

# UNILATERAL DE-ESCALATION AS AN OUTCOME IN NATIONALIST CONFLICTS: HIGHLIGHTING OBSCURED PROCESSES AND DYNAMICS, AND THEIR IMPLICATIONS FOR CONFLICT TRANSFORMATION

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A survey of the literature on the decline of terrorist organizations typically categorizes outcomes as group success, military or policing victories, splintering, negotiated agreements, or ongoing. This paper argues a revised categorization is necessary for dealing with sub-state territorially nationalist conflicts that considers unilateral de-escalation/transformation as a set of processes distinct from those taking place in the context of negotiations, victory, or policing or military ends. Such a categorization could highlight additional contexts, mechanisms, behaviours, and opportunities for states and armed non-state actors alike. This revised categorization could provide a framework for the study of a unilateral de-escalation or transformation, along with the (often) continued pursuit of movement goals, a framework which is absent from current literature.

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## INTRODUCTION

Sub-state nationalist conflicts—those conflicts wherein a section of a population challenge the boundaries of their host state through contentious and often violent means—are typically ongoing and multi-phased. When such conflicts turn violent, the study of these conflicts overlaps greatly with the literature on the study of terrorism. While the definition of terrorism is

contested, a survey of the literature on the decline of terrorist organizations typically categorizes outcomes as the group a) succeeding, b) failing (where the state manages military or policing victories, or the organization splinters), c) negotiating an agreement, or d) ongoing.<sup>1</sup> Building on models of political opportunity structure,<sup>2</sup> this paper argues that the current categorization fails to capture important considerations in processes of de-escalation, and that unilateral de-escalation should be included as both an outcome for conflict, as well as a process of conflict transformation. Cases of unilateral de-escalation demonstrate process dynamics, as well as outcome characteristics, that are distinct from those experienced in conflicts that “end” in success, failure, or a bilaterally or multilaterally negotiated settlement. As it stands, such cases are typically categorized in the rump category of “ongoing” which serves as a catch all for those conflicts that do not easily fit into the existing categories. This can obscure the processes of de-escalation—and ultimately conflict transformation—that may occur as part of a unilateral de-escalation.

By removing the cases of unilateral de-escalation from the category of “ongoing” and setting them alongside existing categories, this new category would allow researchers to better identify and study the processes associated with various outcomes, and how these processes in turn impact prospects for long-term conflict transformation. A categorization that considers unilateral de-escalation as a set of processes distinct from those taking place in the context of negotiations, victory, or state policing or military ends is necessary, as such a categorization allows for the identification and study of different set of contexts, mechanisms, behaviours, and opportunities for states and armed non-state actors (ANSAs) alike. This revised categorization could provide a framework for the study of de-escalation, often including continued pursuit of movement goals and the potential impacts on conflict transformation, which is absent from current literature.

To briefly illustrate the potential cases such a recategorization could offer for study, consider Seth Jones and Martin Libicki’s tabulation of the “outcomes” of ANSAs active between 1968 and 2008. Outcomes for terrorist organizations are categorized as achieving victory (success), succumbing to policing/military efforts or splintering (failure), ending following a negotiated political settlement, or as being ongoing/uncategorized. Policing was found to be the most common “end” for smaller terrorist organizations, while conversion to unarmed politics was the most common for organizations with peak memberships over 1,000.<sup>3</sup> When their data is re-tabulated

to focus on ANSAs with competing nationalist aspirations at their stated motivations, a different emphasis in outcomes can be seen. For instance, of 230 identifiable organizations, approximately 62% of ANSAs have an ambiguous fate, either with one iteration of the organization splintering, or no “end” cause listed.<sup>4</sup> This ambiguous ending in no way differentiates organizations that still actively pursue their goals through armed means, those that have petered out, and those that have de-escalated unilaterally. The range of options within the remaining category is broad, with widely different mechanisms and implications, thus representing a more diverse reality than the original classification implies.

To better explore this category, this paper first provides an overview of the types of outcomes defined in the literature. Second, using the conflict in Northern Ireland and in the Basque Country as illustrative examples, it undertakes an overview of theories conceptualizing “outcomes” and highlights the potential implications for conflict transformation of the current absence of unilateral de-escalation as a potential outcome. Finally, the article explores the prospective implications of the expanded categorization, highlighting avenues for future research as well as addressing potential limitations.

## DEFINING OUTCOMES

In order to demonstrate how the category of unilateral de-escalation could be of use to the study of conflict transformation, what is meant by “outcome” must first be established. The notion of an “outcome” is itself misleading as often, in speaking of violent conflict, “outcome” is taken to imply a fixed ending—a victory, a settlement, etc. However, as Michael Keating points out “nationalist conflicts are a form of politics to be negotiated continually rather than a problem to be resolved once and for all, after which ‘normal’ politics can resume.”<sup>5</sup> Politics, at its most abstract, is about relationships, and the very word implies ongoing interaction of some sort. Accordingly, the outcome being examined is often “not a static outcome, but a dynamic process.”<sup>6</sup> If peace can be identified as the goal, then conflict transformation, and with it, peacebuilding, “is about seeking and sustaining processes of change; it is not exclusively, or even primarily about sustaining outcomes.”<sup>7</sup>

While de-escalation of violent conflict is a step toward conflict transformation, the transformation of conflict should not assume the “end” or resolution of the conflict but, as the name implies, its transformation. This is particularly important for studying the role of nonviolent resistance and

the persistence and quality of post-violent conflict peace and stability. The absence of violence is not the same as the presence of peace—a stable peace is one “in which the probability of war [violent conflict] is so small that it does not really enter into the calculations of the people involved.”<sup>8</sup> Peace does not necessarily imply the absence of conflict, only the absence of violence in the interactions in that conflict.

