



Talking with terrorists, talking with governments: insurgent perspectives on legitimisation and engagement

Philippe Eugène Duhart

Peace and Conflict Studies Program, Colgate University, Hamilton, NY, USA

ABSTRACT

It is often claimed that “talking to terrorists legitimises terrorism”. But analysts too often assume that insurgents seek standard forms of liberal-legalistic legitimisation through engagement with the state. From a Weberian perspective, however, liberal-legalistic legitimacy is one of a myriad of symbolic and practical grounds for legitimisation. This paper takes a political sociological approach to the problem of legitimacy in “terrorist” conflicts through a comparative analysis of Irish republican and Basque separatist efforts to end the campaigns of the Provisional Irish Republican Army (IRA) and Basque Homeland and Freedom (ETA). There are three principal findings. First, violent insurgents often reject liberal-legalistic legitimisation and instead seek recognition of their capacity to shape the trajectories of conflicts – and therefore recognition of their centrality to ending them. Second, the pursuit by violent insurgents for recognition of capacity often comes into conflict with their non-violent allies’ pursuit of liberal-legalistic legitimisation, which can hinder peace-making. Finally, the pursuit of these forms of legitimisation structure peace processes in that armed groups seeking recognition demand direct talks with governments, while legitimacy-seeking non-violent insurgents emphasise engagement with political parties and non-violent organisations. The relative balance between symbolic goals thus shapes the practice of peace-making in such conflicts.

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It is often claimed that “talking to terrorists legitimises terrorism”. But what is the nature of the legitimacy sought by insurgents through engagement with the state? In examining this issue, analysts have largely adopted state-centric and liberal-legalistic understandings of legitimacy. According to such readings, insurgents pursue standard forms of legitimisation grounded in procedural democracy – and states bestow or deny this legitimacy. From a Weberian perspective, however, political legitimacy rests on a myriad of symbolic and practical grounds, of which the liberal-legalistic form is a variant. In practice, insurgents often reject liberal-legalistic legitimacy and therefore do not seek from governments such legitimisation – though they may seek other forms of recognition. The complexity of legitimacy in engagement is further problematised in that violent insurgents and their non-violent allies often pursue divergent symbolic goals

through engagement. Peace-making is thus often a legitimacy struggle between states and insurgents as well as among insurgents themselves.

This paper investigates the problem of legitimacy in “terrorist”¹ conflicts through a comparative analysis of Irish republican and Basque separatist efforts to facilitate the disengagement from armed struggle of the Provisional Irish Republican Army (IRA) and Basque Homeland and Freedom (ETA). A key finding of this analysis is that the symbolic goals of engagement are farther reaching than liberal-legalistic forms of political legitimacy. Some insurgents do seek formal and legal legitimacy, but others seek recognition of their capacity to violently shape political events, regardless of their ethical or political right to have done so in the first place. Recognising the capacity of armed groups to drive conflict trajectories is essential to peace-making as it entails recognition of their centrality to transforming these conflicts.

A second finding of this analysis is that the pursuit for legitimacy and recognition creates tensions between the political and military wings of insurgent movements. Military wings generally seek recognition of their coercive capacity to influence events, but their political allies are more oriented towards standard forms of liberal-legalistic legitimacy. Successful peace-making requires that these intra-movement tensions be managed and that agreement be reached between insurgent military and political wings over the symbolic goals of peace-making.

Finally, the Irish and Basque cases illustrate how the pursuit of recognition of capacity and standard forms of legitimacy are shaped by the relative balance between these symbolic goals. Armed groups seeking recognition thus emphasise direct talks with governments to demonstrate their status as critical conflict stakeholders, while legitimacy-seeking non-violent insurgents often emphasise political talks with non-violent rivals and opponents. As the two cases illustrate, the nature of practical peace-making as shaped by these symbolic goals impacts the ultimate outcome of peace-making. As Sinn Fein’s pursuit for liberal-legalistic legitimacy drove peace-making in the nineties, the process itself was based on “all-party” talks among Northern Ireland’s dominant political forces, paving the way for a comprehensive settlement. In the Basque case, in contrast, ETA’s pursuit for recognition has persistently undermined practical peace-making. On the one hand, ETA has largely sought direct talks with Madrid, seeing engagement between non-violent Basque political forces as secondary in conflict transformation. On the other hand, when multilateral party talks occurred, ETA tried to directly and often violently influence these talks to demonstrate the group’s centrality in Basque politics. Moreover, the Irish and Basque cases indicate that the pursuit for both forms of legitimisation more broadly shape peace processes in that recognition of capacity is a precondition for engagement, while standard political legitimisation is a product of credible insurgent participation in peace-making.

The Irish republican and Basque separatist cases were selected due to the structural similarities of these insurgent movements and due to the divergent outcomes of insurgent efforts to facilitate the disengagement of the IRA and ETA. The two represent well-constituted politico-military movements – i.e. sustained collective endeavours mobilised into political and military wings that coordinate unarmed and armed activism under the symbolic umbrella of a shared “movement” identity (Duhart 2017). Moreover, republicans and separatists share much ideologically, including the embrace of a left-wing, revolutionary conceptualisation of nationalism. Yet, Irish republicans made peace

with their enemies, while Basque separatists have chronically failed to do so. Thus, the comparison is ideal for investigating the problem of legitimacy in peace-making. Taking an historical approach, furthermore, allows for uncovering the dynamic and shifting tactical and practical perspectives insurgents take on managing the problem of legitimacy in peace-making efforts.

This paper is organised into four parts. First, I consider the problem of legitimacy in the study of insurgent peace-making and distinguish recognition of effective capacity from more standard forms of political legitimacy. I then consider the interaction between these symbolic goals in shaping the divergent trajectories of peace-making in Northern Ireland and the Basque Country respectively. I conclude by considering how movement unity can facilitate or hinder peace-making, how recognition of capacity and standard legitimisation interact to structure peace processes and how these findings contribute to the study of “how terrorism ends”, as well as the broader analysis of the transformation of violent conflicts.

Talking with terrorists, talking with governments

Investigations into the problem of legitimacy in the cessation of “terrorist” conflicts too often rely on state-centric and normatively liberal assumptions of legitimacy that conceptualise insurgents as pursuing quasi-formal liberal-legalistic legitimacy – and states bestowing or denying it. Insurgents, however, often reject standard forms of legitimacy and seek instead recognition of their capacity to influence the course of political events, regardless of their right to have done so in the first place. This pursuit for recognition of capacity develops in tension with standard legitimisation, which insurgents, particularly the unarmed allies of armed groups, also pursue. Resolving intra-movement tensions over divergent or contradictory symbolic aims is thus critical for successful peace-making.

