal loyalty as by agreement on a political or strategic vision on ETA's future course.[12] The first victims of ETA's infighting were the socialists, some of whom were pushed out of ETA by an alliance of the orthodox nationalists and the anti-imperialists at the organisation's Fifth Assembly, which was spread over two meetings, one in December 1966, the other in March 1967.[13] The socialists went on to form ETA-*Berri* (New ETA), a radical leftist group that completely distanced itself from any form of nationalism.[14] The enmity, however, did not end here. The next confrontation took place at the Sixth Assembly, at which the nationalist wing broke away from the anti-imperialists. For a long time, the latter had been more numerous and more powerful than their nationalist rivals, but the repression hit them harder and they lacked strong leadership. By the beginning of the 1970s the nationalists had ousted the anti-imperialists and had turned the tables on the socialists to become the strongest wing, eventually taking over the name ETA.[15]

The most important factor that contributed to the defeat of the socialists was that their political vision was alien to many in their target audience. Basque nationalism, on the other hand, had deep roots in the Basque political tradition. The notion that the Basques were culturally, linguistically and even racially unique, and certainly superior to the Spaniards, had been a powerful theme in Basque politics ever since Sabino Arana founded the PNV in 1895.[16] The Basque identity was further

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[12] G. Shabad and F.J.L. Ramo, "Political Violence in a Democratic State: Basque Terrorism in Spain," in Terrorism in Context, ed. M. Crenshaw (University Park: University of Pennsylvania Press, 1995), 436.

[13] Sullivan, ETA and Basque Nationalism, 49–50.

[14] Clark, The Basque Insurgents, 44.

[15] Ibid., 63–69.

[16] A. Elorza, "Sabino Arana and the Dynamics of ETA Terrorism," in *Pathways out of Terrorism and Insurgency: The Dynamics of Terrorist Violence and Peace Processes*, ed. L. Sergio Germani and D.D. Kaarthikeyan (Elgin, Slough and New Delhi: New Dawn Press, 2005), 242–243 and 250.

strengthened by the repression under the Franco regime and the influx of Spaniards into the Basque Country in the 1960s. As a result of the latter development, health care, education, the labour market and the housing market in the Basque Country became overburdened, convincing many Basques that Spain was economically exploiting the Basque Country.[17] It is against this background that their openness towards ETA's ideology of Basque nationalism must be understood. Thus, ETA's ideology developed into a predominantly nationalist-separatist one, but the defeats of the socialists did not mean that ETA totally shed its leftist aspirations regarding the liberation of the Basque people. ETA explicitly stressed this point in the choice of their victims, for instance when the group kidnapped Lorenzo Zabala, a Basque businessman and factory owner.[18] The message was that ETA did not shy away from targeting Basques who were acting against the interests of the Basque working people. A more recent example of the group's socialist roots can be found in its 2011 declaration of a permanent cease-fire, the first line of which has ETA describing itself as "the socialist revolutionary Basque organisation for national liberation".[19] The group was thus never without its leftist leanings, but it was the nationalist strand that eventually prevailed.

ETA's ultimate goal was total independence for the Basque people, but the group recognised that that ambition would be difficult to achieve. Therefore, it translated its political ideals into a series of concrete, short-terms demands on the Spanish government, the fulfilment of which would complete the first step towards ETA's long-term objective. ETA calculated that the Basque people, after ETA's demands had been met, would realise that full independence was needed and would support ETA's efforts to take the fight for Basque independence to the next level.[20]

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[17] A. Alexieva, "Targeting the Roots and Goals of ETA: A Counter-Terrorist Strategy to Consider?," *Journal of International Policy Solutions* 5 (Spring 2006): 54–55.

[18] M. Wieviorka, The Making of Terrorism (University of Chicago Press, 2004), 155.

[19] "Declaración de ETA" (ETA, January 8, 2011), http://www.elpais.com/elpaismedia/ultimahora/media/201101/10/espana/20110110elpepunac_1_Pes_PDF.pdf.

[20] R.C. Clark, *Negotiating with ETA: Obstacles to Peace in the Basque Country, 1975-1988* (Reno and Las Vegas: University of Nevada Press, 1990), 83.

ETA's short-term demands, named the KAS Alternative after the platform of organisations that subscribed to these demands, were the following[21]:

- Amnesty for all Basque political prisoners
- Legalisation of all political parties, including those that favoured Basque independence
- A new autonomy statute that, unlike the officially approved Autonomy Statute from 1978, would grant the Basque people the right to self-determination
- Withdrawal of all Spanish police from Basque territory
- Inclusion of the Spanish province of Navarra in the Basque Autonomous Region
- Recognition of Basque as the first language in the Basque Country
- Basque control over Spanish armed forces on Basque territory
- Improvement of the working and living conditions of the Basque working class

These eight demands made up ETA's political agenda from 1978 until 1995, when the group came up with the more modest Democratic Alternative, in which ETA offered the Spanish government a cease-fire in return for Basque self-determination.

6.1.3 Organisational structure and culture

Under the Franco regime, ETA's organisational structure changed regularly, depending on which faction was gaining the upper hand in the group's internal feuding. It was not until the Spanish transition to democracy that ETA's structure became more stable. After the mid-1970s, ETA was a hierarchical but flat organisation, made up of a leadership layer and a layer of activist cells. The latter operated independently of each other and knew little about each other's activities.[22] The

[21] F.J. Llera, J.M. Mata, and C.L. Irvin, "ETA: From Secret Army to Social Movement – the Post-Franco Schism of the Basque Nationalist Movement," *Terrorism and Political Violence* 5, no. 3 (1993): 119.

[22] Cralley, Garfield, and Echeverria, *Understanding Terrorism*, III–13 – III–14.

organisation's top leadership resided in the French part of the Basque Country, where it could operate freely until the mid-1980s, when, as will be discussed in more detail below, the French government began to harden its stance towards the group. ETA's size - difficult to establish but estimated at some five hundred operatives in 1981, less than one hundred operatives in the late 1980s and several hundred in the 1990s - allowed for an elaborate division of labour, which was reflected in the composition of the top leadership.[23] There were about twelve leaders at the group's top, each of whom bore the responsibility for a particular part of ETA's operations. For instance, one leader was in charge of the group's finances, another led ETA's intelligence gathering efforts and yet another directed the group's weapons acquisition.[24] Each leader had one or two assistants and several staff members. Although the distance between the leadership in France and the rank-and-file membership in Spain at times made it difficult to control the organisation, the grasp of the higher echelons seems to have been quite firm. They decided on which actions to carry out, transferred the order to the cells involved and allocated the necessary resources.

Under the central leadership functioned a layer made up of two types of activists, who operated in cells of no more than five members. First, there were the *illegales*, who were involved in the most dangerous activities, lived underground and were known to and wanted by the police as ETA activists. They were supported by the *legales*, who worked mostly part-time for ETA. Their tasks typically included communication, intelligence

[23] For estimates about the group's size, which do not include the organisation's support network, see F.J. Llera, J.M. Mata, and C.L. Irvin, "ETA: From secret army to social movement – the post-Franco schism of the Basque nationalist movement," Terrorism and Political Violence 5, no. 3 (1993): 127; National Consortium for the Study of Terrorism and Responses to Terrorism, Terrorist Organization Profile: Basque Fatherland and Freedom (ETA), n.d., http://www.start.umd.edu/start/data_collections/tops/terrorist_organization_profile.asp?id=31; US Department of State, Patterns of global terrorism 2002 (Office of the Secretary of State, Office of the Coordinator for Counterterrorism, 2003), 105.

[24] Clark, Negotiating with ETA, 16.

gathering and managing arms caches and money depots.[25] The *legales* had regular jobs, lived with their families and were not known to the police.[26]

In the course of the years, ETA's membership has undergone some significant changes, all of which point to a growing detachment from the group's support base and a diminishing ability to replenish its ranks with competent new members. First, ETA lost its Basque roots. In the late 1970s and the early 1980s, the percentage of Basque speakers in ETA was significantly higher than that of the Basque Country as a whole. Also, many *etarras* had two parents with Basque names, and a disproportionally large part of the group's membership came from the Guipúzcoa region, traditionally a stronghold of Basque culture and nationalism. All these factors indicate a certain attachment to the Basque cultural community. In later years, however, has shown that ETA's Basque disposition has come under pressure: fewer ETA members speak Basque, fewer members have two parents with Basque family names and members from Guipúzcoa are no longer overrepresented.[27] Former *etarras* have criticised newer generations for their lack of political awareness and dedication to the Basque people, claiming that their successors were motivated rather by selfish reasons, like private feuds with the police.[28]

Second, the recruitment process became less demanding. In the group's early days, recruits had to go through a lengthy vetting process, during which they had to prove their commitment to the organisation by carrying out a series of increasingly difficult tasks. It often took recruits some two years before they were accepted as full members.[29] In the 1990s it became clear that this painstaking procedure was a luxury ETA could no longer afford. Instead, weapons were handed out to anyone who

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[25] R.P. Clark, *The Basques: The Franco Years and beyond* (Reno and Las Vegas: University of Nevada Press, 1979), 370; Shabad and Ramo, "Political Violence in a Democratic State," 438.

[26] Llera, Mata, and Irvin, "ETA: From Secret Army to Social Movement," 124.

[27] F. Reinares, "Who Are the Terrorists? Analyzing Changes in Sociological Profile among Members of ETA," *Studies in Conflict & Terrorism* 27, no. 6 (2004): 479–483.

[28] Wieviorka, The Making of Terrorism, 183–185.

[29] Clark, The Basque Insurgents, 156–157.

claimed allegiance to the group and its goals.[30] This lowering of the standards is also visible in the third change ETA's membership went through: ETA's recruits became younger and were often social misfits rather than dedicated militants with a clear sense of what Basque radicalism was about. This prompting one author to observe that ETA's membership increasingly resembled that of Western European right-wing extremist groups.[31] As will be discussed below, this shift had serious effects on the type of violence that ETA was able to carry out. The sophisticated assassinations of the 1970s and early 1980s made way for less complex attacks and simple street violence.

In order to provide the *illegales* and the *legales* with the necessary support, there was a network made up of people who were sympathetic towards ETA, but were technically not *etarras*. For instance, ETA had a large network of couriers to transfer messages from the leaders to the cells or the other way around. There were also several front organisations, legal organisations which worked on behalf of ETA and which were collectively known as the *Movimiento de Liberación Nacional Vasco* (Basque National Liberation Movement, MLNV). The MLNV included youth clubs, organisations to promote the Basque language and culture, and groups that lobbied for better treatment and release of ETA-prisoners or organised pro-ETA protest marches.[32] The most important organisation in the MLNV was the political party that was rightfully considered ETA's political wing. Until it was banned in 2003 for supporting ETA, *Herri Batasuna* (Unity of the People), named *Batasuna* (Unity) after a 2001 merger with *Euskal Herritarok* (We, the Basques), was the most radical Basque nationalist party in the Basque and Spanish parliaments. It spoke on ETA's behalf during some of the negotiations with the Spanish government and occasionally had ETA members running for parliamentary seats. For these reasons, the EU list of designated terrorist organisations mentions *Batasuna* as part of ETA, stipulating that the

[30] Reinares, "Who Are the Terrorists?," 477.

[31] Ibid., 487.

[32] Llera, Mata, and Irvin, "ETA: From Secret Army to Social Movement," 111.

sanctions regime concerns not only ETA, but also the group's political wing.[33]

On the international level ETA could count on some support from other terrorist groups. In the late 1970s, a group of *etarras* travelled to the Irish county of Kerry to receive training in the use of mortar launchers. Groups that ETA had similar ties with, include the Latin American guerrilla organisations Revolutionary Armed Forces of Colombia (*Fuerzas Armadas Revolucionarias de Colombia*, FARC) and the Tupamaros, as well as European left-wing terrorist groups like the Red Army Faction and the Red Brigades. Carlos the Jackal, an infamous international terrorist, claimed during his trial that he had collaborated extensively with ETA during the 1980s, and that this cooperation was facilitated by the secret services of East Germany, Hungary and Rumania.[34]

6.1.4 Modus operandi

During Franco's reign and in the first years of the democratic transition, ETA's strategy was one of provocation. The idea behind the violent actions was that these would provoke a violent response from the regime. ETA estimated that this would prompt the Basque people, which would bear the brunt of the state's repression, to start a revolution.[35] The group was not blind, however, to the diminishing potential for mass mobilisation under the democratic constitution. In the first two years after Franco's death, the Basque Country saw a large number of demonstrations for a variety of causes, including treatment of ETA prisoners and the rights of the Basque people, but after the consolidation of Spanish democracy, the Basques' willingness to demonstrate decreased

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[33] European Council, "Council Common Position 2006/380/CFSP of 29 May 2006 updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Common Position 2006/231/CFSP," Official Journal of the European Union L144 (May 31, 2006): 28.

