

Repression and Criminalization of the Ecologist Movement in the Basque Country: the Case of the High Speed Train Project

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Abstract

This article offers an analysis of the process of criminalization, which, in the authors' opinion, the Basque Ecologist Movement (BEM) has suffered in its fight against the High Speed Train (HST). The text is structured in five sections. The initial section highlights the main characteristics of the BEM from its origins to the present, indicating the importance in its development of the Basque national question and political violence on one side, and a combined discourse that is at once local and global on the other. The second section provides data referring to the HST project, indicating its political and socio-economic impacts, while the third section is dedicated to clarifying the main identity features and lines of action of the anti-HST movement. The fourth section shows both the repertory of collective action of the opponents of the HST and the policies of repression and criminalization exercised against them. The fifth and final section is situated in today's new political cycle, which follows the end of ETA's armed activity and sets out possible future scenarios. Rather than an academic article consisting of intellectual reflection, this article is intended as a political testimony of the long struggle of this social movement, involving 20 years of ecologist activism, a struggle that continues today, since the infrastructure project is still in force, although the conflict is little known at the international level.

Key words

Criminalization; Basque environmental movement; infrastructural projects

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Resumen

Este artículo ofrece un análisis del proceso de criminalización, que, en opinión de los autores, el Movimiento Ecologista Vasco ha sufrido en su lucha contra el Tren de Alta Velocidad (TAV). El texto se estructura en cinco partes. En la primera se destacan las principales características del Movimiento Ecologista Vasco, desde sus orígenes hasta la actualidad, subrayando la importancia en su desarrollo de la cuestión nacional vasca y la violencia política por un lado, y por otro, un discurso combinado local y global a la vez. En el segundo punto se ofrecen datos referentes al proyecto del TAV, indicando sus impactos políticos y socio-económicos, mientras que la tercera parte está dedicada a esclarecer los rasgos de identidad y líneas de acción principales del movimiento anti-TAV. En el cuarto punto se muestran tanto el repertorio de la acción colectiva de los opositores del TAV como las políticas de represión y criminalización ejercida contra ellos. La quinta y última parte se sitúa en el actual nuevo ciclo político, que sigue al final de la actividad armada de ETA y establece posibles escenarios futuros. En lugar de un artículo académico que consiste en la reflexión intelectual, este artículo pretende ser un testimonio político de la larga lucha de este movimiento social, incluyendo 20 años de activismo ecologista, una lucha que continúa en la actualidad, ya que el proyecto de infraestructura se encuentra aún en vigor, aunque el conflicto sea poco conocido a nivel internacional.

Palabras clave

Criminalización; Movimiento ecologista vasco; proyectos de infraestructuras

Table of contents

1. Past and present of the Basque ecologist movement	16
1.1. The roots of Basque ecologism	16
1.2. Ecological questions of national scope	16
1.3. Local and global ecologism	18
2. The High Speed Train project and its impacts in the Basque Country	19
2.1. Environmental and socio-economic impacts of the HST	19
2.2. The decision-making proces.....	21
3. The ecologist movement and the social movement against the HST	21
3.1. The ecologist movement and the HST	21
3.2. From ecologist movement to social movement	22
3.3. Other agents in the conflict	23
4. Repression and criminalization of activism against the HST	24
4.1. Character and aims of activism against the HST	24
4.2. The institutional response	26
4.3. Repression of the anti-HST protest	26
4.4. "Terrorist criminalization"	28
5. Social participation and decision-making	29
5.1. Municipal participation and democracy	30
5.2. The HST project is still underway.....	31
5.3. New times: Towards the end of the repression? Is debate still possible?..	32
Bibliography	32

1. Past and present of the Basque ecologist movement

1.1. *The roots of Basque ecologism*

The roots of the ecologist movement in the Basque Country can be sought in two social movements that had their greatest influence at the death of the dictator Franco and during the first years of the so-called Spanish Political Transition. On the one hand, the Neighborhood Associations, especially in the large municipalities of the Basque Country, which took up claims with a markedly ecological character in the line of improving the quality of life in towns and neighborhoods: atmospheric contamination, transport, urban planning and green areas, the natural environment, etc. On the other hand, the anti-nuclear movement, whose first voices were raised from within the Commission for the Defense of a Non-nuclear Basque Coast, which was formed when the possibility of installing several nuclear reactors along the Basque coast began to take concrete shape: Deba, Ea-Ispaster and Lemoiz. A nuclear power station was also planned for Arguedas, near the town of Tudela in the Ribera region of Navarre, which swiftly gave rise to significant opposition. From 1976 onwards, anti-Lemoiz and anti-nuclear committees began to emerge in many towns and cities in a dispersed and highly spontaneous way. Little by little, these began to coordinate their activities and give shape to a more stable structure: the Anti-nuclear Committees of the Basque Country.

Their attention was initially centered on opposition to the construction of the two reactors of Lemoiz in the Basordas cove (the other three sites were soon ruled out), although their objective was soon widened to include the anti-nuclear struggle and, later on, concern for the environmental, economic and social impacts of the different energy models. In the early-1980s, and especially following the halted construction work at Lemoiz in 1982, their range of concerns and activities was broadened to include issues relating to the defense of the environment and they became the Anti-nuclear and Ecologist Committees of the Basque Country.

In parallel, other ecologist groups throughout the Basque geography were emerging with a local, regional or provincial scope, as well as environmentalist or naturalist groups linked more closely to defense of the natural environment. The Ecologist Conferences of the Basque Country [Encuentros Ecologistas de Euskadi] are organized periodically, with many of these groups usually meeting for debate and to exchange experiences, albeit normally without deciding upon any concrete common struggles or campaigns.

Together with these groups, platforms of opposition to projects related to defense of the land periodically emerge, bringing together affected residents, local collectives, etc., with ecologists actively taking part. These concern projects of varied content involving a great environmental impact in local spaces: industries, transport infrastructures (motorways and ports), waste management installations, reservoirs, etc.

1.2. *Ecological questions of national scope*

In the majority of these struggles, social mobilization rarely achieves an echo beyond the municipality or area most directly affected by the project. Moreover, these platforms disappear once the project is built or, more rarely, dropped. However, in some cases they manage to arouse a greater level of opposition and social mobilization, spreading to the whole of the Basque Country. The best examples of this are the Leizaran Motorway between Gipuzkoa and Navarre, the Itoitz Reservoir and, most recently, the High Speed Train project, a linear project affecting all the territories of the Basque Country.

The Leizaran Motorway was a motorway project linking Gipuzkoa and Navarre, or, more precisely, the provincial capitals Donostia and Iruña, through the valleys of Leizaran and Larraun, involving some 41 km. of road between Andoian and

Irurtzun. Conceived as a mountain motorway in the early-1980s, it soon encountered opposition from the ecologist movement and local groups of the areas affected, due to the high environmental impact on zones of great naturalistic value.