Thus, recognising these processes as ones of sustained change is made more difficult when tied to discussions of movement “success” or “failure” that implies not only a stasis in outcome but a homogeneity in movement goals.<sup>9</sup> These discussions assume that a single and unchanging goal or set of goals can be attributed to an entire movement over the duration of its engagement with its opposition. This assumption often does not reflect the reality of group dynamics as nationalist aspirations are not immune to re-imaginings: “shifts in the areas stateless nationalist movements seek as their nation-states occur as a by-product of politically competitive domestic environment in which these movements are embedded.”<sup>10</sup> Further, how success is understood may vary across participants, opponents and observers, and it may fail to account for the unintended consequences of movement claims.<sup>11</sup> Accordingly, outcomes must be discussed, at least in part, less as fixed targets and more as ongoing processes.

However, much of the literature considers de-escalation as leading to the “end” of conflict, rather than seeing it as a transformation of strategy and tactics. There remains a significant gap in the literature with respect to the transition from violent conflict to nonviolent conflict.<sup>12</sup> Whereas the literature in conflict resolution tends to emphasize disengagement and demobilization (most often focused on the individual), the literature in international relations, as well as negotiation theory, tends to focus more on power asymmetries.<sup>13</sup> In addition to focusing primarily on behavioural disengagement rather than on broader organizational paths, the literature typically does not account for a transition to nonviolent means in the absence of a negotiated settlement. Arguably, a degree of this could be captured under “success,” if success were defined so broadly as to be focused primarily on the creation of nonviolent avenues to pursue movement goals rather than on the goals themselves. However, this would be significantly misleading and simply shift the conceptualization problem to the category of success.

Additionally, the stark separation of negotiation potentially obscures the useful work of building relationships and encouraging flexibility and

moderation that often takes place in negotiation processes, regardless of whether the final product is successful or even agreed upon. Typically, the literature treats a lack of agreement in a negotiation either as a failed negotiation or a stepping stone to a later agreement.<sup>14</sup> While this contributes to our understanding of how and why conflicts can be managed and, ideally, brought to a close, it tells us little about what happens when negotiations fail but a de-escalation of violent conflict nonetheless takes place. This potentially unnecessarily limits the cases that may be considered as examples for study of de-escalation of violent conflict, as—though they are not mutually exclusive categories—there was no “victory” or “defeat” in any military or policing sense, nor was there a negotiated agreement.<sup>15</sup> A situation in which there was no “victory,” “defeat,” or a negotiated agreement, but the ANSA or broader movement in which it is embedded continues to pursue its goals in the absence of a violent conflict, is thus typically excluded from the data sets despite its potentially illuminating elements.

Sub-state nationalist conflicts provide particularly strong examples of multi-phased and multi-dimensional expressions of conflict. For instance, the existence of a sub-state nationalist group does not presuppose secessionist aspirations. Rather, Jaime Lluçh highlights the existence of a variation of nationalist goals—often within the same state—and notes that “sub-state nationalists inhabit a ‘moral polity’ in which reciprocities are expected and notions of common weal and mutual accommodation are essential. The central state’s perceived failure to meet these expectations is an important factor that contributes to the radicalization of nationalists’ preferences.”<sup>16</sup> Within these varied preferences, contentious politics is not a given response: “collective action becomes contentious when it is used by people who lack regular access to representative institutions, who act in the name of new or unacceptable claims, and who behave in ways that fundamentally challenge others and their authorities.”<sup>17</sup> Accordingly, sub-state nationalist conflicts need be neither secessionist nor violent, but could be either or both, and these characteristics may shift over time—dynamics often not clearly captured in the outcome categories of success, failure, or negotiated settlement.

Nonviolent or unarmed protest and violent and armed protest share a number of commonalities: 1) both are forms of collective action; 2) both are used by organized groups rather than being spontaneous;<sup>18</sup> 3) both are non-institutional;<sup>19</sup> 4) as contentious politics, they both bypass or disregard those procedures of a political system designed for conflict resolution;<sup>20</sup> and

5) both are coercive.<sup>21</sup> Given such commonalities, it stands to reason that nonviolent resistance and armed resistance are not necessarily mutually exclusive within the same movement. As Gay Seidman writes: “movements are not always exclusively and explicitly armed or unarmed—many are a combination of both.”<sup>22</sup> This is not surprising when one considers the often-political nature—and certainly militant framings—of the conflicts in which these organizations are active. Veronique Dudouet notes that militants often resent their primary characterization as “armed” as it fails to consider their unarmed activity. As one Irish Republican Army (IRA) militant described there was: “political armed struggle, and there was political non-armed struggle.”<sup>24</sup> Thus, attention must be paid to the often embedded nature of the armed organization in a broader social and political movement, as well as the dynamics between them, as part of a process that is wider than the “end” of terrorism and impacts the group within its contextualizing conflict.