Analysts have conceptualised legitimacy struggles between states and insurgents in two ways. For one group of scholars, states and insurgents “battle for popular legitimacy” (Wilkinson 2011, 204). This battle may not be zero-sum so much as no-win for states, as engagement entails *de facto* recognition of insurgents and thus “by recognizing terrorists as worthy interlocutors they have gained a victory” (Byman 2006, 406). Other scholars treat legitimacy struggles as a form of exchange in which the state bestows legitimacy if “the terrorists agree to play by democratic rules” (Neumann 2007, 138). Both models, however, relegate non-violent forces, especially the political allies of armed groups, to the status of passive audiences, their agency limited to crediting or discrediting state and insurgent legitimacy claims.

Furthermore, these approaches to the problem of legitimacy in insurgent engagement with states are too often grounded in state-centric assumptions common to peace and conflict studies (Mac Ginty 2008; Peterson 2010) and to terrorism studies (Gunning 2007; Zulaika 2009; Donatella 2013). The line between state perspectives on conflicts and the conflicts themselves often becomes blurred, conflating “the model of reality for the reality of the model” (Bourdieu 1991; Jenkins 2010). Analysts thus become inadvertent actors in the representational *metaconflict*, the “conflict over the conflict” (Horowitz 1991, 2). Moreover, such assumptions distort understandings of peace-

making by failing to consider insurgent perspectives on legitimacy and engagement (Toros 2008; Richmond and Tellidis 2012; Toros and Tellidis 2013).

Legitimacy itself is an ambiguous and contested concept (Grafstein 1981; Manin 1987; Uphoff 1989; Buchanan 2002), due in part to the conflation of Max Weber's discussion of practical legitimacy, i.e. justifications for political authority and social action, with legitimacy as a philosophical concern grounded in liberal democratic ethics (Simmons 1999). In practice, legitimacy can be based on diverse grounds, including the rational-legal mode of which modern liberal-legalistic legitimacy is a variant (Weber [1922] 1978)). Political sociology's perspective on legitimacy's complexity contrasts with state-centric analyses that conceptualise the state as the dispenser of political legitimacy (Zulaika and Douglass 1996, 172–73). Furthermore, in state-centric conceptualisations, legitimate actors are definitionally those authorised by the state. Such misrecognition is critical to states' monopolisation of the "means of symbolic production", and is therefore a powerful weapon in legitimacy struggles against challengers (Bourdieu 1993, 171). Thus, liberal-legalistic legitimisation is one mode of legitimacy that insurgents may pursue, while simultaneously being a weapon in state counterterrorist struggles.

The symbolic concerns of insurgents vis-à-vis engagement differ from those of states, though there are similarities. Both are concerned with credibility, and thus use engagement to demonstrate responsibility – which is more important for "terrorists" who are represented as being inherently irrational (Pronin, Kennedy, and Butsch 2006). Moreover, while governments demonstrate credibility by fulfilling various commitments, armed groups are limited in their capacity to establish credibility (Spector 2004). Thus, talks can be a critical tool for demonstrating insurgent credibility. Of course, engagement can undermine state and insurgent credibility. Much as states are constrained by their labelling of opponents as terrorists, insurgents must confront self-imposed barriers stemming from their demonising the state (Pettyjohn 2009; Browne and Dickson 2010). Finally, the reputations of both states and insurgents are often grounded in their being untainted by dealings with the enemy (Byman 2009). Thus, states and insurgents pursuing engagement must guard against being discredited among supporters as traitors.

If insurgents see engagement as a means for achieving symbolic goals, the claim that engagement with insurgents "legitimises terrorism" may be correct. But what kind of legitimacy do insurgents seek? Legitimacy grounded in liberal understandings of formal democracy must be distinguished from recognition of political capacity as a second-order form of legitimacy rooted in the "power to influence both the flow of affairs and the function of a given system" (Langhorne 2005, 333). Violence-wielding groups thus seek "recognition of capability" (Miller 2011), of their being "conflict stakeholders" (Dudouet 2010) or "vital political actors" (Rudolph 2016). This recognition is grounded in effective action rather than in the right to have acted in the first place (Held 2005). Insurgents thus often reject liberal-legalistic legitimacy and pursue instead recognition as effective actors based on their capacity to shape political struggles – and thus recognition of their being "crucial or essential to any putative settlement" (Ancram 2007, 24). Furthermore, given their military weakness, armed groups must attend carefully to the symbolic trajectories of political struggles by crafting an organisational image of capacity and effectiveness.

Recognition of capacity and liberal-legalistic forms of legitimacy should be further distinguished from the *legitimacy of the cause*, which is critical to understanding how the interaction between allies pursuing different forms of legitimisation shapes the development and trajectories of peace-making. Armed groups are often pressured by their allies to abandon violence given its negative impact on broader struggles. The movement's *ism* is often intentionally conflated in the public's discourse with terrorism itself. Indeed, as insurgent movements challenge state power, there are strong incentives for governments to encourage such conflation. Preventing or reversing the cause's delegitimisation thus creates intra-movement pressure on armed groups to initiate engagement efforts.

Recognition of capacity and other forms of legitimacy, including the liberal-legalistic variant, may be pursued simultaneously by factions of armed groups or by separate wings of politico-military movements. Pursuing these modes of legitimacy is not determined by organisational form – armed groups may accept the legitimacy of institutional politics while non-violent allies may opt for aggressive civil disobedience – but, given the practical nature of their respective specialisations, it is more likely that military wings seek recognition of capacity while political wings seek standard legitimisation rooted in liberal democracy. Armed groups' specialisation makes recognition of capacity a critical goal of engagement (Faure 2008). These groups, after all, are designed to militarily defeat governments – or at least bomb them to the negotiating table. Political wings, on the other hand, are designed according to more standard modes of legitimacy. Given their participation in political fields, insurgent politicians must to some extent accept the representational logics of these fields to advance movement goals. Direct organisational ties with armed groups complicate political action, including engagement with states. If the basis of engagement is recognition of the capacity to influence armed allies, the pursuit of standard political legitimacy can be undermined. Non-violent insurgents therefore often demand that engagement be grounded in recognition of their legitimacy stemming from popular support or electoral mandates.