In 1986, the Anti-motorway Coordinator was formed, with debate and social mobilization soon spread beyond the directly affected geographically territory. The Coordinator undertook the significant work of providing information and socializing the issue that, together with its diverse and imaginative forms of struggle, brought thousands of people out onto the streets in opposition to the project, especially in the demonstrations in Donostia (20,000 people in November 1989 and 36,000 in February 1991) and Iruña, and the opposition achieved a national scope.

From 1988 onwards, forms of opposition included acts of low intensity violence or spontaneous sabotage against the building works and machinery. The armed organization ETA decided to act in the conflict at the end of 1989, planting bombs against the works and construction companies and threatening the latter's technicians, resulting in 4 mortal victims.

Meanwhile, significant debates arose within the Anti-motorway Coordinator concerning the need to hold to a closed position of opposition to the motorway, or to present other alternative routes that would have less impact on the environment. The latter option gave rise to "Lurraldeia", a coordinator that offered an elaborated alternative of the same name. Meanwhile, a significant sector of people and groups continued the struggle against any type of motorway.

These two factors (the ETA intervention and the possibility of alternative routes) gave rise to a trial of strength and diffuse negotiations between the opposing parties, the nationalist left and the institutions (essentially the Foral Deputation of Gipuzkoa), which ended in April 1992 with an agreement on a route with less impact. This made it possible to unblock the situation and for work to resume on the motorway, which was finally inaugurated in May 1995.

The project for the Itoitz Reservoir involved the construction of a dam on the Irati and Urrobi rivers in the Pre-Pyrenean area of Navarre. This was to have an occupation of 1,100 Ha, planned to supply industrial and urban uses in the Pamplona area and transform 57,000 Ha into irrigated land in the middle region of Navarre and in the Ribera, by means of the 177 km Navarre Canal. With a strong environmental impact, its waters would inundate three declared natural reserves (Txintxurrenea, Gaztelu and Iñarbe) and two Special Protected Areas (European Union Wild Bird Directive), as well as two villages in the flooded valleys.

In May 1985, the Itoitz Coordinator was created, above all formed by affected people, inhabitants of the villages to be inundated and the Agoitz area. However, they soon received support from the Basque and international ecologist movement. Together with the work of providing information and socializing the issue, its activity was centered on the legal fight against the project through judicial channels. While this was where it was to obtain its greatest successes, they arrived late and were insufficient. The High Court decreed the project as null in 1997, given that it affected protected natural spaces. However, the Navarre government had removed this protection from those spaces in 1996, through an "ad hoc" law that was later declared in accordance with the law by the Constitutional Court (March, 2000), when the works on the dam and part of the Navarre Canal had been built with an expenditure of millions of Euros, including accusations of bribery that were not sent to trial because the statute of limitation for the offence had expired.

By then, opposition had spread and given rise to an extremely broad movement of solidarity throughout the Basque Country, with multitudinous demonstrations, especially in Iruña. Moreover, it also prompted a collective of activists with broad social support, "Solidari@s con Itoitz" (People in solidarity with Itoitz), which practiced varied and imaginative actions of opposition in the line of non-violent direct action. Some of these actions included sabotage and damage to material

goods, yet with strict respect for people. The best-known and most effective action was their cutting the cables used for transporting materials above the head of the dam (April 1995), which caused damages of 9 million € and put a stop to the works for several months. However, it also brought two months of preventive prison for the 8 people arrested and sentences of 4 years and 10 months (for disarming, tying and locking up a guard for 5 minutes). Some of the *solidari@s* served this sentence in part, while others remained in hiding until it expired in December 2007.

Furthermore, the action also meant a revitalization of the opposition movement, which perceived that there were more effective forms of acting when the main argument employed is imposition: two days after their release on bail, 15,000 people demonstrated against the reservoir in Iruña.

Construction of the Itoitz reservoir began in 1993, with building work completed 10 years later. The process of filling the reservoir was started in 2004 and the maximum level, 95% of its capacity, was reached in 2008. The hydroelectric power station, situated at the base of the dam with a capacity of 28.4 megawatts, was opened in March 2009. In 2012, nearly 100 km of the planned 117 km of the Navarre Canal had been built, with its funding and agricultural use subjected to numerous controversies and uncertainties.

1.3. Local and global ecologism

Together with their participation in these struggles, which end up exceeding their initial strictly ecologist character, the ecologist collectives develop a host of campaigns and actions with a more local character. They are developed exclusively by them on some occasions, while on others they take part in local platforms. Although there are ecologist collectives with a national scope (today these are *Ekologistak Martxan*, *Eguzki* and, with nuances about its ecologist definition, *AHTren aurkako Asanblada* [Assembly against the HST]) and other forms of coordination, it is not usual to promote campaigns with such a character, even when dealing with general or universal environmental questions: climate change, nuclear and thermal energy, waste management and incineration, transport infrastructures, developmentalism and degrowth, etc.

Even when equal or similar problems are being confronted, there is little coordination of campaigns. Such cases include the Garoña nuclear power station (in Araba and Biscay), thermal power stations (Boroa, Castejón, Zierbena and Pasaia), incinerators (Bilbao and Donostialdea) or the numerous dual carriageways built in recent decades.

An important exception was found in the anti-militarist struggles against the Euro-missiles and NATO in the 1980s, during which ecologism played a very active role, although they declined following the defeat in the referendum on NATO entry (despite the victory in the Basque Country, Catalonia and the Canary Islands).

Besides the High Speed Train, there are two issues that have a scope extending beyond the local level in coming years: the project of the External Port of Pasaia in the region of Gipuzkoa; and the projects to extract gas by hydraulic fracturing (fracking), which in Araba and Biscay have already started to worry sensibilities besides those of the ecologists, and whose development might affect the whole territory.

Finally, if some particularities of Basque ecologism are to be stressed, we would note the following:

- A close relation between a vision of global ecologism and local action.
- A significant social and political concern, in the line of social ecologism.
- As a result, a close link with other social movements: anti-militarists, internationalists, *gaztetxes* (youth centers) and squatters, feminists, etc.

- A clearly anti-capitalist, anti-developmental and left-wing political ideology.
- A strong component of national identity and participation in the demand for sovereignty.

The latter particularity is despite the fact that the identity question (the different Basque identities) and different ways of understanding political sovereignty in Basque society have also marked the evolution of Basque ecologism, both at the organizational level and in everyday practice.

Furthermore, as we have seen, the question of armed violence, which has traversed our society and has marked the Basque conflict in recent decades, has had a significant presence in the ecologist conflicts since their start in the struggles against Lemoiz.

