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TITOLO TESI

*The evolution of relations between the International Labour  
Organization and Francoist Spain: an analysis of the change in  
trade union freedoms during the regime and the democratic  
transition phase*

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# List of abbreviations and translations of terms in English<sup>1</sup>

AGA	Archivo General de la Administracion de Alcala (General Archive of the Alcala Administration)
AFL-CIO.	Federacion Americana del Trabajo- Congreso de Organizaciones Industriales (American Federation of Labor-Congress of Industrial Organization)
CC.OO	Comisiones Obreras (en España) (Workers' Commissions in Spain)
CIOSL	Confederacion Internacional de Organizaciones Sindacales Libres (International Confederation of Free Trade Unions)
CMT	Confederación Mundial del Trabajo (Bruselas) (World Confederation of Labour Brussels)
CNT	Confederacion Nacional del Trabajo (España) (Confederacion Nacional del Trabajo Spain)
ETA	Euskadi ta Askatasuna (Pais Vasco) (Euskadi ta Askatasuna Basque Country)
FET	Falange Española Tradicionalista (Traditionalist Spanish Falange)

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<sup>1</sup> NB: In the following elaboration, it was decided to keep the acronyms of the organizations in their original version Spanish. This is because as these organizations are often national, it was not possible to obtain a reliable translation of these acronyms into the English language. However, the only acronym that it was decided to translate is that of the: International Labor Organization as **ILO**, the international organization being the focus of the paper.

FSM.	Federacion Sindacal Mundial (World Federation of Trade Unions)
FUDE	Federación Universitaria Democrática Española (Spanish Democratic University Federation)
<b>ILO</b>	<b>International Labor Organization</b>
JONS	Juntas de Ofensiva Nacional-Sindicalista (National-Syndicalist Offensive Boards)
LOE.	Ley Organica del Estado (Organisational Law of the State)
OSE	Organización Sindical Española (Spanish Trade Union Organisation)
PCE.	Partido Comunista de España (Communist Party of Spain)
PSOE	Partido Socialista Obrero Español (Spanish Socialist Workers' Party)
UGT	Union General de Trabajadores (General Union of Workers)
TOP	Tribunal del Orden Publico (Public Order Tribunal)

## Introduction

The aim of this thesis is to examine in the first two chapters the complex relationship between the vertical Francoist trade union and the International Labour Organization (ILO), while in the third chapter the aim will be to understand the change in relations that occurred between the Spanish trade union and the ILO itself during the period of democratic transition and the end of Francoism. If on the one hand the Francoist regime, established following the victory in the Spanish Civil War, was characterized by a rigid repression of political and trade union freedoms, imposing a corporatist model of trade unionism known as vertical trade unionism, on the other hand the ILO, founded in 1919 and becoming a specialized agency of the United Nations in 1946, has always played a crucial role in the promotion of workers' rights at a global level, defending the affirmation of the principle of trade union freedom, which was in stark contrast to the repressive practices of the Francoist regime. Specifically, in the first chapter, the foundations of Francoism will be analyzed, examining the ideological and institutional roots of the Franco regime with particular attention to the laws that institutionalized the repression of trade union and political freedoms. Next, Spain's international isolation and the role of the ILO will be studied, examining the reasons why Francoist Spain was isolated from the main international organizations, including the ILO, and the consequences of this isolation. The vertical union and its relations with the ILO will also be analyzed, studying the characteristics and evolution of the vertical union in Spain, the role of key figures such as Solis, and the reactions and recommendations of the ILO itself regarding Spanish trade union practices. It will also examine the workers' revolts of the height of the Franco period, particularly those in Asturias, and will analyze the emergence of the Workers' Commissions (CCOO) as a clandestine union, and their impact on the ILO. Finally, the chapter, after examining the discussion of the statement of the International Confederation of Free Trade Unions towards the mission of the ILO study group, will conclude with an analysis of trade union reform and its propaganda impact in trying to conceal the truth about trade union conditions in the country.

The second chapter will start examining the state of exception's decision made by the Spanish government in 1969, particularly focusing on the impact of this decision on Spanish's international relations with the ILO. The chapter will then explain the ILO's composition of the study group, and the attempt, made by the Spanish government to manipulate the interim report for its purposes, as well as the varied reactions to this attempt, made by the international's trade union syndicalism. Furthermore the chapter will analyze the ILO's final report's outcomes and still the reaction made also in this case by the international's trade union syndicalism, then it will focus on the internal political fragmentation between Francoist hardliners and the Opus Dei technocrats, highlighting the



diverse strategic plan of this two groups towards the evolution the Francoist's dictatorship. This explanation will be fundamental for the readers to understand the reason why the Francoist hardliners weren't able to maintain their power in the regime. Finally the chapter will address the end of José Solís Ruiz's era and the *Matesa* case, and the new government's strategy towards the ILO, culminating in the election of a new ILO Director-General, Wilfred Jenks and the end of the Morse era. The last paragraph of the second chapter will discuss the 54<sup>th</sup> ILO's International work conference, and it will provide a deep analysis of the result of the conference, understanding how the decision made, had consequences for the Spanish government. The third chapter explores the transformation of the relationship between the Francoist vertical trade union and the International Labour Organization (ILO) during Spain's transition to democracy. Following the analysis of the Franco regime's repressive labor policies and its strained international standing in the previous chapters, this section focuses on the 1970s, when the regime began to lose control and the ILO's influence on Spain grew significantly.

The third chapter opens with the 54th International Labour Conference and examines how this event intensified international scrutiny of Spain's labor practices. It then looks at the Spanish government's attempt to present the 1971 trade union law as a reform, while addressing the strong opposition it faced both internally, from clandestine unions like the Workers' Commissions (CCOO), and internationally, from the ILO. Key events such as the imprisonment of Carlos Pardo and the arrest of the *10 of Carabanchel* are analyzed as critical moments that exposed the regime's declining ability to suppress labor unrest. As international criticism mounted, particularly through ILO mechanisms like the Committee on Freedom of Association, the chapter tracks how the Francoist government struggled to maintain legitimacy. It delves into internal political conflicts, including the divide between Francoist hardliners and reformist technocrats, and how these tensions affected Spain's position within the ILO. The final section addresses the regime's collapse, focusing on major turning points such as the death of key figures like *Carrero Blanco* and the rise of reformist forces within Spain. The chapter concludes by examining the role the ILO played in shaping Spain's democratic transition, supporting the legalization of free trade unions, and promoting labor reforms that aligned with international standards, culminating in Spain's democratic elections and the adoption of the Spanish Constitution. The final objective of this thesis is both to provide an in-depth understanding of the power dynamics and tensions between the Franco regime and the ILO, highlighting how Spanish vertical unionism opposed international principles of trade union freedom and social justice, and to understand the changes that occurred with respect to trade union freedoms with the advent of the Spanish democratic transition.

# Chapter I: The Relationship between Spain and the ILO during the Francoist Period (1939-1969)

## 1.1 Foundations of Franchism

The emergence of Francoism following the victory in the civil war in 1939, with the nationalist forces prevailing over the republican ones, also brought with it the very need to establish a set of rules that institutionalized and shaped the regime of repression imposed by Franco. Francoism was in fact a dictatorship, which had as its objective not only the destruction of the values previously established during the period of republican Spain, but also and above all the establishment of a new order, which was the bearer of the concept of organic totality, defined as organic democracy in Franco's ideology.<sup>2</sup> A hierarchical organization in contrast to the values of western democracy, in which citizens participated in the political and social structures, controlled entirely by the state without the possibility of establishing any kind of rebellion or protest. In order to ensure the effective implementation of this political plan, the *Falange Española Tradicionalista y de las Juntas de Ofensiva Nacional-Sindicalista*<sup>3</sup> (FET y de las JONS), the sole ruling party during Francisco Franco's dictatorship, instituted specific laws such as the *Ley de Responsabilidades Políticas*<sup>4</sup>, promulgated on 9 February 1939 by the Franco regime, shortly before the end of the Spanish Civil War, which aimed to punish supporters of the Republic and those who opposed Franco's nationalist movement, with retroactive application until 1934<sup>5</sup>. It therefore guaranteed through its application the total illegality of workers' and republican organizations, confiscation of property, imprisonment and, in some cases, the death penalty for individuals found guilty of supporting the Republic or opposing the Franco regime<sup>6</sup>.

The consequences of this law were devastating for many republicans and opponents of the regime, forcing many supporters of the republican cause to flee the country to avoid persecution, thus contributing to the widespread phenomenon of Spanish exile.

Following the institutionalization of the illegality of any other political faction, or ideology of thought, Franco's government was divided into corporations<sup>7</sup>, a central element of his model of state organization. Corporatism was in fact a political and economic doctrine that saw society as an

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<sup>2</sup> Ángel Miguel, *La democracia orgánica: participación y representación política en la España de Franco*, Barcelona, Departamento de Historia Contemporánea, Universidad de Barcelona, 2015, p.1.

<sup>3</sup> Britannica, *Falange as political organization*, Britannica.com, 2012.

<sup>4</sup> Boletín Oficial del Estado, *Ley de Responsabilidades Políticas*, Madrid, Jefatura del Estado, 1939, p.1

<sup>5</sup> *ibid*

<sup>6</sup> *ibidem*

<sup>7</sup> Giménez Martínez Miguel Ángel, *La democracia orgánica participación y representación política en la España de Franco*, Madrid, Espacio, tiempo y forma. Serie V, Historia contemporánea, Universidad de Barcelona, 2015, p.6.

organism, made up of representatives of different economic and social interests and categories, such as agriculture, industry and labour. In the context of the Franco regime, corporatism was a form of total state control, in which state-controlled corporations were deprived of any real autonomy. This corporative model was integrated into the so-called ‘organic democracy’<sup>8</sup>, mentioned earlier, which ensured that the entire political system was concentrated in the hands of the head of state, Franco, and the institutions that were subordinate to his direct control. Closely linked to the concept of organic democracy was also the creation of the official *Organización Sindical Española* or OSE<sup>9</sup>, established in 1940 to replace the existing trade unions and integrate the labor movement into the control apparatus of Franco’s regime.