The boundaries between armed and unarmed resistance can be fluid<sup>25</sup> with groups and organizations availing themselves of both tactics. All this is also affected by the potential for the double militancy membership of activists, a shift in tactics over time, and even the potential for the shift in the dominance of organizations within the broader movement. The complex nature and structure of these organizations and the movements in which they are often embedded, have significant implications for shaping de-escalation and post-violent conflict behaviour. Accordingly, a narrow focus on reprioritization of the ANSA away from armed tactics does not necessarily capture the dynamics of the process as a whole as it fails to account for the possibility that there may be multiple organizations and strategies at play. Nor does this narrow focus help account for any re-radicalization or return to armed conflict that may take place later on, as it largely depicts the conflict as “over.”

This dynamism in strategy and organizational roles can also make the operationalization of outcomes—those already in use as well as that proposed—problematic. What is more, not all agreements stand the test of time; over one third of peace agreements signed after 1989 experienced a return to violence within five years.<sup>26</sup> While the data set is not specific to nationalist conflicts, some ideas can be gleaned from the literature on democratic consolidation and the implementation of settlements. After accounting for baseline risks, the risk of democratic breakdown in newly established democracies is initially low (honeymoon period) followed by a

sharp uptake at the time of the end of the first term wherein the democratic culture and structures are first “tested” by the post conflict election cycle, before steadily declining thereafter (consolidation).<sup>27</sup> While not perfectly analogous, there may be parallels in the stability of post-conflict structures and behaviours when there has not been an all-out regime change. This represents an important and telling avenue for future analysis. Thus, even negotiated agreements as an “outcome” may fall prey to the operationalization difficulty of trying to determine a “real” de-escalation from a temporary one—whether sincere or strategic. For instance, can a case be classified as an ANSA’s unilateral de-escalation if it is an attempt to reduce pressure on the organization in order to regroup militarily? The same question could be asked in a negotiated settlement or in the case of a military or policing defeat—is the ANSA “defeated” once and for all, or will it be able to reform and continue as it had before? The proposed classification adjustment does not in itself address this operationalization problem. This dynamism is precisely what makes the study of de-escalation and conflict transformation, so difficult. Nor is it a question that can be easily solved with quantification. Rather, just as with the existing categories, the identification of cases of unilateral de-escalation requires thoughtful and thorough qualitative analysis that is based in the dynamics specific to the context.

#### WHAT EXISTING CATEGORIES MISS

The existing categories obscure the occurrence of a transformation of conflict toward nonviolent means without the direct results of a negotiated agreement, success, or failure of the ANSA. Broadly, the literature denotes five potential trajectories for the de-escalation of ANSA’s violent conflict: decapitation, success, failure, repression, negotiation, and reorientation to another form of violence,<sup>28</sup> while Jones and Libicki identify six outcomes: splintering, ongoing/unspecified, policing end, military end, negotiated agreement, or success.<sup>29</sup> In the case of sub-state nationalist conflicts, this categorization requires some specification as many of these trajectories may have ambiguous “ends.” For instance, splintering does not necessarily mean the end of an organization or even the end of that iteration of the organization, nor does it necessarily mean the end of the conflict or the movement in which the organization is embedded.

Leonard Weinberg goes somewhat further, offering transformation as a category rather than the more limited “negotiated” ending. With the

categorization, he highlights the switch in organizational strategies from violent to nonviolent means.<sup>30</sup> However, there is no clear distinction in the shape of such a transformation. Much of the literature on such transformation is in the context of an agreement. Accordingly, the focus here is to highlight the potential of ANSA-driven unilateral de-escalation in addition to the existing “outcomes” of a negotiated ending, typically state driven ANSA failure, or ANSA success. Thus, this paper proposes parsing the category of transformation into bilateral or multilateral de-escalation (in keeping with the existing literature) and the proposed new category of unilateral de-escalation.

The potential of this revised categorization can be demonstrated by looking at how three main groupings of outcomes in the literature which fail to capture the potential nuances of process, mechanisms, and cases, deal with the proposed category of unilateral de-escalation. Excluding the continuation of armed conflict, the existing outcome categories can be grouped as follows: a) ANSA success, b) a negotiated settlement, and c) ANSA defeat.

### ANSA SUCCESS

To begin, identifying a case of unilateral de-escalation as ANSA success would not necessarily reflect the outcome, the processes which led to this outcome, or clearly outline the implications for conflict transformation of the case in question. Indeed, the idea of success of the ANSA has very different implications for the de-escalation of armed conflict and post-violent conflict stability, depending on the imagining of the ANSA victory.