2. The High Speed Train project and its impacts in the Basque Country

2.1. Environmental and socio-economic impacts of the HST

From an economic perspective, the High Speed Train Project (henceforth HST) is doubtlessly the most ambitious undertaking in the entire history of the Basque Country. In environmental terms, it is the most complex and has the greatest impacts on the territory. Moreover, it also has the greatest social effect; not only due to its economic costs, which are necessarily affecting other social policies, but also given its influence on territorial planning.

The different administrations that act in the Basque Country have envisaged the construction in the medium term of approximately 460 km of high speed railway:

- the 194 km of the so-called "Basque Y", which will cross the Autonomous Community to connect the peninsular axes with Europe;
- some 200 km of the so-called "Navarre High Speed Corridor", which, setting out from the Y in the Oria valley, will cross the whole of Navarre, by way of Sakana, the Pamplona basin towards the Ribera in the direction of Zaragoza and the Mediterranean, converting the well-known Basque "Y" into Basque-Navarre "H"; and
- another 71 km in the Northern Basque Country, for the new line between Dax-Behobia, restarting the currently halted TGV project, despite strong social opposition.

Moreover, the following could also be added:

- the prolongation of the HST towards the Cantabrian cornice in a future "Bilbao-Cantabria-Galicia" corridor, whose most advanced project is the so-called "Variante Sur Ferroviario" (Southern Railway Variant), connecting a new outlet for merchandise from the Superport of Bilbao with the high speed network; and
- the conversion of the present "Gasteiz-Iruña" stretch through Alsasua into high speed lines, and the Ebro corridor between Miranda-Logroño-Castejón into a "Cantabria-Mediterranean" line.

It is impossible to find a similar project of high speed infrastructures in any other part of Europe. Not even in Spain, where there were 2,665 km of high speed lines in service and 4,500km under construction in May 2011, against an estimated 16,000 km in the whole world (Segura 2009, p.62).

The environmental impacts on a territory with an irregular and broken orography are absolutely unsustainable and irreversible. Concentrating on the so-called "Basque Y", whose projects are already defined, the occupation of territory will be 671 Ha. As a reference, 1 Ha. is the equivalent of a football ground with its grandstand. Of the total, 440 Ha. corresponds to agroforestry land. In addition, a

further 518 Ha. will be occupied or filled by the 64 dumps needed for depositing the extracted rubble.

Particularly relevant is the movement of earth envisaged in excavations, tunnels and subsequent filling. This could reach the figure of 33 million cubic meters of earth and is equivalent to half of all the movements undertaken in the Basque Autonomous Community in the previous 20 years in the construction of infrastructures; a period of notably active development of motorways and roads.

The HST in Euskadi is a continuous tunnel-viaduct due to the orography. The Basque Y would go through 80 tunnels with a total of 104 km (some requiring parallel galleries for emergencies) and cross 70 viaducts of 17 km length. This involves notably increasing the consumption of aggregates and concrete, consequently opening new quarries. The studies conducted by EVE (the Basque Energy Body) concerning new areas suitable for quarrying envisaged the possibility of opening as many as 131 new quarries in coming years, to be added to the 52 already in existence, with many of the former consider necessary to supply the works for the HST (Ekologistak Martxan 2007).

Other significant environmental impacts are related to the effect on water courses and aquifers. The HST crosses streams and rivers at 103 points along its route, passing through areas of underground aquifers with high or very high vulnerability for 31 km (including tunnels).

The landscape impacts are notable in many valleys and spaces of panoramic and natural interest and, despite the "Basque Y" skirting yet not directly crossing declared natural spaces, its prolongation towards the "Navarre corridor" would do so if carried out.

Impacts have also been denounced relating to the unbearable noise that would be inflicted on many inhabited areas in the passage of 250 m. on each side of the route, as well as contamination by electromagnetic waves. Moreover, the energy consumption of transporting people on high speed railways renders it the equivalent of the most unsustainable systems: the airplane and under-occupied private vehicles.

From an economic perspective, some 4,100 million € is budgeted for the "Basque Y", without taking into account access routes and works in the capitals and the railway units, which could raise the figure to 6,000 million (plus the usual increases of any public works). Including the "Navarre corridor", the total investment could exceed 10,000 million €.

The figure of 6,000 million € is equivalent to the Housing budget of the Basque Government for 24 years, or that of the Environment for 54 years, without taking into account the recent cuts in these areas due to the crisis. 1 km. of HST (30 million € in the territory of the Basque Autonomous Community) alone exceeds the annual expenditure of the Spanish Government on the World Food Program prior to the crisis¹.

There would also be significant impacts in Navarre and the Northern Basque Country, even with somewhat lower economic and environmental costs due to their more even orography in some places. To provide an idea, the total movement of earth in the Southern Basque Country would reach 68 million m³ and the total cost of the cheaper "Navarre corridor" (at 18 million €/km.) would rise to 3,600 million €.

¹ The data on environmental and economic impacts are taken from AHT gelditu! ELKARLANA (2007b) and the website www.ahtgelditu.org based on official reports.

2.2. The decision-making process

Euroan commitment to the high speed railway as a transport system stimulating global economic growth and consolidating the single market is promoted by the European Commission, with support from the "European Round Table of Industrialists", a business lobby featuring the main European transnationals. Thus, in 1986, shortly after Spain's entry into the EEC, the European Commission submitted a report to the Council of Ministers entitled "Towards a European network of high speed trains", demanding that the states formulate proposals with a view to forming part of this network.

The first decision in the Basque Country dates back to 1989, with the agreements between the Spanish central government and the Navarre and Basque governments (on 11 November and 27 February, respectively) to develop the HST in both autonomous communities. In 1994, the Council of Europe decided to include the high speed railway axis Madrid-Vitoria-Dax in its list of strategic projects.

Despite the arguments between the governments concerned over funding and priorities in the development of high speed delaying the projects for years, an agreement was eventually reached between the Spanish Development Minister and the Department of Public Works and Transport of the Basque government in 2006 to fund the "Basque Y" for the sum of 4,178 million €, of which the 1,642 € of the Gipuzkoa section would be advanced by the autonomous government and discounted from the Quota of the Economic Agreement.

The works started in October 2006 in Urbina (Araba) and along the Arrauza-Ubarrundia/Villareal stretch. In 2008, they started in Gipuzkoa (Ordizia-Itsasondo tunnel) and Biscay (Amorebieta).

3. The ecologist movement and the social movement against the HST

3.1. The ecologist movement and the HST

The ecologist movement has always been highly critical of high speed rail projects.