The OSE, also known as the Vertical Trade Union, since its structure was controlled by the state and the Francoist single party, had the objective of controlling the workers and moving towards social harmony, which the Francoist state demanded from the labor point of view. The concept of social harmony was fundamental to guarantee social stability and conformity with the policies and values imposed by Franco’s government. In fact, this concept was based on the idea that a society without conflict was desirable and that vertical, state-controlled unions should play a key role in maintaining this harmony. Social harmony could only be achieved through the workers’ submission to the dictates of the regime, without dissent or protest.<sup>10</sup> The OSE was therefore in charge of controlling and directing the demands and aspirations of the workers so as to ensure stability and social order, rather than defending the real interests of the workers. The Labor Regulation Act (*Ley General del Trabajo*), instituted in 1942, was aimed at pursuing this ideology, aiming to control workers also from an economic point of view, it established that the setting of wages and working conditions was a private function of the state, which exercised this control through the Ministry of Labor.<sup>11</sup> The Ministry of Labor exercised this control by setting contractual terms and wage rates through state legislation. The law also reinforced the state’s control over labor-power and industrial relations, reducing the autonomy of employers and workers in the contractual sphere, guaranteed social and economic stability through labor regulation, establishing standardized conditions that reduced the risk of industrial conflict, and fully embodied the corporatist ideology of the regime, which saw the state as the totalitarian controller in coordinating the interests of employers and workers through the corporations themselves. However, although the Labor Regulation Act of 1942 established a labor relationship in which workers and entrepreneurs were regarded as passive subjects, while the state

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<sup>8</sup> ibidem

<sup>9</sup> López Rosario Sánchez, *El sindicato vertical: dimensión teórica y ámbito pragmático de una institución del Franquismo*, Murcia, Universidad de Murcia, Dialnet, 1999, p.1.

<sup>10</sup> ibid

<sup>11</sup> Boletín Oficial del Estado, *Ley de 16 de octubre de 1942*, Madrid, Jefatura del Estado BOE, 1942, p.1

exercised strict control over working conditions and contractual agreements, in reality a more specific analysis of the situation at the time shows that while workers were completely deprived of the possibility of defending their interests, entrepreneurs were able to influence decisions through the corporative system and state-controlled institutions. In fact, although the state had a predominant role in regulating labour relations, there was room for entrepreneurs to participate through industrial guilds and trade associations. The Industrial guilds represented the various sectors of the economy and were part of the Franco corporate system. Entrepreneurs could belong to these guilds and use them as a channel to express their opinions and interests to the government. In addition, entrepreneurs' guilds could negotiate with the Ministry of Labour on issues concerning working conditions and other employment-related aspects.<sup>12</sup> Through the analysis of these two laws, we can therefore understand how the Franco regime aimed to radically destroy trade union freedoms, previously acquired by the labor movement during the republican period. It is important to emphasize, however, that the Francoist advance only partly succeeded in this objective, since although in hiding, the Spanish socialist and communist workers' organizations began to organize themselves in the fight against the didactics. The *Unión General de Trabajadores* (UGT) for example, one of Spain's main trade unions, founded in 1888 and historically linked to the *Partido Socialista Obrero Español* (PSOE)<sup>13</sup>, continued to operate clandestinely and in exile, making resistance activities and supporting Spanish workers in their struggle against the Franco regime. The *Partido Socialista Obrero Español* (PSOE) was also hit by Franco's repression managed to maintain an underground presence in Spain while many of its members went themselves in exile in countries such as France Mexico and Argentina. Prominent among these parties was the *Partido Comunista de España* (PCE)<sup>14</sup>, which was one of the main opposition parties to the Franco regime. The latter played a fundamental role in the resistance against Franco's regime. In fact, in 1945, when the hope of the many clandestine trade union organizations of the workers' movement to receive support from the European Western powers against Franco's dictatorship vanished, the PCE remained the only one to maintain a growing clandestine organization in the country, ensuring the dissemination of its propaganda.

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<sup>12</sup> Fernández Tascón, *The organization of the labour market in Spain since 1890*, Oviedo, Repositorio Institucional de la Universidad de Oviedo, 2000, p.11.

<sup>13</sup> Abdon Mateos López, *La denuncia del Sindacato Vertical*, Madrid, Coleccion Estudios CONSEJO ECONOMICO Y SOCIAL, Confederacion Sindacal de Comisiones Obreras 1997, p.12.

<sup>14</sup> *Ibidem*

## 1.2 Spain's isolation in the international community, and the role of the ILO

With the outbreak of the Cold War in 1947 and the consolidation of tensions between the United States and the Soviet Union, Franco's Spain was already under international scrutiny for its authoritarian regime and its collaboration with the Axis Powers during the war. The international condemnation of Francoism, given its brutal repression of political opponents, suppression of civil liberties and total state control over public life, initially meant that Spain was unable to reintegrate into the international community.<sup>15</sup> In December 1946, the United Nations voted to exclude Franco's Spain from participation in international organizations, and many countries withdrew their ambassadors.<sup>16</sup> Spanish isolation also occurred in the context of the International Labour Organization (ILO), which in 1944 had proclaimed the Declaration of Philadelphia<sup>17</sup>, which affirmed among its cardinal principles: universal peace, understood as an essential condition for the social and economic progress of peoples, and social justice, considered fundamental to ensure dignity and equality for workers and to prevent conflicts through the promotion of fair and just working conditions. The inadequacy of Francoist Spain to these principles made it impossible for it to return to the ILO. The Philadelphia Declaration represented a milestone in the advancement of workers' rights within the ILO, as it added fundamental rights for workers to the previous ILO Declaration of 1919.<sup>18</sup> The inclusion of these new rights represented the need to establish protection for them due to the changes and challenges that emerged in the post-war context of those years. Indeed, the Declaration added to the previous ILO Declaration of 1919, the right to work, social protection, trade union freedom and workers' participation in the economic and social life of the community. These new rights reflected the need to address the challenges that emerged in the post-conflict context, with an emphasis on protecting workers and promoting decent and just working conditions. Within this framework of advancing workers' rights, the isolation of Francoist Spain, due to its authoritarian dictatorship and lack of respect for human and labor rights, became increasingly evident.

Another reason for the Spanish impossibility of reintegration within the Organization lay in the composition of the ILO itself, in fact the ILO is characterized by a tripartite nature, as it is a system that includes representatives of governments, employers and workers.<sup>19</sup> Representatives of member

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<sup>15</sup> Abdon Mateos López, 1997, p.23.

<sup>16</sup> Houston John A, *The United Nations and Spain*, Chicago, The Journal of Politics, JSTOR, 1952, p. 3.

<sup>17</sup> International Labour Organization, *ILO Constitution Key documents*, Geneva, International Labour Organization, Annex II

<sup>18</sup> *ibid*

<sup>19</sup> Abdon Mateos López, 1997, p.25.

country governments attend ILO conferences and councils to discuss and approve international labor conventions and recommendations, those of employers' organizations bring the perspective of business and employers, influencing policies to ensure that working conditions are economically sustainable. While representatives of workers' organizations, such as trade unions, bring the voice of workers, ensuring that their needs and rights are considered in the formulation of labor standards. This tripartite model was established with the aim of ensuring that ILO policies and decisions reflect a balance between the interests of all labor stakeholders. This makes us understand why the Franco model was unsuitable for the ILO's criteria.<sup>20</sup>

Moving for a moment to the changes that took place in the 1940s within the ILO, it is important to recall that the ILO, through the Montreal Conference of 1946, reached a fundamental understanding that ensured the association between the International Labour Organization and the United Nations<sup>21</sup>. The decision to associate the ILO with the UN was an important step towards the recognition of the ILO as a specialized agency of the UN, emphasizing the importance of labour and workers' rights in international affairs.<sup>22</sup> However, besides the benefit of the advancement of labour rights, the decision to make the ILO a specialized agency of the United Nations had above all a financial and strategic reason behind it. In fact, the ILO in the post-World War II context was mainly controlled by the western democracies, this allowed the United States, which was already a dominant power within the UN (as it was the 4<sup>th</sup> highest contributing country) to promote its interests and values in the field of labor and employment globally, starting with the important influence in the allocation of the employment post of Director General of the ILO, which passed in 1948 into the hands of the American David Morse, former Secretary of Labor during the Roosevelt administration era.<sup>23</sup> Amongst other occupational positions, a central role can be found in the figure of Wilfred Jenks, an official of the ILO since 1931, who took on the role of deputy director of the organization itself. The latter would be fundamental in the endeavor to end Francoist hostility in Spain for his ability to balance diplomatic pressure and negotiations, promoting workers' rights despite the repressive political context but his figure will be analyzed later in the paper.

Another important role was played by *Paul Madler*, a French socialist, chairman of the board and later head of the ILO's Committee on Freedom of Association from 1951. *Madler* played a crucial role in the fight against Francoism, actively supporting underground trade unions and providing international support and coordination.<sup>24</sup> He also helped in raising world public awareness of the

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<sup>20</sup> *ibidem*

<sup>21</sup> International Labour Conference, *Record of proceedings : International Labour Conference, 29th Session, Montreal*, International Labour Organization, 1946, p.1

<sup>22</sup> Houston, 1952, p. 4.

<sup>23</sup> Abdon Mateos López, 1997, p.32.