[34] R. Alonso, "The International Dimension of ETA's Terrorism and the Internationalization of the Conflict in the Basque Country," *Democracy and Security* 7, no. 2 (2011): 188.

[35] C.E. Zirakzadeh, "From Revolutionary Dreams to Organizational Fragmentation: Disputes over Violence within ETA and Sendero Luminoso," *Terrorism and Political Violence* 14, no. 4 (2002): 73.

quickly. This made it clear to ETA that the action-repression-action strategy would not work. Prompted by a realistic assessment of the power relations in the Basque Country, the group switched gears. Aware that the Basque people would not rise up and that their organisation did not stand a chance in an armed confrontation with the state, ETA decided to use violence to raise the costs of the status quo for the Spanish state to the point where the latter would be forced to give in to ETA's demands.[36] This strategy of attrition would for decades be the underlying logic of ETA's terrorist attacks.

After the strategic shift the goal was to inflict damage on the state, which explains the restraint ETA observed in the use of violence.[37] Anxious to avoid civilian casualties and consequent losses of popular support, the group initially committed terrorist attacks only against police forces and military personnel. Also, to further reduce the risk of collateral damage ETA operatives preferred to strike at their victims while there was no one nearby.[38] ETA carried out most of their liquidations in public spaces, as that allowed them to kill without having to enter high-security government buildings or army barracks. This meant that most of their victims were out on patrol and, given that high-ranking police officers or security staff rarely engaged in such activities, were generally low in rank.[39] However, the group's obvious penchant for targeting lower-level members of the security forces who were alone while on patrol would not last. The group's *modus operandi* underwent three major changes.

First, ETA expanded its range of victims. From the early 1990s on, ETA moved away from the victim profile outlined in the previous paragraph and started targeting journalists, politicians, academics and lawyers as well. In a move to "socialise the suffering", which meant expanding the

[36] Sánchez-Cuenca, "The Dynamics of Nationalist Terrorism," 294–295.

[37] S. Kalyvas and I. Sánchez-Cuenca, "Killing without Dying: The Absence of Suicide Missions," in *Making Sense of Suicide Missions*, ed. D. Gambetta (Oxford and Madison: Oxford University Press, 2005), 218–219.

[38] Clark, The Basque Insurgents, 132.

[39] Ibid., 136.

group of people who had to pay the price for the perceived repression of the Basque people, ETA decided to target all those whom it considered traitors to the Basque cause.[40] Previously, the police and the military had to bear the brunt of ETA's violence, but now anyone who voiced an opinion that went against ETA had reason to fear for his or her life. Many journalists had to hire bodyguards and took driving lessons to learn how to shake off assassins in car chases. The newspapers they worked for took extensive security measures, including camera surveillance and metal detectors around their offices.[41] The expansion of ETA's violent campaign to civilian victims is clearly borne out by statistics. Before 1992, only 2.6% of all ETA deadly victims were government officials or politicians, whereas these categories together accounted for 21.7% of the deadly victims in the period 1992-2007.[42] Another type of fatality that became more and more frequent in ETA attacks, is the unintentionally victimised bystander, which brings us to the next shift in ETA's *modus operandi*.

From the mid-1980s, ETA's violence became less discriminate.[43] Although the group sometimes still carried out precisely targeted assassinations in which the killers got close to their victims to avoid collateral damage, they now also started to make use of car bombs.[44] Although this method reduced the risk of capture, it was a lot less precise[45], and ETA's public standing was severely undermined when innocent civilians got killed or injured. One of the most important examples of an indiscriminate attack

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[40] M. Heiberg, "ETA: Redeeming an Arcadia Lost," in *Terror, Insurgency and the State: Ending Protracted Conflicts*, ed. M. Heiberg, B. O'Leary, and J. Tirnan (Philadelphia: University of Pennsylvania Press, 2007), 28–29.

[41] E. Stables, "Terrorism in Spain: Reporters under Attack by ETA," *New York Times*, April 6, 2004, http://www.nytimes.com/2004/04/06/opinion/06iht-edstables_ed3_.html.

[42] I. Sánchez-Cuenca, "Analyzing Temporal Variation in the Lethality of ETA," *Revista Internacional de Sociología* 67, no. 3 (2009): 615.

[43] Sullivan, ETA and Basque Nationalism, 255.

[44] For statistics on the specificity of ETA's assassination and the proximity of the assassins to their victims, see M.A. Wilson, A. Scholes, and E. Brocklehurst, "A Behavioural Analysis of Terrorist Action: The Assassination and Bombing Campaigns of ETA between 1980 and 2007," *British Journal of Criminology* 50, no. 4 (2010): 690–707.

[45] Sánchez-Cuenca, "Analyzing Temporal Variation in the Lethality of ETA," 816.

and the negative repercussions for the perpetrator was the 1987 bombing of a Hipercor supermarket in Barcelona. ETA-operatives had parked a car full of explosives in a parking garage under the supermarket and killed fifteen in the subsequent explosion. Thirty-eight people were wounded.[46] Although the bombing was operationally a success, it backfired badly against ETA: some 750,000 people took to the streets of Barcelona to condemn the attack, which forced ETA to issue one of its rare apologies. *Herri Batasuna* distanced itself from the operation as well.[47]

Painful as the bad publicity may have been, it did not change the group's mind regarding the use of the car bomb. Inevitably, car bombings went wrong again, and again caused much hostility among the Basque population. For instance, several months after the Hipercor car bombing, ETA crossed the line again when it bombed a compound where families of the *Guardia Civil* (Civil Guards, the Spanish military police) were being housed. Among the eleven fatalities were four children.[48] In a similar incident in 1991, the group killed several children when it detonated a car bomb inside a Guardia Civil barracks in Vic, a village north of Barcelona.[49] Another example of an attack that killed or injured civilians as opposed to only police and army personnel, occurred in 1990, when ETA operatives detonated a car bomb in Sabadell, a town near Barcelona.

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[46] "ETA Assasina Quince Personas, Entre Ellas Mujeras Y Niños, En El Attentado Más Sangriento de Su Historia," *La Vanguardia*, June 20, 1987, http://hemeroteca.lavanguardia.es/preview/1987/06/20/pagina-3/32994937/pdf.html.

[47] P. Delaney, "Spain Fears Bombing May Herald an Increase in Terrorist Attacks," New York Times, June 23, 1987, http://www.nytimes.com/1987/06/23/world/spain-fears-bombing-may-herald-an-increase-in-terrorist-attacks.html.

[48] Associated Press, "11 Killed, 30 Injured by Car Bomb Explosion in Spain," LA Times, December 12, 1987, http://articles.latimes.com/1987-12-12/news/mn-6745_1_car-bomb.

[49] "Vic (Barcelona) Recordará Hoy a Las Víctimas Del Atentado de ETA En Su Casa Cuartel," El Economista, June 13, 2009, http://ecodiario.eleconomista.es/espana/noticias/1326181/06/09/Vic-Barcelona-recordara-hoy-a-las-victimas-del-atentado-de-ETA-en-su-casa-cuartel.html.

Six police officers were killed, and two police officers and six civilians were wounded.[50]

The third change in ETA's modus operandi concerns *kale borroka* (street fighting), which emerged in the mid-nineties, when the numbers of terrorist attacks carried out by ETA were declining. *Kale borroka* is the Basque term for the low-intensity campaign waged by ETA sympathisers in their late teens or early twenties. The violence used by these youth groups consists of simple actions that can be carried out without much preparation or expertise, like vandalism, arson and physical assault. The damage was nevertheless considerable. For instance, the total damage of *kale borroka* in 2000 was estimated at some 9 million dollars.[51] Another important element of *kale borroka* is intimidation. The perpetrators let people know that they are marked as potential victims, for instance by visibly carrying out surveillances around the victim's house or putting up posters with a picture of the victim in a gun sight.[52] *Kale borroka* has been dismissed by some as mindless hooliganism, but it did follow a political rationale and its perpetrators were politically committed.[53] It emerged in the second half of the 1990s, when ETA was suffering from arrests and a decrease of its popular support. The group realised that it was becoming isolated and needed the cooperation of other political parties to have a realistic chance at achieving its political goals. During the *kale borroka* campaign ETA reached out to moderate political parties, mainly the PNV, but at the same time wanted to make them, as well as the population in

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[50] "Seis Policías Muertos Y Varios Heridos En Sabadell En Un Atentado de ETA Con Coche Bomba," *El País*, December 9, 1990, http://www.elpais.com/articulo/espana/BARCELONA/SABADELL_/BARCELONA/CUERPO_NACIONAL_DE_POLICIA/ETA/COMANDO_BARCELONA/policias/muertos/varios/heridos/Sabadell/atentado/ETA/coche/bomba/elpepiesp/19901209elpepinac_12/Tes?print=1.

[51] L. de la Calle Robles, "Fighting for Local Control: Street Violence in the Basque Country," International Studies Quarterly 51, no. 2 (2007): 431.

[52] Spain: ETA's Killing Campaign and Acts of "Street Violence" (London: Amnesty International, 2000), 2; J. Mártin-Peña et al., "Strategies of Psychological Terrorism Perpetrated by ETA's Network: Delimitation and Classification," Psicothema 22, no. 1 (2010): 115.

[53] D. Ridley, "Bloody Bequest," The Guardian, April 21, 2001, http://www.guardian.co.uk/world/2001/apr/21/spain.weekend7.

general, feel the consequences of their unwillingness to cooperate. *Kale borroka* should thus be understood as an instrument to silence and punish opposition, which came primarily from journalists and local politicians. While it is true that *kale borroka* was also a tool to select and vet new recruits, it served a clear political purpose and was consciously used by ETA as a way to 'socialise the suffering', and can therefore be considered part of ETA's modus operandi.[54] In this regard, it is interesting to see that it occurred most frequently in areas with strong polarisation about ETA's goals and means, that is, in areas where ETA needed violence and intimidation to force the media and political parties into submission.[55] The degree of control ETA had over *kale borroka* can be illustrated by the fact that attacks against the PNV ceased once the latter had signed the Pact of Lizarra. In this controversial deal, closed in 1998, the PNV put pressure on the Spanish government by joining *Batasuna* and several other parties and organisations in committing itself to the Basque right to self-determination.[56]

6.1.5 The end of the armed struggle

In recent years, French and Spanish police have dealt ETA a series of heavy blows, from which Europe's oldest terrorist organisation failed to recover. The group lost several prominent leaders in a relatively short period of time, which suggests that the Spanish and French police were closing in on the terrorist group. The damage done to ETA in these arrests does not only consist of the removal of leading figures, but also concerns the confiscation of arms caches and the seizing of laptops containing valuable information about the identity and whereabouts of the group members.[57] Also, Spanish police forces apprehended ETA's "most active,

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[54] Heiberg, "ETA," 29; D. Muro, *Ethnicity and Violence: The Case of Radical Basque Nationalism* (New York: Routledge, 2008), 153 and 155–156.

[55] Calle Robles, "Fighting for Local Control," 447.

[56] *La Akale Borroka Y La Estrategia de ETA* (Guardia Civil, Centro de Analisis y Prospectiva), accessed March 16, 2011, http://www.guardiacivil.org/quesomos/organizacion/organosdeapoyo/gabinete/cap/nota02.jsp.

[57] For the string of arrests, see F. Govan, "Eta Leader Francisco Javier Lopez Peña Arrested in France," The Telegraph, May 21, 2008, http://www.telegraph.co.uk/news/2000809/Eta-

most dynamic and of course most wanted" cell, which is thought to be responsible for 80 to 90% of ETA's attacks in the period between the end of the 2006 ceasefire and their arrest in July 2008.[58]

Weakened by these arrests and by the waning of its public support, the group started to lose the will to fight. The cracks were visible as early as 2002, when Alfonso Etxegarai, an ETA member who had sent to exile in Africa, wrote an open letter in the Basque newspaper *Gara*. His assessment of the position ETA found itself in went as follows: "You have reached a stalemate when your dead and your prisoners increase while your actions decrease. The more vague and questionable your targets are, the less they are contributing to the internal and external recognition of your cause. They are perfectly aware of this. They know that in their 'war' we are not strong enough to beat them, and they know that we only barely maintain our right to armed resistance. By the way, our armed resistance is completely disfigured by the effects of the phenomenon known as 'international terrorism'."[59] In 2004, a letter from a group of incarcerated leaders to ETA's political chief Mikel Albizu was leaked to the press. In this letter, the prisoners suggested that perhaps it was time to admit that the armed struggle had failed and that ETA should consider switching to political action to generate popular support.[60] In 2007, two

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leader-Francisco-Javier-Lopez-Pena-arrested-in-France.html; "Detenido En Francia El Etarra Aitzol Iriondo, Supuesto Sucesor de Txeroki," El País, December 8, 2008, http://www.elpais.com/articulo/espana/Detenido/Francia/etarra/Aitzol/Iriondo/supuesto/sucesor/Txeroki/elpepuesp/20081208elpepunac_11/Tes; "Suspected ETA Leader Detained in Paris," AFP, April 11, 2009, http://www.france24.com/en/20090411-france-paris-arrest-ekaitz-sirvent-auzmendi-eta-spain-basque-separatist-terrorist-group; V. Burnett, "Spain Hails Arrest of Man Seen as ETA Leader," New York Times, April 19, 2009, http://www.nytimes.com/2009/04/20/world/europe/20eta.html?_r=3; "Suspected Eta Chief Arrested in France," RFI, May 20, 2010, http://www.english.rfi.fr/france/20100520-suspected-eta-chief-arrested-france; "French Arrest Suspected Eta Military Chief," RFI, March 11, 2011, http://www.english.rfi.fr/europe/20110311-french-arrest-suspected-eta-military-chief.

