

Section 3: Conflict transformation – European experience(s)

The influence of the European integration in the Basque conflict: sharing sovereignty as a post-national solution?

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Abstract

The integration process has transformed the structural framework in which ethno-nationalist conflicts exist in Europe. New opportunities and constraints appear, and powerful policy learning emerges in some cases, not without important resistances. One of the most changing dimensions is the continuities and breaks in the political discourses. This paper proposes to analyse these changes in the Basque Country, focusing on the discourses of the leading Basque Nationalist Party and the Socialist Party, each of them respectively governing the Basque Country and Spain. For doing this, I will stress the old Europeanism of the Basque Nationalist Party and the current debates it informs. Among them, it should be highlighted the concept launched by this party for solving the conflict with Spain (and France): ‘shared sovereignty’. It is directly influenced from the European integration process and firmly rooted in the ancient Basque history. I propose to explore the scope and limits of this concept for the political re-accommodation of the Basque nation. It is interesting to consider if the political maturity of the Basque society permits now to emerge new leaders with more integrative and constructive approaches for defending its own identity, not without strong resistances. Finally, as ‘shared sovereignty’ clearly breaks the classical concept of sovereignty, going far beyond, we will discuss its post-national and post-sovereign implications both in the relationship with Spain and France, as well as among the Basques.

Keywords

Shared sovereignty, European integration, Basque nationalism, Post-national

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The influence of the European integration in the Basque conflict: Sharing sovereignty as a post-national solution?

Igor Filibi*

“Bekoak goikoa ekundu leidi ta txikiak andia benzi leidi,
asmoz eta jakitez”

Emblem carved in an ancestral house in Aulesti, Basque
Country

I. An approach to shared sovereignty

1. A short introduction about unity and diversity in Europe

Historically, what is really new and should be both explained and justified is state centralism. What the ancient Greeks called the issue on the relations between ‘the one and the multiple’ remains unsolved. The rich federalist tradition, with its many debates and concepts, has tried for centuries to correctly define and approach this tension, proposing different solutions depending on the thinker one reads.

In the Middle Ages Europe was a complex picture of hundreds of villages and towns, lands governed by bishops, quasi-autonomous cities, kingdoms, principalities, etc., coexisting with the moral authority of the Pope in Rome. The moral and religious unity lived in harmony with the aforementioned political (and economic) diversity. It was a momentum of political diversity under common religious institutions guaranteeing the indispensable minimum social integration.

With the Renaissance appeared a new way of understanding the world that the European discovering of the world expanded all around the globe. This approach implied a radical epistemological change, observing the world from a single point of view where before was saw from a plurality of sites. This revolution in the arts, first in paintings, affected to every aspect of life, including politics. Here we can find the true origin of the modernity and its political main output, modern sovereignty, too (Ruggie 1993:159). In sum, an structural process slightly transformed the Middle Ages plurality into the modern sovereign unity and centralism.

The European moral integration controlled by the Catholic Church was challenged by the Restoration struggle in the Northern Europe. The new process needed ideological support and the discourse of sovereignty was steadily built and implemented. The peak of ideological centralism was paradoxical reached with the French revolution and its national sovereignty. Hand to hand with the Human Rights and democratic procedures came a kind of centralism never dreamt ever during the Absolutist age (Ferrero and

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Filibi 2001). The modern nation-state arose with its reinforced bureaucracy and centralism, and led by this powerful political core, a long-standing nation-building process was launched, following the previous efforts of the kingdoms for centralizing and better controlling their territories. A momentum of unity emerged, with the idea of nation and the bureaucratic tools of the state serving to social integration purposes. But this unity was limited to the territory inside each nation-state. A plurality of religions and states should coexist now in the international domain. This was the new output of the endless tension between unity and diversity, or the one and the multiple, as the ancients said.

Of course, depending of the very different correlation of forces and the role they played within the international political economy, each state adopted diverse political arrangements and legal forms (unitary, federal, union, parliamentary, presidentialist, etc.).

As a kind of dialectic move, the World Wars (known too as European civil wars) were followed by the European integration process, beginning to abandon the classical meaning of state sovereignty. As Jean Monnet tirelessly insisted on, the core of the integration was the assumption of a new concept: supranationalism or ‘shared sovereignty’, because from now on the different member states will start to decide over and manage their sovereignties –within the agreed limits of the treaties– in a common way.

Even outside the commission or the Court of Justice, in the most classical state-led institution – the council of ministers – things were really different. It is governments who still exert a determinant influence in the European Council or the Council of Ministers, but not more individually, but in a collective way and this marks a difference (Morata 1998:99). It can be said that it is all of them, joined under common values, interests and objectives, discussing altogether, who will be the new real ‘sovereign’.

Here we stress that in current Europe there is no more full sovereign than Europe as a whole, much more than a galaxy of nation-states very different in size, power and ambition. But they still have one important power: the recognition as full, complete, political subjects. This is what strongly remains from the old sovereigns, and it is not a minor power, because it explains why the European Union cannot forget these political actors and must have them constantly into account, even if they are not able any more to fulfil many of their supposed obligations and objectives (security, regulation of the markets, etc.). The structural need to cooperate is so strong, that it have prevailed over the four-centuries-old tradition of state sovereignty. States must share now their powers (not more sovereignty), precisely for assuring some real possibilities for completing the objectives of the sovereignty: self-determination.

So, we are assisting in Europe to a new political arrangement trying to solve the old tension between unity and diversity. It is probably soon for naming this new reality properly. Everything one can find is some words beginning with post, such as post-sovereignty, post-westphalian, post-national, etc. What is more important is to observe that the concept of sovereignty is scarcely useful except for rhetorical purposes (again, not a minor power, but incapable to explain the core of what is really happening in Europe). Old sovereigns still use a lot the discourse of sovereignty. Much more as they see that is less and less relevant, but they have no alternative concept ready for

immediate use, so they insist on it as it is still able to mobilize their national societies and maintain the appearance of social unity inside the states. No European concept or flag can do this yet, so the practical uses of the sovereignty discourses will probably be in action for a time.

The European reality is of course within some common features and trends, more important since globalization processes join the different parts of the world under communicative, economic and social bonds of diverse degrees of scope and intensity. “A new politics of nationalism has emerged”, stated Keating some years ago, and now

“claims to self-determination are reformulated and placed in the context of the emerging transnational order. (...)

These claims are in themselves complex, and rarely fall into simple schemas. The case of the homogeneous, territorially concentrated national minority seeking independent statehood is the limiting exception—Norway and Iceland in the early twentieth century would be examples. More common is multiple identity, in which people feel attached, with varying degrees of strength, to more than one national identity. (Keating 2001:17)

As in the case of the European Renaissance, we are actually living a revolution in ideas and society, and this must be affect to our notions of sovereignty and state. Contrary to a usual argument, we don’t believe that revolutions in sovereignty are due to the rise and fall of great powers or internal shifts in the correlation of forces, but real “crisis of pluralism” and consequently we strongly defend that sovereignty orders and revolutions are an output basically explained by revolutions in ideas (Philpott 2001:4).

We will try to show that ‘sharing sovereignty’ is not a properly European concept, but a fact of great contemporary relevance, if it certainly has particular features in Europe. Both dimensions, universality of the concept and particular European circumstances will be developed in this paper.