Avoiding the debate on priorities in the railway connection with Europe through the Madrid-Barcelona corridor or Madrid-Irun, in October 1986 the Spanish government decided to undertake construction of the Madrid-Seville AVE (Alta Velocidad Española – Spanish High Speed) line, with the aim of it being running for the 1992 Universal Exposition. This project was met with total opposition from the main ecologist organizations and groups throughout Spain (at the time, the majority of them formed part of the CODA (Coordinadora de Organizaciones de Defensa Ambiental – Coordinator of Environmental Defense Organizations). However, their activity was very limited and found little social echo, with the former being reduced to informative actions (publications, talks, press statements, etc) and some symbolic protests (Brazatortas, etc.) that failed to achieve a deep rooted social mobilization. This opposition was supported by some of the Basque ecologist organizations, despite the passage of the high speed railway through our country being seen as very far off at the time.

There has been a firm commitment to "high speed" by the governing nationalists in the Basque Country, almost since the beginning of Basque autonomy. The "Basque Y" has always been the dream and claim of the Basque Nationalist Party (EAJ-PNV), besides the strategic attempt to achieve priority over the Madrid-Zaragoza-Barcelona axis in terms of being the connection with Europe. Juan María Bandres (Basque Left - EE), as "Transport Councilor" of the pre-autonomous Basque General Council (1978-1980), also called for the HST for the Cantabrian cornice.

In parallel, the first critical reflections and commentaries from ecologist sectors also emerged, albeit with a very sporadic character and limited diffusion. Indeed, a true

movement of activism and social opposition was not formed until the formation of the "Assembly against the HST – AHTren aurkako Asanblada" in 1993.

The Assembly emerged from the confluence of different autonomous groups with an anti-developmental character, the majority of which had been linked to the struggle against the Leizaran motorway and were disappointed and very critical of the agreement between the institutions and the "nationalist left" that altered the route but signified the definitive approval and construction of this road infrastructure.

With a horizontal structure, a vocation for an assembly-based functioning and a markedly anti-capitalist and anti-developmental ideology, these groups also participate in other platforms and social struggles against infrastructure projects that have a large environmental impact (the Abra Superport of Bilbao, thermal and high tension lines, dual carriageways, External Port of Pasaia, etc) Nonetheless, they have made opposition to the HST and the social model in which it is inscribed their main banner and the axis of their social activism.

Besides permanent activities of public information, opposition and denunciation, they have organized an annual "Camp against the HST", held each summer in a municipality of the Basque Country since 1996. This serves as a meeting point for activists, featuring a combination of debates, talks and public actions involving demand-making and denunciation of the HST project. It is also used as a space of confluence and exchange with other struggles and social demands against the system, including those with an international character. This initiative continues to date, with the XVI Camp held in Hernani in July 2011².

3.2. From ecologist movement to social movement

In March 2001, opposition to the HST project had a fundamental moment, marking a qualitative leap and the germ of a true social movement through the creation of "AHT GELDITU! ELKARLANA" (henceforth ELKARLANA). This was formed as a social coordinator with the participation of social and ecologist movements, local groups of those affected, trade unions, political organizations, etc. and some Municipal Councils.

ELKARLANA was formed around a minimum agreement that envisages three axes of work: total rejection of the HST, denunciation of the procedure followed in drawing up the project, and the need to question the model of transport, territorial planning and society. Implicitly yet with a specific debate, work on elaborating and proposing concrete alternatives to the HST (railway or transport) is ruled out in order not to repeat the experience of Lurralde in relation to the Leizaran motorway.

Three lines of activity are proposed as instruments of action: promotion of a double dynamic of mobilizations and informative activities, in the short term in areas and capitals directly affected, and later at the national level; juridical actions in the Courts over legal infringements and irregularities committed in processing the project; and action at the institutional level, through the coordination of Municipal Councils opposed to the HST³.

² In November 2012, after this article had been written, the "Assembly against the HST – AHTren aurkako Asanblada" published a manifesto titled "We have finished but we do not surrender: the Assembly against the HST says goodbye", in which it announced that it was suspending its activities and "finalizing this coordination tool". Available from: <http://sindominio.net/ahtez/?q=es>.

³ Despite its initial definition as a coordinator, its workings soon acquired a greater resemblance to a broad social platform. It began with the formation of local groups of activists (belonging to the founding organizations or working in a personal capacity) who resolutely promoted campaigns at the national level, but also developed their own work of local consciousness-raising with complete autonomy. National coordination is carried out through open meetings and assemblies and commissions or work groups. Decisions are not taken on the basis of a majority decision by participants, but rather by seeking broad consensus, bearing in mind the different sensibilities of the main politico-social currents within ELKARLANA and the foundational minimum agreement.

The creation of ELKARLANA provided a notable boost to social mobilization against the HST. National demonstrations were periodically organized together with thousands of small informative actions and denunciations developed throughout the territory of the Basque Country, preferentially yet not exclusively in the municipalities affected by the HST route, bringing together thousands of people: Arrasate (the geographical center of the "Basque Y", where 15,000 people came together in December 2007) and the four provincial capitals of the Basque Country were witness to this.

With the start of the works in Urbina, the so-called "space of resistance" was organized in this locality, a type of permanent occupation-camp site next to the first earthworks. Between 3 November 2006 and 6 January 2007, hundreds of people lived together in, or otherwise passed through, this small locality in Araba, developing all types of informative and symbolic actions: talks and debates in the space itself or nearby localities, inspection tours around the works, activists chaining themselves to machinery, mountain marches through other spaces that will be affected in the future, etc., as well as informative and publicity actions in Vitoria-Gasteiz, the closest provincial capital, culminating in a demonstration of 7,000 people on 18 November. This initiative was the object of special police harassment and many of its activities resulted in aggressions, arrests or denunciations against the activists taking part.

Another temporary action developed by ELKARLANA, in this case a travelling one, was the Gelditour initiative. From 4 May 2008 in Cortes (Navarre) until 31 May in Donostia, an informative motorcade travelled around the Basque Country, organized around a lorry with informative tools (projection screens, exhibitions, loudspeaker systems) and publicity material for distribution (booklets, DVDs, posters, etc.). Dozens of activities were organized in the municipalities it passed through and where it stopped, including talks, round table debates, demonstrations, mountain marches, exhibitions, popular meals, *bertsolaris* (verse improvisers), concerts, rallies, etc. which culminated in Donostia with thousands of people demonstrating in a festive manner in heavy rain.

Special emphasis in this campaign was placed upon the idea "HST: less imposition and more debate". Furthermore, other stated objectives included spreading information to the four winds on the effects the HST would have, making the opposition known, and uniting different social sectors and agents in the struggle against the HST.

