

Franco's Spain and the Council of Europe

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Founded by the Treaty of London in 1949, the Council of Europe was one of the first organisations to give structure to the process of European integration launched in the aftermath of the Second World War, one of its key aims being 'to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress'. Among the European institutions, it is the one that has placed the greatest emphasis on cultural and educational cooperation and, above all, on the protection of democratic principles and human rights, as demonstrated by the signing in 1950 of the European Convention on Human Rights and the creation, for the purposes of interpreting the convention, of the European Court of Human Rights in Strasbourg, a city that is also home to the Committee of Ministers and the Council's Parliamentary Assembly.

The political system in Franco's Spain at the end of the 1940s could not have been more opposed to the principles and objectives championed by the nascent European institutions. The Francoist regime, installed with the support of the Axis Powers during the Spanish Civil War, was condemned by the United Nations and subject to international isolation, from which it gradually began to emerge in the 1950s. Spain was therefore excluded from the Marshall Plan, the Organisation for European Economic Co-operation and, of course, the Council of Europe, the Statute of which states in Article 3 that every member must accept the principles of the rule of law and fundamental freedoms.

However, even under the dictatorship, Spain enjoyed some channels of communication and involvement with the Council of Europe. In August 1950, the Consultative Assembly of the Council of Europe appointed a special committee charged with protecting the interests of European countries not represented within the Council, distinguishing, to that end, between countries 'under Soviet domination' and other countries, which, in turn, were divided into the categories of *democratic* and *non-democratic*, leaving Spain in the company of Yugoslavia and Portugal in the latter. These countries were invited to take part in the Council's technical activities; accordingly, by 1955, Spain was participating in the Committee of Experts on Patents and, in 1957, signed up to the European Cultural Convention, and would even preside over its work in 1975. It also took part, as an observer, in the Committee on Legal Co-operation.

With regard to political relations, a mutual indifference initially reigned between Spain and the Council of Europe. At the beginning of the 1960s, however, a period coinciding with Spain's new-found interest in the European Communities and increasingly intense activity among European-minded anti-Franco opposition groups (such as the Paris-based Spanish Federal Council of the European Movement, and the Spanish Association for European Cooperation (AECE) in Madrid), the Council began to pay Spain greater attention, starting with a series of reports on the country's political system drawn up by the Parliamentary Assembly.

In January 1961, the German Social Democrat MP Annemarie Renger presented a report to the Committee on Non-Represented Nations on the political situation in Spain, which described the Franco regime as a single-party dictatorship without free elections, the right to strike, right of assembly, press freedom or freedom of information, establishment or movement. It also condemned the privileges afforded the Catholic religion, police persecution of political opponents and the absence of legal guarantees, as well as the negative social impact of the economic stabilisation strategy under way since 1959. The report further criticised the fact that the attitude adopted by some governments, such as those in France, Germany and the United States, of attempting to improve relations with Spain was helping to consolidate the regime.

Meanwhile, in December 1960, the Committee on Non-Represented Nations had invited distinguished members of the anti-Franco opposition-in-exile, such as Salvador de Madariaga, President of the Spanish Federal Council of the European Movement, Enrique Adroher or 'Gironella', Secretary-General of the Federal Council, Rodolfo Llopis, General Secretary of the Spanish Socialist Workers' Party (PSOE), and Pascual Tomás, General Secretary of the General Union of Workers (UGT), to speak before the Council's Parliamentary Assembly. That same year, the Assembly also received Alberto Martín Artajo, the former

Spanish Minister for Foreign Affairs, Manuel Fraga Iribarne, the Minister for Information and Tourism, and José Solís, the Minister Secretary-General of the Movement, who defended the peculiarities of the Spanish regime in the light of its recent history and demonstrated, in spite of everything, Spain's European vocation. Manuel Fraga declared in Strasbourg that there was no 'Spanish problem', the sole problem being that 'the rest of the world was misinformed about Spain'. In September 1961, Fernando Álvarez de Miranda was also invited to speak on behalf of Christian democracy and the AECE (which maintained ready contact with the Council of Europe through Polys Modinos, its Human Rights Director) and explained to the Assembly how Europeanism had become the motto of the democratic opposition, one which was shared by the vast majority of Spanish people.

In 1962, the Spanish question became more prominent than ever as the Spanish Government's interest in European integration grew and met with rejection from the European Community. The beginning of the year saw José Luis Messía appointed Consul in Strasbourg and unofficial representative to the Council of Europe; at their first meeting, Polys Modinos, the Deputy Secretary General of the Council of Europe, promised to extend to him only 'courteous indifference, without the least sympathy or offer to assist with his work'. On 9 February 1962, the Spanish Minister for Foreign Affairs, Fernando María Castiella, submitted an application for Spain to join the European Economic Community. In June, at the Fourth Congress of the European Movement International in Munich, 118 representatives of Spain's internal and exiled opposition came together in rejection of the Francoist regime and called on the European Community not to admit Spain while the dictatorship remained in place. The regime decried this 'Munich conspiracy' and, in retaliation, Franco condemned to exile or forced residence several of the delegates attempting to return to Spain. In April 1962, against this backdrop, Annemarie Renger presented a new and extremely negative report on Spain to the Assembly, which, on 17 May, adopted a recommendation drafted by Maurice Macmillan (son of the British Prime Minister) urging its member countries to adopt a position regarding Spain's application to join the Common Market. The Assembly, at any rate, noted Spain's failure to comply with the fundamental democratic principles at the heart of both the Council of Europe and the EEC and observed that it was inconceivable, at the present time, for Spain to join either organisation.