Consider first, what is meant by “success.” The scope and priorities of sub-state nationalist claims can and do change.<sup>31</sup> If the ANSA was directed toward secession and this is what was achieved, there would be different patterns and implications depending on whether this “victory” was achieved militarily or through a negotiated agreement—blurring the lines between the categories of “success” and “negotiated agreement.” If this stated goal shifted over time, for instance to increased self-government—whether as a stepping stone to later independence or as a goal in and of itself—and a degree of self-governance was achieved, then by recognizing the shifting nature of goals, arguably, the ANSA may have achieved success. The difficulty in determining ANSA success is well demonstrated by the ambiguous nature of the Good Friday Agreement (GFA) in Northern Ireland. For many observers it represents a defeat of the IRA’s maximalist goals, while for others

the reforms in education, governance, and policing made in response to republican demands throughout the Troubles, and in response to the GFA, including allowing for a border poll, represent a victory for the IRA—particularly as the border poll provided them the legal means to achieve their ultimate goal.<sup>32</sup>

“Success” as an outcome thus differs from unilateral de-escalation in a number of ways. For one, in the case of success the now dominant position of the ANSA and/or its political branch, awards it a degree of autonomy in its actions, as well as avenues for affecting change, that are highly unlikely to be available to the comparable organizations who remain within the state but have moved away from tactics of armed violence in the absence of victory or a comprehensive peace agreement (CPA). For those still within the state who have not achieved “success,” they are still likely working within the same confines as their political and social organizations did throughout the armed conflict. This is a significant reversal of the power asymmetry not present in those conflicts that have experienced a de-escalation of violent conflict but not “success” as imagined as secession or a high degree of autonomy.

This is well demonstrated by the case of unilateral de-escalation of the paramilitary group Euskadi Ta Askatasuna (ETA) in the Basque Country. Though there have been significant advances towards movement goals, the move away from violence neither constitutes a “success” for ETA, nor an abandoning of broader movement goals. For example, in evaluating the success of the broader umbrella organization Basque National Liberation Movement (MLNV),<sup>33</sup> on the one hand, the Basque Country remains a part of Spain, with little indication that this might soon change. Objectively this represents a failure of the campaign. At the same time, Basque political and social interests have been very well served by the Statute of Autonomy of 1979, which saw the devolution of a significant degree of self-governance.<sup>34</sup> Parties favouring some degree of change to the constitutional status of the region have held between 50% and 80% of the vote in the regional elections since Spain’s transition to democracy.<sup>35</sup> Thus, while an argument can be made that ETA, or even the broader MLNV, has failed to meet its primary goal, there is value in parsing short and long-term objectives.<sup>36</sup> While the larger goal remains unattained, the broader and more diffuse Basque Patriotic Left (IA) now has access to political and social institutions through which to affect change that it did not have at the time of its founding under the Franco dictatorship.

However, the achievement of less maximalist goals (such as increased self-governance), does not in itself account for the transformation of the conflict in the region. Notably, while the means for pursuit of nationalist goals have changed, organizations of the IA and its supporters continue to pursue the movement's goals. The ability to pursue nationalist ambitions through nonviolent means undoubtedly contributed to the eventual transformation. However, given the more than 30-year lag in the move of ETA to the sidelines and the unchanged nature of the constitutionality of nationalist claims, the case of ETA does not fit comfortably into the outcome category of "success." Further, categorizing it as a success, even partial, would obscure the ongoing nature of the pursuit of IA goals through both institutional and contentious politics and the social, political, and strategic implications for both ANSAs and state actors.

### *A Negotiated Settlement*

The negotiation of an agreement, up to and including a CPA, was listed as the "end" to just over 10% of nationalistically motivated conflicts when peak membership exceeded 100, and just over 16% when peak membership exceeded 1000.<sup>37</sup> While this helps to explain how organizations de-escalate as part of a bilateral or multilateral process, and how they manage to maintain organizational relevance in a post-violent conflict situation, it nonetheless leaves unanswered the question of how movements continue to pursue their goals and address issues normally covered as part of a CPA when they opt to de-escalate in the absence of a negotiated framework. In particular, questions pertaining to political accommodations, institutional changes, prisoners, and demilitarization, demobilization, and reintegration (DDR), remain to be addressed. By highlighting the different shapes of the de-escalation, the way is left open to investigate how such issues are addressed and goals pursued, in the absence of a negotiated framework.

Important to such issues is the presence of social and/or political branches of ANSAs in negotiated agreements as this speaks to the potential for these groups to be involved in the construction of political and social realities in their respective regions. Whereas in the presence of negotiated settlements political accommodations such as power-sharing are an often mandated and integral element in achievement of an agreement, in the absence of such an agreement the potential for such accommodation is likely to be much reduced. A category that focuses on the unilateral de-escalation

of conflict allows the exploration of how and why these elements of the nationalist movement may seek to move toward political and social avenues in the absence of such accommodations and facilitation by a negotiated agreement and, critically, how this impacts the duration and quality of the post-violent conflict stability.