Direct ties between military and political wings may undermine the representational strategies of insurgent movements in engagement, but the inter-organisational structures of insurgent movements and especially the centralisation of overall authority are critical to the pursuit of insurgent symbolic goals in peace-making efforts and to the success or failure of peace-making (Duhart 2016). Centralised insurgent movements in which a single body directs both military and political wings can effectively define and pursue practical and symbolic goals through peace-making while managing internal dissent, whereas decentralised movements often become divided over the goals of engagement. Moreover, movement decentralisation gives armed groups a veto over their allies' efforts. The premium on movement unity often prevents allies from abandoning armed groups, but without centralised authority, insurgent movements are hindered in their efficacy as practical peace-makers.

In the intra-movement struggles over engagement, armed groups have advantages over their unarmed allies. First, violence, especially when constructed as "terrorism", both practically and symbolically determines the course of political struggles. Tainted by their association with violence, non-violent insurgents thus struggle to position themselves within political fields. Second, and more consequentially *vis-à-vis* peace-making, armed struggle is often represented within insurgent movements as the

cause's *avant garde* (Zulaika and Douglass 1996, 33–36). Steeped in an aura of sacrifice augmented by clandestinity, armed groups project a powerful mystique, giving their pronouncements from the underground symbolic efficacy. This mystique explains why non-violent insurgents are wary of abandoning armed allies to secure peace.

The relative balance between recognition of capacity and standard forms of legitimisation in the symbolic strategies of insurgent movements shape peace-making in two critical ways. First, movement actors tailor peace processes in line with specific symbolic and organisational concerns. Armed groups seeking recognition of capacity often emphasise direct negotiations with state actors to demonstrate capacity, while unarmed insurgents are more likely to prefer inter-party political talks critical to their legitimisation as non-violent actors. Second, the balance between symbolic concerns determine the effectiveness of insurgent movements as peace-makers. Unification around a limited symbolic strategy is optimal, as contradictory goals make insurgent movements – and especially their political wings – ineffective protagonists in peace-making. Finally, the legitimisation of unarmed insurgents through engagement with opponents and rivals can threaten the status of armed groups as movement vanguards, encouraging their vetoing of peace-making efforts.

In practice, peace-making is grounded in recognition of capacity: armed groups are negotiated with because they are capable of continuing armed struggle. But engagement does not automatically confer legitimacy (Dudouet 2010; Lanz 2011; Renner and Spencer 2012). Other forms of political legitimisation, i.e. legal authorisation and public acceptance, are the outcomes not preconditions of peace-making (Toros 2008; Miller 2011). Of course, acquiring legitimacy or recognition may represent “a temporary, tactical component of a larger struggle” (Gross 2010, 99). Armed groups may use engagement to bolster their status, while allied political wings can use engagement to better position themselves within competitive political fields. Liberal-legalistic legitimisation can also be a weapon in the struggle against the state by facilitating political action and mass mobilisation. Thus, insurgents may see legitimisation through credible peace-making as a necessary manoeuvre in the rebellion against the “illegitimate” states they oppose.

Legitimacy, recognition and engagement in Northern Ireland

The following section examines two decades of Irish republican engagement efforts, beginning with the failed talks of the seventies, and those that occurred between 1988 and 1993 which laid the groundwork for the subsequent Irish peace process. The two sets of talks differed regarding the legitimacy sought – and who sought it. The IRA of the seventies was a militaristic organisation, optimistic that it could force a British withdrawal. Thus, in early talks, the IRA sought recognition *as an army*. But by the mid-1980s, policing increasingly hindered the IRA, while its allied political party, Sinn Fein, developed into an effective political organisation. As a result, political pragmatism gradually replaced military optimism. Republican peace efforts of the nineties were therefore focused on Sinn Fein's legitimisation through its participation in “all-party” talks. This move from recognition of capacity to standard legitimisation was facilitated largely by the centralisation of the republican movement under the IRA Army Council which

directed both wings of republicanism and was therefore capable of defining the goals of engagement and ensuring support for Sinn Fein's legitimisation plan.

On 22 June 1972, the IRA called its first ceasefire, which had been arranged with British interlocutors (Mumford 2011, 636). An IRA team – including future Sinn Fein leaders Martin McGuinness and Gerry Adams – was flown to London to meet with British Secretary of State William Whitelaw. In the talks, the IRA represented itself as an army. Northern Ireland Secretary of State Merlyn Rees claimed that the delegates were “hard men who talked and looked like soldiers. They thought solely in terms of military victory” (Bishop and Mallie 1988, 217). Another participant noted that IRA chief-of-staff Seán Mac Stíofáin acted as “the representative of an army which had fought the British to a standstill” (Taylor 1997, 142–43). Such militaristic optimism was widespread among republicans. According to one IRA commander: “No one before had fought the British Government to a position where they were negotiating with IRA people. So, there were expectations that the war was over” (Taylor 1997, 139). Republican militarism was bolstered by engagement. As Sinn Fein Vice President Dáithí Ó Connail warned an interlocutor, “behind every one of us on the Army Council there's a young man with a gun in his hand who still has to make his name in Ireland...And when they take over there will be no more ceasefires” (Moloney 2003, 143).

Though this effort failed, IRA commander Billy McKee and Sinn Fein Vice President Dáithí Ó Connail continued to meet secretly with a government interlocutor to arrange a “bi-lateral truce”. The delegates allegedly agreed that British troops would be withdrawn to barracks and that IRA fugitives would be given safe passage guarantees and some would receive permits to carry small arms (Clarke and Johnston 2001, 87). The bilateral nature of these arrangements was key to the IRA's pursuit of recognition of its military capacity. In announcing its 1975 ceasefire, the IRA highlighted the “discussions which have taken place between representatives of the Republican Movement and British officials on effective arrangements to ensure that there is no breakdown of a new truce” (Taylor 1997, 186). The IRA wanted Britain's de facto recognition of the armed group as a military force widely known.