2. Sharing sovereignty as a contemporary issue

It is not a European feature the problem for accommodating the national diversity within its territory, but an structural issue of the nation state model (Filibi 2007:176-180; Filibi 2006:57-60). It seems to emerge a widespread opinion about the need to re-found current nation states, from a more open, inclusive and democratic point of view for solving this problem with a more fair and stable accommodation of the national diversity. Traditional approaches to this issue, such as the self-determination doctrine go on active and still condition the political agenda. Europe has seen the emergence of several new states after the implosion of the Communist regimes and the wave has not ended, as the Kosovo case clearly points out.

However important may be the secession approach, and stressing its currently importance, this paper pretends to explore the scope and possibility of another approach: to share sovereignty among different nations within the same no more (uni)national polity (state, European Union). In other words, what ‘sharing sovereignty’ really implies is to open the road to a true structural transformation of the state, going well beyond the classical model of the nation state. Interestingly, this trend is no limited to the usual example of European integration, but constantly appear new examples in

different parts of the world, what seems to support the idea that this is a common or general trend in our times.

2.1. Sri Lanka

The aforementioned need to re-found the state has been identified in places so distant from Europe such as Sri Lanka (Uyangoda 2005). The need for “re-working the associational bases of the state” comes after one sees the problem of incommensurability of two nations, as the case of Sinhalese and Tamil shows in Sri Lanka. So, “negotiation for a political compromise can obviously offer the most productive space for overcoming the problem of incommensurability”. Uyangoda demands that “the leaders of Sinhalese and Tamil communities will have to find a language of communication, and a framework of conversation, in order to discover concrete possibilities of compromise”. In this dialogue for compromise “the question of the state, and the mechanisms for sharing state power, are certain to figure in as a central concern”. This forces “to invent something new” for “co-state formation”. Other lesson that appears in the Sri Lanka conflict, and that can be exported to other places, is the capacity the minority nationalism has for highlighting the grievances and injustices, but its little ability for proposing alternative solutions to the well known one of the nation-state and (again) its failures and limits. It is found everywhere that minority nationalisms imagine themselves mastering one state of their own, becoming now the oppressive or at least the majority nation. In other words,

ethnic conflicts demand democratic solutions and not a retreat to ethnicized re-constitution of the political community. Democratization of the political community, pluralization of the state and sharing of sovereignty are three programmatic goals around which non-ethnic solutions to ethnic problems could be imagined and worked out. (Uyangoda 2005)

In line with this argument, it has been observed that

Reconciliation does not simply signify dividing territory according to cultural identities with the view to devolve powers. Autonomy for the ‘other’ is only part of the solution, as one can think sadly of two federal units, mirror images of each other, each practicing similarly exclusivist policies, each fostering dreams of authentic cultures and pure races. The focus on culture has disabled all other transformations that need to be enacted to create a better state. (Wickramasinghe 2006:121)

Finally, two more questions. First, the Sri Lanka conflict stresses another finding: the tendency of ethnic resistant movements “to be authoritarian during the struggle for national emancipation as a programmatic-strategic necessity. Engaged in an asymmetrical war with the state, secessionist rebels hardly practice even a modicum of democracy and pluralism” (Uyangoda 2005). And violence comes to be not only accepted, but even incorporated within the normal limits of politics, as Hannah Arendt showed a long ago (Arendt 1998:179-180).

Second, perhaps it is not clear enough who are the actors in the conflict, because the main actors usually only see two sides of the problem (Tamil and Sinhalese) leaving apart the other identities, and even more problematic “until now, reconciliation has been premised on a faulty reading of society as composed of clearly delimited communities” (Wickramasinghe 2006:108).

2.2. New Caledonia

New Caledonia, like Tahiti or Wallis and Futuna in the Pacific ocean are territories under French rule since the nineteenth century. This is a very interesting case for a number of reasons: France is a very centralist state, it is a European state, and it is related to the Basque case because the northern part of the Basque Country remains within the French state.

We will not deepen into the complex history of New Caledonia, but will focus on some important milestones of its recent past. First, after a long time of struggles and suffering, “the Matignon Accords, signed on 26 June 1998 by Michel Rocard, the Prime Minister, Jacques Lafleur, representing the RPCR (Assembly for a Republican Caledonia), and Jean-Marie Tjibaou, representing the FLNKS (the Kanak socialist movement for Caledonia libertaion) opened up new prospects for New Caledonia, promising long-lasting peace based on co-existence and dialogue, as well as balanced economic, social and cultural development throughout the territory” (Queyranne 2000).

Over the ten years that followed the Matignon Accords, New Caledonia experienced institutional stability that was unprecedented in the recent history of the territory. Also unprecedented was the fact that the statute had been negotiated with the leading New Caledonian political parties and not granted by Paris, and that the French population had approved it by a majority vote in a referendum.

The Matignon Accords provided for organisation of a vote on self-government after ten years, to be made by the ‘populations concerned’ in New Caledonia. However, the feeling soon arose that given the peculiarity of a territory in which two populations of similar size (a reality not always present in other places) coexist, a vote of this type could re-ignite smouldering resentment, set people in their opinions and therefore result in regression.

Thus, to keep faith the underlying philosophy of the Matignon Accords, in which each party had agreed ‘not to overcome but to convince’, the idea of a consensual solution was arrived at. The Noumea Agreement, signed on 5 May 1998 by Lionel Jospin, the French Prime Minister, Jacques Lafleur, and Rock Wamytan, the Chairman of the FLNKS, defined the terms of this consensus at the same time as it laid the foundations for a new relationship between New Caledonia and France. (...)

The Noumea agreement provided for the political organisation of New Caledonia for the coming twenty years. It thus ceases to be an overseas territory of France, as provided in Article 74 of the French Constitution. The Agreement sets forth the procedures for emancipation of New Caledonia, which, as a special territorial entity within the Republic, is now provided for in the French Constitution under ‘Transitional provisions for New Caledonia’. (Queyranne 2000)

The Noumea Agreement was supported by an impressive majority of Caledonian people (71.8%), leading to a new phase in the mutual relations with France. Jean-Jack Queyranne, then Secretary of State for French Overseas Territories, stated that

Shared sovereignty signifies that powers are shared between the French state and New Caledonia. Transfer of power will be gradual, beginning on 1 January 2000, and will follow a defined timetable which may be modified by the Congress. Powers transferred from the state will be vested once and for all. At the end of this process, the state will retain only regalian powers such as justice, law and order, defence, and currency, as well as foreign affairs¹ subject to certain provisions. (Queyranne 2000)

¹ “External relations, a field which mainly involves the relationships between New Caledonia and its Pacific neighbours, are worth examining. The French Republic can, under its state powers, vest the President of the New Caledonia government with the authority to negotiate and sign agreements with one or several states, territories or regional organisations in the Pacific, and with regional organisations answering to the specialised agencies of the United Nations. Failing this, the President of the New Caledonia government or his representative can be integrated into or participate in negotiations and

It is obvious that the European context of integration with its explicit sharing sovereignty helped a lot, but this case is interesting because shows how a very different people in a non-European context thought and acted in very similar terms. This case illustrates one important point of this paper, that the concept of sharing sovereignty is a general trend even if it has some particular conditions in Europe. If the Sri Lanka and New Caledonia cases have shown the first point, the following cases will focus on the second.