[58] "Spanish Police Dismantle ETA's 'Most Active' Cell," AFP, July 22, 2008, http://afp.google.com/article/ALeqM5imMCVAth4FzitUIFYwyNXdvxPeYw.

[59] Cited in R. Alonso, "Why Do Terrorists Stop? Analyzing Why ETA Members Abandon or Continue with Terrorism," Studies in Conflict & Terrorism 34, no. 9 (2011): 706.

[60] J. Bew, M. Frampton, and I. Gurruchaga, Talking to Terrorists: Making Peace in Northern Ireland and the Basque Country (New York: Columbia University Press, 2009), 232.

other prisoners wrote a letter to the same effect. They argued that the armed struggle had become an obstacle to the realisation of the radical Basque nationalist agenda. In their view, ETA's political objectives could only be realised if the group would put a stop to its violent campaign.[61]

At the time these letters were denounced as treason by the ETA leadership outside of prison, but in 2010 the group offered a ceasefire without asking anything in return, showing a flexibility that would have been unthinkable in the 1970s and 1980s.[62] Probably in response to widespread scepticism about the sincerity of the announcement, ETA issued a declaration on 10 January 2011 stating that the abandonment of arms was permanent and "will be verifiable by the international community".[63] For some time observers were in some doubt as to whether ETA's terrorist campaign was truly over, as it would not have been the first time the group would break a ceasefire it had declared to be permanent. Also, in 2010 the group was still actively recruiting new members and acquiring new funding, mostly through extortion.[64] On the other hand, a Basque business association received a letter from ETA announcing the end of the extortion the group euphemistically named 'revolutionary taxes'.[65] Either way, the ceasefire did not put an end to the law enforcement pressure, as 35 *etarras* were arrested in the three months after 10 January 2011.[66] This same period also saw the dismantlement as several arms caches, one of which was reportedly the biggest ever found

[61] Alonso, "Why Do Terrorists Stop?," 704.

[62] G. Tremlett, "Basque Separatists Eta Announce Ceasefire," The Guardian, September 5, 2010, http://www.guardian.co.uk/world/2010/sep/05/eta-announces-ceasefire.

[63] "Declaración de ETA."

[64] Europol, TE-SAT 2011: EU Terrorism Situation and Trend Report (European Police Office, 2011), 22–23.

[65] "ETA Announces End to 40 Years of Extortion," Inter Press Service, April 29, 2011, http://ipsnews.net/news.asp?idnews=55454.

[66] "Civil Guard Finds Explosives in Searches Following ETA Arrests," EITB, April 12, 2011, http://www.eitb.com/news/politics/detail/637141/civil-guard-finds-explosives-searches-eta-arrests/.

by the police.[67] Thus, the group was weakened further after the declaration of the ceasefire, and, contrary to some scholars' expectations[68], violence has not flared up as a result of the Spanish government's hard line.

The odds were heavily stacked against ETA, and on 20 October 2011 the group moved to put an end to any remaining uncertainty regarding the future of the armed struggle. The declaration that was released that day held that "a new political age is opening" and reconfirmed ETA's commitment to "the definitive cessation of its armed activity".[69] After having gone a year without attacks, the group communicated their willingness to get in touch with Spanish and French authorities to negotiate the decommissioning of their weapons and the dissolution of the organisation.[70] But while ETA's announcement amounts to a conditional surrender, the Spanish government is unmoved and claims that no dialogue is needed. Throughout 2012 and 2013, Spanish police kept rounding up suspected *etarras*. Although at the time of writing (June 2013) ETA has yet to officially disband, but is being wiped out and no longer has a support base to speak of, which suggests that the oldest terrorist organisation in the world will soon be a thing of the past.

6.2 Counterterrorism principles and ETA

6.2.1 Restraint in the use of force

Like many governments before and since, the governments of Prime Minister Adolfo Suárez (1976-1981) and his successors Leopoldo Sotelo (1981-1982) and Felipe González (1982-1996), when confronted with terrorist violence, made the mistake of using too much force in an attempt

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[67] "Spanish Police Bag Biggest-Ever ETA Explosives Stash," *Deutsche Welle*, April 15, 2011, http://www.dw-world.de/dw/article/0,,14991151,00.html.

[68] Barros, "An Intervention Analysis of Terrorism," 412.

[69] "Full Text: Basque Ceasefire Declaration," BBC News, October 20, 2011, http://www.bbc.co.uk/news/world-europe-15395157.

[70] "Basque Separatists Eta 'Ready to Disband,'" *BBC News*, November 25, 2012, http://www.bbc.co.uk/news/world-europe-20482620.

to eliminate their terrorist opponent. ETA violence escalated in 1978, after the democratic constitution and the Basque Autonomy Statute (on which more below) had been accepted by referendum. The *Guardia Civil* and the *Policia Nacional* (National Police) responded to this violent upsurge with unwarranted searches, mass arrests, *incommunicado* detention of terrorist suspects and, according reports by Amnesty International and several Basque newspapers, torture.[71] It has been argued that torture was not institutionalised in the Basque Country, but there is little doubt that during first years of Spain's democratic transition many imprisoned *etarras* were subjected to sleep deprivation, isolation, threats and physical beatings.[72] Furthermore, many of the detentions in this period were not even intended to build cases for prosecution. The police arrested people, including members of the moderate PNV, not so much to prosecute them, but rather to gather information about the functioning and membership of ETA. In the period 1977-1987 only one third of all arrested terrorist suspects were convicted for terrorism or a related crime.[73]

Furthermore, in the early years of Spanish democracy, the police also reacted viciously against anti-government demonstrations. Easily resorting to tear gas and rubber bullets, the *Guardia Civil* and the *Policia Nacional* did little to avoid violent clashes with the demonstrators.[74] Another form of violent overreaction was the use of death squads to eliminate people thought to be ETA leaders. Right-wing, Franco-loyalist militias like the *Batallón Vasco-Español* (Basque-Spanish Battalion, BVE), *Alianza Apostólica Anticomunista* (Apostolic Anticommunist Alliance, AAA) and *Antiterrorismo ETA* (Antiterrorism ETA) intimidated, tortured and killed suspected *etarras*, often in collusion with, or at least with the

[71] Alexieva, "Targeting the Roots and Goals of ETA," 61–62; Reinares, "Democratic Regimes, Internal Security Policy and the Threat of Terrorism," 363.

[72] Compare Report of an Amnesty International Mission to Spain (London: Amnesty International, 1975); and Spain: The Question of Torture (London: Amnesty International, 1985); to Sánchez-Cuenca, "The Dynamics of Nationalist Terrorism," 292.

[73] F. Reinares and R. Alonso, "Terrorism, Human Rights and Law Enforcement in Spain," Terrorism and Political Violence 17, no. 1/2 (2005): 273–274.

[74] See e.g. Clark, *The Basques*, 289–295.

tacit support of, the police.[75] The most infamous of these groups was the *Grupos Antiterroristas de Liberación* (Antiterrorist Liberation Groups, GAL), which hunted down ETA leaders in the French part of the Basque Country from 1983 to 1987. The GAL was a motley crew of Italian neo-fascists, Portuguese assassins, French ex-soldiers and Spanish police officers.[76] They kidnapped and tortured suspected *etarras* and were responsible for 27 killings.[77] The group also caused much collateral damage. Many of the victims of the GAL's assassination attempts had nothing to do with ETA or terrorism.[78]

What made the activities of the GAL even more shocking, especially in the perception of the Basque population, were the close ties the militia had with the government of Prime Minister Felipe González. The González administration was confronted with an upsurge of ETA violence immediately after it assumed office and was pressured by the security forces for a hard line against the terrorist organisation. Determined not to come across as 'soft on terror', Interior Minister José Barrionuevo agreed to start a 'dirty war' in France, where most of ETA's leadership resided.[79] From the beginning of the GAL's actions, many surmised that the government might be involved, and these suspicions were confirmed when arrested GAL-members confessed that they had two contacts in the *Policía Nacional* to whom they could turn for financial support for their operations.[80] Subsequent criminal investigations found that the funding came from the highest levels of the Interior Ministry. The court imposed severe penalties on those involved, including the head of the Spanish

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[75] G.H. Turbiville, *Hunting Leadership Targets in Counterinsurgency and Counterterrorist Operations: Selected Perspectives and Experience*, JSOU Report (Hurlburt Field: Joint Special Operations University, 2007), 22.

[76] Clark, Negotiating with ETA, 66.

[77] P. Woodworth, "The War against Terrorism: The Spanish Experience from ETA to Al-Qaeda," *International Journal of Iberian Studies* 17, no. 3 (2004): 172.

[78] O.G. Encarnación, "Democracy and Dirty Wars in Spain," *Human Rights Quarterly* 29, no. 4 (2007): 951.

[79] Chalk, "The Response to Terrorism as a Threat to Liberal Democracy," 381.

[80] Clark, Negotiating with ETA, 67.

security service, several high-ranking police officers and the secretary-general of the Basque branch of the PSOE. The most important culprit was Barrionuevo, who received a ten-year prison sentence for having personally ordered the liquidation of certain ETA leaders.[81]

The Spanish heavy-handedness proved a valuable propaganda tool for ETA, which used the government's hard approach to argue that the democratic institutions were just a thin veneer to hide what was in essence still a dictatorship repressing the Basque people.[82] In the course of the 1980s however, the Spanish security forces became more discriminate in their actions. For instance, the numbers of terrorism-related arrests for the period 1988-1997 was only 20% of the number for the period 1978-1987. This decrease was accompanied by a stark increase in the rate of arrestees that were brought to trial. Over the period 1988-1997, 60% of those charged with terrorism or a related offense, were brought to trial, compared to some 30% in the preceding decade.[83] An important factor in this development was the belated reform of the Spanish security forces. The political structures had been thoroughly reformed by 1980, but the *Guardia Civil*, the *Policia Nacional* and the army remained largely untouched by the democratic transition. This changed in the mid-1980s, when Prime Minister González introduced Organic Law 2/1986 on the Security Corps and Forces. This law was drawn up to subordinate the *Policia Nacional* and the *Guardia Civil* to democratic control and accountability and thus to the principles laid down in the 1978 Constitution, which stated that it was the task of the police to protect the "free exercise of rights and liberties and the guaranteeing of the safety of citizens".[84] Around the same time, the Spanish parliament had approved a

[81] "Ex-Minister Jailed in 'Dirty War' Scandal," *BBC News*, July 29, 1998, http://news.bbc.co.uk/2/hi/europe/141540.stm.

[82] Woodworth, *Dirty War, Clean Hands*, 51.

[83] Reinares and Alonso, "Terrorism, Human Rights and Law Enforcement in Spain," 273–275.

[84] I.R. Macdonald, "Spain's 1986 Police Law: Transition from Dictatorship to Democracy," Police Studies 10, no. 1 (1987): 16–22.

law to strengthen democratic and political control over the military.[85] This does not mean that maltreatment and physical abuse were totally eradicated, as illustrated by instances of torture of ETA suspects as late as 2009.[86] Nevertheless, wrongs like these were minimised to a point where the Basque population ceased to see the police as their enemies. Polls show that the numbers of Basques who believe that violence is needed to bring about changes in the plight of the Basque people have decreased sharply. In one poll, even 67% of the respondents who voted for political parties that are affiliated with ETA were of the opinion that the Spanish state offers sufficient opportunities for political action and that the Basques do not have to resort to violent action.[87]

As we have seen above, ETA initially had a support network of hundreds of sympathisers willing to provide small services or even join the group as full members, but this support was gradually withdrawn, reducing the group to a hard core of underground activists. Terrorist organisations with popular support manage the 'security constraint', that is, they can survive law enforcement pressure because of their ability to attract new recruits to replace group members who have been killed or arrested.[88] Initially, ETA could find replacements for arrested operatives, but in the long run could not to convince the Basque population of the need for armed struggle, let alone persuade them to actively cooperate. Violent state actions against friends, families or fellow Basques were for many the reason to join or support ETA[89], and after that incentive faded, the group lost much of its appeal. As a result, the group has been increasingly

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[85] E. Soler i Lecha et al., Drawing Lessons from Turkey's and Spain's Security Sector Reforms for the Mediterranean, Euromesco Paper (Barcelona and Istanbul: CIDOB Foundation and Turkish Economic and Social Sciences Foundation, 2006), 13.