While social and citizens' mobilization has been the principal aim and axis of work of ELKARLANA over the course of these years, other forms of activism and social struggle have also been developed interlaced with this. As we shall see, the most notable forms in this respect are non-violent direct action and campaigns and actions of civil disobedience. With respect to institutional work, this has been restricted to the sphere of the municipalities affected and has undergone little development. This is despite its potentials due to the significant political presence of opposition to the HST in many Municipal Councils, as well as the fact that it was one of the axes of work that Elkarlana had set itself in its foundational manifesto.

3.3. Other agents in the conflict

Finally, the conflict over the HST and the struggle against this project has not been free of the intervention of ETA's armed violence. Although the opposition of this organization had long been known, with some of the mass media already announcing its intervention, it first indicated in an interview in January 2008 that the HST could figure amongst its targets. While some armed actions occurred against economic interests related to the HST throughout that year, it was in December 2008 that a qualitative leap was taken with the murder in Azpeitia of Inaxio Uría, an entrepreneur from Gipuzkoa who was taking part in the works of the HST. This event produced a strong social commotion and gave rise to a deep

debate and reflection within the anti-HST movement⁴ (4). Moreover, it also left a deep mark on the development of the social mobilization against the HST. Although ETA has not since intervened in the conflict, and is today in the process of disbanding itself, its negative consequences continue to be present.

It required a significant effort for ELKARLANA to reach a consensus on its communiqué facing this tragic event; the communiqué finally consisted of restating its strategy of socializing the problem and promoting mobilization, civil disobedience, popular consultations and municipal opposition, as well as reaffirming the legitimacy of opposition to the HST. However, it did not contain any allusion to or evaluation of ETA's armed action; this was "*without detriment to the groups and people who form part of [ELKARLANA] making their own reflections*". In this respect, some individual voices and significant organizations of ELKARLANA had already and immediately declared their rejection of the murder of Uria, demanding that "*Eta should cease to interfere in social struggles and act as the tutor of Basque society (...) and that the political class should reflect on the reasons why this situation has been reached*".

Besides ELKARLANA, which has led the struggle against the HST, other initiatives have been taken to denounce this project from different perspectives, especially with respect to a willingness to study other alternatives for developing the railway in the Basque Country as a more sustainable form of transport. Following this line, the platform "Ribera Network for a Social Train – No to the HST" in the Ribera of Navarre has been outstanding. In the Basque Autonomous Community, a "Network for the Social Train" has also been formed with the participation of the Basque trade union majority, although its activity has been limited to undertaking studies and making public statements.

In May 2010, the movement of disobedience to the HST, "MUGITU! AHT gelditzeko" was formed. Employing civil disobedience as a tool, its aims are "to oppose the imposition of the HST project and for society to hold a genuine debate on transport and the social model, and for the decision-making capacity of the municipalities to be respected". This is not an organization but rather a call for protest actions to be carried out; these actions should not involve violence and should have a public character, with personal responsibility taken for each action.

4. Repression and criminalization of activism against the HST

4.1. Character and aims of activism against the HST

Activity in opposition to the HST has always been characterized by its public character and active non-violence, particularly when it began to become consolidated as a widely implanted movement. Nonetheless, there have also been some sabotage actions against building works and machinery on a line closer to direct action.

The main aim of this activity has been to inform the population, increasing its understanding of the environmental, social and economic impacts of the HST and the social model it involves and imposes. This is achieved in the framework of a process of debate and public participation, something the institutions have refused to engage in, which enables society as whole to know, reflect and decide.

For this purpose, this opposition has availed itself of means of expression and public action developed in a strictly pacific way; actions with an informative or symbolically denunciatory content that seek to widen its social base.

Due their number, as well as their media and social effect, we draw attention to:

⁴ See some of the principal documents of this debate in Ekologistak Martxan (2009).

- informative acts (talks, debates, round tables, publication of books, documentaries, etc);
- actions aimed at gaining knowledge and making demands in the natural environment affected by the route: camps, mountain marches, cycle routes, symbolic tree planting, etc.;
- activists' rallies in front of institutions and companies involved in the project;
- protest actions aiming to prevent the "drawing up of certificates of approval of expropriation" in the places and/or municipalities affected; and
- mass mobilizations, with the participation of thousands of people.

However, these have also been combined with actions that have a more activist character, filled with symbolism, on many occasions involving risk and imagination and always in the line of defending non-violent direct action and civil disobedience. Amongst others, we can point to:

- campaigns of non-payment of tickets on Euskotren or RENFE (autonomous community and state railway companies) to denounce their participation in the project;
- symbolic actions at the works, including activists chaining themselves to machinery or along the access routes, the occupation of disused mines by four people for five days (Itsasondo, July 2010) to prevent the perforation explosions of the tunnels, and scaling trees due to be cut down and remaining there for several days (Itsasondo, October 2009);
- symbolic actions before authorities and institutions, such as trying to intervene in a speech by the Basque president, interrupting an act by the Transport Councilor by stripping naked in public, occupying offices of Euskotren or ADIF, activists chaining themselves in front of a train in which the authorities were celebrating the anniversary of the steam locomotive, throwing tarts at Yolanda Barcina (President of Navarre); and
- symbolic actions in the streets, including "painting the rivers" by dyeing their waters with non-contaminating products to denounce the impact on water courses and aquifers (October 2010), and "calming traffic so as to be able to think", with activists chaining themselves in the road or climbing onto a bus (Donostia, August 2008).

While it is difficult to single out any such actions for specific mention, we would like to draw attention to some that particularly illustrate the character and content of the activism and mobilization against the HST. Direct and symbolic activism found a visual expression in the autumn of 2009 when several people climbed to the top of the trees in the Beróstegi wood, which were scheduled to be cut down by the works in Itsasondo, remaining there for several days with the slogan "Clinging onto the trees from their roots, no to the HST" until they were finally evicted. As a show of solidarity and to spread the echo of the action, similar actions took place in the following day places including Durango, Portugalete, Bilbao and Galdakao, and even, with a clearer symbolism, on the "Tree of Gernika".

In April 2009, thousands of letter boxes in the Basque Autonomous Community received a letter with a simulated heading from the "Basque Government" and "its Treasury", informing each tax payer that they would have to pay, the sum of 4,895 € to meet the economic cost of the HST, either through their tax statement or a reduction in their pension or social assistance. The "letter" was simultaneously distributed by hundreds of activists in almost all the municipalities of the Basque Autonomous Community. Their aim was to draw attention to this figure, which is approximately the amount corresponding to each citizen to cover the 6,300 million € cost of the "Basque Y". The initial reaction of social alarm was of such magnitude that the Basque Government was obliged to publicly deny the veracity of the letter, threatening those responsible with judicial actions, which never materialized.