2.3. Some cases of sharing sovereignty in Europe

We have outlined some examples outside Europe for stating the contemporary relevance of sharing sovereignty. Now it is the time for approaching this issue within the European integration process, as a means for analyse after the Basque case, our main concern in this paper.

a) Nordic Council

The long and complex road to independence of the Nordic countries left unsolved many territorial and security issues of both regional and even world-scale dimension. Traditional approaches proved to be unfitted to solve them, since full independence and sovereignty over whatever territory included some alien national spots inside or did not satisfy all the security aspects demanded by the neighbours in the region.

With these problems in mind and a constructive attitude the relevant state and non-state actors decided to try a different approach. So they created the Nordic Council, comprising five states (Finland, Denmark, Iceland, Norway and Sweden) and three

signatures of agreements of a similar type, within the French delegation, for the purpose of ensuring that the special interests of New Caledonia are more adequately taken into account.

Under the power granted to New Caledonia, the Congress may authorise the President of the government to negotiate agreements with one or several states, territories or regional organisations in the Pacific, and with regional organisations answering to the specialised agencies of the United Nations, in compliance with the international undertakings of the French Republic.

The agreement also provides that the President of the government, and where necessary, the presidents of the provincial assemblies, be associated with or participate in negotiations on relationships between the European Union and New Caledonia.

Subject to the agreement of the authorities of the French Republic, New Caledonia may be a member, an associate member or an observer of international bodies. Thus, from now on, it may if it wishes be admitted as an observer of the South Pacific Forum. Finally, New Caledonia may send a representative to the European Union, as well as to Pacific states and territories.

On completion of the process set in train by the Noumea Agreement, a vote will be held during the fourth term of the Congress to begin in the year 2014. This vote will concern the transfer of the regalian powers held by the French state to New Caledonia, the accession to full international sovereignty and transformation of citizenship into nationality. Should the vote be a negative one, a new consultation may be organised under procedures set forth in the organic law.

It is therefore evident that France recognises the fact that New Caledonia will achieve full emancipation following the implementation of the Noumea Agreement.

On 26 August 1988, at the Noumea city hall, Prime Minister Rocard said France had to meet a challenge unprecedented since the Second World War, namely that of 'achieving successful decolonisation within the institutional framework of the French Republic'. I believe it is possible for us to say today that this challenge was won.

The Noumea Agreement marked the beginning of a new era. In political terms, the conditions are now met for the re-establishment of a social contract between all of the communities living in New Caledonia, and for sharing sovereignty with France as a stage towards full sovereignty, should the Caledonians so decide.” (Queyranne 2000).

autonomous regions (Faeroe Islands, Greenland and Aland Islands) designed in 1952-1953 to resolve a number of territorial disputes in the Scandinavian peninsula. It was established a first body of parliamentarians which finally included the so mentioned members. It was especially interesting the case of the Aland Islands,

a Swedish-speaking area, completely demilitarized, but within the Finnish state (where there is also a substantial Swedish-speaking minority with full parity of treatment with the Finnish-speaking majority) –the parallels with Northern Ireland are obvious. The Council advises the Nordic parliaments on questions needing their cooperation and co-decision-making within the objectives laid down in the Helsinki treaty of 1962. In 1971 a Council of Ministers was added which has certain decision-making powers within the Treaty. All decisions are made unanimously, although a country or autonomous region can abstain from voting. (Partridge 1995:5, cited by Kearney 1997:208)

We have not space enough for deepening into this interesting case, an initiative arising just after the signing up of the first European Community (1951) in central Europe. Our current concern is to point out the link with the Northern Ireland case, the focus of the next point.

b) Northern Ireland

By the beginning of the 1990s many had reached the opinion that the only way for solving the deep-rooted conflict in Northern Ireland was fresh thinking and new ideas. For this reason, the entry of Sweden and Finland into the Community in 1995 served to focus a lot of attention on the functioning of the almost unknown Nordic Council (Kearney 1997:92). This original organization inspired proposals trying to catch the Nordic spirit and adapting it to the British-Irish archipelago. It can be highlighted “Towards a Council of islands of Britain and Ireland”, a contribution drafted by Richard Kearney and Robin Wilson to the Forum for Peace and Reconciliation (Dublin Castle, January 1995).

The European widening to the north immediately gave more and better knowledge on this special transnational network around Europe, notably in Northern Ireland, where some authors and parties observed with curiosity a different way for solving complex issues of territoriality, self-government and national identity through sharing sovereignty approaches. As this example perfectly illustrates, the European Union can serve as a influential forum for policy-learning and mutual exchange of best practices. What’s more, the European Union itself played by the very first time an important role in the resolution of the conflict, directly involved in the peace process and strongly committed to support it. It was the expansion of the structural peace-building dimension, central for explaining the origin of the integration, but now inside and going beyond the state-to-state level; something like a new dimension of the communitarian spill-over. Political declarations, resolutions of the different institutions, and a more than generous funding were channelled through the PEACE I and II initiatives, a really integral approach which marked a difference. Cross-border and inter-community dimensions were central in this approach, and the functioning of the same European sovereignty-shared institutions were an obvious reference in the peace process. The Irish, British or Anglo-Irish question –depending on the point of view– started to be considered as a European problem. The Commission wrote it in some of its drafts and documents (Filibi 2005b:36-52; Filibi 2007).

Simon Partridge, in his pioneering article “Re-Imagining these Islands: the need for a Britannic Framework” affirmed the need to such an approach and its development

through more and better autonomy at the local level for a truly democratic functioning, stating that “it is a disgrace that neither Dublin nor London have signed the European Charter of Local Self-Government which has been drawn up by the Council of Europe and which entrenches the inalienable rights of local government to political and fiscal autonomy” (Partridge 1995:5 cited by Kearney 1997:208).

This new approach to territory, stressing the value of cross-border cooperation and transnational co-decision was not only a mere translation of Nordic jargon into British-Irish politics. There were some previous proposals fostering co-decision as the best way for going beyond the conflict. And a decisive influence came from the European integration process, then being re-launched by the entering of both islands and the drafting of the Single European Act.

In the new Ireland Forum in 1983, Bernard Cullen and I proposed a form of joint-sovereignty for Northern Ireland (a model retained as one of the three options in the final Forum Report, 1985). But it became clear over the years that many unionists resisted the principle of dividing or diluting sovereignty in an Anglo-Irish context. The only parameters within they seemed prepared to share sovereignty were, tellingly, those of the European community. With the signing of the Single European Act in 1988, both the United Kingdom and the Republic agreed to a significant sharing of sovereignty with the other ten members of the EU—and, by implication, with *each other*. (Kearney 1997:16)

This kind of reflections about the need to share both territory and sovereignty seemed to be founded on solid ground since either the option of maintaining the British sovereignty or to establish a Republican rule will be unable to avoid or to solve the complexity of the Northern Irish region.