The ceasefire, however, existed in name only, as the IRA became embroiled in sectarian and intra-republican feuding, though talks continued between state delegates and Sinn Fein leaders, who British officials believed wanted “a place at the conference table” (Cowper-Coles 2012, 228) and that president Raurí Ó Brádaigh was “longing to get up on the platform and be an MP” (Cowper-Coles 2012, 233). The British used Sinn Fein's symbolic goals as leverage: “The acceptability of the Republican Movement as a respectable movement has greatly increased. It is now viewed as a serious movement that should be listened to. This is an enormous gain. It would be lost if the Republican Movement goes back to war” (Taylor 1997, 190). Sinn Fein leaders, however, lacked influence over their militaristic allies, particularly those on the Army Council, who increasingly believed that party leaders, according to one IRA commander, “fell for a British ploy” (White 2006, 255). According to another, “The British were trying what they had done in 1972, to get us involved in a long-drawn-out ceasefire. A long drawn-out ceasefire destroys an army” (Moloney 2003, 198).

By decade's end, optimism had been replaced by a more realistic militarism in line with the IRA's limited capacity. According to one delegate to the 1972 talks: “[Secretary of State] Whitelaw is a ruthless bastard. ‘We can accept the casualties,’ he said, ‘we

probably lose as many soldiers to accidents in Germany” (Coogan 2000, 393–394). Engagement’s failure also led to Sinn Fein’s discredited founding leadership’s replacement by younger cadres, some of whom also took seats on the Army Council. These younger republicans took a more tactical view of talks. As a militant later noted, “The present leadership can’t sit around and say just because it criticized Raurí Ó Brádaigh over the 1975–76 talks it cannot undertake a debate with the Brits – but it must guard against making the same mistakes” (Mallie and David 1996, 112). Caution was required as the engagement that facilitated the peace process of the nineties occurred behind the backs of the IRA’s soldiers – particularly those on the Army Council (Moloney 2003, 246–60).

Republicanism’s politicisation both facilitated engagement and made it more perilous. Throughout the eighties, Sinn Fein had become increasingly professionalised, stoking fears within the British and Irish establishments that it might displace the moderate nationalist Social Democratic Labour Party (SDLP) in Northern Irish politics and push the conflict towards civil war (Mallie and David 2001, 42). The party, however, had reached an electoral plateau by the late 1980s, which many republicans attributed to the IRA’s continued violence (Bean 2007, 117). Sinn Fein’s stunted development in the face of IRA violence, however, prompted a cautious debate over strategy within the movement – and among members of the Army Council – that paved the way for the peace process of the nineties (Bean 1995).

Sinn Fein’s engagement with its nationalist rivals was facilitated by Alec Reid, a Belfast-based priest who, according to a colleague, sought “to help Sinn Fein to gain complete control over the republican movement, and then to build an alliance of nationalist parties...all working for peace” (Mallie and David 1996, 71). Initiating talks was difficult, as Reid recalled: “The SDLP and the Dublin government wouldn’t talk to Sinn Fein unless the IRA stopped, so you were in a Catch-22 situation. And the Sinn Fein people could do nothing about creating or developing an alternative unless they could talk to the Irish government and the SDLP” (Mallie and David 2001, 70).

Reid’s efforts led to the SDLP and Sinn Fein officially meeting in 1988. Sinn Fein’s links with the IRA had long prevented sustained engagement with the moderate nationalist party. During a 1985 radio interview, SDLP President John Hume rejected an invitation from Gerry Adams to meet officially, insisting he would speak only to the IRA, not to its “political mouthpiece” (Murray and Tonge 2005, 169). Due to Reid’s persistence, however, Hume changed his position, stating in a 1987 interview that Sinn Fein was a legitimate party, not “a lot of gangsters and criminals” (Hennessey 2000, 40). The SDLP–Sinn Fein talks ended without an agreement on conflict transformation, but Adams and Hume continued to meet secretly until 1993, when newspapers broke news of the encounters. The two, seeing the publicity as an opportunity, released a joint statement detailing the broad peace strategy they had devised.

Republicans also established contacts through Reid, and later through Hume, with the Irish governments of Charles Haughey (1987–1992) and Albert Reynolds (1992–1994). Haughey saw talks with Sinn Fein as a way to propel peace-making by shoring up Sinn Fein’s “confidence” (Mallie and David 1996, 157). According to another official, engagement provided republicans “an entry into the political process. It gave them the possibility of saying, ‘We can influence major events, we can become involved in the discussion’” (Mallie and David 2001, 147). In 1988, Haughey dispatched Northern

Ireland advisor Martin Mansergh to meet with Sinn Fein leaders, though contacts were suspended after the meeting. In 1992, Haughey's successor Albert Reynolds dispatched Mansergh to again meet with Sinn Fein leaders, who provided him a draft of a joint British–Irish statement on the conflict that included the British government's commitment to withdrawal. Reynolds passed the draft to Prime Minister John Major to pressure him into accepting Dublin's more moderate version – which ultimately became the 1993 Downing Street Declaration.

The publicity surrounding “Hume-Adams” stoked concern within the Irish government that the news would undermine ongoing London–Dublin negotiations on a joint declaration on the conflict. According to Taoiseach Reynolds, the publicity “brought more tensions and pressure on the situation. I would have preferred to have dealt with the whole lot nice and quietly behind the scenes” (Mallie and David 1996, 172). An Irish official added:

I remember saying at the time that if you wanted to deliver Hume-Adams you may have to denounce them first...if you wanted to keep the process alive and the documents intact you had to take the fingerprints off them. The key issue was that the British simply would not negotiate with the document they had. There was no question of them negotiating if Adams was associated with it – even if it was Mandela-Adams or Gandhi-Adams. (Mallie and David 1996, 210)

Dublin believed that though their engagement was essential, republicans would have to be brought into the process gradually – and, for the time being, secretly.

Prime Minister Major, however, had in 1990 authorised secret contacts with republican leader Martin McGuinness (Moloney 2003, 406). According to Secretary of State for Northern Ireland Peter Brooke, the effort “was not negotiation...it was essentially an intelligence process” (Mallie and David 1996, 107). Brooke's successor Patrick Mayhew described the government's view at the time:

The question was whether these people were generals in an opposing force in military terms, or whether they had truly recognized that a military approach was not going to get them what they wanted, and they were now going to try to lead their followers down a political road. (Mallie and David 2001, 78)

Major reached out to McGuinness due to his reputation as a militarist and an Army Council member – though McGuinness stipulated he would participate in talks only as Sinn Fein's designated representative (Hennessey 2000, 70).