<sup>24</sup> *ibidem*

oppressions of the Franco regime. In order to understand the importance that the ILO played over time in the fight against Franco's oppression, however, it is also essential to analyze the relevance of the institutionalization of the Committee on Freedom of Association in the International Labor Organization. The latter in fact served as an instrument, thanks also to *Madler's* role, to animate the *Ugetistas*, i.e. the members of the *Unión General de Trabajadores* (UGT), in the fight against anti-Francoism from exile, and in collaborating with the international trade unions in their denunciations of the Spanish dictatorship.<sup>25</sup>

### **1.2.1 The UGT attempt and the protests of the 1950s**

A first attempt to promptly denounce the lack of trade union freedom in Spain came from the UGT itself in November 1951. The UGT, through public declarations and contacts with trade unions and international organizations, tried to bring attention to the restrictions imposed on trade union rights in Spain, highlighting the violations of democratic principles and workers' rights perpetrated by Franco's regime. The Spanish failure to respect democratic principles, established by the ILO, led the UGT to request the sending of an international commission, made up of representatives of trade unions and international organizations, as well as independent observers and journalists to investigate the repression of trade union freedoms in Spain.<sup>26</sup> However, the request was not initially considered by the ILO Board of Directors, due to the refusal of Franco's Spain, and also in view of the fact that the approval of the country under investigation was required before starting the operation. In addition to the UGT's attempt from exile, in the same year the protest was also animated internally with the boycott of trams in Barcelona, which was a symptom of the workers' malaise and their opposition against Franco's economic policies. The protest, organized by trade unions and social movements against the increase in public transport fares, was widely supported.<sup>27</sup> As a result, in response to the protests and public pressure, Franco's government was forced to withdraw the fare increase and enter into negotiations with the trade unions. The example of the Barcelona boycott, which later extended to other Spanish cities, was a demonstration of Franco's inability to totally deactivate the social conflict in Spain, and represented a significant moment in the struggle for democracy and workers' rights in Spain, demonstrating the strength of the opposition to the Franco regime. At the same time, however, Franco actively sought to censor and control the narrative of the events that occurred during the boycott of trams in Barcelona in 1951 also at an international level.<sup>28</sup>

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<sup>25</sup> Rodríguez Jiménez Francisco Javier, *Trade Unionism and Spain-US Political Relations, 1945-1953*, Ventunesimo Secolo, JSTOR, 2016, p.103.

<sup>26</sup> Abdon Mateos López, 1997, p.38.

<sup>27</sup> Lizbeth Yvey, *The Tram Boycott in Barcelona*, Vancouver, Collaborative Organization for Virtual Education, 2008, p. 1

<sup>28</sup> *ibidem*

The Francoist government restricted press freedom and limited media coverage of the events, attempting to minimize the significance of the protests and conceal the violations of human rights and civil liberties in Spain. However, despite the regime's efforts to control information, some news and reports on the protests and the Spanish government's reaction managed to filter across national borders, helping to keep international attention on the political and social situation in Spain during Franco's regime, as will be analyzed in the course of the paper.<sup>29</sup>

### **1.3 Ending Isolation of Franchist Spain, Return to the ILO**

Despite the failure to respect trade union freedoms established by the ILO, the readmission of Franco's Spain to the International Labor Organization (ILO) in 1956 followed a strategic purpose. The country's readmission was in fact influenced by the geopolitical pressures of the post-war context and the Cold War, where the West sought to consolidate alliances against the expansion of communism. Consequently, the integration of Spain into the international arena was seen as an attempt to stabilize the country and align it with Western nations, despite its deficiencies in terms of rights and democracy. In the Spanish case one speaks of readmission in the context of the ILO since Spain had initially joined the International Labor Organization as a founding member in 1919.<sup>30</sup> Spain's re-entry into the ILO, however, had important consequences for Franco's dictatorial regime, as the latter was forced to adapt its labor policies and treatment of trade unions to the international standards of the organization, including (at least in appearance), better working conditions, and greater protection of workers' rights. However, it is important to specify a detail, namely that the real intent of Francoism through its rapprochement with the international community was only to show that on the surface Spain was a country that also shared norms and values typical of western democracies, but in reality these adjustments remained only formal rather than substantial. Indeed, Franco's government was not really willing to compromise with the trade unions and workers, as this could have meant a loss of totalitarian control by the dictatorship itself. It was precisely because of this lack of real change that the International Confederation of Free Trade Unions (CIOSL), in collaboration with the UGT, filed a complaint in 1956 before the Committee on Freedom of Association of the ILO, which took up the claims that were taking place that year in the *Pais Vasco* and Cataluña concerning the workers' demand for a wage increase. The denunciation of the lack of real trade union freedom was justified in the country by the Franco authorities with the excuse that

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<sup>29</sup> Abdon Mateos López, 1997, p.40.

<sup>30</sup> Young Glennys, *Spain and the Early Cold War: The Isolation Paradigm Revisited*, Cambridge, Massachusetts, Journal of Cold War Studies, the MIT press, 2022, p.4



full respect for trade union freedoms was not a fundamental requirement for membership of the ILO either in the preamble to its Constitution in 1919 or in the Declaration of Philadelphia.

However, Director General David Morse played a key role at that time in insisting that if Franco's Spain wished to remain in the ILO it should strive to ensure greater respect for trade union freedoms by ratifying ILO Conventions 87 and 98, the first on trade union freedoms and the second on the right to collective bargaining.<sup>31</sup> The government's approval of both conventions would have undermined the stability of Franco's dictatorship, in addition to the fact that it would have been contradictory to what the party had established. The latter in fact had declared in February 1939, as we have already seen, the illegality of all parties and groupings, and then proclaimed in 1940 the *Ley de unidad sindical*, which established in article 1 that the OSE of the single party *FET Y JONS* was the only trade union organization officially recognized by the state, and that it was fundamental to the incorporation of all economic interests in the Francoist structure<sup>32</sup>

The political position assumed by the regime in its first dictatorial period therefore made the approval of the two collective conventions uncomfortable for its purposes. However, the increase in protests through the action of the CIOSL in the country, which financed the trade unions in exile by raising funds to help the Protestants inside the country, grew more and more, leading Morse to demand with greater pressure a rapid response from Franco's government and the approval of the two previously requested conventions.<sup>33</sup> The Franco government initially responded by denying the existence of political pressure within the state. However, this strategy soon proved to be unsuccessful, since if the government did not accept the complaints received from the complainants it would also lose international credibility, and the latter was too important for the Madrid government to consolidate and maintain political order. Consequently, from February 1957 onwards, the government changed its strategy, thanks mainly to the appointment of Jose Solis Ruiz as national delegate of the vertical union. Jose Solis Ruiz, in charge of the external trade union relations service would play a crucial role in the change of strategy of the Spanish government from 1957 onwards, facing international pressure and contributing to the maintenance of political order.<sup>34</sup>

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<sup>31</sup> Argüelles Blanco Ana Rosa, *Recepción en España y dificultades de aplicación de los convenios fundamentales de la OIT: En particular, sobre los convenios núm. 87 y núm. 98*, Oviedo, Universidad de Oviedo, Dialnet, 2019, p. 3.

<sup>32</sup> Ministerio de la Cultura, *Organización Sindical Española Archivo Histórico Provincial de Álava*, Madrid, Gobierno de España, PARES,.

<sup>33</sup> Abdon Mateos López, 1997, p.41.

<sup>34</sup> Ibid

### 1.3.1 The Role of Jose Solis Ruiz within the OSE and the Collective Bargaining Law

The arrival of Jose Solis Ruiz at the head of the national trade union delegation was of considerable significance in the stabilization of the regime within the international community. In fact, if at first Spain responded with denial in the face of protests from complainants like the CIOSL, with the arrival of Solis Ruiz things began to change.<sup>35</sup> The latter realized that the partial recognition of the demands of the workers and international workers' organizations could be beneficial for the preservation of the regime itself. In fact, satisfying their demands would have strengthened the role of the vertical Francoist trade union as an organ, endowed with legitimacy and representation of the workers. Consequently, in the face of the continuous protests that took place especially in March 1958 in Asturias and around Barcelona, with complaints coming not only from CIOSL but also from the *Federacion Sindical Mundial* (FSM), they pushed Franco's government, under the trade union avant-garde leadership of Solis Ruiz, to the approval in April 1958 of the *Ley de Convenios Colectivos*<sup>36</sup>. This law in fact provided for a new regulation of labour relations, replacing the old labour regulation, based on the 1942 Labour Regulation Law. The previous law in fact regulated labour relations in Spain under the Franco regime, establishing state control over working conditions and replacing independent trade unions with vertical unions controlled by the regime, where employers and workers were part of the same organization. This new law on collective bargaining, while not perfect, guaranteed an apparent greater representation and co-ordination of workers in collective negotiations, allowing them a direct influence in working conditions through negotiations collectively concluded between trade unions and employers, and thus guaranteeing at the same time an important acceleration in the class struggle.<sup>37</sup> In addition, this greater coordination in the trade union struggle, which also meant a reduction in tolerance of the regime's oppression as time went on, also led to the formation of new clandestine trade unions, such as the *Comisiones Obreras*<sup>38</sup>, which took the Spanish name of CC.OO, and which were the result of the growing class consciousness and the workers' need to establish independent trade union organizations that truly represented the interests of the workers. However, the remarkable role played by the CCOO will be explored further in the following sections. Returning to the law on collective agreements, although it guaranteed improvements over the model previously in force, the benefits that workers actually derived from it were less than it seemed. In fact, these contracts regulated working conditions in different situations, such as for all enterprises

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<sup>35</sup> *ibidem*

<sup>36</sup> Torrents Margalef Jorge, *El efecto mariposa en las relaciones laborales: las imprevistas repercusiones de la introducción de convenios colectivos a partir de 1958*, Madrid, Sociologia del Trabajo, Universidad Complutense de Madrid, Ediciones Complutense, 2021, p.4.