The most obvious implication of the above analyses for the question of Northern Ireland is this: the dual claims of absolute sovereignty exercised over the same territory by two sovereign governments are inevitably condemned to conflict. Unless, that is, the understanding of sovereignty is radically revised and superseded. By extension, the claim of either national government to ‘represent’ both Ulster communities (British and Irish) as ‘one and indivisible’ is doomed to failure. No matter how it is viewed—as part of a United Kingdom or of an eventual United Ireland—the pluralist character of Northern Ireland defies the equation of absolute sovereignty with a unitary body. Hence the need (i) to separate the notion of nation from that of state; (ii) to acknowledge the co-existence of different identities in the same society; and (iii) to extend the models of identification *beyond unitary sovereignty* to include more inclusive and pluralist forms of association—such as a British-Irish Council or European Federation of regions. (Kearney 1997:24)

For this approach to be satisfactorily fulfilled some conditions should be considered, as the aforementioned “Rethinking Ireland: A proposal for a joint sovereignty solution” of Kearney and Cullen proposed in 1983. Among them, we would like to stress two: first, joint sovereignty should clearly stated not as only transitional issue, but a durable solution, and second, joint sovereignty must not be imposed but supported by the population who will live with it (Kearney 1997:74).

c) Gibraltar

The rock of Gibraltar, in the southern seaside of Europe and dominating the straits connecting the Mediterranean Sea and the Atlantic Ocean, has historically been a matter of dispute. Castilian forces get it with the Reconquista and lost it in benefit of the British by 1704. Spain confirmed this fact in the Treaty of Utrecht (1713), where one clause established that in the case that the United Kingdom will renounce to this

sovereignty, Spain could defend its claim over the rock. Spain has repeatedly tried to recover this strategic military base, without success.

In the 20th century some important events occurred. First, Resolution 2429 adopted by the United Nations General Assembly determined in 1968 that the United Kingdom should abandon Gibraltar and allow the effective retrocession to Spain. The United Kingdom did not accept this resolution, claiming that the inhabitants of the rock wanted to maintain its attachment to London. One year before the UN resolution, Gibraltarians clearly shown their will voting more than the 95 per cent in favour of association with the UK and contrary to incorporation to Spain.

Second, the 1969 Gibraltarian Constitution reaffirmed their right to self-government under UK sovereignty. This Constitution establishes that “Her majesty’s government will never enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another state against their freely and democratically expressed wishes”. Spain, of course, rejected the validity of this text and went on claiming the reincorporation of the rock in the name of the right to every state to preserve its territorial integrity. From these years on Spain enacted a number of restrictive measures for forcing the rock to adopt a more open attitude. In vain.

Third, the United Kingdom entered into the European Communities in 1973, and Gibraltar became a part of the Community under Article 227(4) of the Treaty of Rome. After the transition to democracy in Spain and its wishes to accede to the European Communities, the UK forced Spain to lift the blockade against Gibraltar for Spain to enter into the club, so they signed the Treaty of Brussels in 1984. This was a condition the UK imposed to Spain for not to use its veto power in the Spanish accession (Grant 2002).

Spain lifted most of the restrictions on land crossing, remaining some bans on maritime and air links and a limited quota of telephone lines. Of course, these measures have not helped to convince Gibraltarians for joining to Spain. Again in 1991 both governments tried again to reach a compromise, without success. In 1998 one Spanish analyst asked for imagination for solving this complex issue which menaced the important relationship between Spain and the UK within the European Union (Trujillo, 1998).

Finally, the last stage of this question arose in the 21st Century, when Spanish and British governments began to talk in a more creative way, explicitly debating the possibility of sharing the sovereignty over the rock (Herrero y Rodriguez de Miñón 2002). The people of the rock fiercely opposed to this possibility but the UK government has not renounced to this possibility, very interested as it is in solving this historical question while maintaining the control over the military base of the straits.

It could be considered a paradox that the maximum opposition to share sovereignty this time does not come from the state government level, but from Gibraltar itself. In spite of the good faith of governments, both of them committed to reach an agreement, they are not interested in hearing the voice of Gibraltar, nor is UN resolutions exhorting both states to agree on a calendar for the reincorporation to Spain. The question is that where everybody sees a interstate issue Gibraltarians see a decolonization question related to self-determination and decision on their own affairs, what they clearly express in the 2002 referendum. Then, 99 per cent of the population rejected joint sovereignty and

claimed for an equal partner status on the table for assuring a fair and just, democratic, settlement (Ho 2004).

II. The case of the Basque Country[♦]

Absolutism was restored in Spain in 1824 and its supporting coalition of interests, historically favouring Spanish unification, accelerated this process. The attack on the Basque *Fueros* (the old laws that expressed self-government, and themselves a powerful symbol of Basque distinctive political identity) – the last old laws that survived in the State – began in 1841 and, after two long wars, they were definitively abolished in 1876. Eric Hobsbawm draws attention to the direct link between the discontent arising from the unilateral aggression by the Spanish State against the *Fueros* and the emergence of the modern Basque nation, when he observes the uncommonly rapid leap, in less than twenty years, from the defence of the old laws to the organisation of a true modern nationalist movement. This was an exceptional case, as Sabino Arana founded the Basque Nationalist Party in 1894, which obtained a certain mass support in 1905, and made sweeping gains in the municipal elections of 1917-19 (Hobsbawm 1995: 117, 149).

This perception that there had been a unilateral aggression by the backward political centre against the flourishing Basque periphery, which was in the midst of the process of industrialisation, helps to understand the lasting tension between Spanish nationalism, with its official and majority character, and the emergent Basque nationalism. The latter, following the Republican defeat in the civil war of 1936-1939, was to go underground or into exile until the restoration of democracy in 1978.

These tensions between the centre and the peripheries were a key factor in explaining the coming of the Spanish II Republic, and led to the coup d'état and subsequent civil war. During the short democratic period of the Republic (1931-1938), there was a very interesting experiment for reconciling national and regional diversity. Forty years later, the new Spanish democratic period tried again to conciliate national difference through the model of the State of Autonomous Communities. This polity was forced to remain open ended, due to the impossibility of reaching a permanent agreement with a minimum of stability.

To this evolutionary and open character of the State of the Autonomous Communities must be added another important external factor that contributes a further degree of complexity: European integration. Following entrance into the European Community in 1986, the delicate balance that was being constructed in the State was upset by a process of integration that subjected the concepts underlying Spanish territorial tension to a profound redefinition – concepts such as sovereignty, the sharing out of powers between political levels, participation in the formation of foreign policy, etc.

[♦] The following introduction and the third section are based on the research on the Basque case for the EUROREG project (*Changing interests and identities in European border regions: EU policies, ethnic minorities, socio-political transformation in member states and accession countries*; CIT2-CT-2004-506019) funded by the European Commission (Priority 7: Citizens and Governance).

3. Three key aspects of the Basque conflict

Now we will deal with some of the historical keys to obtaining a better analysis of the present situation: in the first place, as we have advanced it before, the way in which a centralist act put an end to the old laws of Basque self-government, and the fear that persists in broad Basque sectors of the power of the centre to unilaterally define the relations of the Basque nation and the State; in the second place, the idea of an agreement between equals that for centuries marked the relations between the Basque nation and the rest of the State; and, in the third place, the importance of the political horizon of integration in the European Community for the stabilisation of Spanish democracy.

3.1. *Historical abolition of Basque self-government and fear of the unilateralism of the centre*

Within the history of the difficult relations between the Spanish nation - predominant within the State - and the Basque nation, it is necessary to draw special attention to a fact that has held continued importance over time. This was the unilateral abolition of the *Fueros*, the Basques' own laws, by the central political power in the 1841-1876 period. We should not let the distance in time conceal the immense symbolism that this centralist act was to hold for the Basque Country. When it occurred, this aggression – which is how it was perceived at the time by Basque society – meant a change in the nature of the historical, legal and political link that united the Basque territories to the Spanish ensemble. The agreement that had been the foundation of union for several centuries was altered in a unilateral way by a conjunctural majority, without any consultation of those affected. This provoked an angry social and political response that transcended the ideologies and rivalries of the period, a response described by historians as “*foral unanimity*” [*unanimidad fuerista*] (De la Granja 1994:227).