In the aftermath of de-escalation those ANSAs that have had greater success in transitioning to post-violent conflict politics are precisely those that maintained political and social organizations throughout the violent conflict. The presence of such organizations can facilitate a state's ability to interact with a sub-state nationalist movement by allowing the state to deal with a representative of the ANSA rather than the ANSA itself.<sup>38</sup> For instance, Sinn Féin, the political representative of militant republicanism and the Provisional IRA, was an integral actor in the GFA negotiations though important restrictions and caveats were placed upon its participation. In the absence of a negotiated de-escalation, these types of organizations may still be actively involved in both the unilateral de-escalation process, as well as attempts by the movement and its constituent organizations to continue the pursuit of movement objectives through nonviolent means, yet their role is not captured in the existing categories.

An additional element of a negotiated settlement that is markedly different from those conflicts that experience ANSA de-escalation in the absence of a settlement relates to the demobilization and trust building. Whether the result of the defeat of the ANSA or a negotiated end, DDR mechanisms "tend to rely on a distorted understanding of armed groups as purely military organizations, thereby overlooking the fact that many movements have a long history of non-military political struggle and structures."<sup>39</sup> As both the policing/military end to conflict and the more ambiguous "un-ended" category do not necessarily imply a recognition of the political nature of the conflict, this can have significant repercussions for the effectiveness of DDR efforts and the long-term stability of the region.

For instance, Mahdavi Joshi and Erik Melander found that between 1946 and 2005, only 45% of armed conflicts ended with a negotiated agreement. In evaluating the staying power of those agreements, they found that overall the successful implementation of reciprocated political accommodations (RPAs) was more effective in ensuring there was no recurrence of violence than was the presence of guarantors. These RPAs can serve to increase commitment and engagement to the de-escalation process, as

well as produce confidence in both the process and the “other.”<sup>40</sup> RPAs are effective precisely because they represent a risk for the parties involved—a demonstration of commitment. RPAs, more often than not, are the result of a negotiated agreement.

The very same five characteristics that make RPAs so effective—that they be costly, swift, verifiable, non-disempowering and facilitative<sup>41</sup>—are precisely why they are typically part of a CPA; asking the state to willingly undertake such steps if they do not feel they have to, is an unlikely recipe for success. For one, these moves are often politically unsavoury and parties may feel that taking a “hard stance” on terrorism is more likely to result in future electoral success than “giving in.” A clear example of this is the Spanish state’s increase in police and judicial operations against organizations of the IA in the midst of its de-escalation debate and process, as well as an unwillingness to engage in the aftermath of ETA’s ceasefire declaration.<sup>42</sup>

Notably, three measures in particular meet all five key characteristics of RPAs: power-sharing, amnesty, and prisoner release.<sup>43</sup> Questions of amnesty and prisoner release can be considered as part of both demobilization and reintegration. Prisoner release as an RPA is often a significant point of contention even in negotiated de-escalations and, though often considered distasteful, it can have an important role in building support for de-escalation. Prisons are often an important area for the transmission of ideas amongst political prisoners;<sup>44</sup> they can have an important role in the direction of decision-making processes and the diffusion of support for leadership decisions.

Given the importance of prisoner politics as a means of political point scoring for both state actors and ANSA, prisoners’ release and amnesty is a loaded issue for both sides. The treatment of this issue may well vary if it is part of a CPA, negotiated separately, or advocated in the absence of negotiations. In all cases it has the potential for significant impact on the ANSA, its behaviour, and the broader movement, as well as the supporters of state positions. For instance, conditions for amnesty and the release of political prisoners—though unpopular—were built into the GFA and played a crucial role in ensuring the commitment of staunch republicans and IRA volunteers to the agreement. This included programs, and resources to support their reintegration into a post-violent conflict society. In the context of Northern Ireland, ex-combatants’ organizations have not only been important for helping deal with trauma and reintegration, but often

play an important role maintaining support for ceasefires and the CPA more generally, as well as policing the community in a way that state institutions are unable to achieve.<sup>45</sup> The reintegration of former combatants into society can be both a highly politicized and a very important process for the stability of the agreement.<sup>46</sup> Long-term stability is dependent on the integration of these combatants into society.<sup>47</sup> Working with these actors provides a bridge from the government to those who are still reticent to get on board with the process as such organizations typically view state organizations and intentions with a high degree of scepticism.

Thus, in the absence of a negotiated agreement, strategies and decisions that are typically built into CPAs to try to stabilize and reinforce a positive peace, are either made more difficult or do not exist. When there is no CPA, institutional structures and opportunities such as those that were built into the GFA, are not typically available to former combatants or their families. In the case of the Basque Country, IA-affiliated prisoners and those exiled or on the run remain a socially and politically politicizing issue, with the prisoners and those seeking to represent the interests and rights of prisoners and exiles, frequently subjected to criminalization and judicial actions.<sup>48</sup> RPAs not only encourage de-escalation, but help integration and stabilization post-violent conflict. However, given that they are both costly and largely made available at the will of the state, in the absence of a negotiated settlement such measures are highly unlikely.