<sup>37</sup> Abdon Mateos López, 1997, p.42

<sup>38</sup> Fundación Juan Muñiz Zapico, *Los Mártires de Carbayín. Ochobre 1934*, Comisiones Obreras de Asturias, 2013.

subject to the same labour regulation, for a group of enterprises with similar characteristics, or even for a single enterprise. The law also determined the territories in which these collective agreements could be applied, which could be local, regional, provincial or inter-provincial, depending on which geographical area involved all enterprises regulated by the same labour regulation or a group of similar enterprises.<sup>39</sup> An important aspect was that the parties involved in the negotiation of contracts, such as trade unions and employers, could not decide for themselves on which territory or company area the contract would be valid.<sup>40</sup> It was the law itself that set these parameters and the parties had to adapt to them. Moreover, control over the negotiation process and the approval of contracts was exercised by the state, through the Ministry of Labour and the trade union organization controlled by the regime. The new law of 1958 thus ensured that the government continued to maintain a strong control over how collective agreements were negotiated and implemented, making sure that they met the parameters set by the law and conformed to the interests of the regime. This makes us realize how workers were really left out of the real benefits they were supposed to acquire. The Collective Agreements Act was an attempt by the Franco regime and Jose Solis Ruiz's OSE to ensure Spain's alignment with ILO principles, but without really losing Franco dictatorship and its totalitarian control. In fact, it can be seen that Francoist Spain did not ratify ILO Conventions 87 and 98, but stipulated internal ad hoc laws such as collective agreements to show its respect for the principles of the International Labour Organization, when however this alignment remained only formal, not substantial.<sup>41</sup> The creation of an ad hoc law would have allowed for greater control over industrial relations and labour dynamics within the country, without having to accept external interference or follow ILO directives, allowing the regime to adapt labour policies to its domestic political and economic needs and priorities, rather than being bound by international norms and standards that might not have been favourable or congruent with the Franco regime's objectives.

### **1.3.2 The stabilization plan and the revival of the Franco image**

Another important law passed in 1959, with the aim of relaunching the Francoist imagination internationally, was the Stabilization Plan. The law aimed to reform the Spanish economy by reducing inflation and the public deficit, liberalizing the market and promoting industrialization.<sup>42</sup> The Franco regime intended to boost the country's international image by attracting foreign investment,

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<sup>39</sup> Torrents Margalef Jorge, p 5.

<sup>40</sup> *ibidem*

<sup>41</sup> Argüelles Blanco *Recepción en España y dificultades de aplicación de los convenios fundamentales de la OIT: en particular, sobre los convenios núm. 87 y núm. 98*, Oviedo, Documentación Laboral, Universidad de Oviedo, 2019, p.3.

<sup>42</sup> Abdon Mateos López, 1997, p.58.

improving economic relations with other nations and demonstrating a commitment to more modern and stable economic policies. At the trade union level, to achieve this goal it was essential to increasingly consolidate the image of the OSE, thus establishing links with trade unions in other countries, so that the latter could offer more and more legitimacy both to the vertical union itself and to Franco's government. With the aim of ensuring that the Franco government did not remain excluded from international relations, Solis Ruiz's union leadership established relations with unions in other countries.<sup>43</sup> In fact, some representatives of these European unions accepted invitations to participate in the congresses of the *Organisation Sindical Obrera* (OSE), organized by the Franco regime. During those same years, in fact, the inauguration of trade union congresses by the Franco government played a fundamental role in advancing the Francoist propaganda of apparent improvement of trade union freedoms in the country vis-à-vis the international community and respect for ILO principles. In fact, although the congresses were events made to promote Franco's trade union policy and consolidate state control over the trade unions, they were presented as manifestations of apparent worker participation and support for the regime's policies. The purpose was to give the idea that the presence of trade union representatives (actually selected) by the government were made of consensus and collaboration between workers and the authorities, thus creating a deceptive image of involvement and approval by the working class. In order to instrumentalize the role of the latter even more and to give credibility to Francoism's openness to workers' trade union freedoms, the government amended the trade union election regulation, stipulating that workers could elect their trade union representatives in companies. However, this law did not guarantee any real change in the country, but merely aimed to maintain the regime's control over trade union organizations, as independent trade unions were prohibited and the only trade union allowed was the state-controlled *Organización Sindical Española* (OSE).<sup>44</sup> Trade union congresses were often presented in conjunction with trade union elections, during which trade union policies and directives to be followed were usually discussed, and trade union representatives were elected to work within the *Organización Sindical Española*. During the first of these trade union congresses in the early 1960s, to which observers and foreign newspapers were invited (as underlined to give credibility to the vertical union), the OSE marked the importance of the vertical union, insisting on the importance of the continuity of organic democracy as an instrument to maintain order within the Spanish context, and as an underlining before foreign governments, of the failure of the model of liberal democracy in the Spanish context.<sup>45</sup> This marking was of fundamental importance to

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<sup>43</sup> Abdon Mateos López, 1997, p.59.

<sup>44</sup> *ibid*

<sup>45</sup> Abdon Mateos López, 1997, p.59.

consolidate the Francoist regime internationally. During this first congress, *Jose Solis Ruiz's* strategy would later be to make changes to the 1940 trade union law, under the guise of ensuring greater representativeness and participation within the vertical union. However, the real aim was to ensure greater acceptance of the vertical union both nationally and internationally. However, the trade union reform proposal met with resistance of the Franco regime itself, where there were different factions with conflicting opinions on the scope and nature of the necessary reforms, which did not allow Jose Solis Ruiz himself to bring his reform plan into force.<sup>46</sup>

In addition to the attempt at union reform, an important propaganda role in promoting the OSE both during the congresses and afterwards was played by the newspaper *Pueblo*, edited by Emilio Romero. The newspaper in fact in line with Solis Ruiz's propagandistic adopted an editorial line that expanded the national-syndicalism, helping the OSE to gain full consensus in society.<sup>47</sup> In order to feed the Francoist propaganda, the *Pueblo* newspaper first of all treated the news in a language accessible to anyone. This approach made it possible to reach a wider audience and effectively spread the messages of the Franco regime. The simplicity of the language was designed to make the information understandable and appealing, facilitating the assimilation of the values promoted by the regime and increasing the newspaper's influence on the population. Furthermore, in order to attract more and more support to the Francoist cause, the newspaper began to cover innovative topics such as sports journalism. This approach broadened its audience and increased its appeal. By covering popular and general-interest topics such as sport, the newspaper was able to engage a larger readership, diverting attention away from more controversial political issues and indirectly reinforcing the legitimacy of the regime. The sports coverage, with its accessible and engaging language, therefore allowed for the creation of a sense of national unity and the promotion of the values of Francoism in a lighter and more appealing context.<sup>48</sup>

Returning for a moment to the event of the first trade union congress, in 1961, it is interesting to note that the attempt at trade union reform, promoted by Jose Solis Ruiz during this congress, strategically followed the promulgation of another important law in 1958, the *Ley de Principios del Movimiento Nacional*. In fact, while the latter proclaimed the ideological principles of the *Movimiento Nacional*, the single political movement of the Franco regime (emphasizing the importance of national unity, authority and discipline),<sup>49</sup> *Solis Ruiz's* attempt at trade union reform sought to adapt the Franco trade

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<sup>46</sup> *ibidem*

<sup>47</sup> Ramundo Ana, *El archivo del diario "Pueblo", Un referente para la historia de la prensa en España durante el franquismo y la transición democrática*, Madrid, Revistas Científicas Complutense, Universidad Complutense de Madrid, 2013, p.3

<sup>48</sup> Ramundo Ana, p.4.

<sup>49</sup> Boletín Oficial del Estado, «Ley de 24 de abril de 1958 sobre Convenios Colectivos Sindicales », Madrid, Jefatura del Estado, Ministerio de Asuntos Exteriores, 1958, pp.739-740.

union system more closely to the needs of the time, such as increasing industrialisation, especially following the approval of the 1959 stabilisation plan. However, as previously pointed out, the real objective of both initiatives was always only to consolidate the Franco regime's control over Spanish society and to adapt the existing institutions to the regime's needs, rather than to ensure the real benefit of the workers. In fact, the situation of the Spanish workers only worsened as time went on, mainly as a result of the Spanish government's aim to adapt to the production rhythms of other countries, through the plan that introduced new technologies, and systems of work organization, demanding an increase in productivity from the workers, and therefore in their working hours, which was not matched by an increase in wages. This real failure to listen to the workers intensified the protests in the country leading, as we will see in the next section, to the workers' revolt, which took place mainly in Asturias, in 1962.<sup>50</sup> However, before moving on to the explanation of this important anecdote, fundamental in the fight against Francoism, and before looking at the reaction of the ILO and the international context to the dictatorship's repression of the uprisings in those years, it is important to highlight an attempt by a branch of the Catholic Church to detach itself from the oppression imposed by the regime on workers in those years. In fact, prior to the first trade union congress, there was the famous *Pla-Solis Polemic*, i.e. *Cardinal Pla I Deniel's*<sup>51</sup> attempt to promote greater openness at the trade union level. In fact, the cardinal criticized the vertical trade union and the lack of true trade union freedom, defending the need for freedom and independence of Catholic organizations such as the *Hermandad Obrera de Acción Católica* (HOAC) over the OSE. The cardinal's criticism of Franco's totalitarianism and the trade union leadership of Jose Solis Ruiz is interesting in the light of this paper, as it highlights the attempt of a part of the Catholic Church to express dissent against the loss of autonomy of the trade unions and the hostility of the Franco dictatorship. Moreover, the polemic indirectly helped the Asturian uprising, which we will see in the next section, since it was based on the sense of guaranteeing greater social justice, and on giving vindication to communities affected by injustice.<sup>52</sup>

#### **1.4 The 1962 Asturian uprising**

The 1962 Asturian uprising, also known as the Asturian Miners' Revolt, was a significant wave of strikes and protests that broke out in the Asturias region of northern Spain in May 1962. This event

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<sup>50</sup> Fundación Juan Muñiz Zapico, *HUELGAS DE 1962, Resumen de prensa*, Comisiones Obreras de Asturias, 2020, p.1

<sup>51</sup> García, Basilia López, *Discrepancias entre el Estado franquista y las asociaciones obreras católicas en 1960*, Murcia, Anales de Historia Contemporánea, Universidad de Murcia, 1985, p10.