[86] "Spanish Police Jailed for Torture of Basque Eta Members," *BBC News*, July 29, 1998, http://www.bbc.co.uk/news/world-europe-12096655.

[87] R. Alonso, "Counter-Narratives against ETA's Terrorism in Spain," in *Countering Violent Extremist Narratives* (The Hague: NCTb, 2010), 25.

[88] G.H. McCormick, "Terrorist Decision Making," Annual Review of Political Science 6 (2003): 495–496.

[89] Encarnación, "Democracy and Dirty Wars in Spain," 968; P. Woodworth, "Why Do They Kill? The Basque Conflict in Spain," World Policy Journal 18, no. 1 (2001): 5–6.

unable to gain recruits to replace arrested *etarras*. There are no hard data on numbers of people performing small tasks for ETA, but there are indications that the group found it difficult to maintain its support base in the face of more discriminate state repression. The coincidence of the Basques' decreasing willingness to use or accept violence as a political instrument, the decline of ETA's popular support (see the section 'Addressing root causes' below) and the decline of the intensity of ETA's violence after the 1980s seem to suggest that it was difficult for ETA to find the recruits needed to keep up the level of violence from the early 1980s.[90]

The initial overreaction of the Spanish state fed rather than curbed ETA violence, and thus proved counterproductive in the sense of the programme theory outlined in section 3.3.1. The maltreatment of ETA-prisoners and the ruthless use of antiterrorist death squads reinforced the perception of the Spanish state as an oppressor, but in the mid-1980s the Spanish security forces became less brutal in their handling of the terrorist threat. Although it is difficult to distinguish the effect of the switch to a more discriminate use of violence from the impact of other counterterrorism interventions (see the sections 'Rule of law' and 'Addressing root causes' below), there is little doubt that the restraint on the part of the *Guardia Civil* and *Policia Nacional* undermined ETA's narrative about the dictatorial nature of the Spanish post-Francoist state.

6.2.2 Rule of law

Parallel to the hard approach described in the previous section, Spain also took a hard line in the legislation that was introduced in the late 1970s to curb the terrorist threat that emanated primarily from ETA. Organic Laws 21/1978 and 56/1978 dramatically expanded the powers of the police, who were now allowed to keep terrorist suspects *incommunicado* and hold them for three days without pressing charges. Also, they were allowed to place phone taps, to open mail and to carry out house searches without

[90] Sánchez-Cuenca, "The Dynamics of Nationalist Terrorism," 297.

court orders.[91] In March 1981 the administration of Prime Minister Leopoldo Sotelo added to the legal arsenal by introducing the Law for the Defence of the Constitution, which contained a broad definition of terrorism. Any attempts to affect the integrity of the Spanish state or the unity of its territory could now be legally considered acts of terrorism. This meant a severe curtailment of the freedom of speech, as the government intended to use the law not only against ETA and its operational supporters, but also against newspapers and other media that spread messages that could be considered separatist in tone.[92]

In 1984 the González-administration introduced yet another law to widen the government's legal powers in the fight against terrorism. This law reaffirmed the powers from previous legislation and added the possibility for courts to ban political parties and other organisations, including newspapers and radio stations, if these were found guilty of supporting terrorism.[93] Furthermore, the penalties for acts of terrorism became more severe.[94] The fall-out of these proposals proved a turning point in Spanish counterterrorism legislation. The outrage, especially among Basque political parties, was huge and led to accusations that the Spanish state had matched the Franco regime in the intensity of its repression. A group of Basque political parties, not only radical ones, issued an appeal to the Spanish Constitutional Court to have eleven of the law's twenty-two clauses declared unconstitutional. Four clauses in the 1984 law were declared unconstitutional by the Constitutional Court. Several other clauses, including the ones that stipulated the government's right to arrest demonstrators shouting pro-ETA-slogans and to ban organisations which were found to support ETA, were abandoned in January 1987. These latter clauses were adopted as temporary measures and lapsed in the absence of

[91] See Organic Law 11/1980, which reaffirmed previous counterterrorism decrees Law 21/1978 and Law 56/1978.

[92] Clark, Negotiating with ETA, 47.

[93] P. Tenorio, The Impact of Antiterrorist Legislation on the Freedom of Speech in Spain (Madrid: UNED, n.d.), 14.

[94] C. Fernández, A. Manavella, and J.M. Ortuño, The Effects of Exceptional Legislation on Criminalization of Immigrants and People Suspected of Terrorism (Barcelona: University of Barcelona, n.d.), 18.

an attempt by the government to put their extension to the vote in parliament.[95] In November 1987, the Spanish parliament voted in favour of the abandonment of the remainder of Organic Law 9/1984, transferring its components to regular legislation in a more moderate form. For instance, the time period that terrorist suspects could be held incommunicado was reduced from ten days to five, and it was also decided not to prosecute apologists of ETA's violent campaigns.

All in all, the laws and procedures that framed the state's treatment of prisoners and demonstrators were counterproductive in the sense that they made many Basques in the early 1980s susceptible to the notion of the dictatorial nature of the Spanish state that was prevalent among the radicals. This was especially so since the antiterrorist laws were perceived to go hand in hand with the use of force described in the previous paragraph. To many Basques, the legal powers the state used against them were as much a sign of the essentially dictatorial nature of the Spanish state as the mass arrests and the torture of suspected Basque radicals. This correlation was not merely a figment of the radical imagination, since the moderation of the legislation took place in the second half of the 1980s, the same period that saw the scaling down of the use of force described in the previous section. Together with a more even-handed bearing of the *Guardia Civil* and the *Policia Nacional*, the shift towards more moderate legislation contributed to the de-escalation of the Basque conflict. The increasing legitimacy of the Spanish state and the diminishing of the appeal of ETA's narrative that is observable after the mid-1980s was the result of an easing of Spanish government policy, which included respect for the law and a reversal of legal overreaction.

6.2.3 International cooperation, law enforcement and direct action

Law enforcement has always been one of the main pillars of Spanish counterterrorism. Its results were initially mixed, but contributed

[95] Article 19 World Report 1988: Information, Freedom and Censorship (New York: Times Books, 1988), 220.

significantly to the group's demise later on. The main factor that created the right conditions for the effectiveness of direct action against ETA was the hard-won cooperation of France. Since the international cooperation between France and Spain consisted mostly of French police actions that added to Spain's campaign against ETA, the categories 'law enforcement and direct action' and 'international cooperation' have been merged in this chapter.

In the late 1970s and the early 1980s crackdowns against ETA yielded little result, and the onset of the GAL campaign did little to change this. The GAL did manage to take out some ETA-leaders, but, as it often targeted the wrong victims, it had little impact on ETA's functioning. If anything, the GAL's operations served to confirm the notion of the dictatorial Spanish state and thus hardened ETA's resolve.[96] Throughout the GAL's campaign, ETA's violence remained at a constant level of about forty deadly victims per year.[97] In fact, the GAL's greatest achievement did not lie in the disruption of ETA, but, rather inadvertently, in securing the cooperation of France.

As has been said above, ETA's leadership resided mostly in the French part of the Basque Country, prompting Spain to deploy 2,000 soldiers on the Franco-Spanish border in the early 1980s to disrupt ETA's cross-border traffic.[98] Until the mid-1980s, however, France was unwilling to assist its southern neighbour in the fight against terrorism. Instead, the French government stuck to a position of neutrality. Convinced that terrorist organisations would not target French citizens or interests as long as France would do nothing to antagonise them, the French government allowed terrorist organisations, including ETA, to use France as a sanctuary. France thus refused to crack down on the ETA leadership, let alone extradite ETA-prisoners to Spain. Respective French governments stuck to this so-called 'sanctuary doctrine' for quite some

[96] Alonso, "Why Do Terrorists Stop?," 700.

[97] Woodworth, "The War against Terrorism," 173.

[98] Clark, *Negotiating with ETA*, 50–51.

time, but it began to fall apart when foreign terrorist groups broke the silent agreement and started committing attacks against French targets.[99] Another factor that contributed to the doctrine's demise was the French unwillingness to put up with the GAL's activities on French soil. The GAL's violence was generally poorly targeted and many of its victims were innocent bystanders. As French citizens were now in direct danger of getting caught up in shoot-outs or misguided assassination attempts, the French government decided to end its lenience towards ETA.[100] The hardening of the French position did not take place overnight and extradition remained out of the question until the late 1980s, with French officials preferring deportation to northern France or exile to third countries.[101] Nevertheless, France's *volte-face* signalled the beginning of a series of arrests that would shake ETA to its foundations.

One of the first important blows was the arrest in April 1986 of Txomin Iturbe, ETA's military leader. He was arrested in France and deported to Gabon and then to Algeria, where he would act as interlocutor for the Spanish government during the negotiation attempts of 1986 and 1987 (see the section 'Offer non-violent alternatives').[102] At the time of his arrest, Iturbe had held the position of military leader for more than ten years, during which he survived several attempts on his life by right-wing militias.[103] His arrest hit ETA hard, as he was one of the group's most important leaders. Several months later, in November 1986, the French police cracked down on an ETA-headquarters in Hendaye, a town in the south-western tip of France. In a raid against a furniture store that was set up to disguise an ETA command centre, police officers made eleven

[99] J. Shapiro and B. Suzan, "The French Experience of Counter-Terrorism," *Survival* 45, no. 1 (2003): 69–70.

[100] Encarnación, "Democracy and Dirty Wars in Spain," 954–955.

[101] A.R. Brotóns and C. Espósito, "Spain," in Combating Terrorism: Strategies of Ten Countries, ed. Y. Alexander (Ann Arbor, 2002), 181.

[102] U. Aiartza and J. Zabalo, The Basque Country: The Long Walk to a Democratic Scenario, Berghof Transitions Series (Berlin: Berghof Conflict Research, 2010), 24.

[103] Clark, *Negotiating with ETA*, 69.

arrests and seized considerable amounts of money and weapons.[104] The French police scored a similar success in September 1987, when they arrested an ETA-leader and found documents that contained information that provided ground for the arrest of another 104 *etarras*. This same period also saw the arrest of ETA's logistics and propaganda chiefs.[105]

ETA suffered its most important loss, however, in 1992 in Bidart, a town some thirty kilometres north of Hendaye, where the French police struck at ETA's nerve centre and captured José Luis Alvarez, Francisco Múdiga and José Arregui, the three most important ETA-leaders at the time.[106] Although the group survived, statistical analyses have shown that after the arrests in Bidart, ETA was no longer able to sustain the level of violence it had maintained since the early 1980s. The loss of leading members meant that a younger, less experienced and less competent generation was forced to take over, which was noticeable in the operational expertise ETA could bring to the table.[107] The group's operations became less and less skilful, and by the end of the 1990s, ETA had come a long way from the meticulously planned and skilfully executed assassination of Carrero Blanco to the plain vandalism that was *kale borroka*.

The Carrero Blanco assassination, according to one historian "one of the most brilliantly planned in the history of terrorism", was an intricate scheme that could have been upset by the slightest miscalculation or stroke of bad luck.[108] The operatives involved in the operation hired a house from which they could dig a tunnel under the road along Carrero Blanco drove to mass every day. To explain the large piles of dust and gravel that were dug up during the digging of the tunnel, the *etarras*

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[104] "French Seize Arms Cache, Arrest 11," Associated Press, November 5, 1986, http://www.apnewsarchive.com/1986/French-Seize-Arms-Cache-Arrest-11/id-d4ab4eca9d6d0fdad051d411b01de67a.

[105] Clark, Negotiating with ETA, 61 and 73.

[106] Brotóns and Espósito, "Spain," 168.

[107] Cralley, Garfield, and Echeverria, *Understanding Terrorism*, III–23.

[108] R. Carr, Spain, 1808-1975 (Oxford: Clarendon Press, 1982), 734.

involved in the operation told curious observers they were sculptors.[109] After they had reached the right spot, the operatives placed explosives at the end of the tunnel. If detonated at the right moment, the blast would certainly kill Carrero Blanco. The timing of the ignition of the explosives was crucial, as it had to take place at the exact moment when Carrero Blanco's car drove across the end of the tunnel, where the explosives were hidden.[110] The operation was successful, both operationally and politically. ETA managed to take out Franco's right-hand man, which, as we have seen above, gained them the admiration of many in the Basque Country as well as in the rest of Spain. Sheer luck may have played a role, but the completion of this complicated operation was all the more impressive given that it took place while Franco was still alive and his authoritarian regime intact.