Republicans carefully framed their participation in talks as grounded in Sinn Fein's electoral mandate, rather than in its influence over the IRA. According to McGuinness, the British “passed word [of the talks offer] to Sinn Fein...[and] Gerry Adams and I discussed the invitation with others in the Sinn Fein officer board”, which agreed that “Sinn Fein's electoral mandate was the basis for our engagement” (*Republican News* 2 December 1993). Gerry Adams demanded that London “recognize the validity of Sinn Fein's electoral mandate” (*Republican News* 1 January 1994), while the IRA insisted that the party's participation in talks was “a simple matter of electoral mandate”, noting that the “British government... [has] absolutely no mandate from anyone” (*Republican News* 23 November 1991). The talks were also framed around Sinn Fein's putative autonomy from the IRA. Adams claimed he sought “a package which will allow me to make definitive proposals to the IRA in relation to the future condition of its campaign. It

would then be up to the IRA to decide" (*Republican News* 1 January 1994). Recognition of the party's capacity to influence the IRA would undermine Sinn Fein's legitimisation effort. Thus, a fictive narrative stressing electoral mandates and organisational autonomy was crafted by Sinn Fein, with the assistance of the Irish and British governments.

The peace process that developed after 1997 was founded on "all-party" talks in which Sinn Fein was recognised, at first begrudgingly, as the legitimate representative of a sector of Northern Ireland's Catholic population. Following the Good Friday Agreement, the process shifted into the electoral/parliamentary realms, further bolstering Sinn Fein's status and legitimacy. The IRA, for its part, limited its involvement to discussions concerning decommissioning its arsenal, eschewing any participation, even indirectly, in political talks (Bew, Frampton, and Gurruchaga 2009, 249).

The initial efforts of the seventies and the success of the nineties were both shaped by the centralisation of authority under the Army Council, which directed both the IRA and Sinn Fein. During the seventies, IRA militarists controlled the Council and thus placed military considerations ahead of Sinn Fein's pursuit of legitimisation through engagement. By the nineties, however, Sinn Fein leaders had gained influence over the Army Council and thus the party's efforts were authorised, at first tactically and later strategically, by the movement's recognised leadership, thereby uniting the bulk of republicans behind Sinn Fein's practical and symbolic goals (Duhart 2016).

The Irish case demonstrates two critical factors for understanding how insurgent symbolic goals impact peace-making. First, the primacy of symbolic goals can be as much a matter of tactical necessity as ideological principle. The movement in the seventies coalesced around the IRA's militaristic goals, but, given Sinn Fein's development, institutional political goals gained increasing prominence as a means for advancing the movement. Second, movement unity around symbolic goals impacts peace-making, but not in a unidirectional way. Movement unity hindered peace-making in the seventies because republicans coalesced around the IRA's pursuit for recognition as an army. In the nineties, however, the movement united around Sinn Fein's legitimisation scheme – if only as a tactical means for advancing the struggle for Irish unification.

Legitimacy, recognition and engagement in the Basque Country

The following examines the problem of legitimacy in Basque separatist peace-making efforts since the early eighties. ETA historically sought recognition of its capacity to drive political events and therefore its centrality to peace-making, while its movement allies have increasingly sought recognition on standard political grounds, particularly following the movement's criminalisation beginning in the late nineties. The critical difference between the Irish and Basque cases is that while republicans united behind Sinn Fein's pursuit of legitimacy, separatists have been divided over the symbolic goals of engagement, which has persistently undermined peace-making in the Basque Country. Furthermore, the decentralisation of authority within the separatist movement hindered the movement's ability to devise coherent peace strategies based on shared symbolic goals, while organisational autonomy provided ETA with veto power over its unarmed allies' peace-making attempts and legitimisation efforts.

Engagement with ETA began during Spanish democratisation in the late seventies, which was complicated by the existence of rival “ETAs”: ETA Politico-Military and ETA Military. Engagement began immediately after Franco’s 1975 death, when military intelligence met with ETA Politico-Military representatives in talks that, according to one group leader, “were exploratory on the part of the government...They asked nothing of us, and we asked nothing of them” (Egido 1993, 22).² A meeting was arranged that included delegates from ETA Military, whose goal was “limited solely to communicating to these officials that there is nothing to discuss” (Egaña and Giacomuzzi 2012, 43). ETA Politico-Military, however, established a “hotline” with the Interior Ministry, which was used in 1977 to negotiate the authorisation of the group’s political wing, the Party of the Basque Revolution (EIA). Politico-Military’s contacts were initially kept secret from cadres, but when rumours spread leaders defended engagement in revolutionary terms: “Every armed force must include the weapon of negotiation in its strategy, and in the case of a clandestine revolutionary group, substantially weaker than its enemy, negotiations are not just a weapon, but a political triumph” (Euskadi Ta Askatasuna 1980, 218).

Beginning in 1981, EIA leaders Mario Onaindia and Juan María Bandrés began meeting with Spanish officials to devise a scheme for ETA Politico-Military’s disbandment – without the armed group’s involvement in the talks. The scheme was part of EIA’s broader effort to position itself within Basque politics between the Socialist Workers Party of Spain (PSOE) and the moderate Basque Nationalist Party (PNV). In 1982, the news magazine *Cambio 16* published an exposé of the talks, forcing EIA leaders to present the plan to ETA Politico-Military’s cadres. Party leaders framed their engagement as revolutionary: “rather than deepening democracy and strengthening working class organizations, [armed struggle] strengthens the repressive apparatuses of the state” (Onaindia 2004, 585). Opponents were cast as irrational counterrevolutionaries: “We do not want independence and socialism at any cost or on the basis of terror and assassination. The left believes in the force of its arguments...Force without reason is reaction” (Fernández Soldevilla 2010, 80). Such appeals were the only real instruments EIA leaders held to influence ETA Politico-Military’s decision-making as the two organisations, faced with state repression, increasingly operated autonomously and EIA leaders’ influence over the armed group was limited to public and private appeals (Egido 1993; Giacomuzzi 1997).

