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**Journeys to peace: the
reintegration of former fighters
in Europe and beyond**
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Social Forum
to promote the Peace process



Introduction

As a member of a civil society network that works to support and facilitate the resolution of the consequences of the conflict in the Basque Country, I will try to focus on the importance of the role played by civil society in our peace process, as well as to address how citizen participation can make an influence, also regarding the reintegration of prisoners.

What is the Social Forum and what have we done?

But first of all, let me introduce the Social Forum to promote the peace process in the Basque Country, the organization of which I am member.

The Social Forum is an NGO founded in 2016. Is an umbrella body comprised of 17 Basque civil society organisations, including trade unions, NGOs active in the fields of conflict resolution, human rights and memory work, and associations for the support of prisoners.

The **main goal** is to support the ‘peace process’ by:

- Convening regular conferences on the main ‘consequences’ of the 50-year old conflict (i.e. DDR, transitional justice and human rights).
- Debating and formulating proposals for the main parties.
- And building an inclusive, multi-party, civil society network.

The Permanent Social Forum has been one of the organisations from civil society that facilitated both ETA’s disarmament and demobilisation processes.

Basque peace process: a unique scenario

- After 3 different negotiation processes between the Spanish Government and ETA that didn’t prosper (Argel in 1989, Lizarra-Garazi in 1998 and Oslo-Geneve in 2005-2006), Basque society was demanding the end of hostilities and the activation of a process that would guarantee the construction of solid bases for peace in the future.
- Finally, in 2011, an International Peace Conference was organized in Aiete (San Sebastian), where several prestigious international experts shared different recommendations directed to diverse actors and involved parties of the conflict for the peace process to get under way.
- The experts were the former Secretary-General of the UN Kofi Annan, former Irish Prime Minister Bertie Ahern, former Prime Minister of Norway Gro Harlem Brundtland, former Minister of the Interior of France Pierre Joxe, former Leader of Sinn Fein Gerry Adams and former Downing Street Chief of Staff Jonathan Powell.

- The immediate consequence of this International Conference was the declaration of ETA announcing the end of all its activities. But no official peace process was activated after such a decisive step, because the Spanish government refused to enroll in a classical negotiation scheme.
- That is one of the most peculiar aspects of the Basque peace process: it is not the consequence of a standard negotiation process.
- In that context of blockage, civil society played and assumed an active role, drafting proposals aimed at the main parties to deal with the principal consequences of the conflict, generating spaces where institutions, political parties and other concerned actors, such as social agents, could debate and generate consensus to go ahead.
- It was at that time that the Social Forum began its activity, organizing conferences where experts gave advice to deal with disarmament and demobilization of ETA.
- Those were the main issues that needed to be addressed at that time. For that purpose, an International Contact Group (chaired by the South African Lawyer Brian Currin) and an International Verification Commission (chaired by the Sri Lankan Ram Manikkalingam) were created in order to verify the ceasefire, the end of all armed activity and the disarmament process.
- Both these processes finally took place in 2017 (disarmament, in Baiona) and 2018 (demobilisation, ratified at the Henri Dunant Centre here, in Geneva, and the International Conference at Kanbo).
- But, most importantly, both processes were based on the criteria set by international standards for an effective DDR process, in order to:
 - Contribute to long-term security and stability.
 - Create a sustaining peace environment,
 - Provide security for the population,
 - Completely control all arms and explosives and do away with them
 - Offer the maximum transparency possible of the work done and being done,
 - Offer a secure environment for parties and persons involved,
 - Guarantee the consent of those directly affected and the participation of civil society.
 - And create a process that could be internationally monitored.

So, in conclusion, as you can see, the Basque peace process is being a very particular process:

- It is not a classical process that is activated after bilateral negotiations.
- There was no peace agreement signed.
- It is quite clearly not a mission setting.
- And even nowadays there are no guarantees of bilateralism (no official involvement of State).

Notwithstanding:

- A wide political process in the Basque Country has dealt with the issues of disarmament and demobilization, with tools related to DDR standards. In that sense, the goals, the objectives, have been achieved.
- A political process is still being developed to build a future peace scenario.
- Basque society has taken ownership of the process.
- It has been an effective, efficient and secure process.
- Security has been enhanced.
- Conflict relapse has been prevented.
- The capability of people to become involved in violence has been reduced to the minimum.
- Etc.

As I have previously said, two “D”s have already resolved.

Nevertheless, there are still consequences of the long years of violence to be dealt with: there are victims of different sorts of violence that are still waiting for truth, justice, reparation, recognition and guarantees that what they have suffered will not happen again. And the “R”. Reintegration is still the pending subject.

How to deal with a reintegration process in this context?

How can we deal with a reintegration process without State participation?