There were two civil wars (the Carlist Wars) that, while they were not exactly reactions to the question of the *Fueros* alone, were deeply interwoven with this. The first war ended by means of a political agreement; the second ended with the military victory of the centre and was the detonating factor in the definitive abolition of Basque self-government.

But what is relevant is the way in which these events came to form part of the Basque political imaginary, preserved down to the present by the different factions of Basque nationalism. Many Basques drew the lesson that it was necessary to find a formula of political conciliation, making peaceful co-existence possible on the basis of recognition by the centre of Basque political reality; but, even more important, the new political agreement should be safeguarded against conjunctural majorities that might hold power in Madrid.

It is easy to understand this fear when one observes that both the Basque and Catalan nations are minorities unable to form a majority that could govern in the Spanish parliament. Their character as structural minorities also explains the symbolic importance of another political fact: the decisive support by nationalist parties (above all the Catalans of *Convergència I Unió* and, since the elections of March 14th 2004, of *Esquerra Republicana de Catalunya*; as well as the Basque Nationalist Party on other

occasions) for Spanish minority governments, which has become a subtle, informal device for consolidating the balance amongst the different nations of the State.

This spirit motivated the evolving political process of the State of the Autonomous Communities. In response to the nationalist demands, an attempt was made to find points of conciliation for national diversity, but, on the imperative of the central government, without this threatening the control of the centre in the final instance, or territorial unity. It was into this climate of relatively controlled tension that the second government of the Popular Party irrupted, which, thanks to its absolute majority in the Spanish parliament, redirected State policy towards a greater centralism and a growing Spanish nationalism that sorely offended the peripheral nationalisms. What is most relevant for the case at hand is that these stateless nations could observe how a conjunctural majority in the centre was once again able to unilaterally reinterpret a delicate political balance whose achievement had been costly. Eight years in office in the centre enabled the governing party to gain control of many of the strategic positions in the State, including a majority in the Constitutional Court, the highest guarantor in the disputes between the centre and the autonomous communities over the sharing out of power, etc.

A phenomenon of such complexity obviously cannot be reduced to a single factor, but the perception by Basque nationalism that the relationship of the Basque nation with the State was once again at the mercy of the centre, is an important factor in explaining the latest political proposal by the Basque government. This political document, entitled “Proposal of a Political Statute of the Community of *Euskadi* [the Basque Country]”, proposes a new framework of relations between the Basque nation and the Spanish State, emphasising the idea of an agreement between equals and free association with the State (Gobierno Vasco 2003), developing the notion of autonomy beyond the form envisaged by the initial model of autonomy that is currently in force.

While this is the form in which the majority of nationalists currently view the problem of the political relations with the State, one must not forget the nationalist faction that has historically opted for demanding secession and the construction of a Basque state. What is interesting is that even the partisans of this solution (which has historically oscillated between 17 and 21% of the population, depending on the survey and the timing of the question) want their new State to form part of the European Union.

3.2. The idea of an agreement between equals

In the second place, another historical fact that is of importance because of its present-day consequences is the agreement between the Basque territories and the State centre. Holding an historical continuity that is almost unprecedented, the insertion of these territories within the Spanish State was inspired by the medieval idea of an agreement with the crown, with a renewal of this pact on the ascension of each new king, who had to swear to respect the *Fueros* in Basque territory before being accepted as sovereign. This phenomenon, which was relatively normal some centuries ago, was increasingly viewed as an historical oddity, but persisted due to its proven capacity to satisfy the parties involved. It was a political and juridical solution that made it possible to build a broader political space, the Spanish State, on the basis of numerous autonomous political entities (excepting, of course, those that had been incorporated through force of

arms, such as the Kingdom of Navarre in 1512, etc.). That experience is reminiscent of today’s attempt to build a European political space on the basis of respect for the States of the continent.

The importance of this idea of an agreement, of placing sovereignty at the service of a broader political entity (what in Europe is today called co-sovereignty), has always occupied a central place in conservative, nationalist political thought (not so in the thinking of the extreme left, which incorporated the more Jacobin theses of the French Revolution). To a large extent, this explains the favourable disposition of the majority within Basque nationalism towards European construction and the ease with which it has adapted its discourse to the concepts of the process of integration, with which it feels extremely comfortable (Filibi 2007). Thus it is no surprise that moderate nationalism should have explicitly shown its support for European integration since the start of the XX century, welcoming each new proposal and even taking an active part in the Congress of Europe, held in the Hague in 1948 (Ugalde 1994). That is to say, a remnant that has survived from the medieval period, an agreement of union within a broader political project in exchange for respect for self-government, fits in perfectly with the most contemporary European political tendencies. And this is very well adapted to some of the notions that attempt to describe the European Union’s form of government as a “new medievalism” (Bull).

3.3 The stabilising role of European integration

Finally, we must not overlook the importance held by the horizon of integration in the European Community during the Spanish transition to democracy and, once inside, the political stability that membership of the Community has meant for Spain (Anderson 1999; 286).

As one of the main Basque nationalist leaders told us in a personal interview some years ago, the firm commitment of both Spanish Socialist and conservative parties to start as soon as possible negotiations for the accession to the European Communities was what definitely convinced them to support the new constitution and democratic process, even if this support was critical (abstention) due to the lack of an adequate recognition and accommodation of the Basque nation. It was perceived that European membership will act as a political security net against regression to dictatorship, permitting some democratic minimum for defending their nationalist project after 40 years of exile and repression of Basque culture.

4. Basque concepts and proposals for a better accommodation within the Spanish state

As the title clearly suggests, it is not the aim of this paper to focus on the proposals for achieving independence or the features one eventual Basque state would or should have. This is a more crowded road than the one we are proposing to go by. We want to explore the concepts and ways some are actually thinking on in the Basque Country to go beyond an entire model of polity, the nation state. It is the conceptual intent for getting a significant improvement of its structural capability for a fair and democratic accommodation of its internal national diversity what we are really interested in.

4.1. *Justification of shared sovereignty and its tradition within Basque nationalism*

Shared sovereignty can be justified in the Basque Country at least with three kinds of arguments: historical, moral and pragmatic. We will briefly say a word on these and will explain with more detail the concrete concepts and proposals actually being debated in the Basque Country.

First, the historical tradition. We have seen how the relationship between Basques and the Spanish state has been for centuries one of institutional stability based on equality. There was an implicit self-determination right because once a king died Basques could choose not to accept the next one elected in Madrid, but if they did so, then they were obligated to accept his/her rule on a clear set of conditions and rules. The most important one was the radical respect the king was obligated to maintain to the Basque private laws, the so called *Fueros*. The closing clause of this political system was the “Foral Pass” [*pase foral*], the power of Basque institutions to formally respect but *not obey* any King’s law contrary to Basques’ ones. The formula was very explicit: [this law] “It is accepted but *not* fulfilled”. It respected the *formal* supreme authority of the king, but pragmatically avoided its fulfilment *within Basque territories*. As a definite proof of this radical self-government and law-making power, even in the supreme court of the Castilian kingdom there was a special chamber for dealing with cases where the Basque code was applicable. The fact that some elites suddenly abolished this long-standing link for centralising and – supposedly – modernizing the state was not agreed with Basques, who felt betrayed and launched a modern nationalist movement in less than twenty years, an historical record as Hobsbawm noted. This tradition of strong national feeling and claims for quasi-independent or con-federal self-government still is the socially dominant – even though quite diffuse – ideology in the Basque Country.