EIA’s credibility in the Basque political field, however, was undermined by the party’s acceptance among the Spanish political establishment as the “good Basques”, in contrast to the moderate nationalists and radical separatists clinging to archaic nationalisms. The media, according to a PNV official, “represented [EIA] as progressive and modern” in contrast to “the rest of us dinosaurs...on the path to political extinction” (Egido 1993, 120). As one Basque media director claimed, EIA “was never presented as a minority party, but rather one on par with the PNV and the PSOE” (Egido 1993, 121). Intra-separatist hostility was more virulent. One leader of Herri Batasuna, the party allied with ETA Military, argued the disengagement scheme sought to “discredit by ricochet the entire *abertzale* [patriotic] left” (Letamendia 1990, 256). Indeed, the plan was rejected by 80% of ETA Politico-Military during a clandestine assembly in 1982 (Giacomuzzi 1997, 233–34). ETA Military, for its part, saw opposition to the scheme as an opportunity for securing intra-movement hegemony: “Our interest currently is not in being protagonists

in political negotiations, but rather in doing our part in the process of the convergence of the *abertzale* left” (Letamendia 1990, 254).

ETA Military (hereafter referred to as “ETA”) eventually developed an engagement strategy. Recognition was the central symbolic goal: “If they want to negotiate, they must first recognize that we are a political force” (Domínguez 1998, 48). Moreover, engagement was to be a tactic in the independence struggle. As one strategist argued, “negotiations have a political objective...to force the recognition and legitimization of ETA as the leader and effective vanguard of the MLNV [Basque National Liberation Movement]” (Unzueta 1988, 239–40). Certain conditions were critical for achieving such recognition. First, delegates were to be appointed from Spain’s civil rather than security apparatus so the talks would be political and not “technical”, i.e. focused on ETA’s disbandment, which would portray the group as a criminal rather than political organisation. Second, engagement was to have a public character. After all, if ETA were to be recognised, it would need to be *seen* engaging with Madrid. Finally, ETA was to be the protagonist in talks, while its allied political party, Herri Batasuna, was to focus on its development as “the instrument of the mass and institutional struggles in the period opened following negotiations” (Unzueta 1988, 241). For the time being, ETA would do the talking.

In 1986, the Spanish Interior Ministry, working with French and Algerian authorities, transferred jailed ETA leader Txomin Iturbe to Algeria to establish a channel with the group. Following Iturbe’s 1987 death, Eugenio Etxebeste, a former ETA leader, was transferred from exile in the Dominican Republic to Algeria to maintain contacts. That year, a former governor of the Basque province of Guipúzcoa was appointed as the state’s delegate in accordance with ETA’s demand that political figures participate in the talks (Egaña and Giacopuzzi 2012, 199–200). After over a year of sporadic discussions with officials, ETA called its first official ceasefire on 23 January 1989, detailing in its announcement nine points allegedly agreed to by Spanish delegates, including the development of “political conversations” alongside “public communication of the meetings and their results” (Euskadi Ta Askatasuna 1989a). A series of meetings were held in Algeria between Madrid and ETA, with representatives from Herri Batasuna and the separatist labour union LAB participating in talks as ETA’s “advisers”. Spanish delegates asked that these representatives be granted status as delegates, but ETA refused (Pozas 1992, 165). The participants agreed to establish a second phase of talks to be announced via paired communiqués from ETA and the government. On March 27, ETA announced that the next phase of talks would include “a complementary table of debate and dialog composed of the representatives of political opinion” (Euskadi Ta Askatasuna 1989b).

ETA’s communiqué triggered alarm among Basque and Spanish political forces who feared that a secret deal had been struck between the government and ETA (Egaña and Giacopuzzi 2012, 197–198). The government hastily met with opposition leaders and soon issued a statement claiming it would “continue on the path toward stable and peaceful coexistence respecting democratic principles...within the framework of the Rule of Law and the principle of agreement among political parties” (Egaña and Giacopuzzi 2012, 199–200). Within hours of the government’s statement, ETA released what it claimed were portions of the communiqué drafted during the Algerian talks, identical to the government’s statement with two notable differences. First, ETA’s version included the phrase “negotiated political solution”, rather than the

Government's "agreed to and definitive solution", which was a more ambiguous and depoliticised phrasing. Second, ETA's version described peace developing within "a framework of democratic principles" (Euskadi Ta Askatasuna 1989c), with no mention of "the framework of the Rule of Law", a euphemism for the 1978 Spanish Constitution. This signalled that further engagement required ETA's recognition of the Constitution's legitimacy, and therefore the illegitimacy of separatist goals, as the Constitution explicitly denies the Basque and Catalan "nationalities" the right to self-determination. Given that any further talks would be "technical" rather than political, ETA ended its ceasefire.

Despite the failure of the talks, ETA insisted that it had forced from the state "recognition of ETA and the MLNV [Basque National Liberation Movement] as an interlocutor" and "de facto recognition...of the legitimacy of the struggle developed by the Basque working class with ETA as its vanguard" (Domínguez 1998, 79). ETA further claimed engagement had established its credibility: "the capacity demonstrated by the Organization to present a politically and dialectically coherent and sophisticated discourse...produced an undeniable image of [ETA] as a political organization" (Domínguez 1998, 77). ETA later informed the government that it would reinstitute its ceasefire if there were "public recognition of the political character of our organization" (Letamendia 1994, 244).

The Algerian effort's failure, however, engendered intra-movement tensions over radical separatism's growing political marginalisation amid ETA's continued violence. There was cautious concern over ETA's hegemony over the political wing, which entailed the latter's "waiting on ETA to usher in a new political scenario" (Batasuna 1999, 281). Herri Batasuna declared that "there has been an overemphasis on negotiations. We have seen them as a solution to all our problems" (Batasuna 1994a, 36). One militant called for "a unilateral truce from ETA...not because of a lack of moral or political legitimacy, but rather because of its ineffectiveness in advancing the movement" (Batasuna 1994b, 79). Herri Batasuna insisted that in future engagement efforts the party and the broader movement must act as the "bridge between ETA and the Spanish state" (Batasuna 1994a, 86). This, however, clashed with ETA's desire for recognition as the critical force in Basque politics. Given separatism's decentralised nature and ETA's hegemonic status among militants, separatist politicians, like their counterparts in EIA, had few means beyond making such appeals to ETA.