While such measures are associated with a CPA, there is a gap in the research as to how these crucial elements of post-violent conflict peacebuilding can be or are being addressed in the absence of a CPA. In the context of a unilateral de-escalation but no negotiated agreement, the need to address not only the underlying cause of the conflict (for example, contested secessionist aspirations) but also the consequences of the conflict (for example: DDR, dispute resolution mechanisms, continued pursuit of goals through new or different means) remains. The addition of the category of unilateral de-escalation would capture these nuances for analysis and encourage the development of practical and effective means to address its corresponding implications.

Demobilization of the ANSA in the absence of a CPA is likely to be driven by different considerations, given the not necessarily reciprocated nature of such a demobilization. While many states would prefer to make demobilization and disarmament a prerequisite for negotiating a CPA, this

can stagnate negotiations and make the moderation of stances of the participants more difficult, as the ANSA is acting from within a security dilemma.<sup>49</sup> Thus, calls for ANSA disarmament prior to talks can be problematic. First, they set the bar for talks challengingly high as the ANSA is being asked not only to hand over its strongest bargaining chip prior to negotiations, but also its means of self-preservation—without any guarantee of reciprocation. Second, calls for ANSA disarmament are often seen as an indication of the unwillingness of the state to engage in any meaningful fashion as they have set a condition that they know that other side can very likely not meet, nor can the ANSA make any comparable demand for state's disarmament. By moving demobilization to separate or subsequent tracks of negotiation, there is the potential for a period of contestation and compromise needed to build confidence for dealing with more substantial issues.<sup>50</sup> While such moderation does not always occur, the point is that it can occur, and so analysing the conditions that lead to more effective and lasting demobilization is perhaps more valuable than insisting on immediate disarmament that might cause the talks to stall out completely.<sup>51</sup> Arguably, such DDR is likely to follow a very different process in the case of a negotiated de-escalation as opposed to one that is unilateral.

Furthermore, DDR has implications for the organizational structure and coherence of the ANSA and associated movement that are likely to be quite different in the case of a unilateral as opposed to a negotiated demobilization. DDR is designed to break command structures left over from combat situations. However, undertaking this prior to the implementation of other measures can run into problems. For one, in the absence of command structures, there is the possibility of the creation of power vacuums within the ANSAs which may lead to the creation of more oppositional organizations.<sup>52</sup> Second, leaders are often not the most hardline members of an ANSA, and they can use their position to steer a more reluctant base, with the potential that leaders who push to far ahead of their base may see a backlash or see their organizations splinter.<sup>53</sup> Breaking command structures too soon can make it more difficult for the leadership to move the base towards de-escalation, as well as risk the possibility of splintering or the possibility that only part of the base be brought on board with any subsequent de-escalation. Without the pressures of a negotiated agreement then, why and how an ANSA might undergo this potentially risky process—one likely to strip it of authority and power within the movement—requires

its own investigation. Accordingly, having an ANSA unilaterally de-escalate suggests a set of mechanisms and strategies that may vary from mechanisms and strategies preferred when the ANSA can see the potential for more immediate reciprocation as part of a negotiated settlement.

Lastly, DDR is the result of either a CPA or the victory of one party over the other.<sup>54</sup> If neither outcome has come to pass, the question becomes to what extent are these important elements of DDR undertaken, and how does this impact the likelihood of de-escalation of conflict and post-violent conflict democratic quality and stability. The mechanisms that allow for the successful translation of violent sub-state nationalist conflicts to nonviolent ones identified as part of a CPA are much more difficult to achieve in the absence of an agreement. If RPAs are important for building trust and confidence to allow for demobilization, what then are the mechanisms that facilitate this transformation in the absence of a CPA? Exploring unilateral de-escalation as a distinct category may help illuminate these processes.

That is not to say that attempts at negotiation do not impact an ANSA's decision as to whether or not to de-escalate. Like many conflicts, the Basque case has seen multiple attempts at a negotiated end to ETA's violence, to little lasting effect. However, while there have been repeated attempts at contact by both the French and Spanish governments, as well as international mediators and organizations,<sup>55</sup> ultimately ETA's announcement of a permanent ceasefire and eventual move to disarm, was largely unilaterally undertaken rather than as part of a negotiated agreement.<sup>56</sup> While negotiations have most certainly played an important role in exposing ETA's leadership and that of its associated organizations to the negotiating limits and restrictions under which the state and its allies operate, it was itself not the cause of an "end" to ETA's campaign. The inclusion of the category of unilateral de-escalation allows for a more nuanced exploration of the role negotiations have had in shaping learning processes and subsequent tactics of both ETA and the wider IA, as well as the eventual transformation of strategy, keeping in mind that neither conflict nor ANSA have "ended."