Second, it is difficult to clearly differentiate between moral and pragmatic arguments, because they are constantly intertwined. We can say, from a general point of view, that classical state-seeker nationalist movements wanted to substitute host states for others of their own, simply copying the model and applying it to a different territory and people, what has been called a “mirror game” where the state in the hands of the majority nation acts as a reference for the state-seeker one (Letamendia 1998).

When there are territorially integrated societies like Scotland, or Norway in 1905, the principle at stake is relatively straightforward. In divided societies, or trans-state societies, territorial secession may raise as many problems as it solves. The legitimacy of secession is almost always contested by some people within the seceding territory, raising questions about the size of majorities required to achieve it and the rights of minorities, who may themselves demand the right to secede, or to remain within the host state. The drawing of boundaries and whether to use existing jurisdictional lines laid down for other purposes, ethnic boundaries, or determination by referendum, raise further issues. This poses intractable problems in a place like the Basque Country, where there is a dispute over whether self-determination would be for all seven provinces together; for the ones in Spain only; for each individually; for the three provinces forming the present Basque Autonomous Community; for these three plus Navarre; or for them and Navarre separately. Even should minorities within the seceding territory not make secessionist claims of their own, the question of the individual and collective rights that they might claim is raised. (...) (Keating and McGarry 2001:28-29)

I don't believe that we should reject or simply forget the option for secession, especially if it is the democratic will of a people, but I would like to stress that it is a complex issue that should be addressed in its true complexity, leaving aside usual and easy rhetorical discourses (both pro and con). In other words, I stand that creating one new state exactly *symmetrical* to the one the minority nation has just decided to abandon because its unfairness and limitations, may be politically difficult but it doesn't contribute to improve the current model of polity, a nation state with many and very important structural problems for recognising and accommodating the national diversity within it (Filibi 2007). What is really at stake, we insist on, is whether we can go beyond an exhausted political model, to reach a truly *plurinational* and democratic polity, be it a state, perhaps the European Union or any other institutional artefact. In this sense, it seems to be a good laboratory the limited scope of the current multinational states for continuing with a necessary 'proof and error' ongoing learning process (Filibi 2005a:663-668). Having success within a state would surely predict a more general solution.

4.2. Basque roots and EU influence on Basque Nationalist Party's shared sovereignty notion[▲]

The emergence of the sharing sovereignty issue in the Basque Country is deeply rooted in Basque political history and profoundly intertwined with the European integration experience. This shows the apparent paradox of being *both* an historically rooted and fully contemporary issue. As the traditional roots have been examined above we will focus on the recent trends and current notion the Basque Nationalist Party has developed on shared sovereignty.

The Basque party with a more developed notion of shared sovereignty as a creative solution for the Basque conflict is curiously the oldest and still main nationalist party the Basque Nationalist Party [*Eusko Alderdi Jeltzalea/Partido Nacionalista Vasco*]. It is striking how a party deeply rooted in history for supporting its claims and specially attached (both in sentiment and strategy) to the pre-modern *Fueros* is actually defending the most post-sovereign quite-post-national proposal in the Basque Country. It can be said that this party has reached post-modernity heavily inspired in pre-modernity (Filibi 2007). This doesn't imply that this party or its ideology may be considered pre-modern at all, as many critics affirm from Spain. Basque nationalism was an absolutely contemporary reaction to its time, the end of the 19th century, as Hobsbawm and others have shown. It was a modern reaction (minority nationalism) to a modern problem (the forceful building of nation states). In this sense, we are assisting to a new actualization of Basque nationalism ideology and strategy to current historical conditions. It is once and again the dialectical adaptation and re-equilibration of the two main dimensions of nationalism, vertical and horizontal: the link with the most remote and mythical past, and the concrete articulation of identity in close relation to contemporary issues and historical conditions (McCrone 1998:148; Filibi 2007:263-274; Keating 1988:235; Keating 1996:47-48).

[▲] This sub-section has been written following the data collected and some drafts of the research linked to the aforementioned EUROREG project.

For a more in-depth analysis of the Basque Nationalist Party’s approach to shared sovereignty and its link to European integration, we interviewed some months ago Mr. Josu Jon Imaz, president of this party, who is a self-declared and committed Europeanist. He was in charge of many posts and, after obtaining his PhD in Chemistry, a Euro-MP in Strasbourg. There he learnt the political culture and costumes of European institutions. Then, the Basque Nationalist Party carried him back for being part of the Basque government. He was vice-president of the executive and when his name was heard for being launched as a candidate to president he was, quite surprisingly, elected as the president of the party. He won in a hard competition with another candidate, Mr. Egibar –openly supported by the previous and very charismatic president, Mr. Arzalluz, who led the party for more than twenty years–, decanting in this way the party towards a more sophisticated nationalist doctrine.

Asked about the general attitude of his party towards Europe, Imaz answered that for the Basque Nationalist Party, Europe is a guarantee of seriousness in macroeconomic and monetary policies, what means stability, something essential for a productive economy. European integration has a great importance too for the economic taking off of the Basque Country (with the internal market and a very competitive environment as the basis). An interesting point was to know that during years 1995/1996 there were some conversations for launching a European program for supporting any Basque peace process in a similar way to Irish PEACE program, developing one point of the so-called Ajuria Enea agreement, but unsuccessfully. However, both Mr. Imaz and the Basque Nationalist Party believe European Union and its institutions will play a decisive role when a peace process may be articulated. This can hardly surprise due to the traditional Europeanism of this party, one of the founders of the European Christian-Democrat pillar of integration.

Mr. Imaz sees strong links among European and Spanish State ensemble, related to the similarity of some of their problems with the accommodation of national plurality. In this way, stresses the central point of “the deep transformation of one political structure into another through a voluntary agreement”. His party identifies two essential elements: “decision and pact”, what may be developed as the right to decide oneself (Basque Country) and the need of pact with the other (State), without the imposition of any of them.² Mr Imaz used the metaphor of one chest with two keys. No one can open it without the agreement of the other owner of the second key. In this way, to be sovereign becomes to be owner of one key, not the fully owner of the chest. In more analytical terms we can say that this party offers a new idea of sovereignty, one very closely linked to the idea of ‘access’ to the power. To be sovereign is no more to ‘have’ or ‘posses’ absolute power, but to ‘have access’ to the forum where real power is decided and exercised.

This is a Basque approach to the still emergent, truly European, concept of “sharing sovereignty”. Perhaps is more close to its real meaning to say ‘sharing’ (the act of, a process) than ‘shared’ (implicating a close output, a fixed concept). This coexistence of many political subjects, all recognized as such, self-committed to constantly debate and pact altogether for developing a common project, is what the Basque Nationalist Party imports from the rich and suggestive federalist European tradition. In reality what this

² Here the similarities with the notion used in Sri Lanka are striking.

party is offering is a new way for the self-determination of the European peoples, more civilized and sophisticated than most previous cases.