A similar figure appeared on many Euro notes that were legal tender, which had been circulating for several months with an ink stamp saying "HST, 4,790 €/person, STOP". This was another action within the "Stamp your rejection of the HST" campaign, which had the same objective of informing and raising social awareness about the economic costs of the HST.

Amongst the actions before public authorities, eight activists recently (October 2011) interrupted the international meeting of the Plenary Council of the Pyrenees Work Community held in Toulouse. They displayed banners against the HST and the TGV and threw two tarts in the face of the president of the Navarre government, who was about to assume the presidency of Community, with the slogan "Barcena keeps the whole HST cake for herself"⁵. This action, the likes of which have often been carried out without further consequences, is presently being submitted to proceedings in the *Audiencia Nacional* (special National Court), with charges against four people for offences that can carry sentences of six years in prison, or even more in the case of one of them being the deputy mayor of a municipal council. The action was organized by "MUGITU! AHT gelditzeko".

4.2. *The institutional response*

Facing this activity, the institutional response (seconded by the majority of the mass media) has successively evolved from concealing the project to refusing debate, silencing the opposition, criminalizing the organizations and, finally, repressing the activists.

For years, the project began to take shape without any type of debate or popular participation, also without diffusing accurate information that could be checked by the citizens. This initially occurred in European institutions, then in Spanish ones and later Basque ones. Moreover, decisions were taken in these institutions without any respect for the municipal institutions and towns that would be affected.

When the projects began to take administrative form and the first voices of opposition were raised, the next step was the almost total silencing in the mass media (especially the public media) of any discordant voice, idea, opinion or argument. When such voices could no longer be completely silenced, the response was publicity campaigns of disinformation.

When the opposition began to acquire social form and become a wider movement, the following step was to denigrate and criminalize the organizations taking part and, finally, to persecute the activists by police and judicial means.

4.3. *Repression of the anti-HST protest*

The first actions of denunciation and opposition to the HST were developed by groups linked to "AHTren aurkako Asanblada" that normally had a symbolic character and involved a small number of very militant participants. They were carried out in front of the head offices of institutions linked to the project or in natural spaces through which the AST might one day pass. In general, the only response they received was police control and harassment.⁶

⁵ This action, the likes of which have often been carried out without further consequences, is at present submitted to proceedings in the *Audiencia Nacional* (special National Court), with charges against four people for offences that can carry sentences of six years in prison, or even more in the case of one of them for being the deputy mayor of a municipal council. The action was organized by "MUGITU! AHT gelditzeko". The alleged offence came under the jurisdiction of the *Audiencia Nacional* since the incident occurred abroad and those involved were Spanish citizens. In France, where the events took place and the authors were not even asked to identify themselves by the police, proceedings were taken out against two people who had supported the action, although these proceedings were shelved without further judicial consequences.

⁶ On some occasions, they result in fines being imposed for administrative infringements of the Law of Citizen Security (better known as the "Corcuera Law", after the socialist minister who sponsored it in

From 2001 onwards, the opposition grew with the creation of "AHT gelditu Elkarlana", and actions became widespread. Moreover, there was also an increase in the repression of participants, police denunciations and judicial prosecutions of activists. The first such occasion dates back to October 2002, when 6 people were charged for a rally on mount Belkoain in Andoian (Gipuzkoa) that halted geo-technical soundings and where some people symbolically chained themselves to the equipment. The trial for threats and coercion was held in March 2006, with a ruling that absolved the accused since the prosecution did not attend. Nonetheless, the floodgates were now open. A similar accusation for halting soundings in Irun in November 2002 was resolved in September 2004, with the ruling sentencing three people to each pay a fine of 120 € for threats and damages.

In the following years, there has been a succession of denunciations and/or arrests and trials, with varying accusations and outcomes. The first condemnatory rulings were for torts or minor offenses with small penalties of little relevance:

- 20 people sentenced to pay fines of 180 € for "disobeying authority" for a symbolic occupation of the offices of Eusko Trenbideak (Bilbao, June 2005).
- 3 people sentenced to pay fines of 120 € for an "act of disobedience" for chaining themselves to the cranes in the works at Luku (Urbina, November 2006).
- 15 people sentenced to 10 days of permanent traceability for an "offense against public order" for exhibiting anti-HST banners at an act where Basque president Ibarretxe was presenting the government communication channel on the HST (Bilbao, November 2006).
- 15 people sentenced to pay fines for "disobeying authority" for a symbolic occupation of the ADIF offices (Bilbao, January 2007).
- 2 people sentenced to pay a fine for disobedience, for chaining themselves to the railway line and preventing the passage of a train in which the authorities were celebrating the anniversary of the steam locomotive (Durango, June 2007).
- 7 people sentenced to permanent traceability for painting slogans and fly-posting (Durango, October 2007).

This is a small sample of the first judicial rulings that occurred, which have continued to increase until present⁷. Subsequently, they have been raised to crimes with increasing frequency, with condemnatory rulings involving greater penalties:

- 2 people sentenced to 6 months in prison for public disorder for suspending themselves from a footbridge with a banner (Arriaga-Gasteiz, December 2007).
- 1 person sentenced to one year in prison for an "attempt against public authority" in the incidents following the occupation of a works site (Ordizia, May 2008).
- 1 person sentenced to one and a half years in prison for an "attempt against public authority" when he was arrested for painting slogans against the HST (Basauri, October 2008).
- 1 person sentenced to one year in prison for an "attack and lesions" and another 4 people to 6 months in prison for "public disorder" for taking part in an attempt to peacefully occupy the works of the HST platform ("Recover the earth"), which was violently dispersed by the Ertzaintza (Urbina, January 2009).

1992), due to non-fulfillment of the obligation to provide the authorities advance notice about public rallies. However, they are not reported to the Courts as penal infringements.

⁷ A more extensive list of concrete cases can be found in *kAHTeak txikitu!* (2011).

- 2 people sentenced by the National Court to 18 months/fine for placing flower pots on the railway lines (Bilbao, July 2009).
- 2 people sentenced to 6 months in prison for chaining themselves to a road (Elorrio, July 2009).
- 2 people sentenced to 9 months in prison for stopping a bus by climbing onto its roof with a banner (Durango, December 2009).
- Conversely, other similar actions have ended up being absolved without anyone being able to define the limit for trying this type of actions, including the following:
 - blocking the line and covering a TGV locomotive with paper (Irun, January 2003).
 - a sit-down by 21 people chained to each other at the HST works (Luku, November 2006).
 - people tied to each other with bridles on the works access route (Zaratamo, August 2008 and Basauri, September 2008).
 - 2 people with a banner covering themselves with paint at the inauguration of the Metro station (Santurzi, July 2009).
 - 6 people climbing the trees in the Arenal (Bilbao, October 2009) in solidarity with others who remained in trees next to the works at Itsasondo for several days. Similar actions in other places have resulted in sentences.
 - 2 people who took part in a sit-down in the Municipal Council to prevent drawing up certificates of approval of expropriation (Itsasondo, November 2009). Similar actions in other places have resulted in sentences.