<sup>52</sup> Ibid

represented one of the first major acts of resistance against the dictatorial regime of Francisco Franco, highlighting widespread discontent among mine workers and contributing to growing opposition to the regime.<sup>53</sup> It is important to understand, however, that at the basis of the uprising, as mentioned in the previous subsection, there was an important popular discontent that developed following the approval of the 1959 stabilization plan, which caused the deterioration of the living standards of many workers. In fact, the problem of work and the freezing of wages, followed by Franco's government's demand for greater worker productivity in order to keep up with the economic development of other European countries, unleashed the wrath of the Asturian miners, who were already struggling with extremely hard working conditions. In addition, the inflation caused by the plan's measures increased the prices of consumer goods, further aggravating the economic difficulties of working families. Protests began in the Basque Country in 1961, and soon spread to Asturias.<sup>54</sup> Miners working in extremely dangerous conditions protested both for improvements in working conditions and greater job security, and for an increase in wages. The uprisings in 1962 began in the *Fábrica de Meres*, an important industrial site located in the *Cuenca de Caudal*, a mining area with a long history of mining and a high concentration of miners who suffered from harsh working conditions.<sup>55</sup> However, the uprisings spread across the country, leading to the largest political protest in the country's history, following the Spanish Civil War. What was of great relevance about this protest was the political solidarity that was generated around it, in fact the protest was joined by various currents of opposition to Franco's regime, which included not only workers, but also students, such as the movement of the *Federacion Universitaria Democratica Espanola* (FUDE)<sup>56</sup>. In fact, the latter contributed through the university protests to give visibility to the *Fuente Obrero de la Catalonia*, composed of Catalan workers, who participated in strikes and demonstrations in solidarity with the Asturian miners, helping to extend the protest movement against the harsh working conditions and repressive policies of Franco's regime.

Franco's initial reaction to the protests was to exercise full repression of them by proclaiming a state of exception in Asturias. This was an instrument used by Franco's regime to temporarily suspend civil rights and liberties in response to emergency situations or unrest. The state of exception allowed the government to intensify repression, make arrests without warrants, impose curfews and censor the media. This was precisely the strategy initially employed in Asturias to stifle resistance.<sup>57</sup> However,

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<sup>53</sup> Abdon Mateos López, 1997, p.69.

<sup>54</sup> *ibidem*

<sup>55</sup> Ortiz Bonifacio, *Asturias: la "Huelgonade 1962*, MEMORIA DEL ANTIFRANQUISMO, VientoSur, 2012, p.1.

<sup>56</sup> Abdon Mateos López, 1997, p.70.

<sup>57</sup> IBÁÑEZ SALAS JOSE, «Los estados de excepción bajo el franquismo: aquellos toques de queda», *Nuevatribuna.es*, 2020, p.1

strong social pressure, internal given the solidarity between workers, mass demonstrations and public opposition, and external given the ILO's opposition to Franco's methods, forced Franco's government to reconsider the use of repressive instruments against the protests. For these reasons, the government began to negotiate with the workers' representatives, transferring OSE Secretary General Jose Solis Ruiz to Asturias with the aim of finding an agreement that would bring order back to the territory, and consequently also to Spain in general, and above all allow productivity to resume in the country. The agreement established between the OSE and the Protestants in 1962 provided for wage improvements and safer working conditions for Asturian miners.<sup>58</sup> However, it did not resolve the broader issues of political and trade union repression, nor did it fully address the workers' fundamental demands, thus contributing to the persistence of the protests. In fact, in the summer of that year the miners returned to protest, contributing to the creation of the climate of solidarity in the Spanish context mentioned above. Franco's government responded strategically by introducing the decree approved by the Franco Ministry of Labour, called: *Procedimientos de conciliación y arbitraje en las relaciones laborales colectivas* also in 1962.<sup>59</sup> The introduction of this decree was strategic in nature as the Franco regime, aware of the social tensions and growing worker protests, sought (through its approval) to mitigate workers' protests by providing an apparent concession of institutional channels for conflict resolution. However, the continued presence of the protests in Asturias and their increasing spread to the rest of Spain, soon changed the mind of Franco's government, who decided to return to the adoption of and harsher measures to maintain control and repress dissent, using coercive methods such as the imprisonment of many protestors.<sup>60</sup> The state repression, however, failed to stop the advance of the workers' opposition, which continued to criticize itself in a cooperative and united atmosphere, leading to the creation of the Workers' Commissions (CC.OO).

#### **1.4.1 The Birth of the Workers' Commissions (CC.OO)**

Before devoting space to the ILO's reaction to the Asturian uprisings, it is important to understand the role played by the Workers' Commissions in the fight against Francoism. The latter in fact came into being after the experience of the Asturian uprisings thanks to the development of a class consciousness of the workers that led to the need for them to reunite clandestinely to truly represent

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<sup>58</sup> Ysas Pere, *La imposible «paz social»: el movimiento obrero y la dictadura franquista*, Madrid, Historia del Presente, UNED, 2007, p.5

<sup>59</sup> Ibid

<sup>60</sup> Ysas, 2007, p.7.



their class interests. The CC.OO workers' commissions were thus clandestine committees, which took root inside factories and workplaces, and were created to address specific problems such as wages and working conditions. However, what most drove workers together in these committees was the hostility towards the Collective Bargaining Act of 1958. In fact, as already explained, the law was enormously restrictive, since it was effectively pro-employer and restricted the possible freedoms of trade union action. Consequently, operating clandestinely outside the law was the only possibility of obtaining representation in respect of workers' rights. Moreover, the lack of trade union freedom, and the consideration of the right to protest as a crime, stimulated even more the need for workers to band together outside the law to fight for their rights.<sup>61</sup>

In 1964, however, the CCOOs began to organize themselves no longer just into trade union committees, but into real movements that led to the birth of the first Metal Workers' Commission in Madrid (*Comision de enclaves y jurados de la metalurgia madrilená*). Later it was the turn of Barcelona, where the *Comisión Obrera* Central was established, one of the epicentres of the *Comisiones Obreras* (CCOO) movement during the Franco dictatorship and the transition period to democracy in Spain.<sup>62</sup> Its activity was fundamental for the organization, and for representation of workers in the Catalan region, which at the time was one of the most industrialized in the country. With time the role of the CCOOs became increasingly important, and in 1966 they managed to participate in the country's trade union elections despite the repressive context of the Franco regime, through a strategy of infiltration within the official trade union system controlled by the regime. In fact, the *Comisiones Obreras* used the vertical Francoist trade unions, which were the only legal trade unions and under state control, to present their candidates as workers' representatives, achieving significant political success.<sup>63</sup> The success obtained by the CC.OO during the trade union elections confirmed the important instrument that they represented in the struggle against the hostility of the regime, the *Comisiones Obreras* in fact achieved this thanks mainly to the votes obtained from the participation of workers in large and medium-sized enterprises. These companies represented a large part of the workforce, as the massive participation of workers allowed the *Comisiones Obreras* to obtain a significant number of votes, guaranteeing the election of numerous representatives and giving legitimacy and visibility to the movement within the Franco trade union system.

The Important result obtained by the CCOO greatly frightened the OSE representatives, who feared a possible spotty expansion of the commissions themselves. This success threatened the trade union control of the Franco regime, since the CCOO were proving that they could mobilise large numbers

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<sup>61</sup> Abdon Mateos López, 1997, p.91.

<sup>62</sup> Ferrer González Cristian, *Patronos, jerarcas y franquistas Actitudes y recursos coercitivos ante el surgimiento de la protesta obrera, 1962-1976*, Revista Digital de la Escuela de Historia, Universitat Autònoma de Barcelona, 2020, p.2

<sup>63</sup> Abdon Mateos López, 1997, p. 93.

of workers and achieve significant results within the official trade union system. The OSE representatives were concerned that the growing influence of the CCOO could erode their power, challenge the established order, and ruin the regime's monopoly on workers' representation. Moreover, the election results also increased labour conflict in the factories. In fact, workers, encouraged by the success of the CCOO, began to demand their rights and better working conditions with greater determination. This growing activism resulted in an increase in protests, strikes and demonstrations within companies, putting pressure on employers and the Franco regime. The protests manifested themselves mainly in Vizcaya, where the strike of the bands *huelga de bandas*<sup>64</sup> took place, during a prolonged period, from 30 November 1966 to 15 May 1967. This strike was particularly relevant not only because it reflected the growing agitation among workers and the struggle for better conditions and rights in the Basque Country at that time, but above all because of the reaction of the Franco government. In March 1967, the Supreme Court, which was the Court of Public Order (TOP), a special court created during Franco's regime to prosecute political and social crimes, declared the CC.OO illegal.<sup>65</sup> The TOP in fact considered them to be a branch of the Communist Party that shared with the party the clear intention of destroying the order and stability of the Spanish government of the time. Frightened by the success of the workers' commissions, Franco's government in 1967 also passed the *Ley organica del Estado*, a law that aimed to ensure the continuation of Franco's regime by strengthening Francoist institutions.<sup>66</sup> In fact, the law provided for greater state control over various aspects of public life, including trade unions, in order to ensure the continuity and stability of the regime, granting the government greater control over key institutions such as the army, police and justice, thus reinforcing the authoritarian character of the regime. It also restricted civil and political freedoms, including the right of association and demonstration, in order to suppress any form of dissent and maintain the regime's monopoly of power. The repression of any form of political opposition was a pivotal point of the law, as it fully reflected the interpretation of illegality that Franco's government manifested towards the CCOO, in fact in this way any civic organization that had not previously been approved by the regime would be deemed contrary to the principles of order sanctioned by the dictatorship and consequently illegal. What is interesting to note, however, is that although considered illegal, the Workers' Commissions were not stopped in their rebellion against the absence of trade union freedom, imposed by the Franco regime itself, contributing to increasing the climate of instability that the Franco regime was trying in every way to stop. The protests of the CC.OO members led to several Imprisonments by the government,

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<sup>64</sup> Mera Bengoa Jose Miguel, *LA HUELGA DE BANDAS*. Revisión en su 50 aniversario, Ediciones Beta, Adebook.it, 2017, p.40.

<sup>65</sup> Ysas Pere, 2007, p.7.