Additionally, by allowing for a consideration of de-escalation as unilateral—acknowledging the role of previous attempts at negotiation—we are better equipped to explain cases wherein there were no formal negotiation and the ANSA and its associated movement neither renounced their goals nor continued armed violence. In the same way that the Provisional IRA's endorsement of the GFA was not a renouncing of its long-term goals, the

MLNV and IA's move to the strategy of unilateralism (without the guiding framework of a negotiated settlement) does not represent a renouncing of their goals: "ETA's endgame was not one of success.... But neither it strictly one of military defeat, as the organization had the means and the will to continue the armed struggle,"<sup>57</sup> and it succeeded in transforming itself into a new political entity.<sup>58</sup> Thus, while in both cases the broader nationalist movements have seen the dominance of the paramilitary organization and strategy replaced by one focused on exclusively political and social means, they did so through significantly different processes and frameworks and this has the potential for differing repercussions for the stability of the post-violent conflict context as well as the potential for the success of their new strategies. This is a critical variation that current categorizations fail to capture.

### *Defeat of the ANSA*

The final grouping of outcomes, that of "failure," whether through splintering or a military or policing defeat of the ANSA, also fails to account for some of the mechanisms that might facilitate a transition to nonviolent means of conflict. First, the idea of military or policing victory alone as a means of ending a sub-state nationalist conflict is problematic as it denies the political nature of the conflict. Thus, while the organization pursuing the movement goals by violent means may cease to be functional, there is neither guarantee that a new organization might arise, nor that the same organization might re-sprout, as the conflict underlying the violence has not been resolved: "in their structural and temporal indeterminacy, [...], terrorist groups can never be 'ended' as long as there is a splinter group with a minimal will to continue; no military or police blow can end the idea of resistance, the desire for the fight.... The only valid ending is contingent on the rebellious groups' unanimous will to stop."<sup>59</sup> Recall, the percentage of ANSAs who met their end through policing or military operations is relatively small, particularly when focused on organizations with peak memberships above 100. Such coercive approaches are unlikely to deter terrorist recurrence—particularly in organizations that have significant support within their community.<sup>60</sup> For instance, the Official IRA largely ceased to operate in the 1950s after a series of military failures and flagging support, only to resurface in the form of the Provisional IRA in the late 1960s.<sup>61</sup>

Thus, another problem with such an approach is that even should the

military or policing approach be successful in damaging ANSA operations, on its own it does not necessarily address the underlying conflict or conditions that led to the radicalization of ANSA militants in the first place and, so long as those remain unaddressed, there is the possibility for organizational resurgence. The de-escalation in the Basque Country is one such example. For some, ETA's end is the result of policing and counter-terrorism efforts. While military and policing operations have been significant factors in the eventual shift in strategy, attributing these operations sole responsibility is problematic. First, however reduced by policing and military operations, it was ETA that announced the ceasefire and, later, its disarmament. Second, however decimated ETA was organizationally, it is hardly the first time the organization has found itself all but eliminated—as demonstrated by ETAs not infrequent rebuilding efforts.<sup>62</sup>

Further, as noted a focus on the failure (or success) of the ANSA's military approach necessarily denies the political nature of the conflict and potentially criminalizes those organizations that seek to represent a political orientation prominent in the population. For instance, in the Basque Country, Herri Batasuna, which had consistently healthy electoral returns, was banned after one of its promotional videos featured footage of masked *etarras* (members of ETA). Several replacement parties were illegalized<sup>63</sup> before a ban on one of Herri Batasuna's successor parties, Sortu was overturned in 2012.<sup>64</sup> A focus on a military or policing end to the conflict provides little explanation for why and how these organizations might transition and adapt to a post-violent conflict context and continue to pursue their goals.

Not only does trying to put cases of unilateral de-escalation into the category of ANSA failure obscure potential mechanisms and decision-making processes on the part of the ANSA's decision to de-escalate, but this can make it more difficult to understand post-violent conflict attempts at stability and reconciliation. Those same functions that are described in the literature as aiding stabilization in the aftermath of armed conflict as part of a CPA, are unlikely to take place in the event of a policing or military victory. One of the key requirements of a RPA is that it be costly; thus, a state is unlikely to undertake such a step if there is no immediate need—such as incurring support for a negotiated settlement. The Spanish state has long pursued policing and military approaches to the conflict, seeing maintenance of ETA activity at a low level of intensity as preferable to a potentially compromising negotiation.<sup>65</sup> Further, as a policing or military

approach tends to treat the conflict as a military or criminal issue, such a framing does not facilitate a political approach to the search for resolutions to the conflict. Instead, measures are more likely to focus on criminal and legal interventions, which, while potentially effective against the military organization of the moment, in and of themselves are unlikely to address the root causes of the conflict.

Thus, while an expansive understanding of military or policing effectiveness would take into account declining public and international support for paramilitary approaches, it nonetheless does not provide an avenue for examining the continuation of the conflict through nonviolent means in the aftermath of an ANSA's "defeat." It short-sightedly assumes that the end of the ANSA as the dominant organization and presupposes the end of the conflict. The Basque case demonstrates much of the potential problems with this approach: the IA and, more specifically, the MLNV contained labour, cultural, linguistic, feminist, youth, and environmental organizations in addition to the political parties, coalitions, and the paramilitary ETA. While ETA remained the dominant organization within the movement for much of its history, its moving aside to allow the pursuit of movement goals through other means, does not indicate the "end" of the conflict. As demonstrated by frequent demonstrations, public opinion surveys, and electoral support for independence oriented political parties in the region, there remains significant support for the movement goals. Calling ETA's ceasefire the "end" or "outcome" may (or may not) be accurate for the organization, or at least that incarnation of the organization, but does little to explain whether or not there will be a resurgence. Nor would it be the first ceasefire called and then broken by ETA. Importantly, such a categorization mistakes the military element of the conflict for the conflict itself.<sup>66</sup> As previously discussed, many organizations in these types of conflicts see their conflicts as fundamentally political; ETA is no exception.