In spite of many critics, both outside and inside the party, this concept has been linked to the official political discourse of the party since –at least– the year 1999. We can remark as an example these statements for a better understanding of this concept (in the way promoted by the Basque Nationalist Party):

- The Basque president Mr. Ibarretxe stated in the general politics debate at the Basque Parliament (September 1999): “Citizens and peoples are never serving to juridical frameworks. Constitutions create neither countries nor nationalities. They do not create them, in spite of anybody’s opinion. Unity does not impose. Today what is really imposing is the free adhesion. Let’s accept, then, plurinationality. It does not exist ‘One, Great and Free’ [Spain], but different peoples, different nations who have to live in equality and **sharing sovereignty**.”
- Electoral program of the Basque Nationalist Party (Elections to Spanish Parliament, 2000): “... Although with diverse changes and vicissitudes, we can resume the stage of living together going from the incorporation of Basque territories into the Castilian Kingdom to the beginning of the past century, affirming that Alava, Gipuzkoa, Navarre and Bizkaia, lived for centuries a live of **shared sovereignty** through their free adhesion based in personal unions, scrupulously renovated with each one of Castile kings and after with each one of Spains’ [in plural] kings.”
- Declaration of the Intergroup of nations without State in the European Parliament³ (Santiago de Compostela, 2001): “The Intergroup defends one principle of **shared sovereignty** coherent with the process of building a political Europe and demands to member States their explicit recognition of this principle both in relation to the transferred powers to the European Union and in relation to the political and legislative powers of current nations and political entities with a high level of self-government.”
- The politic paper, establishing the strategic line of the Basque Nationalist Party in 2004, stated: “3.4.3. Objective: definition of a national strategy. The Basque President’s [BNP’s elected candidate] proposal, basically aims to open a political process whose main objective is oriented to build a new project for living together both the Basque Autonomous Community and the Spanish State, on the one hand, and on the other among own Basque territories; a project based on free association and **shared sovereignty**.”
- Mr. Imaz stated in the solemn act celebrating the 110th anniversary of the foundation of the Basque Nationalist Party (2005 July, 31th): “In front of the dependence/independence, in front of a 19th century Nation-State idea, we clearly support a nation opened to the world in the 21th century, an interdependent Europe, a **shared sovereignty with Spain, France and Europe**. Not submitted to anybody, without imposing anything. That is what we are talking about when we demand the right to decide linked to the commitment to negotiate. That is what we are talking about when we support institutions being

³ This Intergroup was formed in the moment of signing up the declaration, among others, by the euro-MP of the following parties: Basque Nationalist Party (for the Basque Country), Convergence and Union as well as Republican Left (for Catalonia), and Galizian Nationalist Bloc (for Galizia).

a guarantee for national and social building. That is what we are talking about too when we claim the pact with the State.

A nation grouping all the Basques, from Iparralde and Hegoalde.⁴ Against the forced territorial unity, we defend an attractive national project for being a democratic reference in the Basque Autonomous Community, Navarre and Iparralde.”

- Document of the Bureau of the Basque Nationalist Party, “Peace roads for living together. Facing the dialogued end of violence and political normalization” [*Elkarbizitzarako bake-bideak. Ante el final dialogado de la violencia y la normalización política*] (24 October 2005): “We defend the respect to the popular will and the right of Basque society to decide freely and democratically its political future. (...) Within a context of loyalty and without dogmatism, this party will be committed to reach an agreement for making possible this right of the Basques and one which could be shared among all of them (...) An agreement based on the acceptance of democratic rules (...) Within democracy every project respectful to freedom and Human Rights should be proposed and fulfilled if it is backed by social support and uses only democratic means. (...) This agreement must respect the plurality of Basque society... We want the Basques’ right to decide their future to be conceived as an space for encounter, to define it as a shared right felt as such by everybody. To respect the will of the Basques imply the respect to the diverse national feelings, trying to integrate them into a **framework of pact and compromise**. This is the challenge for those who are committed to solve the historical conflict of our people. (...) This should be accompanied of a similar active compromise coming from the state for becoming truly plurinational.

Our objective is to reach an agreement for the political normalization defining a model for living together, and a framework establishing the relations with the state based on effective bilateralism, guarantees and conditions for loyalty. (...) Pact and no-imposition is the procedure for constituting the rules of the game in advanced societies. It should be noted that Ireland Agreements did accept the principle of differentiating the usual majority rules from the wide agreement needed to define a community and they established what should be considered as a consensus enough. This must be agreed and not only imposed by the state on unilateral terms.

Right to decide and commitment to pact, as it was established by the Supreme Court in Canada and appears in the proposal for a New Statute approved by the Basque Parliament. (...) Pact among Basques and with the state is a procedure, by the way, linked to our best *Foral* tradition and on which we have built our two statute experiences of 1936 and the current one.

We propose to assume a double compromise:

- * **Don’t impose** an agreement less supported than the current ones, and
- * **Don’t stop** an agreement with more support than the current ones

The first guarantees the support and acceptance of the Basque people fostering social and political cohesion; the second prevent the veto of the Spanish Parliament. What it is at stake is to accept as a matter of principle the most democratic and integrative formula. (...)

⁴ In Basque, the northern and southern sides of the Basque Country, respectively being in France and Spain.

A democratic concept of territoriality for building a political subject. Nationalists work for reunite all the Basques politically but our democratic convictions will never permit this to occur by blackmail or imposition. The citizens of each Basque territory and their representatives are the only ones who can decide to join themselves into one polity or to articulate any other mechanism for they to be linked. This is clearly stated in or Proposal for a New Statute.”

- Mr. Imaz in a dissertation on the plurinational state (21 March 2007): “Our proposal on the right to decision it is in full accordance with the tradition expressed through the ‘historical rights’ recognised by the Spanish Constitution and with the procedures of the Economic Agreement [*Concierto económico*; see the subsection entirely dedicated to this issue], the true core where it is better contained the reality of the **shared sovereignty** implied in our self-government system and that radically differentiates it from administrative decentralizations. In fact, the Economic Agreement is more than a financial and tribute procedure; it is a compromise of agreed self-government, obligating to pact and cooperation, implying a mutual recognition, one federalizing principle, very innovative, and that articulates one interdependence within shared action spaces. As the old *Foralists*⁵ said: ‘neither you over me, nor me over you’. Or as the written words by Tony Blair in a sample of the Scotland Act, in the building of the Edimburgh Parliament: ‘Scotland and England together on equal terms’. Because we are a nation which does not accept to be subjected to anybody, as the same time and for the same convictions that does not pretend to impose itself against anybody. Our objective is one plurinational state, which respects our agreed relation with it. (...) We look for a political agreement defining a model for living together and a framework for the relations with the state based on effective bilateral basis, guarantees and conditions for loyalty. Because the pact and no-imposition is the correct procedure in advanced societies for establishing the rules of the game. All this is for reaching an agreement that from the existing institutional frameworks permit to use its real potential for changes which must be backed by social and political majorities.”

These brief quotes of some relevant documents and speeches clearly summarize the core of the Basque nationalist approach to shared sovereignty. It has been shown its direct link to the own Basque political tradition. Now we will focus on its European integration influences. This was an easy question, due to the wide knowledge and expertise Mr. Imaz posses. When directly questioned about the links of his party’s concept of shared sovereignty with the European integration, Mr. Imaz answered with a clear ‘Yes’. He was asked about his own election and the competition with the other candidate. And not negating it, implicitly affirmed that his pure election for leading the party was a clear pro-European and pro-shared sovereignty principle indicator. It can be said that this development of the self-determination principle, is in our opinion one of the most democratic and post-sovereign proposals currently operating in Europe. We have dedicated a wide space to this ideology, but we understand that it is an important issue, because this party is the main one (both in the Basque Country and inside the Basque nationalism) and it has been very influential in the debates about the future and accommodation of the Basque Country.

⁵ The so-called foralists [*foralistas*] were the supporters of the *Fueros* -the Basque laws and self-government- when Spain unilaterally abolished them in 19th century.