<sup>66</sup> Cantos Víctor, *Ley Orgánica del Estado de 1967*, Comentario de Historia, Aula de Historia, 2011, p.1

as that of *Marcelino Camacho*, a Spanish trade unionist and politician, known for his role as founder and leader of the *Comisiones Obreras* (CCOO), who before his arrest denounced in a meeting with European trade unionists, the game of Jose Solis Ruiz and the Franco government of promoting visits of the ILO executive and foreign trade unions with the aim of making the OSE abroad more and more presentable and thus giving it important credibility internationally.<sup>67</sup> The strategy according to Camacho worked, given the support that various foreign trade unions gave to the OSE itself, however it is important to remember this attempt because it highlighted the tactics used by the Franco government to try to gain legitimacy and international support for its institutions, despite being the result of an authoritarian and repressive regime. From 1969 (as we will see in the next chapter), the state of exception would be proclaimed throughout the country, given the government's inability to stop the advance of protests, but despite the repressions the CCOO would continue in their struggle against the lack of trade union freedom, playing a fundamental role in the advent of the country's democratic transition.<sup>68</sup>

### **1.5 The impact of Franco's repression by the ILO, Case 294**

Returning to the situation of the protests in Asturias, the repression implemented by the Franco regime did not go unnoticed internationally. The absence of real trade union freedom and the repeated use of repressive means compromised Spain's entry into the European Economic Community (EEC). In fact, according to EEC member states, particularly western European countries such as France, Spain's entry could have undermined the basic democratic principles of the organization itself. The strong repression of the labour movement in Asturias did not go unnoticed even by the International Labour Organisation. The ILO's reaction to the protests was characterized by the help of international trade union organizations such as the *Confederación Internacional de Organizaciones Sindicales Libres* (CIOSL), the *Confederación Internacional de Sindicatos Cristianos* (CISC) and the *Federación Sindical Mundial* (FSM).<sup>69</sup> These organizations contributed greatly to the presentation of important complaints before the ILO that served as a fundamental step in the setting up of a study group (as will be analyzed later in the paper) by the ILO to investigate the situation of the absence of real trade union freedom in Spain under Franco's regime. The start-up of this study group, albeit with difficulties, would be a fundamental step, as will be seen in the course of the paper, in the progressive dismantling of the Franco system, and in the start of a democratic transition over time. The

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<sup>67</sup> Abdon Mateos López, 1997, p.95.

<sup>68</sup> *ibidem*

<sup>69</sup> Abdon Mateos López, 1997, p.96.

denunciations mostly by the CIOSL of the repressive measures implemented by the government against the workers in the Asturian uprisings began in April 1962 in conjunction with the events that were happening in the region.<sup>70</sup> Complaints were filed before the Committee on Freedom of Association (ILO). The committee played a very important role, since it acted as an international platform in examining and denouncing violations of trade union freedom in the various countries. Consequently, this body could make an international difference in the events in Asturias, putting pressure on the Franco regime to respond with responsibility to the complaints of international trade union organizations.<sup>71</sup>

The multiple complaints that accumulated over the years were encapsulated within ILO case number 294. The case dealt with by the Trade Union Freedom Committee consisted of several interim reports, which included details of investigations conducted, testimonies taken, responses given by the government and documentary evidence of violations of trade union freedom in the country, thus providing a solid basis for the decisions of the central ILO Board itself.<sup>72</sup> Within the ILO, in fact, every interim report prepared by the ILO Freedom of Association Committee is submitted to the ILO Governing Body, which examines the interim reports, made by the Committee, together with other relevant information in order to decide on the action to be taken in response to reported violations of trade union freedom.<sup>73</sup> After the ILO Governing Body's analysis of the interim reports and other information relating to the case, and after the Governing Body has given its approval, a final report was prepared, with the findings and recommendations of the Board with respect to the reported violations of trade union freedom and representing a summary of the decisions taken and actions recommended by the ILO in response to the specific case.

Regarding case 294, the first provisional report was number 66 of 1963<sup>74</sup>, which attached the complaints of the CIOSL and the CISC and the answers given by the government. The international trade union organizations in this interim report denounced the detention of workers in Asturias in April 1962, and the violent repression carried out by the government itself to restore "order". Interestingly, in the provisional report in question the internationalists presented an authoritative justification for the protests, justifying the riots as the workers' need for better wage conditions. For the international trade union organizations, the protests were therefore legitimized by the workers' demand for better working conditions, which they considered unfair. The government's

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<sup>70</sup> *ibidem*

<sup>71</sup> *ibid*

<sup>72</sup> International Labour Organization, *Freedom of Association Cases, Case-Law 294*, Geneva, International Labour Organization, NORMLEX, 1963, section 495.

<sup>73</sup> International Labour Organization, *Committee on Freedom of Association (CFA)*, Geneva, ILO Supervisory System, International Labour Organization, 2024, p.1

<sup>74</sup> International Labour Organization, *Freedom of Association Cases, Case-Law 294*, Geneva, 1963, section 474.

accompanying response in the same interim report was to deny the allegations of the trade union internationalists, claiming that the repression used was only for the purpose of restoring public order.<sup>75</sup> Furthermore, the government denied the existence of arbitrary detentions, claiming that the active participation of workers through collective bargaining in 1958 demonstrated goodwill in dealing with trade union issues. However, these government responses were not enough to allay the concerns of international trade union organizations about violations of trade union freedom and infringements of workers' rights in Spain. In fact, the representatives of the trade union organizations, in view of the government's response, recommended to the Committee on Freedom of Association and (therefore indirectly also to the ILO Board of Directors itself), to take important action against the Franco government's manifest hostility by sending an international investigation to examine the real situation of trade union freedom in the country. The international investigation would have consisted of representatives of the international trade union organizations involved, such as CIOSL, CISC and FSM, together with experts and independent observers appointed by the ILO.<sup>76</sup> This working group would have conducted field investigations, collected testimonies and evidence, and analyzed the situation of trade union freedom in Spain under Franco's regime. The composition of this investigation was designed to ensure an impartial and comprehensive analysis of the situation and to provide concrete recommendations for the improvement of workers' conditions in Spain.<sup>77</sup> Furthermore, the international survey, which the representatives of the trade union organizations wanted, would have respected the tripartite composition of the ILO, which is characterized in its surveys by the participation of governments, employers and workers through the trade union organizations themselves. Only in this way, for the internationalists, would the survey have truly guaranteed a fair and inclusive representation in the analysis of the situation of trade union freedom in Spain. The establishment of a commission of enquiry that met the ILO's criteria was not initially considered by the board, which preferred to adopt a mediation approach with the Spanish government. With interim report number 68 of 1963<sup>78</sup>, however, the situation between the parties worsened, as the Committee under pressure from the internationalists pointed out that the absolute prohibition of protests by the Spanish government was contrary to the democratic principles of trade union freedom, established by the ILO itself. The opposition to the possibility of trade union freedom was in fact evidenced by the Spanish government's failure to approve ILO Convention No. 87<sup>79</sup> itself concerning trade union freedom, as mentioned above. Moreover, the Committee, thanks to the work of

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<sup>75</sup> *ibid*

<sup>76</sup> Abdon Mateos López, 1997, p.109.

<sup>77</sup> *ibid*

<sup>78</sup> International Labour Organization, Freedom of Association Cases, Case-Law 294, Geneva, 1963, section 495.

<sup>79</sup> Arguelles Blanco, 2019, p.3.

international trade unionists, continued to emphasize the need for the government to provide detailed information on the detentions and deportations of protesters. The Administrative Council of the ILO in this case, analyzing the provisional reports presented by the Committee itself, responded by underlining the actual divergence between Spanish legislation and the principles of trade union freedom of the Labour Organisation itself, and demanded that Franco's government present precise information on the repression of the protesters as soon as possible. Franco's government, at this point cornered as regards its declarations, could no longer avoid mentioning the truth about the incarceration of the prisoners as it had done before. The government, through the foreign ministry headed by *Castiella*, then provided a tally of only 47 individuals convicted, justifying the sentences handed down as subversive actions against the state. The use of the concept of "subversive actions" was crucial for the government in order to portray the protests as opposition activities against the state, with the aim of establishing a narrative that would allow the latter to fully justify its actions and portray the protesters as enemies of the state and law and order rather than as defenders of labour rights and social reforms. The Franco government also responded in this provisional report, to the request made by the international trade unions, of the need to set up a commission, partly composed of the Internationalists themselves, to verify the real respect of trade union freedoms in Spain, stating that it was "vexatious and inadmissible". The Spanish Foreign Minister *Castiella*<sup>80</sup> in fact declared that a commission of enquiry composed of the international trade unions would be an external interference in the internal assumptions of the Spanish state, moreover unjustified given that according to the minister no member state of the ILO fully respected the principle of trade union freedoms.<sup>81</sup> Furthermore, the government justified the rejection of the petition of a commission based on the idea of the inefficiency and inadequacy of international trade unions compared to the conception of Spanish trade unionism, which unlike the former, was based on "solid values" such as unity, autonomy and the authenticity of the nation. According to *Castiella*, Spanish trade unionism was founded on solid and immovable principles that reflected the specific social and political reality of the country, clearly distinguishing itself from international trade union practices that he considered less relevant and unsuited to the Spanish context.<sup>82</sup> The foreign minister therefore categorically rejected any external interference, arguing that such interventions would not only compromise national sovereignty, but would also undermine the values on which the Franco regime based its legitimacy. The Committee's repartee with the Spanish government continued with Interim Report 70 of 1963<sup>83</sup> in which the ILO Committee asked the Spanish government for detailed information on

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<sup>80</sup> Abdon Mateos López, 1997, p.108.

<sup>81</sup> *ibid*

<sup>82</sup> *ibidem*

<sup>83</sup> International Labour Organization, Freedom of Association Cases, Case-Law 294, Geneva, 1963, section 495 (b).

the outcome of the legal proceedings against the 47 individuals, declared by the government, as well as requesting that the texts of the sentences and the respective justifications for the outcome of each sentence, given by the government itself, be attached.