4.4. "Terrorist criminalization"

However, the criminalization of the anti-HST protest reached its zenith in 2008, with the first public statements by ETA pointing to the HST as a target and placing it in the sights of its action. The opening shot was fired by an examining judge in Tolosa. Since November 2006, a trial had been pending for "public disorder" offenses against two people who had taken part in holding up traffic by repeatedly using a zebra crossing. However, on 14 January 2008, the day before the trial was due to be held, the judge issued a procedural warrant with a single consideration of her own: *"A public statement having been made by the ETA terrorist gang that one of its aims is to prevent by any means the realization of the HST works, the present warrants should be remitted to the Audiencia Nacional"*. No more and no less.

Some days later we wrote: *"We have still not recovered from our surprise. A simple minor offense is transformed into a suspected terrorist offense, because of the public statement of a third party foreign to the judicial process. An immense juridical absurdity. One more. How is it possible that a peaceful social protest can become a terrorist act overnight? On the other hand, the "statement by ETA" to which she refers (interview in the newspaper Gara, 5 January 2008, we suppose) does not say what her ladyship presumes it to say. But, in any case, how could the people who have been denounced have known in November 2006 what ETA was going to say in January 2008?"*⁸.

The *Audiencia Nacional*, based in Madrid, is a special court with a national scope, whose creation, maintenance and activity has been denounced by different public and juridical sectors for failing to respect the right to a fair trial, along with other human rights. Its main powers are concerned with trying offences of terrorism,

⁸ Concerned about the character that the repression against the anti-HST activists in the Basque Country was acquiring, jurists and university lecturers, on one side, and members of the ecologist movement, on the other, wrote this letter that we sent to different Basque newspapers in order to denounce the criminalization of activists who, acting publicly and in a non-violent form, were being treated judicially as suspected terrorists. See Alonso *et al.* (2008).

offences committed by criminal organizations, or serious offences that affect several territorial jurisdictions (provinces).

Although the *Audiencia Nacional* returned the case to the Tolosa Court, arguing that it was not within its competence, the Department of the Interior of the Basque Government attempted to proceed along the path that had been opened up. In August that year, and employing a similar argument, it distributed an internal circular, instructing that the police statements connected with protest actions against the HST should be processed in the *Audiencia Nacional*, with the accusation of article 577 of the Penal Code: terrorist offences committed by those who "without belonging to an armed gang, organization or terrorist group and with the aim of... seriously disturbing the public peace or that of contributing to such ends, terrifying the inhabitants of a town or the members of a social, political or professional collective..." This was accompanied with an Annex containing different news items from newspapers related to ETA's threats against the HST or whoever might take part in its construction.

Although the *Audiencia Nacional* invariably rejected them, in the case of those arrested following the demonstration in Urbina in January 2009, this "terrorist accusation" justified their remaining in the police station for nearly three days until the *Audiencia Nacional* refused to try the case. Months later, one person had to declare before the National Court's Prosecution Office for Minors for the aforementioned action of climbing and remaining in a tree (Bilbao, October 2009).

With the same line of argument, numerous statements of the Basque Police against other collectives (youth centers, internationalists, SEGI...) during that period included the requisition of pamphlets, posters and other legal documents campaigning against the HST as evidence for the imputation of terrorism. Indeed, this was despite the High Court pointing out, in the Ruling that banned ANV (September 2008), that "there are no data at all that make it possible to affirm that the coincidence of ANV with ETA in its discourse against the High Speed Train extends to supporting or justifying the methods that ETA is carrying out...". Nonetheless, the Department of the Interior of the Basque Government continued to think and act otherwise for a time.

Finally, the *Audiencia Nacional* did accept within its competence the case of 3 people reported for holding up the tram in Bilbao using flower pots (in a symbolic action of stopping developmentalism from destroying nature) and painting "Youths against the HST" and "HST NO" inside the tram (Bilbao, July 2009). The prosecutor demanded 3 years of prison, 9 years disqualification and a 24 month fine for each of the accused, although the Ruling ultimately only sentenced two people to 18 months/fine with a quota of 105 €/day.

At present, there are still dozens of people imputed or charged with actions in numerous processes awaiting trial, not to mention the administrative sanctions (fines) imposed or awaiting resolution for administrative infractions related to "rallies without prior notification" (Corcuera Law) or the non-payment of train tickets within the campaign of civil disobedience (Transport Law). Some of these fines were imposed even after a ruling of acquittal.

5. Social participation and decision-making

One of the main contributions of the social movement against the HST has been the denunciation of the project as an imposition, as well as the demand for popular participation in decision-making concerning the construction of this infrastructure. On many occasions, the slogan "No to imposition: halt the construction work, debate and popular decision-making" has been placed before the underlying demand itself: "No to the HST". Just as years before, the first slogans in the struggle against the Lemoiz nuclear power station had been "halt the construction work, debate and popular decision-making", particularly at the beginning and until

the consummation of the nuclear imposition marked the step from “Lemoiz gelditu! [Stop Lemoiz!]” to “Lemoiz apurtu! [Demolish Lemoiz!]”.

According to anti-HST activists, decisions are taken many years previously in European institutions, under pressure from important lobbies of economic interests, and are later accepted with pleasure in the head offices of the political parties without even being submitted to electoral debate, before subsequently being given the varnish of parliamentary approval and administrative procedures.

The population as a whole is not provided with transparent, rigorous and broad information about the overall project, its implications and costs, nor about the successive steps that are being taken. This is only carried out formally when the definitive and irreversible decision has already been taken, and in the minimum form required by the laws: the Sectoral Railway Territorial Plan and partial territorial plans of the zones along the route; successive studies of the environmental impact; lists of expropriations, etc.

Having seen the development of their planning conditioned for many years by having to leave very wide reserve strips until the route through their municipality is specified, the Municipal Councils have also not had any greater transparency of information available to them.

Only when the social movement of opposition achieved a level of effectiveness and social mobilization that might place the execution of the project at risk did the Basque Government begin to launch supposed informative campaigns to convince the population of the benevolence and benefits of the HST. Thus, the Basque Government presented its “information channel on the HST” in the Euskalduna Palace of Bilbao in November 2006. When president Ibarretxe began to speak, 14 people exhibited flags saying “AHT gelditu!” and a councilor from Itsasondo attempted to read a speech. All of them were expelled, denounced and later sentenced for “public disorder”. This was a singular way of understanding the meaning of dialogue. It had already been indicated months before by Nuria López de Gereñu, councilor for Transport, when, in response to requests for debate, she replied that “there is nothing to be discussed with respect to the HST”, inviting the submission of suggestions for “improvement” on a project that had been decided upon.