## DISCUSSION

Accordingly, the addition of the category of unilateral de-escalation alongside those of ANSA success or failure, a negotiated settlement, escalation to conventional armed conflict, ANSA splintering, and ongoing, allows an opening for two potential contributions to the study of sub-state nationalist conflict. First, a category of unilateral de-escalation allows for a more nuanced

understanding of the dynamics of the conflict, and the strategies and tactics of the ANSAs and affiliated organizations, as well as the mechanisms and state behaviours that might be effective in promoting such a transition away from armed violence. Second, this expands the potential cases for study of security studies, conflict transformation, and territorial management in the pursuit of policies and tools for promoting nonviolent means of resolving sub-state territorial conflicts.

The addition of a category such as this does, however, necessitate a departure from the purely state-centric and state-normative approach that is often taken in the academic literature. To be effective, such an approach requires a starting position that does not assume that maintenance of state structures and institutions precisely as they are is the normative or default goal. Nor does it assume that a complete overhaul or regional secession is the only solution. What is required is that the focus be placed on seeking a resolution to the conflict that addresses the underlying causes of the conflict and its escalation to violence, without simultaneously assuming the ANSA's reading of the conflict and solutions as sacrosanct, or assuming the ANSA bears full responsibility for any changes that might be necessary. What is required is a perspective that seeks not simply to understand the causes and dynamics of the conflict but prioritizes seeking a resolution that improves the quality of democracy and peace in a given conflict area. By avoiding a wholly state-centric approach, this would allow for the study of which tactics and strategies are most effective for the contesting group in pursuing their goals within this nonviolent framework and how such a change in strategy can be fostered, as well as the role and responsibilities of the state in such a process.

As the case of the conflict in the Basque Country demonstrates, the shape of a de-escalation can be as important for study as why it has de-escalated, as ETA both "ended" and "did not end,"<sup>67</sup> nor does ETA fit the typical causal explanations. The conflict in the Basque Country cannot comfortably be characterized as that of ETA's or even the IA's success; there has been no negotiated agreement, ETA is not currently splintered, and the conflict is not ongoing in the sense of paramilitary violence—though it is ongoing. While political and military operations were undoubtedly a significant factor in ETA's ceasefire declaration, they do not account for the ongoing pursuit of ETA's goals through other means, or address the post-violent conflict realities for integration and peacebuilding. Notably, while the means for

pursuit of nationalist goals have changed, organizations of the IA and its supporters continue to pursue the movement's goals.

Thus, while the broader nationalist movements in both Northern Ireland and the Basque Country have seen the dominance of the paramilitary organization and strategy replaced and transformed into one focused on exclusively political and social means, they did so through significantly different processes and frameworks which have potential repercussions for the stability of the post-violent conflict context and for the means and potential for success of each movement's new strategies. This is a critical variation that current categorizations fail to capture. Like their republican counterparts in Northern Ireland, ETA stepped offstage in favour of the political and social organizations of the broader movement. Yet the implications for post-conflict stability and pursuit of movement goals are significantly different given the absence of a guiding framework of a CPA and, indeed, the absence of meaningful acknowledgement of the change in context by the state government. A categorization that emphasizes this type of unilateral de-escalation would better allow for the identification of case studies, as well as the investigation, parsing, and evaluation of mechanisms, dynamics, and strategies that come into play in the lead-up to, and the aftermath of, such an "end."

## CONCLUSION

The expansion of the categorization to include both the unilateral and bilateral or multilateral de-escalation of conflict towards nonviolent means would allow for a more complete understanding of de-escalation processes, particularly those without a CPA or clear case of ANSA success or failure. The inclusion of the possibility of unilateral de-escalation as an outcome of violent sub-state nationalist conflicts thus opens a number of possibilities for future research. First, there is the need for a re-evaluation of outcomes of conflicts to identify further cases for comparisons. Once a more quantitative database has been established there is room for more in-depth comparative case studies to identify common mechanisms, tactics, or behaviours that characterize de-escalation in the absence of a decisive "end" to violent conflict and its transformation to nonviolent means, as well as identifying cases for studying the recurrence of violent conflict rather than having them listed as "ongoing." Additionally, valuable work can be done examining how best

to support such transformations by looking at how issues such as re-integration of political prisoners, effectiveness of institutional means of contention, maintenance of nonviolent tactics, and prevention of resurgence of violent conflicts, impact de-escalation and post-conflict stability in the absence of the more established and studied frameworks of ANSA victory, defeat, and negotiation.

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