

## Interview with José Medeiros Ferreira: Portugal's accession to the Council of Europe (Lisbon, 25 October 2007)

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[Miriam Mateus] On 22 September 1976, Portugal signed its Act of Accession to the Council of Europe.

[José Medeiros Ferreira] That's true, I was the one who signed it.

[Miriam Mateus] Exactly. You were Minister for Foreign Affairs at the time. What memories do you have of that historic moment?

[José Medeiros Ferreira] Well, I have excellent memories. But perhaps I can rationalise a little on what Portugal's application for accession to the Council of Europe involved.

You can't compare the two things, the two registers in terms of the negotiating process. The process of negotiating the application for accession to the Council of Europe was purely political, though it did have its specific features, which I'll try to outline. Our first constitutional Government came into office in July, the Government's programme was debated in Parliament in August, and, in September of the same year, 1976 — just to illustrate the speed of things — in September 1976, Portugal signed its Act of Accession to the Council of Europe.

So it was a Portuguese Government notion — naturally facilitated by the Council of Europe's understanding of what accession to such a prestigious institution meant for us in terms of defending democratic values and defending and promoting human rights — that we would rapidly establish the framework for full membership. Negotiations began in August 1976 and lasted almost a month and a half. The major difficulty concerned the European Convention on Human Rights, because we wanted to sign it, and we did. We were one of the few countries that did, and it was in the Act of Accession to the Council of Europe, we also signed the European Convention on Human Rights.

Because of issues connected to the period of transition in Portugal, we had to table reservations about one article or another or one protocol or another, as all countries have done in the long history of democratic states acceding to the Council of Europe, but I don't think that any of the Portuguese reservations formulated at the time in connection with issues related to the revolutionary period and to the need to dismantle the dictatorship exist any longer, so it was in suspension, so to speak, certain cases were still going through the courts, so that aspect had to be safeguarded when we signed up to the European Convention on Human Rights. But, I'll say again that Portugal was one of the few countries that signed the Convention at the same time as it acceded to the Council of Europe.

Acceding to the Council of Europe also showed that we wanted to belong to the world of Western pluralist democracies, in that, at that time — although it doesn't fall within the scope of your work — the Council of Europe had two very distinct stages in terms of human rights and support for democratic regimes. We're talking about a stage in which the Council laid down extremely stringent accession requirements as regards the operation of democratic rules and respect for human rights. That was precisely why, until 1976, countries such as Portugal and Spain never acceded, precisely because, despite the great tolerance that other institutions showed towards the Iberian dictatorships, the Council of Europe never showed such tolerance. And both Portugal and Spain — Portugal was the 19th member and Spain was to join six months later as the 20th — were able to accede to the Council of Europe, and a good thing, too, only after the fall of their dictatorships and the establishment of democratic regimes.

With the end of the Cold War and the liberalisation of Eastern Europe, the Council of Europe began another stage and another strategy of assimilating, as it were, the countries in transition to democracy. So, some East European countries were going to accede — I won't name them, there's no point, but it's in the public domain, the best-known case was still Russia, in the end. European countries accede to the Council of Europe not so much because they already have all the prerequisites of pluralist democratic political regimes, of public freedoms, etc. or total respect for all the rules of the European Convention on Human Rights but because their accession is seen as a means for them to conform that speeds up the transition to forms of

democracy and the rule of law as we now understand it. This is a very common Council of Europe strategy, so much so that, in 1997, if I'm not mistaken, the Council of Europe set up what was called in French the *Comité du suivi* [monitoring committee], the function of which was precisely to monitor what was happening in some of those countries until they considered them to be perfectly normal from the democratic point of view, as we understand a democratic regime.

So when Portugal and Spain, in that specific case, applied to join the Council of Europe, it was still at the stage of having very substantial prerequisites of respect for democratic standards rather than in the stage of encouraging democracy by incorporating those states. I don't know if that's clear, but I'm just saying that, in 1976, Portugal acceded to the Council of Europe because it met all the democratic requirements.

[Miriam Mateus] That was my question exactly. Knowing that Portugal played an active role in European integration at a very early stage, it took part in the Marshall Plan ...

[José Medeiros Ferreira] I don't know if it took part in the Marshall Plan, from a certain point it took part in the second stage of the Marshall Plan, I think that was it — but Professor Fernanda Rolo, who, I know, is also very much involved in your series, has written a very clear book on that issue. At first, the Salazar Government didn't want to take part in the Marshall Plan for various reasons, one of them being that it wasn't felt to be necessary. Then it seemed that the Marshall Plan involved conditions that it wouldn't want to accept. There's the famous report by Professor Costa Leite Lumbralles, who was Minister for Finance at the time, in which he very clearly said that Portugal should not accept the Marshall Plan. At the end of that period, though, in the final stage of the Marshall Plan as such, Portugal was to agree to take part, in my opinion with a view to joining the organisation that the Marshall Plan had by then established — the Organisation for European Economic Cooperation (OEEC). I think that it was more from that perspective that Portugal finally agreed to take part in the 'second stage of the Marshall Plan', with particular emphasis on certain forms of development in the development plans at the time. But that's not what concerns us here.

[Miriam Mateus] So, just to round the question off, Portugal was a founder member of the OEEC in 1948, just as we were saying, and also a founder member of NATO in 1949 and of EFTA in 1960. Can it be said that several years of negotiations were required for accession to the Council of Europe only because of the lack of democracy in the country?

[José Medeiros Ferreira] Exactly. From the point of view of the Council of Europe ... the Cold War was in full swing, that is a very important point. The Council of Europe at that time can be understood only as a European institution that intended to show that representative pluralist democracies were superior to dictatorships in ethical, legislative and political terms. So, the Council of Europe is, *par excellence*, as I said a short while ago, an international institution that accepts only political, pluralist and representative democracies. That's why it tied its rules to the European Convention on Human Rights and also included a very interesting clause that the European Union doesn't have, for example, which is the fact that individual citizens may bring proceedings before the European Court of Human Rights, and this, unfortunately in my opinion, has caused some embarrassment to the EU.

In terms of your question, I think that this explains why the Council of Europe has always been steadfastly against accepting what, a little while ago, I called the Iberian dictatorships, and I'll repeat it to make it clearer. The dictatorships in Portugal and Spain, but also — I can cite an example that might illustrate what we're saying in another way — Turkey, if I'm not mistaken, and I don't know whether Greece, too, because I don't want to say anything incorrect here, but certainly, when Turkey was governed by a dictatorial regime, it was suspended from the Council of Europe. So, it's an international institution which is very mindful of its democratic credentials, and that explains why Portugal, which acceded to NATO on strategic grounds and to EFTA on commercial grounds, didn't accede to the Council of Europe.