While there is a flood of ideas within the most varied institutional forums about “fomenting public participation”, “democratic governance”, co-responsibility of society in decision-making”, among many others, normally expounded by wise consultants paid by the institutions who organize such forums, this is the example of “informing, debating, reflecting and deciding” when there is talk of concrete projects as far-reaching in its effects as the HST (and other projects that are considered strategic).

5.1. Municipal participation and democracy

Facing this, quite a few Municipal Councils along the route of the HST have opened a new line of action in recent years by holding democratic consultations regarding this infrastructure. The first was the small council of Urbina (June 2006), where the first works started shortly after, with a result of 94% participation and 100% opposition to the passage of the HST. Later, many other Municipal Councils have followed this example, with 14 consultations held (figures from May 2009) with varying participation (between 31% and 97%) and an overwhelming “no” to the project in such instances⁹.

The “delegates” of the central government in the Basque Country soon made an attempt to abort these consultative processes. In several municipalities (including Elorrio, Aramaio and Irurtzun, amongst others), they received warnings and threats

⁹ A more detailed list can be found in Barcena (2009).

of judicial actions if they continued with their intention of holding municipal referendums on the HST, based upon the argument that such procedures were the prerogative of the state. Despite this, some continued to be held, employing the formula of consultation or municipal survey, organized by either the Municipal Council itself or social collectives in the municipality, with the support of the former.

This latter system of citizens' organization did not free the mayor of Aramaio (Araba) from a complaint for abuse of public trust, disobedience of authority and misusing public funds due to his support for the consultation held in September 2007¹⁰. Curiously, these were the same three offences that the Spanish government tried to attribute to the Lendakari – president of the Basque Autonomous Community - Ibarretxe, based upon his intention to carry out a consultation on his peace plan in the Basque Autonomous Community.

The question must be asked: is there anything less violent and more democratic than a popular consultation? In the Southern Basque Country, it is perceived as a criminal affair by some of the political authorities. Meanwhile, in the Northern Basque Country (in the French state), some consultations have been organized by local authorities without any specific problems.

5.2. *The HST project is still underway*

At present, the works of the "Basque Y" of the HST are proceeding on many of its sections, albeit at a slower rhythm due to the economic crisis. From the beginning, the Basque Government and the economic interests committed to the HST have attempted to communicate the irreversible character of this infrastructure and decision to society. Indeed, the moment of starting the works, when the first symptoms of the crisis could already be felt, and the form in which they were simultaneously started at many points in the territory, point towards this.

Today, they continue to insist that the time for debate has passed, although it is the same people who have always refused to take part in any type of debate. Thus, the Transport Councilor, Nuria López de Gereñu, who is currently the general secretary of the Basque business confederation "Confebask", can allow herself to say that *"the greatest aggression we could make to the environment would be not to build the Y"*. A simple stroll through any of the works areas makes any comment on this unnecessary.

Nonetheless, and despite the serious environmental damages that the works are already provoking, it is still possible to turn back. The halting of construction work on other Spanish sections of the HST (including some lines that have been closed due to lack of profitability), the uncertainties about the French TGV in the Northern Basque Country, the Portuguese refusal to develop the HST project and even the lack of decision on the necessary infrastructures in the Basque provincial capitals make it even more necessary to hold the debate that has been purloined up until now.

In reality, despite appearances, the real expenditure made until now might oscillate between 15 and 20% of the total envisaged. More than 80% of the total cost, 4 out of every 5 €, is yet to have been spent. Meanwhile, all the high speed lines in Spain are below the threshold of profitability; they are loss-making and therefore represent an additional added expense.

The worsening economic and social crisis and the enormous cutbacks in public expenditure and basic services (social assistance, health, education, etc) are largely the result of these megalomaniacal investments. The Spanish state is that with the

¹⁰ Although the consultation was not organized by the Municipal Council itself, the mayor was accused and convicted at first instance by a Penal Court and barred from public office for abuse of public trust. Finally, in February 2011, the Provincial Court of Araba annulled the ruling and found the mayor innocent of all the charges. Six hundred and seventy-three residents took part in the consultation, out of a total of 1,280 people who had the right to vote.

most high speed kilometers in Europe, the majority of which have been built in barely ten years, although this has not prevented it from also being amongst those with the highest number of unemployed. It is time to stop and think.

5.3. *New times: Towards the end of the repression? Is debate still possible?*

The disproportionately repressive response to the struggle against the HST and the permanent refusal to engage in joint debate have opened up an enormous divide between those in favor of and against this infrastructure. However, it is in no respect greater than the wound opened up in this society by the political confrontation and its translation into a highly virulent armed confrontation. Indeed, there are parallel and related aspects to some degree.

Today, with some channels having been opened up for superseding the most bloody and violent aspect of this conflict and some light being glimpsed at the end of the tunnel, it should be simple to seek frameworks of debate that render it possible to deal with the HST in more rational terms of social development, environmental sustainability and the economic situation; or, at least, the conditions have improved, if there is a willingness to make good use of them.

However, this is not going to prevent each side from proposing its arguments, data and reasons, and defending its proposals; by contrast, it will further facilitate it, albeit not for them to be used as a projectile weapon or for concealing other interests behind them, but rather in order for them to be exchanged and to seek amongst everyone the best alternatives in the line of developing a more rational and sustainable model of transport (and country, in short).

Some paths in this direction were already indicated in February 2008, when a sharpening of the confrontation on the HST issue could be envisaged: *"We request that the institutions involved (Spanish, Basque and Navarre governments) put a halt to the works that are underway on the HST and open a wide process of information, debate and social participation in relation to this infrastructure and the public transport model in the Basque Country, which we believe should be ecological and sustainable. All of this to enable Basque society to speak out, and freely and responsibly express its position facing the HST"* (Ekologistak Martxan 2008).

As we have seen above, from the perspective of the investment made and that pending, debate is still possible. Moreover, a democratic decision with social participation is also possible.

Finally, to this end it would also be necessary to tackle the issue with normality and respect for dissidence, avoiding media demonization and judicial criminalization of the opponent, the adversary or what is different. Furthermore, given the lack of equality of means of expression, it should also involve accepting the legitimacy of peaceful social protest, within society and on the street; with the normality with which this is achieved in other countries, as well as the normality with which other issues are treated. The movement that has developed in the Spanish State since 15 May (15 M) is an example of this; in short, ceasing every type of repression against social activism.

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