First of all, let's go through some relevant data:

- In 2011, when this whole process began, there were 750 prisoners, and an undetermined number of people on-the-run.
- Nowadays, in 2019, the number of prisoners is 249, and less than 50 are still on-the-run.
- The almost 500 persons that have come out of prison over the last 8 years have done so after fully serving their sentences, imprisoned up to the very last day.
- And they have been reintegrated in society, mostly with support of their communities, relatives and families, and most of them have been involved with the construction of peace.
- The great majority of Basque prisoners in Spain are kept in prisons at long distances from their families and social environment.
 - Only 18 prisoners are in prisons located closer than 250 kms from their homes.
 - 66 prisoners are in prisons located more than 800 kms away from their homes.
 - Other 128 prisoners are located in prisons farther than 250 kms but less than 800 kms.
- Solitary confinement and First Grade regime (the most restrictive) classification is systematically applied to Basque men and women imprisoned for politically motivated crimes.
- Moreover, actually more than half of the prisoners are imprisoned under an Organic Law (7/2003) that introduced changes for the full and effective serving of sentences. This Law makes the re-educational and social integration aims of imprisonment impossible in practice, and ultimately forces prisoners to completely fulfill their sentences, without possibilities of parole and similar measures. If this situation were protracted, the last Basque prisoner would be freed in 2053.

Thus, such is one of the peculiarities of the Basque case: for decades, both the Spanish and French Governments have applied special penitentiary policy measures to Basque prisoners. And, as the peace process is being developed without a formal agreement, these measures still continue nowadays.

At the Social Forum we believe that, as with the disarmament and demobilization processes, present-day international general standards can't be applied in the Basque scenario exactly as they were originally drawn up. An innovative perspective is required, in order to still achieve the objectives of a reintegration process, and offer guarantees.

In other words: we have to be able to formulate an alternative that can be accepted by all parts and that facilitates the reintegration of prisoners.

That's why we propose to deal with reintegration the same way we did with disarmament and demobilization: promoting debate with all the involved parties; proposing intermediate possible and plausible alternatives; and guaranteeing that the steps that need to be taken are owned by Basque society.

Nowadays, civil society's endeavor is fully focused on this issue: how to put an end to this special penitentiary policy and obtain equalitarian treatment for Basque prisoners, by means of current ordinary penitentiary legislation and measures as applied to the immense majority of prisoners in Spanish jails.

So, how can civil society encourage the end of special penitentiary policy?

- In the first place, by **building consensus** amongst regional and local institutions, political parties, trade unions and social entities over the need of putting an end to these special measures.
 - Nowadays we can clearly say that this consensus exists, that the necessary conditions are given.
- Secondly, **by trying to reach an agreement with** the Spanish Government over an itinerary that Basque prisoners could pursue in accordance with ordinary penitentiary legislation, thus effectively ending the application of special penitentiary policies. This would imply measures such as prisoners having access to the "Third Grade", which allows a degree of liberty during the day and going to prison only at night, as well as week-end leaves, parole....

- Such an itinerary should contain some agreed references to the pain caused by the prisoner, self-criticism, etc.
- Last year, Pedro Sanchez, current Prime minister of Spain, expressed his disposition to change penitentiary policy. However, up to now, few steps have been taken:
 - Only 25 out of a total of 250 prisoners have been moved closer to their hometowns.
 - Only 5 have been granted prison leaves of a few days.
- We hope that once the political situation in Spain is clarified after the elections to be held this coming Sunday, new opportunities will open up for agreement on an itinerary that could be applicable in general and that could deactivate the present blockage. This could well be the most complicated phase.

To guarantee that this itinerary, this whole process, leads to a proper end, the Social Forum believes that there are **3 elements that must converge**:

1. The clear will of the Spanish Government to end the current special penitentiary policy phase, and to reach an agreed itinerary for reintegration.
2. The determined will of Basque prisoners to go into such an itinerary, to reintegrate into Basque society, and to make a contribution to peaceful coexistence, rejecting the use of violence, expressing their commitment to exclusively peaceful means and expressly recognizing the pain caused. It's essential that an agreement of this sort also includes the voice of the prisoners. Otherwise, it will not be possible to go ahead with the necessary well-founded reintegration process.
3. The firm will of the regional governments of the Basque Country (3 of them, the Autonomous Communities of Euskadi and Navarre, and the Northern part, in French territory), of civil society in general and the people in particular, to accompany all the steps the different involved parties should decide to take.

In conclusion

We firmly believe it is possible to end the special penitentiary policy, reintegrate prisoners and build a new sustained peace.

In this sense, dramatic changes have already taken place in France during the last couple of years, as disarmament and demobilization generated the opportunity for a direct interlocution with the French Ministry of Justice, and the disposition of all parts has changed.

As a result:

- Nowadays only 9 of the 37 Basque prisoners in France are in prisons located more than 800 kms away from their homes.
- The vast majority of them (25 prisoners) are in prisons located at less than 250 kms from their homes.
- Other 3 prisoners are in prisons farther than 250 kms but at less than 800 kms.

IDDRS related tools have proven a key element to effectively achieve the goals the Basque peace process faces. Because, in the end, the result is what is essential.

IDDRS can inspire steps in non-mission settings. And civil society is an active participant that should be taken into consideration, if we aspire to a widely shared ownership of the peace process.



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