Although ETA never again pulled off a feat like the Carrero Blanco murder, ETA's operations were still quite well targeted in the first years after the *Caudillo*'s death. Anxious to avoid killing innocent bystanders, the group tried to isolate its victims. During the wave of ETA violence of the late 1970s and the early 1980s, about half of ETA's victims were targeted when they were alone. Also, some 65% of the fatalities were victims of shootings.[111] The use of firearms suggests a degree of operational expertise, as it requires proximity to the target, a certain marksmanship and the ability to flee the scene without getting arrested. The preciseness of ETA's violence decreased in the 1980s, which saw the emergence of the car bomb as part of ETA's repertoire. Unlike an assassination by the use of firearms, a car bomb attack does not require the attacker to wait for the right moment to strike, to be near the victim or to aim the attack at a specific target. This shift thus hints at a decrease in operational capabilities.

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[109] Clark, The Basque Insurgents, 76.

[110] J. Bowyer Bell, Assassin: Theory and Practice of Political Violence (New Brunswick: Transaction Publishers, 2005), 255.

[111] Clark, The Basque Insurgents, 129.

In this respect, it is interesting to note that the shift towards the use of the car bomb coincided with the increase of France's counterterrorism efforts. Although the arrests mentioned in previous paragraphs did not immediately paralyse ETA, they did have detrimental effects in the long run. It became more and more difficult for ETA to use its safe haven in France for the training of its operatives. Although the group did not possess permanent training camps like the ones Al Qaeda maintained in Afghanistan before 9/11, it did put some effort into improving its members' operational skills. France was the place where ETA could do so, but only until the French government decided to put a stop to the sanctuary doctrine. Another problem that confronted ETA after France became serious about its counterterrorism policy was that the group was losing the ability to store large quantities of arms. Until the mid-1980s ETA also used France as a place to keep its arms caches, but these were now being dismantled during police raids.[112] A third way in which the offensive of the French affected ETA's operational capabilities was the decimation of the leadership. The many arrests of high-level *etarras* made it difficult for the central leadership to play its coordinating role. It became difficult to transfer money and resources around the organisation, thus leaving the individual cells more than previously to their own devices.[113] Unsurprisingly, given the pace of the arrests, ETA's operational capabilities continued to degenerate during the 1990s and into the twenty-first century. In this period the group's bombs were generally small, did little material damage and caused few victims.[114] In 2004 and 2005, in spite of the continuance of the violent campaign, the group even failed to kill a single person.[115] The rise of *kale borroka* should be understood in the context of ETA's waning operational capabilities as well. ETA had planned an offensive in 1992, having cast its eye on the Olympics and the World Fair, events that would make Spain the centre of

[112] Cralley, Garfield, and Echeverria, Understanding Terrorism, III–47.

[113] Ibid., III–57–58.

[114] Heiberg, "ETA," 44.

[115] According to data of the Global Terrorism Database. See http://www.start.umd.edu/gtd/search/Results.aspx?chart=fatalities&casualties_type=&casualties_max=&perpetrator=316.

the world's attention.[116] Calculating that the extensive media coverage would multiply the impact of its actions, ETA had started planning a bombing campaign, but was thwarted by the arrest of the leadership in Bidart. This failure was an important consideration in the launching of *kale borroka*. Aware that it would not be able to achieve its goals on its own, ETA tried to build a broad nationalist front and used *kale borroka* to force moderate nationalists, many of whom were PNV members, to cooperate. Thus, *kale borroka* grew diretly out of the notion that ETA's ability to sustain a serious level of violent action was severely undermined.[117]

The gradual degradation of ETA's operational capabilities suggests that in the long term, law enforcement and direct action had the effect one would expect on the basis of the program theory in chapter 1. The ongoing stream of arrests (output) drained ETA of the manpower and expertise required to carry out sophisticated terrorist attacks (effect), and did so to the point where the group had to resort to vandalism and street fighting. Furthermore, the international cooperation between the Spanish and French police (output) deprived ETA of the safe haven it needed to direct its operations, train its members and store its weapons, thus forcing ETA's activities back to Spain (effect). This latter effect took some years to materialise and the diminishing of ETA's operational capabilities was not a matter of clearly demarcated steps, but the group's shift from discriminate attacks to indiscriminate attacks to ineffectual attacks and vandalism shows that the police offensive, carried out in Spain as well as in France, took its toll.

6.2.4 Addressing root causes

ETA's initial popularity owed much to the experience of the Basque people under the Franco regime, which repressed Basque culture and the Basque language, jailed and tortured members of the political opposition

[116] A. Riding, "Spain Sees Basques' Arrests Reducing Threat to Olympics," New York Times, March 31, 1992, http://www.nytimes.com/1992/03/31/world/spain-sees-basques-arrests-reducing-threat-to-olympics.html.

[117] Calle Robles, "Fighting for Local Control," 438–440.

and used education and the media to impose a purely Spanish identity on the Basque people. After Franco's death, the government of Prime Minister Adolfo Suárez tried to move Spain away from dictatorship and introduced a package of wide-ranging reforms, the most important of which was the Constitution, approved in 1978 by the new parliament and then by the Spanish electorate in a referendum, and introduced in December of that year. The new Constitution turned Spain into a bicameral parliamentary democracy and, unlike most other constitutions, recognised the Spanish population's right to housing, work, healthcare and pensions.[118] Further, the ban on anti-regime political parties was lifted, which enabled *Euskadiko Ezkerra* (Left in the Basque Country, EE) and *Herri Batasuna*, closely allied to respectively the political and political-military wing of ETA, to participate in the first elections for both the Spanish (1977 and 1979) and the Basque parliament (1980). Another measure that indicated a break with the past was the amnesty for all prisoners who had been convicted for acts of political insurrection committed before 1977. As a result of this latter measure, Spanish jails held no more than ten Basque political prisoners shortly afterwards. Particularly important for the Basque Country was the Basque Autonomy Statute, which was approved in a referendum in the Basque Country in October 1979 and granted the Basque Country a degree of freedom that has since been unmatched in Europe. The Basque Autonomous Community, as the administration of the Basque Country came to be called, had its own parliament and police force, could collect its own taxes and was granted the liberty to follow its own policies with regard to healthcare and education.

In spite of these drastic reforms, it took some time before the Basque population lent its full support to the state, not in the least because the heavy-handed manner in which ETA was fought conveyed the impression that the democratic government would repress the Basques as hard as Franco's dictatorship had done. Many had their doubts about Spain's democratic transition, also because at the time Spain's economy

[118] "Spanish Constitution" (Gobierno de España, 1978), sec. 35, 47, 49 and 50, http://www.lamoncloa.gob.es/IDIOMAS/9/Espana/LeyFundamental/index.htm.

was performing poorly.[119] In this context, ETA could muster support for its armed struggle, using the police shootings and torture allegations to back up their claim that Spain's democracy was nothing but veiled dictatorship. This became more difficult in the 1980s, when Spain's democratic system consolidated and the state's repression of ETA became more discriminate. Gradually convinced of the legitimacy of the state, the public became decidedly less susceptible to this line of reasoning and even developed an aversion against ETA and the way it operated. All indicators of support for ETA show a steady downward trend.

An indicator that is often used to establish ETA's popularity is the election result of political parties affiliated to ETA. The usefulness of these data is not undisputed, as *Herri Batasuna* attracted voters not only because of its ties to ETA, but also because of its stance on themes like nuclear energy and gay rights.[120] Against this objection one could argue that voters for *Herri Batasuna* probably knew about the party's ties with ETA and are thus unlikely to have been vehemently opposed to the group's violent activities. The second problem is more serious: the comparison of results before and after the ban of *Batasuna* in 2003 is difficult. The party did not resign itself to the ban and, still able to lead a shady existence as an organisation, co-opted the until then marginal parties *Euskal Herrialdeetako Alderdi Komunista* (Communist Party of the Basque Homelands, EHAK) and *Eusko Abertzale Ekintza* (Basque Patriotic Action, EAE) to act as its representatives in elections. Although the party thus secured participation in the elections, it can be argued that, as neither the EHAK nor the ANV could use the full organisational muscle and resources of *Batasuna*, it was difficult for them to win the 15 to 20% of the vote that *Herri Batasuna* and later *Batasuna* usually scored. In any case, the elections results of ETA's political branches show a slightly downward trend after 1990, but also an upswing at the end of the 1990s, when ETA announced a ceasefire. Shortly afterward, *Batasuna* was banned, meaning that we have to rely on the scores of other parties to get an impression of the trend in ETA's

[119] Bew, Frampton, and Gurruchaga, *Talking to Terrorists*, 195–196.

[120] W.A. Douglass and J. Zulaika, "On the Interpretation of Terrorist Violence: ETA and the Basque Political Process," *Comparative Studies in Society and History* 32, no. 2 (1990): 250.

popularity. If the scores of EAE and EHAK are anything to go by, ETA's popularity had dropped dramatically after the group had ended the ceasefire in 1999. EHAK did relatively well with 12.4% in the 2005 elections for the Basque parliament, but EAE received only 3.1% of the vote in the 2007 regional elections and 7.6% in the municipal elections in the same year.[121] Both satellite parties were later banned by the Spanish government on the grounds that they were parts of ETA.[122]

A more complete view, and one that does not contradict the one that emerges from the election results, can be derived from various opinion polls that were held in the Basque Country over the last thirty years. First, by the end of the 1980s, there was a growing apprehension about ETA's methods. In 1991 76% of respondents in a poll said that there was no need for Basques to use violence to achieve their political goals, compared to 42% two years earlier. Even 67% of the 2006 voters for radical nationalist parties held this view.[123] In the same vein, the percentage of respondents who felt that the Basque population had to be mobilised to express their opposition to the use of violence increased from 77% in 1991 to 85% in 1997.[124] Furthermore, the number of Basques who identified themselves with Spain was growing. Respondents who said they were 'Basque only', that is, who based their self-identity exclusively on their Basque background, dropped from about 40% in the early 1980s to some 25% from the mid-1980s on.[125] While, of course, an exclusively Basque self-

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[121] EHAK did not participate in the 2007 elections. For the results, see http://www.euskadi.net/q93TodoWar/eleccionesJSP/q93Contenedor.jsp?idioma=c&menu=li_2_1&opcion=menu, accessed 16 December 2013.

[122] J. Yoldi, "Procesados Cinco Cargos Del PCTV Por Pertenecer a ETA," El País, July 18, 2009, http://www.elpais.com/articulo/espana/Procesados/cargos/PCTV/pertenecer/ETA/elpepunac/20090718elpepinac_12/Tes; K. Asry, "Estrasburgo Respalda La Anulación de Las Candidaturas de ANV," El País, December 7, 2010, http://www.elpais.com/articulo/espana/Estrasburgo/respalda/anulacion/candidaturas/ANV/elpepuespvas/20101207elpepunac_19/Tes.

[123] Alonso, "Counter-Narratives against ETA's Terrorism in Spain," 25.

[124] M.J. Funes, "Social Responses to Political Violence in the Basque Country," *Journal of Conflict Resolution* 42, no. 4 (1998): 497.

[125] E. Martínez-Herrera, "Nationalist Extremism and Outcomes of State Policies in the Basque Country, 1979-2001," International Journal on Multicultural Societies 4, no. 1 (2002):

identity does not necessarily translate into support for terrorism or other forms of political violence, the increasing numbers of respondents who said they considered themselves 'Spanish only' or both Basque and Spanish do show that the reservations that many in the Basque Country had with regard to Spain were diminishing. Basque nationalist sentiments underpinned much of ETA's popular support, and with more people considering themselves part of Spain, which makes it likely that they accept Spanish governance structures, ETA's pool of potential supporters was gradually drying up.

This latter point is also clear from polls that are more directly about ETA itself. People in the Basque Country have on several occasions been polled regarding their opinions about ETA, and have on all these occasions been offered the same qualifications of ETA to choose from. In 1979 13% of all respondents considered ETA 'patriots', compared to 5% in 1989 and about 5% in the years 2003-2007. The percentage of respondents who chose to label ETA 'idealists' stood at 35% in 1979, had fallen to 18% in 1989 and, after a small dip in the mid-1990s, stayed at about 20% in the period 2003-2007. The percentages of respondents that chose terms with more negative connotations show a strong increase. In 1979 only 11% called ETA 'lunatics/terrorists' and only 7% chose 'criminals/murderers'. The former percentage increased to about 40 in the 2003-2007 period, the latter hovered between 15 and 20. It is interesting that these numbers show the same spikes in 1999 as the electoral results. During the ceasefire, more people referred to ETA in positive terms than in the 1990s or after the ceasefire.[126]

The expression of the Basque citizens' disconnect with ETA was not limited to opinion polls. The late 1980s witnessed the first mass demonstrations against ETA violence.[127] Several of the group's widely publicised violent actions were followed by mass protest marches,

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34 and 38–39; "Can Basques Make Peace?," Economist, February 26, 1998, http://www.economist.com/node/114412.