ETA, not its political allies, initiated the next round of peace-making. In 1997, ETA representatives met with leaders of the PNV and the social democratic Eusko Alkartasuna party, agreeing to an "indefinite" ceasefire in exchange for moderate nationalists' commitment to pursuing Basque "self-determination". The arrangement facilitated the 1998 Lizarra-Garazi Accords among Basque nationalist organisations, which pledged signatories to using democratic means in pursuit of self-determination. ETA announced its "indefinite" ceasefire that September, declaring that it "had delegated maximum responsibility to Basque society" in the struggle for Basque independence (Egin 9 September 1998). Recognition of the armed group's capacity as a political actor, however, remained a critical symbolic goal. Separatist labour leader Rafa Diez insisted that "ETA is a political agent that has a significant influence over the political struggle", while Herri Batasuna claimed that ETA "is indispensable to negotiations" (Euskadi Información 8 November 1999). Party spokesperson Arnaldo Otegi argued that "ETA is a decisive political agent" and that it was "entirely legitimate that it take

political stances which Basque society has every right to hear" (*Euskadi Información* 1 September 1999).

Following ETA's 1999 unilateral resumption of violence, José Maria Aznar's government escalated the criminalisation of separatism's political wing, which had begun in the run-up to ETA's 1998 ceasefire. This provoked a shift in the political wing's symbolic strategy from recognition of ETA to the legalisation of criminalised movement groups – and therefore tactical recognition of state-sanctioned legalistic legitimacy. Securing standard legitimisation became even more critical following the 2002 reform of the Organic Law of Political Parties, which criminalised parties that refused to denounce political violence. The legislation facilitated the 2003 illegalisation of Batasuna – as Herri Batasuna had rechristened itself in 2000, in an attempt, according to parliamentarian *cum* ETA leader Josu Urrutikoetxea, "to circumvent the banning of HB" (*Euskadi Información* 21 October 1998). Batasuna's legalisation now became a central goal of peace-making, engendering further tensions between ETA and its political allies.

In the aftermath of the 11 May 2004 terrorist attacks in Madrid and subsequent victory of José Luis Zapatero's Socialist government, new opportunities for peace-making emerged, which were seized by Batasuna leader Arnaldo Otegi and Basque socialist Jesús Eguiguren, who had been meeting secretly since 2000 to restart peace efforts. Their talks facilitated the 2005 meeting between ETA leader Josu Urrutikoetxea and Eguiguren acting as the government's delegate. The two established a "first peace, then politics" framework, in which ETA committed to disengaging from the conflict prior to political talks among Basque political parties – thereby negating the armed group's practical and symbolic influence over the process.

In the subsequent effort, however, separatists were divided over symbolic as well as practical goals. ETA's disengagement from the conflict was now a precondition for the legalisation and thus formal legitimisation of non-violent separatist organisations. The 2005 agreement between ETA and Madrid stipulated that an ETA ceasefire would allow Batasuna's return to "political life under conditions equal to that of other political and social forces" (Eguiguren and Aizpeolea 2011, 149). There was intra-movement disagreement, however, as to how this would occur: Batasuna leaders were prepared to reform the party in accordance with the 2002 Organic Law on Political Parties which required the renunciation of violence – and, therefore, of ETA. But the armed group rejected this plan (Eguiguren and Aizpeolea 2011, 151–52).

A hard-line clique among ETA leaders sought not merely to force recognition of ETA, but to secure political concessions in exchange for the group's disengagement. In the fall of 2006, Basque parties, including Batasuna, met to devise a framework for future talks in the Basque Autonomous Community and in the contested province of Navarre to create a new political scenario. Before the inter-party agreement was finalised, however, ETA pressured Batasuna to introduce a two-year limit on the process and set as its outcome the incorporation of Navarre into the Basque Autonomous Community. ETA leader Javier Lopez Peña, who had replaced Urrutikoetxea as the group's delegate, demanded the same in meetings with Spanish officials.

Lacking a centralised movement leadership organ, separatists were unable to devise a shared symbolic and practical strategy. López Peña later cited as the cause of peace-making's failure "the problem of internal cohesion" due to the movement's wing's "differing interpretations of negotiations" (Eguiguren and Aizpeolea 2011, 254), while

Arnaldo Otegi also pointed to “two substantially different visions” of peace-making (Whitfield 2014, 164). ETA’s 2007 renegeing caused inter-organisational in addition to intra-organisational division. In an internal debate, rank-and-file ETA members accused the leadership of having focused exclusively on ETA-Madrid talks, “overshadowing negotiations between parties” which resulted in the “erosion of [ETA’s] credibility” (*El País* 27 September 2009).

ETA’s 2007 return to violence threatened to fracture separatism for the first time since the seventies as militants increasingly saw the group as an obstacle to achieving movement goals (Murua 2016). Bowing to intra-movement pressure, ETA has since 2010 initiated a self-disengagement process that Whitfield (2015) calls “virtual peace-making” given the non-involvement of the Spanish and French governments. This has forced ETA and its allies to enlist the support of internationally recognised mediators to verify ETA’s disengagement. Nevertheless, ETA continues to seek *recognition as a military force*. The entire apparatus of disengagement – particularly the establishment of the International Verification Committee and the 2017 decommissioning of ETA’s arsenals – has been designed to ensure recognition of the military character of ETA – which is unsurprising yet ironic given the group’s rapid decimation at the hands of police forces since 2007. By devising such a mechanism, ETA seeks to self-dissolve as a *military organisation* perhaps to avoid defeat as a *criminal organisation*.

ETA’s primacy in peace-making, demonstrated in its tactical emphasis on direct talks with Madrid and its vetoing of its non-violent allies’ initiatives, is a product of the decentralised nature of radical separatism. Unlike their Irish counterparts, separatism’s political leaders lacked the organisational means to influence ETA’s decision-making short of renouncing the armed group and fracturing the movement. Decentralisation’s negative impact on Basque peace-making can be seen as well in the case of ETA Politico-Military, which, like its rivals ETA Military, operated within a decentralised relationship with its political allies. Thus, EIA leaders were unable to impose their disengagement scheme on the armed groups. Indeed, EIA’s subsequent decline and its leaders’ alienation from the movement reinforced the importance of movement unity, though, unlike in past efforts, movement unity now drives ETA’s ongoing and seemingly irreversible disengagement.

The Basque case further demonstrates how the pursuit of contradictory symbolic goals by the violent and non-violent wings of insurgent movements undermines effective peace-making. Between 1986 and 2007, ETA used direct engagement with Madrid to obtain recognition of its capacity as a political actor, in part to offset its waning coercive capacity. ETA’s allies also saw engagement as a means for acquiring legitimacy – a goal made more imperative by the separatist movement’s criminalisation. Using engagement as a means for liberal-legalistic legitimisation, however, required ETA’s disbandment, provoking intra-movement pressure that has since 2010 driven ETA’s disengagement – though the group continues to seek some form of recognition as a military actor throughout this ongoing process.