4.3. *One reference and one concrete proposal: the Concierto Económico and “The proposal for a new political statute”*

Probably the most interesting aspect of the Basque self-government is its special economic relationship with Spain, known as the *Concierto económico* (the Economic Agreement between Basques and the Spanish state).

It is a very complex and technical issue, but we will only focus on what is important for the objectives of this paper. So, we can briefly define it as the remaining aspects of the old *Fueros* actually recognised by the Spanish Constitution, including a general power for Basques to collect (almost) every tax in their territories, manage this money and give only a certain and agreed amount of it to the state paying so the common services offered by the state. This agreed amount of money is the so-called *cupo* (quota, share). In this sense, the financial capacity of the Economic Agreement is based on two key variables: collection of taxes and quota.

Then, it can be defined as a pact, an agreed way for establishing the self-government of the Basque Country between Basques and the state. Of the three main aspects of the fiscal self-government, the normative capacity (tax-making power) is the most distinctive one, the real core of the *Foral* system, because the other two –management and collection– can be found in many decentralized systems (Larrea 2006:5). Here we can find not only the core of the *Concierto Económico*, but the soul of the entire Basque self-government, the cornerstone for centuries of Basques’ self-rule. This system inspired the two-keys-chest metaphor Mr. Imaz used before. In other words, this is to share sovereignty for Basques.

If this is the reference for the Basque development –theoretically and practically– of their shared sovereignty, we should now focus on the last concrete proposal for making it operative on general grounds: the *Proposal for a New Statute* launched by the Basque government.

It is difficult to explain briefly a long proposal that has provoked an immense number of articles and political reactions. What can be said as a first word on it is that only a few have really read carefully the text before writing or saying their opinion on it. Even political or constitutional ‘experts’ recognised, after a time speaking about it, that they did only read the short extracts and multiple opinions appearing in the press. If one asked for the reason of this, a usual answer was why? It is clearly non-constitutional. And that was all. This gives us one important clue: we are not dealing only with a proposal among many in a serene and informed public space. The political landscape, the psychological momentum and the possible double-intentions behind it were as important as the pure text.

We will try to focus strictly on the text, better a draft because its original intention was to be an open text to be debated, and not on the other environmental factors (absolute majority of Mr. Aznar’s conservative party in Spain with a very tense political climate because ETA’s actions and declarations, etc).

The proposal for a new Political Statute drafted by the Basque Government, approved by the Basque Parliament in December 2004 and finally rejected by the Spanish Parliament, without admitting it even as a text for further debate, shows the important difficulties for a consensual agreement for the Basque conflict. In any case, this proposal –actually politically dead after its failure in Madrid (at least with its original drafting, but probably not in its inner spirit, with much more potential)– assuming the right to self-determination through Historical Titles (recognised by the Spanish Constitution) and bilateral negotiation implicitly (but clearly) assumes a solution within the Spanish constitutional framework.

Many things can be debated in this proposals, but there is a general consensus about some points. First, it affirms the right of Basques to self-govern by themselves. Second, this self-government is defined as a co-sovereign issue, not a full sovereignty-seeking one, what is an important ideological change. It is the very first time in its more than century-long history that the main nationalist party renounces to full sovereignty, and this must be highlighted. Third, it recognises the current Spanish constitutional and legal order, if it proposes to change it and explore new ways for better accommodating the Basque nation within the state and foster improved relations with the other basque territories. Fourth, these territories are recognised as subjects, and not only objects of nationalist ideology, mere part of an homogeneous Basque nation, what, again, is a real ideological change. Last, but not least because it is stressed many times, it renounces to use violence and explicitly condemns it, stating the democratic means and procedures as the only road to a fair end of the conflict. This has been said and written many times by the leaders of the Basque Nationalist Party, but the proposal, probably the most ambitious an innovative document of this party in many years re-affirms this principle.

5. Some final reflections

Basque society is much diverse and complex than current institutions or dominant political culture. We can say that people is more sophisticated than the instruments designed for governing them.

This is an obvious reality and all the Basque parties know it. An immense majority of the Basque population wants more self-government powers, but the way for getting this is a matter of discussion. The main identity is Basque, be it defined as exclusive or shred with others (Spanish, French, European). It is true that if the conflict is defined between two uni-national and mutual exclusivist identities the Basque one *wins, but not convinces* a wide enough sector. Once and again the elections show how 60 per cent votes for explicit Basque nationalist options, but only half of this people feels *only* Basque. This one of the dramas of the Basque conflict: neither Basque Spanish nor Spanish one can *win* the conflict. The Spanish one because is seen as illegitimate or not legitimate enough by a wide and majority sector in the Basque Country. The Basque nationalism supporting violence because they are seen as so scanty legitimate as Spanish state, *or even less* in the last years. The rest of the Basque non-violent nationalism has not been able to build a project able to find the support of the wide sectors of Basque society. For wide enough we think of 80 per cent, a consensus on a community could be founded. In this context the Basque Nationalist Party has developed its shared sovereignty concept and doctrine, expressing it through the aforementioned Proposal for a New Statute. Probably the form and ways for presenting it were not the best, but many of the ideas inside can be seen as a new starting point for

debating Basque identity and political community, and its relations with the other Basques in different political entities and between them and the host states, Spain and France.

With these glasses, current debates about the Basque political conflict acquire a new scope. They can be summarized in four concepts conforming the political core of the debate for solving the Basque conflict and their connection to the European integration:

- a) Self-determination (a classic approach)
- b) ‘Soberanismo’ (a neologism coming from the word ‘sovereignty’ for expressing a different approach to the issue of self-determination, clearly stating the right to affirm the own sovereignty but without a necessary secession from the State)
- c) Shared sovereignty (among different peoples and political centres): it is a concept linked to the ‘soberanismo’, but with further implications, more post-national in spirit and scope. The Basque Nationalist party has decidedly supported this option, not without important internal resistances.
- d) ‘Right to decide’, again linked with the previous two, stressing the democratic participation in every aspect of the political life, and so affecting too to the definition of the political community, but not limited to it.

This paper has focused on the shared sovereignty one because we think it is the one with more potential for reaching a wide social support with time, if its debate and enrichment process is really open and exclusivist rhetoric is increasingly be abandoned.

The Proposal for a New Statute has been inspired in this concept, if it has many remaining ideas still coming from the more classical and more exclusivist nationalist ideology. In spite of these shortcomings, in our opinion this text constitutes one of the most advanced, innovative and post-sovereign proposals actually existing in Europe. Said this, it is true that the way it was proposed out and debated could had been more inclusive. We really think that the core ideas and principles –with this or another alternative drafting– will be the only actually possible ones for reaching a lasting solution. The concept of sharing sovereignty could be the basis for a better accommodation of the old Basque nation within the Spanish state, and here the European integration has played a key role (Ibarra and Filibi 2005). Some complex issues will be of difficult solution, such as the relation with the Basque Country in France and the definition of a solid and constitutionally guaranteed Basque foreign policy including its insertion in European politics. But previous, and even more difficult, is to see whether Spain is able to become a truly plurinational state, recognising its own internal national diversity, adapting to it and definitively abandoning the idea of being a fully sovereign nation state.

Finally, it should be stressed that these changes, difficult as they are, have been only possible thanks to European integration and world-wide globalization processes, which more than to economic issues affect to different thinking and values, and so they need new political institutions and political culture.

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