[126] Alonso, "Counter-Narratives against ETA's Terrorism in Spain," 25.

[127] Shabad and Ramo, "Political Violence in a Democratic State," 465.

expressing an anger that reached a boiling point in 1997, when ETA kidnapped and murdered municipal council member Miguel Ángel Blanco. A crowd of about a million people took to the streets of Barcelona and Madrid to demonstrate against ETA. In San Sebastian, a group of about a thousand anti-ETA protesters even tried to attack the building of *Herri Batasuna*.[128] Anti-ETA demonstrations have since become a part of Spanish politics.[129] The public rejection of ETA also materialised in several civil society organisations that organised protest against ETA violence. Before its dissolution in 2013, *Gesto por la Paz* (Gesture for Peace) was one of the most important anti-ETA groups. It is an umbrella organisation made up of some 130 smaller groups.[130] With this diverse background, the group managed to attract many thousands of protesters to its rallies.[131] A second major anti-ETA group was *¡Basta Ya!* (Enough's enough!), an organisation that united people from various backgrounds in the organisation of demonstrations against ETA violence.[132] The organisation was dissolved in 2007. A third example is *Elkarri* (Among Us), which was decidedly more sympathetic to the nationalist left than *Gesto por la Paz* and *¡Basta Ya!*. Before the group dissolved in 2006, *Elkarri* denounced the use of violence, and organised debating sessions and signature campaigns to advocate the use of dialogue to end the Basque Conflict.[133]

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[128] "Violence Marks 5th Day of ETA Protests in Spain," CNN, July 15, 1997, http://articles.cnn.com/1997-07-15/world/9707_15_spain_1_basque-rebels-miguel-angel-blanco-eta?_s=PM:WORLD.

[129] "Spanish Protest against Eta Violence," *The Guardian*, August 10, 2000, http://www.guardian.co.uk/world/2000/aug/10/spain; E. Nash, "Thousands Protest at Eta Airport Bomb Attack," *The Independent*, January 1, 2007, http://www.independent.co.uk/news/world/europe/thousands-protest-at-eta-airport-bomb-attack-430409.html; "Spanish Rally for Shot Policeman," *BBC News*, December 4, 2007, http://news.bbc.co.uk/2/hi/europe/7128108.stm.

[130] B. Tejerina, "Protest Cycle, Political Violence and Social Movements in the Basque Country," *Nations and Nationalism* 7, no. 1 (2001): 52.

[131] S. Chapman, *Keys to Understanding the Eta's Permanent Ceasefire* (Lokarri, 2006), 13.

[132] "Basque Group Wins Peace Prize," *BBC News*, October 26, 2000, http://news.bbc.co.uk/2/hi/europe/993409.stm; Chapman, *Keys to Understanding the Eta's Permanent Ceasefire*, 13.

[133] R. Vazquez, *Politics, Culture and Sociability in the Basque Nationalist Party* (Reno: University of Nevada Press, 2010), 114–116.

The decline of the radical nationalist vote in various elections, the increasing reservations among the Basques about the ways and means of ETA and the rise of the anti-ETA protest movements all point to the same flaw in ETA strategy: the group is failing to rally the Basque people around the view of the Basques as under siege by the Spanish state. It is striking that in this context harsh measures like the 2002 ban on *Herri Batasuna* met with much less resistance than they would have in the late 1970s and the first half of the 1980s, when ETA could still somewhat convincingly make its case against the Spanish state. It is true that for a time popular rejection of ETA existed side by side with strong support for the group, but this polarisation gradually gave way to a consensus against ETA. In the long run, the Spanish state managed to assuage the animosity of the Basques. While it is difficult to attribute the poll results and anti-ETA protests to one particular government policy, it is clear that the state's legitimacy increased during the 1980s and 1990s to the point where ETA was no longer a serious political challenge. The above account demonstrates that the consolidation of the democratic governance structures, the growing of the role of the Basque Autonomous Community and the restraint in the use of police force discussed above (which together constitute the output) eroded ETA's support base (the effect). In a setting where political violence was not necessary, people turned away from its main advocate, leaving ETA politically isolated.

6.2.5 Offer exits

At several stages during the government's campaign against ETA, social reintegration programmes for ETA-convicts constituted an important pillar of Spain's counterterrorism policy. In that period several hundred arrested *etarras* were granted amnesties and none of them went back to terrorism.[134] To understand the success of the social reintegration program, it is important to take into account the split that occurred within ETA in the late 1970s.

[134] F. Reinares and R. Alonso, "Confronting Ethnonationalist Terrorism in Spain: Political and Coercive Measures against ETA," in *Democracy and Counterterrorism: Lessons from the Past*, ed. R.J. Art and L. Richardson (Washington, DC: United States Institute of Peace Press, 2007), 120–121.

When, shortly after Franco's death, it was becoming clear that Spain was about to embark on a democratic transition process, some *etarras* started to doubt whether violent action was the best means to achieve ETA's political goals. The cracks first began to show in 1975, when a group of young ETA-operatives kidnapped Ángel Berazadi, a factory manager from the Basque town of Elgoibar. At some point during the hostage taking, the whereabouts of the kidnappers and their victim were discovered, at which ETA's leadership decided that Berazadi had to be killed. The leadership had been deeply divided over this order, however, and a faction headed by Eduardo Moreno Bergaretxe, better known by the *nom de guerre* Pertur, had strongly objected to the killing of Berezadi. This disagreement was a reflection of a growing divergence of views regarding the role of violence in ETA's operations under Spanish democracy.[135] The militant faction maintained its faith in violent action as the way to further ETA's political agenda, and feared that political action would get in the way of the group's violent activities.[136] The more moderate faction, on the other hand, became sensitive to the potentially negative consequences of terrorist attacks. They feared that violence would only limit stand in the way of the realisation of the radical nationlist agenda and took the position that political action was now more appropriate.[137]

Tensions between the two factions rose high, especially after the militant faction kidnapped and killed Pertur. The factions split up and started functioning as two separate organisations. The militants called themselves ETA-*militar* (ETA-military, or ETA-m); the moderates took on the name ETA-*politico-militar* (ETA-political-military, or ETA-pm). As the *poli-milis*, the members of ETA-pm, were leaning increasingly towards political action and preferred building mass support over violent action, they no longer saw any need to remain underground and were willing to make amends with the government. ETA-pm agreed to participate in the social reintegration program offered by the government and dissolved itself in

[135] Douglass and Zulaika, "On the Interpretation of Terrorist Violence," 253–254.

[136] Sullivan, ETA and Basque Nationalism, 191.

[137] Clark, Negotiating with ETA, 94–95 and 104.

1982.[138] They had a firmer belief than the *milis* in the sincerity and depth of the democratic transition process. In the words of one *poli-mili*: "I had this feeling that things had really changed, you know, that the situation was objectively different than when I first became a militant. (…) Everything that had led me to become a member was at least starting to change."[139]

ETA-pm continued its political activity in *Euskadiko Ezkerra* (EE), the political party it was already aligned with. Radical *poli-milis* who opposed these moves, went over to ETA-m, which, in the absence of other ETA factions, dropped the suffix '*militar*' and went on under the name 'ETA'. The initial contacts regarding the terms and implementation of the social reintegration programme were made between EE-prominent Juan María Bándres and Spanish Interior Minister Juan José Rosón, who agreed that ETA-pm would lay down their arms in return for, depending on the particular situation of the individuals concerned, reduction of prison sentences, dropping of charges and the lifting of exiles. The regulations applied only to those who had not killed or wounded anyone. In all, some two hundred *poli-milis* were reintegrated in society in 1983 and 1984.

In 1984 another arrangement was made, championed by PNV Senator Joseba Azkarraga, who received requests from imprisoned *etarras* for further reintegration plans. This time, though, social reintegration was granted on somewhat harder terms than in 1982. Unlike the *etarras* who applied for reintegration in 1982, the applicants in 1984 had to sign a statement in which they rejected the armed struggle.[140] The reason for the introduction of this demand may have been that the 1984 reintegration measures were designed not only for members of ETA-pm, whose rejection of armed struggle could more or less be assumed, but also for

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[138] Reinares, "Democratic Regimes, Internal Security Policy and the Threat of Terrorism," 356.

[139] F. Reinares, "Exit from Terrorism: A Qualitative Empirical Study on Disengagement and Deradicalization among Members of ETA," *Terrorism and Political Violence* 23, no. 5 (2011): 781–782.

[140] Clark, Negotiating with ETA, 158–159.

members of ETA-m and the *Comandos Autónomos Anticapitalistas* (Autonomous Anticapitalist Commandos, CAA), an autonomist-marxist group that had splintered away from ETA. This second round was wrought with a series of problems, the first of which was the inefficiency of the government apparatus. Instead of securing swift prisoner release after the statement on the rejection of the armed struggle had been signed, it sometimes took as long as four years before a prisoner would finally be set free, which fuelled scepticism among the prisoners regarding the government's sincerity.

The second main problem was ETA's response. The group made it clear that it considered any *etarra* who made use of the amnesty regulation an enemy. Imprisoned ETA members were pressured by their peers to stay in the group and to refuse the state's offer of a clean slate. That ETA was willing to make good on its threats, was made clear by the murder of Dolores González Catarain, nicknamed Yoyes, in 1986. Yoyes, one of the few women to make it to ETA's top leadership, had left the organisation out of dissatisfaction with the hard line and lived in exile in Mexico. While in Mexico, she decided to make use of the amnesty regulation and returned to Spain in 1985. Her case marked a propaganda victory for the government, since this was the first time a high-ranking ETA leader had applied for amnesty. In 1986 ETA accused Yoyes of treason and had her shot in while she was taking a walk in the park with her baby. Another leading member who was killed, was Mikel Solaun, whose liquidation was accompanied by an ETA communiqué saying that Solaun's death was "a warning to all of those who are looking for a way out".[141] These incidents severely weakened the resolve of many prisoners to go along with the government's reintegration plans.[142]

Another move ETA made against the amnesty regulations concerned the support of *Gestoras Pro-Amnistía* (Management Groups for Amnesty), one of the group's front organisations. Until the organisation was banned in

[141] Alonso, "Why Do Terrorists Stop?," 701.

[142] Reinares and Alonso, "Confronting Ethnonationalist Terrorism in Spain," 121–122.

2001, *Gestoras Pro-Amnestía* provided legal and financial support to imprisoned ETA members and their families. ETA used this support as leverage against *etarras* who were considering participation in the reintegration programme, cutting off those who signed the statement in which they rejected the armed struggle.[143] In response to ETA's countermeasures, family members were used as messengers between the prisoners and the court to disguise the contacts that were taking place. To diminish ETA's capacity to exert pressure on its imprisoned members, the Spanish government decided in 1989 to spread the incarcerated *etarras* over prisons far removed from the Basque Country.[144] This latter measure stirred some controversy, as it made it impossible for friends and family of terrorist convicts to visit their loved ones on a regular basis, but it reinvigorated the programme. Between 1989 and 1995 another 112 *etarras* abandoned the organisation using the amnesty regulations.[145] In spite of these apparent successes, however, the amnesty regulations did not survive the hardening of Aznár's policy towards ETA and were abandoned in 2002.

The example of effective use of amnesty regulations against terrorist organisations that is most often cited, is Italy, but some interesting results were achieved in Spain as well, especially in the early stages, when ETA-pm was steered back into regular parliamentary politics.[146] The programmes clearly had their ups and downs, but while ETA did take some effective countermeasures, it is fair to say that initially the effect of the reintegration programmes shows a strong resemblance to the program theory outlined in chapter 1. What is clear from the account above is that the government's social reintegration measures played an important role in finalising the break between ETA's moderate and militant faction.

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[143] Clark, Negotiating with ETA, 160.

[144] Reinares and Alonso, "Terrorism, Human Rights and Law Enforcement in Spain," 274.

[145] *Report on Torture Denunciations in Spain* (¡Basta Ya!, 2004), http://www.bastaya.org/actualidad/Violencia/InformeTorturas/InformeTorturasyDispersionIngles.pdf.

[146] For an analysis of the role of amnesty legislation in the decline of the Red Brigades, see Della Porta, "Leaving Underground Organizations."