The lack of detailed Information from the government, which continued to stall for a long time In order not to provide detailed information to the Committee itself, since this could have undermined the stability and legitimacy of the regime itself, was at the root of the impediment to closing case 294 promptly, which instead lasted until 1967. However, Provisional Report 70 of 1963<sup>84</sup> was also very interesting for another important development, namely the decision of the World Trade Union Federation (WSF) to join the complaints lodged before the Committee by the CIO SL and the ICFTU through a series of grievances. The adhesion of the FSM to the complaints was in fact significant in several respects since it allowed first of all the enlargement of the trade union coalition that guaranteed greater international pressure regarding the non-respect of trade union rights in the Spanish context.<sup>85</sup> The collaboration between the FSM, the CIO SL and the CISL thus represented a united front of international trade unions, which, although they had different ideologies and orientations, nevertheless strengthened the legitimacy and impact of the complaints against the Francoist government, showing global solidarity towards the cause of trade union rights in Spain. The FSM denounced Franco's regime not only for the violation of the constitutional provisions in the ILO, but especially with regard to the designation of trade union posts for the next international labour conference, which was scheduled for June 1963. In fact, the FSM's complaint concerned the fact that the designation of trade union posts was not being carried out by genuinely representative trade union organizations, but through the selection of organizations affiliated to the Franco regime.<sup>86</sup> This meant that the unions chosen to participate in the International Labour Conference did not authentically represent Spanish workers, but were controlled by Franco's government and therefore could not express the true concerns and needs of the workers. The regime was therefore manipulating union representation to maintain control and prevent any form of opposition or criticism during the conference. This point was crucial because it undermined the legitimacy of the conference itself and its ability to effectively discuss and promote workers' rights at the international level. In fact, the International Labour Conference was an important global platform where standards and policies for the protection of workers' rights were discussed and established, promoting social justice and decent working conditions worldwide. Fair and representative participation was essential to ensure that decisions made truly reflected the needs and rights of workers in all member countries, and Franco's

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<sup>84</sup> International Labour Organization, Freedom of Association Cases, Case-Law 294, Geneva, 1963, section 285.

<sup>85</sup> *ibidem*

<sup>86</sup> International Labour Organization, Freedom of Association Cases, Case-Law 294, Geneva, 1963, section 288.

strategy undermined this opportunity for real promotion and discussion of greater social justice. The International Labour Conference of June 1963 began in an atmosphere of deep unrest, due to the unrepresentative representation of the Spanish delegation. During the conference, the FSM itself denounced the repressions perpetrated by the Franco regime against the insurgents in Asturias, proposing the initiation of a request to expel Spain from the ILO itself.<sup>87</sup> The appeal devised by the FSM during the conference did not work, however it contributed overall to aggravating the Spanish position internationally, providing the opportunity for the internationalists, not only to claim the need to receive information from the Spanish government on the procedural evolution of the 47 condemned by the government, but also to reiterate the petition for the sending of an emergency commission to examine the real conditions of the workers within the country. The need for the sending of an emergency petition was in fact reiterated by the internationalists in their provisional report number 74 of 1964<sup>88</sup>. What was interesting about this report was the political response, enclosed in the document, from the Spanish government in reaction to the ever increasing threats of the need to send a study group to Investigate the condition of trade union freedoms In the country. In fact, the Spanish government was becoming increasingly isolated internationally and responded by pardoning 36 of the 47 who had previously been sentenced.<sup>89</sup> The aim was thus to mitigate international pressure and try to improve its image in the eyes of the international community by demonstrating a partial openness towards humanitarian and trade union demands. With the aim of avoiding further sanctions and appeasing the growing criticism from abroad, Franco's government also responded by informing of a project to reform Article 222 of the Spanish Penal Code.<sup>90</sup> The reform was supposed to be about changing the concept of protest, no longer considered as sedition, but as a legitimate expression of dissent, subject to less strict rules. This announcement was intended to demonstrate an apparent willingness to reform on the part of the Franco regime, trying to appease international concerns regarding civil rights and fundamental freedoms in Spain. However, despite these attempts, many international observers remained skeptical of the Spanish government's real intentions, suspecting that the promises of reform were mainly a tactic to buy time and reduce international pressure without making substantial changes. In fact, the ILO Committee reiterated several times during the course of case 294, the importance on the part of the government to provide the ILO with detailed information on the actual changes that had taken place due to the modification of the article and the changes in the judgement of the protests by the Spanish Public Order Tribunal, called TOP. However, the need for the actual application of the amendment of the article was also repeated by the Committee in its

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<sup>87</sup> Abdon Mateos López, 1997, p.87.

<sup>88</sup> International Labour Organization, Freedom of Association Cases, Case-Law 294, Geneva, 1964, section 172.

<sup>89</sup> *ibid*

<sup>90</sup> Abdon Mateos López, 1997, p.88.



interim report number 95 of 1967.<sup>91</sup> This makes us realize how the amendment was not really implemented by the government, given the successive use of repressive means implemented by the Franco government to suppress protests. The Committee therefore urged with the passage of time that the government send reliable information on cases where the new article was applied in the courts.<sup>92</sup> The ILO case 294 reached a turning point with the final report number 100 of 1967<sup>93</sup>, in which the Committee, seeing the delayed response from Franco's government and the gaps in Spanish legislation that was not really aligned with that of the International Labour Organization, suggested to the ILO board that a study group be sent to investigate the real labour situation in the country. The investigation would focus on analyzing compliance with the legal guarantees expressed by the government itself (such as the effective application of the amendment to Article 222), respect for trade union autonomy in the country, and the situation regarding the real possibility of collective bargaining. What is interesting to note about the final report promulgated by the ILO Committee concerns point 3b of the report<sup>94</sup>, which stated that the study group would have full access to the information necessary to establish a definitive investigation report on the real condition of trade union freedoms in the country, without the possibility of any restriction by the Spanish government. The ILO's position of not compromising on freedom of investigation thus represented a significant step in the fight for human and trade union rights, demonstrating the importance of international organizations in promoting social justice and supporting oppressed workers.

Following the ILO board's approval of the study group, the CIOSL *boletín de prensa*,<sup>95</sup> a periodical publication disseminating news and updates on the confederation's activities and positions on international trade union issues, announced the final decision of ILO director-general David Morse regarding the sending of this study group, composed as announced by the director himself of three key figures.

### **1.5.1 The CIOSL statement submitted to the ILO study group (1969)**

Before analyzing the preliminary report promulgated by the ILO study group (see chapter 2) that investigated the condition of trade union freedoms in the Spanish context, in this paragraph I considered it important to analyze the statement that one of the most important international trade union organizations of the time, the CIOSL, made to the study group before the latter began its

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<sup>91</sup> International Labour Organization, Freedom of Association Cases, Case-Law 294, Geneva, 1964, section 172.

<sup>92</sup> Ibid

<sup>93</sup> International Labour Organization, Freedom of Association Cases, Case-Law 294, Geneva, 1967, section 11.

<sup>94</sup> Archivo General de la Administración (AGA), *Centesimo Informe del Comité de Libertad Sindical*, Madrid, Asuntos Exteriores, AGA, 1967, p.1

<sup>95</sup> Ibid

investigation. Underlying the motivation that prompted the trade union organization to make this recommendation was the sense of concern that the CIO itself felt, due to the manipulative capacity of Franco's government to conceal the real condition of trade union freedoms in Spain. In fact, Franco's government, even before the start of the study group's investigation, had promoted the organization of official and individual visits by members of the ILO executive as a backlash against the commission's investigation.<sup>96</sup> The strategy of Franco's government and specifically of the OSE vertical union was to win the individual trust of the ILO members, so that the latter could indirectly support the adequate situation of respect for trade union freedoms in Spain once the commission of enquiry had been conducted, and to protect the Spanish government in case the outcome of the commission was not positive for the purposes of the regime itself. In a letter<sup>97</sup> sent by Jose Solis Ruiz to Wilfred Jenks in 1968 we can see this Francoist strategy of seeking approval and support for the regime itself from the most important offices of the ILO. In the letter, in fact, Jose Solis Ruiz addressed Jenks in very calm tones, inviting him to visit Spain before the arrival of the study group, and telling him to let Jose Solis know the exact dates of his stay in Madrid '*para poder dedicarle la atencion que merece y prepararle lo que en materia de contactos pueda precisar*'. The letter then ended with Jose Solis Ruiz greeting Wilfred Jenks, calling him '*un buen amigo*'.<sup>98</sup> This letter in the state archives of the Spanish General Administration is a clear example of the Francoist strategy of the time just described. The confidential tone adopted by Jose Solis stemmed from the fact that it was not the first time that the deputy director of the ILO was invited by Franco's government to the country. As early as 1965, Wilfred Jenks accepted an invitation to visit Spain to monitor the situation of trade union freedoms. The latter in a lecture, held at the *Instituto de Estudios Politicos*, a public body for political studies, founded in 1939 by the Franco regime, expressed his concern about the lack of ratification by Francoist Spain of conventions number 87 and 98, explaining in his opinion the importance of the ratification of these conventions for the real guarantee of trade union freedoms in the country.<sup>99</sup> However, the translation of the speech made by Jenks was edited on purpose to avoid the harsher aspects of his speech that could have shaken the spirits of those present in the hall. Another important visit during those years was to the Director General of the ILO himself, David Morse, in December 1965. Prior to Morse's arrival in Madrid, the ILO board had expressed its deep concern about the inadequacy of Spanish legislation in relation to the legislative principles of the ILO itself. Morse shared the concerns held by the board, however the demagoguery implemented by Jose Solis Ruiz during Morse's arrival succeeded in convincing the latter that Spain was in fact slowly coming into

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<sup>96</sup> Abdon Mateos López, 1997, p.112.

<sup>97</sup> Archivo General de la Administracion (AGA), *Letra a Wilfred Jenks*, Madrid, Asuntos Exteriores, AGA, 1968.