From that point on, Messía set to work easing relations between Spain and the Council, endeavouring, above all, to prevent further reports and debates in the Assembly. The new Secretary General of the Council of Europe, Sir Peter Smithers, who was appointed at the beginning of 1964, would assist this endeavour by allowing Spain to attend the European Conferences of Ministers under the Council of Europe's intergovernmental plan, which enabled Spanish ministers, in the years that followed, to take part in meetings on justice, education, sport, spatial planning, the environment, cultural affairs and public works. Sir Peter would even make a three-day visit to Spain in 1967. However, the Assembly continued to focus attention on the Franco regime, for instance following the execution of Julián Grimau in 1963, and in 1964 it adopted Resolution 278 on the situation in Spain. A British proposal for the Council of Europe to issue a declaration on Gibraltar was foiled by Spanish diplomacy in 1969.

It was not until the final stages of the dictatorship that the Council of Europe renewed its interest in Spain in the context of closer ties between the Francoist regime and Western Europe (following the signing of the trade agreement with the EEC in 1970), the tightening of the regime's repressive policy towards occurrences such as strikes or displays of nationalism and, above all, the uncertainty surrounding the threat of Franco's physical decline. Accordingly, following the assassination in 1973 of the Spanish Prime Minister, Luis Carrero Blanco, and his replacement by Carlos Arias Navarro, who announced liberalising measures in a pragmatic speech delivered on 12 February 1974, the Parliamentary Assembly sent the Italian Christian Democrat Giuseppe Reale and the British Labour politician John Mendelson to draft a report on the situation in Spain. Reale, influenced by recent events such as the execution of the anarchist Puig Antich, adopted a pessimistic tone in his report, believing that the 'spirit of 12 February' was little more than a cosmetic operation designed to pacify foreign investors and that it was unlikely Spain would become any more democratic in the near future. Mendelson, in turn, submitted to the Committee on Political Affairs an opinion that was even more critical of the Francoist regime. Equipped with this information, and following the accompanying debate on the matter, the Assembly adopted Resolution 575 on 23 September 1974, which condemned the situation in Spain regarding press censorship, repression, the absence of democratic political parties or trade unions and the lack of elections and suggested that the Spanish authorities should

establish democratic representation, grant a general amnesty for political crimes and introduce regional autonomy.

This interest in Spain continued throughout 1975, further heightening as the political crisis of the last days of the dictatorship came to a head. In April, at the Assembly's request, Reale presented a note on Spain analysing the statements Arias Navarro had made to the news agency EFE on 10 September 1974, in which appeared to contradict his remarks of 12 February by signalling his 'confidence in [the country's] existing institutions' (those of the dictatorship). Reale pointed out that this perspective put Spain at odds with the principles of the Council of Europe. He also examined the social situation, the press, external policy and the new law on associations, indicating its shortcomings in failing to allow the creation of political parties. The note further mentioned the growing divide between the regime and certain sections of the Church and the Army, which allowed some grounds for optimism as regards the future.

In September 1975, just two months before the death of Franco, Spanish relations with Western Europe reached their nadir following the shooting on 26 September of five terrorist militants tried under the anti-terrorist law adopted on 22 August that year, which stipulated that such offences were to be judged by military tribunals. After the executions, which were condemned within all European forums and by most of the world's governments, all the countries of the EEC, with the exception of Ireland, recalled their ambassadors from Madrid for consultation, while the EEC itself suspended the economic negotiations it had been conducting with Spain. Spanish businesses and interests in Europe were subject to attacks and reprisals and the Spanish Embassy in Lisbon was razed to the ground by an enraged mob.

That same month, the Parliamentary Assembly of the Council of Europe had asked the Spanish Government to authorise a further visit to Spain by Giuseppe Reale for the purposes of drawing up a new report. In view of the outcome of his previous visit, and the current tension, the Government refused Reale permission, forcing him to write his report from a distance. In this report (completed prior to the shootings of 26 September 1975), Reale referred to the role of associations, now permitted in Franco's Spain under the umbrella of the National Movement, asserting that this development in no way constituted a meaningful step towards democratisation and was, instead, an attempt to secure the regime's survival by mobilising larger sections of the population. He also indicated that the situation regarding freedom of expression had worsened with the appointment of León Herrera as Minister for Information and that the Basque problem had escalated. The report examined opposition activities, which were becoming increasingly energetic both at home and abroad, and concluded by stressing that there was a continued absence in Spain of democratic freedoms and respect for human rights.

On 2 October 1975, a meeting of the Parliamentary Assembly was held at which the Reale report and an opinion drawn up by the British Labour politician Dickson Mabon were discussed. Understandably, the discussion saw the outpouring of the indignation that had spread across most of Europe following the recent executions. At the end of the meeting, the Assembly adopted Resolution 599, voicing its concern at developments on the Iberian Peninsula (referring here also to the upheavals in Portugal), condemning the five death sentences, regretting the 'intensification of repression by the present regime' and its 'contempt for human rights', calling on the Committee of Ministers to re-examine Spain's intergovernmental cooperation with the Council of Europe and calling for the introduction of a free and parliamentary system.

Seven weeks later, on 20 November 1975, General Franco died, giving way to the coronation of Juan Carlos I as King of Spain and the beginning of the transition to democracy. The Council of Europe issued a steady stream of reports and resolutions on the political developments in Spain throughout this period, in which it noted the gradual dismantling of the institutions of the dictatorship, while the process of rapprochement between both parties would culminate, following the democratic elections held shortly beforehand, in Spain's accession to the Council in November 1977.