Already less inclined to the use of violence, ETA-pm was encouraged by the reintegration measures to abandon the armed struggle. These measures were not the only factor at work, but their successful implementation (no recidivism in a sizeable group of defectors, output) certainly contributed to a split in ETA's ranks (effect). In later stages, they did not have this effect, even when they managed to 'turn' groups of *etarras*. In the absence of a split between moderates and militants to be exploited, the effects were never as dramatic as in the early 1980s, when one of ETA's wings gave up the armed struggle and, pacified by the reintegration measures, entered democratic politics.

6.2.6 Offer non-violent alternatives

As has repeatedly been explained above, Spanish counterterrorism became less repressive after the mid-1980s, but was even then not known for its accommodating approach. Nevertheless, there have been government attempts to settle the conflict by peaceful means. In fact, from very early on, the Spanish government tried to persuade ETA to lay down their weapons. These attempts to come to terms with ETA went through many twists and turns, but are easy to summarise: negotiating with ETA has been a long, tortuous and eventually futile process. Over the years, there have been several negotiation attempts, all of which faltered on largely the same issues. First, the two sides had very different expectations regarding the objective of talks. ETA only wanted to discuss the implementation of the KAS Alternative (see above), whereas the Spanish government only wanted to close an agreement on practical matters like ETA's disarmament and the execution of the reintegration measures addressed in the previous section. The second bone of contention concerned ETA's use of violence. All Spanish governments that dealt with ETA insisted that violence should stop before discussions could take place. ETA, on the other hand, made it very clear that the implementation of the KAS Alternative was the only way to put a stop to the group's violent actions. With these two very different interpretations of the meaning of negotiations, it was clear from the start that it would be very difficult for ETA and the government to find a solution that was

acceptable to both parties. Nevertheless, that did not stop them from trying, be it at times half-heartedly.

The first overtures took place immediately after Franco's death in 1975, on the day of the *Caudillo*'s funeral. A representative of King Juan Carlos approached ETA through a bookstore in the French seaside resort of Biarritz. He brought the group a message requesting them to cease their violent activities in order to give the new government the chance to implement the new democratic reforms. This modest attempt at persuading the group to lay down their arms was the first in a line of failures, as ETA responded with the murder of the mayor of the Basque town of Oyarzun and a statement saying that the group did not believe in the new democracy and that any Spanish mayor could therefore be next.[147] The mood improved little during the late 1970s and the early 1980s, not in the least because several more conciliatory ETA-leaders, who were important for the success of the negotiation attempts, were liquidated or died under mysterious circumstances.[148]

During the first half of the 1980s there were modest attempts to start a dialogue, but these failed as a result of the incompatibility of the agendas that the two sides brought to the table.[149] It was not until 1986 that ETA first saw the necessity of seriously considering non-violent options to resolve the Basque Conflict. ETA was in a bad spot at the time, its organisational structure badly shaken by a series of arrests and the dismantlement of a large arms cache. In a sobering assessment of the group's position, ETA leader Jon Iturbe told his associates: "If we don't negotiate now, within a year the French will have dismantled everything, they will have decimated us, seized our weapons and money and we will not have anything to negotiate."[150] But even this bleak prospect was not enough to convince ETA's leadership to reconsider its insistence on the

[147] Clark, Negotiating with ETA, 73–75.

[148] Ibid., 84–87.

[149] Ibid., 131–132.

[150] Quoted in ibid., 168.

KAS Alternative as the starting point for the negotiations. The window of opportunity that was opened by ETA's misfortunes closed with the death of Jon Iturbe in 1987, the man responsible for ETA's dealings with the government in 1986 and 1987. He died in a car crash and was succeeded by Antxon Etxebeste, widely considered a hard-liner. Under the latter's leadership, ETA committed the terrorist attacks against the Hipercor in Barcelona and the *Guardia Civil* barracks in Zaragoza, in both instances, as we have seen above, killing many innocent civilians and even several children.[151]

The public outrage over the atrocities ETA inflicted on Spanish civilians made it extremely inopportune for the Spanish government to be seen making common cause with the terrorists. In fact, Prime Minister González did almost the opposite when he convinced all political parties in the Spanish parliament with the exception of *Herri Batasuna* and *Eusko Alkartasuna* (Basque Solidarity) to sign the Pact of Madrid. By signing this agreement, the various parties promised to refuse any dealings with parties or actors that did not condemn ETA's violent actions. The political parties in the Basque parliament, with the exception of *Herri Batasuna* signed the Pact of Ajuria-Enea, a pact similar to the Madrid Pact, thus completing ETA's political isolation and ruling out the possibility of discussions to agree on a solution to the Basque conflict.[152] In this context there was little opportunity for negotiation, except when, in 1989 hopes for a settlement were raised by the arrest of Josu Urrutikoetxea, a hardliner among ETA's leadership, and by a ceasefire ETA declared to allow for a discussion on the implementation of the KAS Alternative. Talks between a delegation headed by Interior Minister José Luis Corcuera, representing Prime Minister González, and high-level ETA-leaders, among whom Extebeste, took place in Algiers in early 1989, but failed when the Spaniards refused to grant the Basques the right to self-determination, at which ETA stated that "all fronts are open" and started

[151] Bew, Frampton, and Gurruchaga, *Talking to Terrorists*, 208–209.

[152] C.L. Irvin, Militant Nationalism: Between Movement and Party in Ireland and the Basque Country (Minneapolis: University of Minnesota Press, 1999), 198–199.

a string of car bomb attacks, causing numbers of casualties that were unheard of since the peak in 1980.[153]

The Spanish government followed a hard line against ETA in the wake of the collapse of the talks and the group's failed offensive in 1992, when the group had planned to target the Olympics in Barcelona and the World Fair in Seville. It took several years before a negotiated settlement was so much as a remote possibility again. Unsurprisingly, given the government's stance, the resumption of contacts was not the result of successful rapprochement attempts, but rather of ETA's new political strategy. Marginalised by the social response to its brutal attacks, the group decided to reach out for the support of other political parties and actors in the Basque Country.[154] In carrying out this new approach, ETA benefited from a certain radicalisation that had taken place among the nationalist political scene in the Basque Country. In 1998, twenty-three Basque political parties, trade unions and civil society organisations signed the Pact of Lizarra, stating that the Basque conflict could be resolved by political means but that self-determination for the Basque people was a necessary condition. The signatories thus clearly violated the Pact of Ajuria-Enea, which had stipulated that any solution for the Basque conflict had to be found within the limits set by the 1978 Basque Autonomy Statute.[155] The PNV, always ambivalent towards ETA, wanted to involve ETA as it felt that it needed the radical militants to push the Basque nationalist agenda.[156]

Three days after the announcement of the Pact of Lizarra, ETA declared a unilateral ceasefire, the duration of which would depend on the progress

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[153] Bew, Frampton, and Gurruchaga, Talking to Terrorists, 212–214.

[154] R. Alonso, "Pathways out of Terrorism in Northern Ireland and the Basque Country: The Misrepresentation of the Irish Model," *Terrorism and Political Violence* 16, no. 4 (2004): 696; Alonso, "Counter-Narratives against ETA's Terrorism in Spain," 26–29.

[155] A. Spektorowski, "Evaluating the Achievements and Flaws of Peace Initiatives: A Comparison of the Basque and Israeli Oslo Processes," in *Pathways out of Terrorism and Insurgency: The Dynamics of Terrorist Violence and Peace Processes*, ed. L. Sergio Germani and D.D. Kaarthikeyan (Elgin, Slough and New Delhi: New Dawn Press, 2005), 277–278.

[156] Reinares and Alonso, "Confronting Ethnonationalist Terrorism in Spain," 112.

of the ambitions laid down by the pact. This prompted Prime Minister Aznár in 1999 to send a representative to Zürich to meet *Herri Batasuna* representatives to see whether there was a way to get ETA to commit to a permanent ceasefire. After the meeting ETA signalled its willingness to engage in further talks. In a demonstration of his goodwill Aznár then decided to transfer some hundred convicted *etarras* to prisons closer to the Basque country.[157] The eventual failure of this episode was due to factors beyond the government's control. ETA was pushing the PNV to adopt a radical course and abandon participation in the Basque and Spanish parliaments. When the PNV proved unwilling to take these steps, ETA declared the Pact of Lizarra dead and resumed its violent campaign. What also played a role was ETA's perception of the Northern Ireland peace process that was concluded around the same time. Adamant not to follow the example of the Provisional IRA, which ETA felt had made concessions that went too far, the Basque radicals refused to budge.[158]

After ETA broke the armistice, Aznár's government stepped up its counterterrorism efforts, going so far as to even shut down non-violent alternatives to terrorism, the opposite of the approach outlined in the program theory for the counterterrorism principle addressed in this section. In 2002, Aznár introduced the controversial *Ley Orgánica de Partidos Políticos* (Organic Law on Political Parties) that made it possible to ban political parties propagating radical or violent ideas or that were in any way cooperating with or linked to terrorist organisations.[159] Predictably, the law's first casualty was *Herri Batasuna*, which by then had been renamed *Batasuna* and was declared illegal on the grounds that it was functioning as a part of ETA.[160] In an attempt to isolate ETA

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[157] Bew, Frampton, and Gurruchaga, Talking to Terrorists, 225–226.

[158] Alonso, "Pathways out of Terrorism in Northern Ireland and the Basque Country," 699.

[159] L. Turano, "Spain: Banning Political Parties as a Response to Basque Terrorism," *International Journal of Constitutional Law* 1, no. 4 (2003): 732–733; I. Cram, "Constitutional Responses to Extremist Political Associations – ETA, Batasuna and Democratic Norms," *Legal Studies* 28, no. 1 (2008): 84–85.

[160] "Silencing the Secessionists: A Ban on Batasuna Will Not Be the End of the Terror Story," *The Economist*, August 29, 2002, http://www.economist.com/node/1302180?story_id=E1_TPDNTRD; "Court Move for Total Batasuna Ban," *CNN*, September 3, 2002, http://articles.cnn.com/2002-09-

politically and create a bipartisan front against the terrorist group, Aznár's PP initiated the *Acuerdo por las Libertades y contra el Terrorismo* (Agreement for Freedom and Against Terrorism). This pact, signed by the PP and the PSOE in December 2000, ruled out the possibility of negotiations and committed both parties to dealing with the Basque question on the terms laid down in the Basque Autonomy Statute. It also called on the PNV to abandon the Lizarra Agreement and return to the terms of the Pact of Ajuria-Enea.[161]

The determination suggested by the pact proved short-lived. In 2004 Aznár had to step down as Prime Minister after losing the elections. José Luis Rodríguez Zapatero, the PSOE-leader who succeeded Aznár, was decidedly less hawkish than his predecessor and broke the bipartisan agreement by opening a new round of negotiation attempts without consulting the PP.[162] The scene for the next round of talks was set in 2004 by *Batasuna* leader Arnaldo Otegi, who suggested a two tier negotiation track, in which Basque political parties and civil society organisations would prepare a proposal for a new constitutional framework that would be put to the vote in a referendum, while ETA would discuss the more technical matters regarding the group's demobilisation with the Spanish and French governments.[163] After Zapatero had signalled his willingness to talk on the condition that ETA would cease its terrorist campaign, preliminary talks took place to pave the way for discussions between ETA and the Spanish government. The peace process, although vehemently opposed by the PP, seemed to have potential when ETA announced a

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03/world/spain.batasuna_1_batasuna-eta-basque?_s=PM:WORLD. Batasuna challenged the ban, but the European Court of Human Rights ruled in 2009 that the decision to proscribe the party had been legal and legitimate. See "Affaires Herri Batasuna et Batasuna C. Espagne" (European Court of Human Rights, June 30, 2009), http://www.elpais.com/elpaismedia/ultimahora/media/200906/30/espana/20090630elpepunac_1_Pes_PDF.pdf.

[161] "Acuerdo Por Las Libertades Y Contra El Terrorismo," December 8, 2000, http://www.elmundo.es/eta/documentos/pacto_libertades.html.

[162] R. Alonso, "The Madrid Bombings and Negotiations with ETA: A Case Study of the Impact of Terrorism on Spanish Politics," *Terrorism and Political Violence* 25, no. 1 (2013): 124.