Conclusion

The two cases discussed above indicate the complex role insurgent symbolic goals play in the legitimacy struggles surrounding peace-making. Such efforts may be used by

violent insurgents to bolster their status by forcing states to recognise armed groups as effective political actors. Thus, engagement “legitimises terrorism” to the extent that armed groups are treated as if they are state armies engaged in peace negotiations. ETA’s peace-making strategy has been based on such state recognition of its efficacy, as was that of the IRA during its initial engagement with British officials in the seventies. This goal of recognition, however, clashed with the pursuit of standard legitimisation by the movement allies of these groups, thereby persistently undermining peace-making in the Basque Country, as well as early efforts in Northern Ireland. The success of the Irish efforts of the nineties stems in part from the republican movement’s unification around Sinn Fein’s pursuit of standard legitimisation, which was made possible as much by movement centralisation as by political will (Bew, Frampton, and Gurruchaga 2009, 256).

Insurgent symbolic goals structured the success and failure of practical peace-making in Northern Ireland and the Basque Country. Sinn Fein’s pursuit for legitimisation accorded with the dominant model for peace-making in Northern Ireland, based on “all-party” talks. Though direct IRA–London talks were central to the initial efforts of the seventies, by the nineties, the IRA limited itself to technical discussions related to decommissioning its weapons. Unlike their Irish counterparts, ETA has focused on direct talks with Madrid to the detriment of its allies’ efforts to engage publicly with mainstream Basque political actors. The centrality of ETA–Madrid talks persisted despite ETA’s pledges in later efforts to delegate to its allies the political task of peace-making and to limiting itself to technical discussions with the government. Direct talks have been central to ETA’s desire for recognition as the key stakeholder in Basque peace-making, undermining conflict transformation in the Basque Country.

The analysis of Irish and Basque peace-making further suggests that recognition of capacity is a necessary condition for initiating peace-making, while political legitimacy is the result of credible participation in peace processes. Irish republicans did not begin peace-making as legitimate actors. This was achieved through credibly committing to the Irish peace process over time (Toros 2008). This recognition-to-legitimacy process has not developed in the Basque Country due to the Spanish government’s refusal to grant this recognition to ETA or to radical separatism more broadly, in line with its denial that there exists a “Basque conflict” (Whitfield 2014, 16–17).

The legitimacy struggles that shape peace-making are not zero-sum or no-win games, but rather dynamic and interactive processes in which opponents begrudgingly recognise one another as conflict stakeholders and perhaps eventually legitimate political actors. Irish republicans were forced over time to recognise Britain’s commitment to peace-making, much as British governments and Northern Irish unionists eventually accepted republicans as credible partners for peace. The Basque case demonstrates the reverse, as both the credibility of ETA and the Spanish state have diminished due to their failures to maintain symbolic and practical commitments (Duhart 2016). But legitimisation and recognition can be tactical. The Irish peace process required republican recognition of British political and legal structures. Sinn Fein, however, sees British democracy and law not as the fount of legitimacy, but rather as weapons in the republican struggle against British rule in Ireland. Basque separatists have similarly used Spanish democratic institutions. This tactical acceptance of institutional legitimacy has become ever more critical following radical separatism’s criminalisation. But, as in the Irish case, recognition of existing legal structures does not entail recognition of the

state's legitimacy. Insurgents may abide by the rules of a political game to bring this game to an end.

The tension between recognition and legitimacy is relevant to those politico-military movements that combine armed and unarmed activism, e.g. Hamas, Hezbollah, the PKK, etc. (Bew, Frampton, and Gurruchaga 2009, 14), which must strike a balance between conflicting symbolic goals and maintain unity between military and political wings in peace-making efforts. Of course, given the relative weakness of clandestine armed groups such as the IRA and ETA, symbolic goals may more critically and directly shape their peace-making attempts – thus making the recognition/legitimacy tension perhaps more critical to understanding how terrorism ends than explaining civil war cessation. But understanding the processual relationship between recognition of capacity and standard political legitimisation may explain why peace-making in civil wars so often fails: guerrilla armies, particularly those lacking parallel political apparatuses, seek to automatically translate recognition of capacity into standard legitimacy through engagement. However, given that these armies must transform into parties, former guerrillas often find the political game beyond their tactical and organisational capacity (Söderberg Kovacs 2008; Söderberg Kovacs and Hatz 2016). Thus, guerrillas-turned-politicos may be unable to secure standard legitimacy through effective political action, creating conditions for future violence. For guerrilla armies as well as clandestine armed groups, organisational capacity determines insurgent effectiveness in pursuing recognition and legitimacy through peace-making.

The argument presented here, of course, contributes more directly to the growing literature on “how terrorism ends” (Jones and Libicki 2008; Cronin 2009; Gvineria 2009; Harmon 2011; Weinberg 2012; Feste 2015; Clubb 2016) by moving beyond the state-centric and militaristic approaches common to terrorism studies. Two factors are critical for future research. First, analysts should not treat categories of political practice as categories of scholarly analysis by adopting state-centric understandings of legitimacy. Insurgents have their own views on legitimacy that shape participation in peace-making and structure peace processes in interaction with state-centric modes of legitimisation. Second, dominant militaristic conceptualisations of terrorism that focused on violent interactions between states and armed groups often ignore the unarmed allies of armed groups and their influence on peace-making. Overlooking the complexity of insurgencies in favour of two-party militaristic models often results in the failure to recognise the complexity of the legitimacy struggles that drive the success or failure of peace-making. By investigating the complexity of insurgent movements and the actual symbolic concerns that fuel them, and by considering how such complexity contributes to the difficulty of peace-making in terrorist conflicts, analysts will develop more nuanced models of such conflicts that can better contribute to practical peace-making efforts.

Notes

1. In this manuscript, I use “terrorism” primarily to refer to the rhetorical definition of violent conflicts, rather than as a tactic in violent insurgency.
2. All translations from Spanish and Basque are the author's.

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Notes on contributor

Philippe Eugène Duhart (PhD, University of California, Los Angeles) is a Visiting Assistant Professor in the Peace and Conflict Studies Program at Colgate University. His research examines the practical and symbolic barriers to peace-making in terrorist conflicts, focused in particular on the divergent outcomes of peace-making efforts in Northern Ireland and the Basque Country of Spain.

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