[163] P. Woodworth, "The Spanish-Basque Peace Process: How to Get Things Wrong," *World Policy Journal*, 2007, 2–3.

ceasefire in March 2006 to give dialogue a chance, but it soon became clear that the talks were playing out according to a very familiar pattern. Unwilling to stick to the division of roles outlined by Otegi, ETA started pushing for political discussions, which the other side predictably refused.[164] The negotiations broke down, and ETA ended the ceasefire by a bombing at Madrid's Barajas Airport.[165]

From this account of the attempts to find a negotiated settlement of the Basque conflict, it should be clear that the Spanish government never produced the output needed achieve full pacification of the Basque militants. While it is true that ETA did declare several ceasefires, these were short-lived and were always accompanied by doubts about the group's intentions. For instance, during the truce of 2006, a group of ETA operatives broke into an arms factory in Nîmes and stole thousands of rounds of ammunition and 350 handguns, some of which turned up three years later in a police raid against an ETA cell in the French town of Le Corbier.[166] The Basque Conflict has often been compared to the conflict in Northern Ireland in the hopes that a similar solution might be applied, but incidents like the burglary in Nîmes point to a crucial difference between the two cases. Unlike in Northern Ireland, there was never a consensus among all players involved about the need for a political solution to the conflict. We have seen in the preceding pages that ETA only wanted to talk about implementation of its demands and the Spanish governments, if they were willing to talk at all, only wanted to address practical steps towards the disarmament and demobilisation of ETA. With both parties acting, with varying degrees of justification, as if they were bargaining from a position of strength, it is not surprising that a breakthrough never occurred. Although a deal has never been struck, the

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[164] Ibid., 4.

[165] "Madrid Bomb Shatters ETA Cease-Fire," *CNN*, December 31, 2006, http://edition.cnn.com/2006/WORLD/europe/12/30/madrid.blast/.

[166] A. Goodman, "Spain: ETA Peace Process in 'Preliminary' Phase," CNN, December 20, 2006, http://articles.cnn.com/2006-12-20/world/spain.eta_1_eta-peace-process-arms-factory?_s=PM:WORLD; "Three ETA Militants Charged with Terror Offences," AFP, August 24, 2009, http://www.france24.com/en/20090824-france-terrorism-eta-terror-offences-justice.

Spanish governments that have been dealing with ETA seem to have been proven right in not giving in to the group's demands. The group failed to achieve its political goals through negotiations, but instead of stepping up the armed struggle, it put a stop to its terrorist campaign without asking anything in return. As negotiation was clearly not an option, the group's fighting spirit was eroded, something that must be at least partially attributed to the state's long-term commitment.

6.2.7 Long-term commitment

The unwillingness on the part of the Spanish government to take a more cooperative position in the negotiation attempts with ETA constitutes an important part for the long-term commitment displayed by the Spanish government in the fight against ETA. After the end of the Franco regime, the administration of Adolfo Suárez was willing to address the grievances of the Basque people and created a constitutional framework that gave the Basques an unprecedented degree of autonomy. None of the Prime Ministers after Suárez ever signalled a readiness to make amendments to this framework. While, as is clear from the fate of the Agreement for Freedom and Against Terrorism, the various administrations may have held different views on whether talks should be held at all, the only things they were ever willing to discuss, were the timing and the manner of ETA's disarmament.

This intransigence on the part of various governments brought some segments in ETA to question the feasibility of the armed struggle. The first cracks in the group's commitment to violence began to show in 2004, when, as has been described above, a group of incarcerated ETA leaders wrote a letter to the central leadership arguing that it was time to acknowledge the failure of the armed struggle and to turn to regular parliamentary politics. The authors lamented ETA's poor operational capabilities and asserted that it was unlikely that violent action will ever again help their cause: "The armed fight being carried out today is of no use. This is a slow death. You cannot carry out an armed campaign on the

basis of communiqués and threats which are then not carried out."[167] Similarly, in 2010 *Batasuna* leader Rufino Etxeberria said that the radical nationalist agenda should be pushed by democratic means, and no longer by political violence. In a clear denunciation of the armed struggle, Etxeberria explained that "the process [of promoting the Basque separatist agenda, TvD] has to be done without violence, which means, of course, that it will have to happen without any armed activity by Eta".[168] Etxeberria's call for political action was followed by another letter from imprisoned ETA-leaders in which they argued against the violent actions and stated that ETA should pay compensations to the victims of their terrorist attacks. The letter was signed by several formerly high-ranking ETA leaders, including one of the planners behind the bombing of the Hipercor supermarket.[169] The clearest admission that it was time to give up the terrorist campaign is of course the ceasefire announced in September 2010 and declared permanent in January 2011, and again in October 2011.

These episodes show that, after some four decades of armed struggle, ETA's will to fight was severely undermined by the simple lack of progress. Any terrorist or insurgent group needs a certain degree of success to maintain popular support and internal morale. The loss of the former has been extensively discussed in previous sections of this chapter, and the decline of the latter is well illustrated by the examples of the internal dissension with regard to the use of force. Over the long haul, the government's non-compliance with terrorist demands (output) eroded the group's willingness to engage in armed struggle (effect). Of course, other factors played a role in this process as well. The perceptions of the use of the armed struggle might have been different if ETA had better been able

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[167] G. Tremlett, "Old Guard Urges End to Eta Terror: Jailed Leader Admits Defeat in Armed Struggle," The Guardian, November 3, 2004, http://www.guardian.co.uk/world/2004/nov/03/spain.gilestremlett.

[168] G. Tremlett, "Basque Separatists Call on Eta to End Terror Campaign," *Guardian*, February 21, 2010, http://www.theguardian.com/world/2010/feb/21/eta-moderates-seek-end-terror.

[169] "Cracks in ETA's Ranks," Euronews, May 20, 2010, http://www.euronews.net/2010/05/20/cracks-in-eta-s-ranks/.

to sustain a meaningful level of violence or if its views and methods were still appreciated by a sizeable part of Basque citizens. Having said that, the government's unwillingness to compromise with terrorists has paid off in the sense that even ETA itself became convinced that political violence was not going to bring Basque independence any closer.

6.3 Conclusion

Some have argued that democracies are more vulnerable to terrorism because they are forced to fight it with one hand tied on their backs. Unlike more autocratic regimes, democracies have to observe certain standards regarding human rights and therefore cannot resort to the iron fist to crush opposition.[170] This argument is countered by those who claim that democracies are well-equipped to deal with terrorism because of the wide variety of ways in which popular discontent can be canalised. The right to vote, to form political parties and to participate in peaceful demonstrations undercuts the need for violent action and make people less susceptible to narratives of terrorist groups that try to depict the state as a brutal enemy.[171]

What is interesting about Spain's fight against ETA (see figure 19 for an overview) is that it shows that there is something to be said for both positions. On the one hand, the data on ETA's violence suggest that democracies allow for more freedom to plan terrorist attacks. The democratically elected Spanish governments were far from lenient towards ETA, but post-Franco Spain still provided a much more permissive environment than the country that was ruled by the *Caudillo*. Even the briefest glance at the numbers of ETA's victims per year is enough to see that ETA's violence did dramatically increase until after Franco's death.[172] This strongly suggests that ETA used the newly

[170] Eubank and Weinberg, "Does Democracy Encourage Terrorism?"; G. Merom, *How Democracies Lose Small Wars: State, Society, and the Failures of France in Algeria, Israel in Lebanon, and the United States in Vietnam* (Cambridge: Cambridge University Press, 2003).

[171] Abrahms, "Why Democracies Make Superior Counterterrorists."

[172] See the graph in Sánchez-Cuenca, "The Dynamics of Nationalist Terrorism," 291.

acquired freedom to step up its armed struggle. On the other hand, though, the decline of both ETA's violence and popularity cannot be fully understood without taking into account by the growing acceptance and credibility of the Spanish state as a genuine democracy. The Spanish government opened up channels that could be used to further the Basque nationalist agenda, essentially removing the need for ETA's violence. In other words, the case of ETA shows that democracies indeed grant the liberty needed for a terrorist campaign, but it is also true that democracies have the means to address concerns of opposition groups, for which there is consequently no need to use or support violence.

Addressing the root causes of the terrorist threat was an important factor the political isolation of the group that claimed to be fighting on behalf of all Basques. The Spanish federal government granted the Basque Country a degree of autonomy that is unprecedented in Europe. By doing so, it removed the Basque people's incentive to support ETA. Many in the Basque Country were happy with the far-reaching autonomy, and were little inclined to push for the realisation of the KAS Alternative, the more radical list of demands that ETA fought for. What this shows is that addressing root causes can be done by meeting demands that are less radical than those of the terrorists. After the Franco regime had come to an end, many Basques felt that they deserved more independence, but when they realised that the state was amenable to their demands, they refused to follow ETA's lead in a fight for full independence. By giving in to a moderate version of the terrorists' demands, the Spanish government isolated ETA from its support base.

The progress, however, was not linear. The Spanish fight against ETA also shows that, as many authors have argued, the use of force can be counterproductive. The crude manner in which ETA was fought in the first years of the Basque conflict, the same years in which the region's autonomy were put in place, kept much of the mistrust against the Spanish state in place. ETA benefited considerably from the heavy-handedness of the security forces. Gradually, however, relations between the state and the Basque people improved. By respecting the law,

becoming more prudent in the use of force and granting the Basques a large degree of political and administrative autonomy, Spain slowly won over the Basques and dissuaded them from advocating or actively supporting radical and violent action. The killings, shootings, arrests waves and protest marches discussed above testify the fact that process was far from easy, but the progress is undeniable.

Another accommodating measure that was successfully applied in the fight against ETA was targeted specifically at the group. The reintegration programme convinced many in ETA's moderate wing to leave the group and enter parliamentary politics. This case thus underscores the importance of a viable alternative to life as a member of a terrorist group. Under Franco it would have been impossible for the members of ETA-pm to re-enter Spanish society, but now that the state was willing to grant amnesties, wavering terrorists had a realistic alternative to membership of the terrorist group. After the poli-milis had left the group, however, the exits that were offered by the government failed to undermine the group. The remaining *etarras* quite literally stuck to their guns, and when they, too, began to express their doubts about the armed struggle, it was not because they accepted the legitimacy of the Spanish state, but because they realised how pointless the armed struggle had become.

While the various Spanish governments had been willing to make concessions to Basque nationalism, no Spanish prime minister ever yielded to the temptation of ending the conflict by giving ETA what it wanted. Zapatero was more open to dialogue than Aznár, but even he demanded that ETA lay down its arms before substantive negotiations could take place. The government could simply not be moved, and had less reason to do so as the conflict progressed. Spain's long-term commitment was sustained by waves of arrests and a consequent degradation of the ETA's operational capabilities. In this, the cooperation with France, which took years to fully take off, was a crucial factor. The French part of the Basque Country had been very important as a place to hide people and weapons, but many ETA cells were dismantled in the 1990s and the 2000s.

In the end the combination of long-term commitment and law enforcement pressure proved fatal. It is true that the unrest and violence – much of it ETA's – in the Basque Country in the late 1970s was one of the factors that brought the government to formulate the Basque Autonomy Statute, but the lack of progress after the Statute had been introduced, eroded ETA's fighting spirit, as did the defeats that the group suffered at the hands of the police. Deprived of the sympathetic environment in the Basque Country and their safe haven in France, ETA was badly shaken by the many arrests carried out by the French as well as the Spanish police. ETA's violent campaign became less substantive, and its attacks became less effective and less sophisticated. Furthermore, several high-ranking members came to believe that the armed struggle stood little chance at realising the KAS Alternative. It took a long time, but after ETA had lost most of its popular support, Spain's fight against the group was mainly waged by kinetic means. The effectiveness is clear from the fact that ETA degenerated from a serious threat to security of the Spanish state to a mere nuisance.

	Outcome	Explanation
Euskadi Ta Askatasuna		
Restraint in the use of force	Violations counterproductive	Police heavy-handedness in the repression of protests in the Basque Country contributed considerably to ETA's popularity
Rule of law	Violations counterproductive	The shift towards more moderate legislation contributed to the increasing legitimacy of the Spanish government and thus to the de-escalation of the Basque conflict
International cooperation	Effective	The cooperation with France, which took off in the mid-1980s, was crucial for the dismantlement of the organisation and the reduction of its operational capabilities
Long-term commitment	Effective	The Spanish government's refusal to give in to ETA's demands caused a war weariness and les some to question whether there was much point in carrying on the armed struggle
Addressing root causes	Effective	Gradually, many Basques came to reject ETA's radical agenda and accepted the governance structure introduced by the government, which granted the Basque Country a considerable degree of autonomy
Law enforcement and direct action	Effective	The many arrests by the French and Spanish police incapacitated ETA, and made some in the organisation question the feasibility of the violent campaign
Offering a counter narrative	Not applied	
Offering exits	Effective	In the early 1980s, ETA's less militant wing left the organisation through a social reintegration programme; later incarnations failed, partially as a result of ETA's countermeasures
Offering non-violent alternatives	Ineffective	Throughout the conflict, attempts to reach a negotiated settlement foundered on ETA's unwillingness to meet the government's demand to disarm before talks would begin
Intelligence gathering	Not applied	

Figure 19. Counterterrorism principles as applied against ETA