<sup>98</sup> *ibid*

<sup>99</sup> Abdon Mateos López, 1997, p.113.

line with ILO legislation. This change in the director general's attitude can be seen in the great propaganda that was carried out by the vertical union and the Spanish government prior to his arrival. In fact, the director was greeted by a strong publicity campaign that attributed to him an importance and prestige that until then had only been reserved for the head of state himself, i.e. Franco. David Morse thus acknowledged the steps forward taken by Franco's government, such as the bill to reform article 222<sup>100</sup> of the Spanish penal code, and merely reminded the state to continue along this line of reform, declaring himself confident of a total alignment of Spanish legislation with that of the ILO with the passage of time. The change in attitude of the director general himself during his visit to Madrid, even though it had taken place years before the establishment of a study group to investigate the real conditions of trade union freedom in the country<sup>101</sup>, frightened the CIOSL, which sought through the 1969 statement sent to the study group itself, to inform the latter about the real living conditions of Spanish workers, so that the group would not fall into other forms of demagoguery, implemented by the Franco regime itself. The statement sent by the CIOSL<sup>102</sup> to the study group, began in the form of a premonitory message in defense of the trade unions, reiterating the real gravity and violations of trade union freedoms in the country. The statement then urged the group not to be taken in by the very interviews carried out by Francoism, explained above, as not representative of the real situation in Spain. In fact, the statement went on to recall the total illegality in which all the historical trade union organizations in the country, such as the UGT or the CNT, were plunged, except of course for the only one authorized the OSE as the representative of the vertical Francoist trade union.<sup>103</sup> The illegality of all other trade union organizations, as CIOSL recalled in the document, was in accordance with the Law on Political Responsibilities, promulgated by the regime in 1939, which had retroactive effect from 1 October 1934<sup>104</sup>, thus allowing the prosecution of events that occurred during the Second Spanish Republic and during the civil war, and totally against so the political opposition. In fact, according to the law, any person found responsible for political, social or trade union activities contrary to Franco's nationalist movement could be prosecuted. Through the citation of this law, the CIOSL meant that the vertical union was a unitary body in all aspects, and that was based on the principles of unity, totality and hierarchy, contrary to the ILO. In fact, the Spanish unity had come about through the promulgation of the 1940 law, which recognized the vertical union as the only union with legality in the country. The principles of totality and hierarchy, on the other hand,

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<sup>100</sup> *ibid*

<sup>101</sup> Abdon Mateos López, 1997, p. 112.

<sup>102</sup> Archivo General de la Administracion (AGA), *Declaracion de la CIOSL sometida al grupo de estudio*, Boletín de la CIOSL, Relaciones Exteriores Sinacales, AGA, 1969.

<sup>103</sup> *ibid*

<sup>104</sup> Boletín Oficial del Estado, *Ley de Responsabilidades Políticas*, Madrid, Jefatura del Estado, 1939, p.1

were stipulated through the *ley para la seguridad del Estado*<sup>105</sup> of March 1941, which consolidated state control over all political and social activities, further strengthening the authoritarian structure of the Franco regime. The statement then went on to mention the *ley de orden publico* that replaced the 1933 Law of Public Order, approved by the Second Spanish Republic. The law, as noted in the CIOSL statement, authorized provincial and local authorities to take repressive measures against workers for protesting trade union activities that were contrary to public order. Another key passage in the CIOSL statement was precisely the workers' right to protest, the CIOSL expressed that although there appeared to have been a change in the concept of protest in Article 222 of the Criminal Code, (which should no longer consider protest as an illegal act), in reality illegal protests were still those considered as undermining the stability and security of the state. However, as there was no exact rule to establish which protests were tolerated by the regime and which were not, the decision of which protests were authorized and which ones undermined public order was totally at the free will of the Franco authorities.<sup>106</sup> The final statement made by the CIOSL against both the Franco regime, and through which in part it also attacked the impartiality of the ILO itself, was the fact that the ILO had accepted the Spanish proposal to elect representatives through which to conduct the investigation without respecting the tripartite composition of the international labour organization itself.

This compromised the integrity and representativeness of the survey, as it excluded trade union organizations from participating in the survey, thus calling into question the ILO's ability to maintain its neutrality and ensure a fair and transparent process. In fact, the study group was composed of experts who were not real representatives of trade union organizations. This fact according to the CIOSL's criteria, could have led to biased conclusions, given the lack of the point of view of those most concerned with the violation of trade union freedoms.<sup>107</sup> A final observation that the CIOSL expressed in the declaration was its profound opposition to the strategy of the Solis vertical union, proposed during the negotiations between the ILO and the Spanish government, to ensure that the study group judged the situation of trade union freedoms, based on the new draft trade union legislation that was to come into force before the start of the investigation itself.<sup>108</sup> The aim was that the study group would therefore assess the trade union situation in Spain not on the basis of real and historical conditions, but on a predefined legislative framework favorable to the regime, thus influencing the results of the investigation and distorting the reality of the situation of trade union rights in the country

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<sup>105</sup> Boletín Oficial del Estado, *Ley para la seguridad del Estado*, Madrid, Jefatura del Estado, 1941, p.1

<sup>106</sup> Archivo General de la Administracion (AGA), Declaracion de la CIOSL sometida al grupo de estudio, Boletin de la CIOSL, Relaciones Exteriores Sinacales, AGA, 1969.

<sup>107</sup> *ibid*

<sup>108</sup> *ibidem*

### 1.5.2 The trade union reform project and the proclamation of the state of exception

The trade union reform project was a proposal by Jose Solis Ruiz himself as early as 1966, with the aim of replacing the old trade union law of 1940. The real motivation behind this change was the need (in Solis Ruiz's view) for the regime to keep up with the times and adapt to new capitalist demands.<sup>109</sup> Indeed, during the 1960s, Spain was going through a period of rapid economic growth, so this development required a more flexible and modern trade union system, capable of responding to the needs of a changing economy and attracting foreign investment. The old vertical trade union system, with its rigid state control and corporate structure, was seen as an obstacle to economic modernization. The new trade union reform project therefore aimed to make the Spanish trade union system appear more modern and free in the eyes of the international community.<sup>110</sup> Moreover, the new trade union law project was made possible by the amendment of the 1938 *Fuero del Trabajo* through the introduction of the 1967 *Ley Orgánica del Estado*, which represented an apparent attempt to adapt the Franco regime to the new economic and social realities. In fact, if the *Fuero del Trabajo*, promulgated in 1938, was one of the eight fundamental laws of the Franco regime and regulated labour and trade union relations, establishing a corporatist model for industrial relations, the 1967 *Ley Orgánica del Estado* on the other hand introduced significant changes such as the elimination of the terms of the Corporatist Regime, such as: National-Syndicalist Organization of the State and Vertical Trade Union (*Sindicato Vertical*). These terms were closely associated with state control over trade union activities and the corporatist model that characterized the Franco regime, and as a result were now considered too difficult to justify and unmask in the eyes of the international community and the ILO itself. Their replacement therefore with more modern terms such as *Asociaciones Representativas de Trabajadores y de Empresarios*<sup>111</sup> (Representative Associations of Workers and Entrepreneurs), represented an attempt to modernize the language and distance themselves from the authoritarian and corporatist rhetoric of the past, while maintaining the same authoritarian and corporatist control imposed by the regime to date. Consequently, the strategy of trade union reform would have been nothing more than a continuation of this fake path of modernization that the Francoist government was undertaking. Solis Ruiz's initial strategy therefore was to have the trade union reform law passed before the ILO study group began its investigation in such a way, as already stated, that the Spanish government would pass from the trade union point of view as aligned with

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<sup>109</sup> Quer, Àlex Amaya, El acelerón sindicalista y sus contradicciones internas: imagen y realidad en la propaganda de la OSE, 1957-1969», Ayer. Revista de Historia Contemporánea, JSTOR, 2009, p.10

<sup>110</sup> *ibid*

<sup>111</sup> Boletín Oficial del Estado, *Ley Orgánica del Estado*, Madrid, Jefatura del Estado, Ministerio de Asuntos Exteriores, 1967.

the ILO legislation itself, although in reality this alignment would only take place at a formal level, not a substantial one. In 1967 the Spanish trade union organization had launched a consultation report among the various trade union leaders on the possible contents of the new law, with the aim of finding out the opinion of the workers' representatives on the new principles that would formally characterize the new law. The results of the survey were then discussed in May 1968 at the congress in *Tarragona*<sup>112</sup>, where the various representatives expressed their opinions on the proposed changes. In the same year, an inter-ministerial commission was set up with the aim of fast-tracking the reform and ensuring that it would pass quickly from the government to the *Cortes* (parliament), with the aim of becoming law as soon as possible and thus guaranteeing that the judgement of the ILO study group would be on the side of the Spanish government, given the rapid modernization intent in the country. However, the truth was that the law did not come out of the council of ministers until September 1969, allowing a multitude of protests to take place, mobilized by the CCOOs that had mobilized against the union reform in the meantime, since it would not guarantee any real benefit for workers and labourers, but would only serve the vertical union itself to mask its dictatorial and corporatist aspect. The increase in protests led the Franco government to once again proclaim a state of exception in the country, unleashing a strong repression against the Protestants.

In fact, the CIOSL in the same statement, sent to the study group before it began, denounced in its final notes not only the hypocrisy of the Spanish state that had not even been able to keep its promises regarding the promulgation of the same trade union law, which as it was declared by the Spanish permanent delegate in Geneva, should have come into force in 1968<sup>113</sup> (when in fact it had not yet been approved in 1969), but also the state of exception in which Spain was once again in. The proclamation of the latter was in fact an effective instrument used by the Francoist state to continue vigorously enforcing anti-democratic actions and against the real trade union freedom of workers, as well as being completely inconsistent with the formal change of article 222 of the penal code, which the Francoist regime claimed was an attempt to align with ILO legislation. The state of exception had in fact already been applied in the areas of *Vizcaya* (Biscay) in 1967, due to the protests caused by the trade union reform, and had been expanded to the area of *Guipúzcoa* the following year, while it had been in force throughout Spain since 1969.<sup>114</sup> The persistence of the state of exception was always part of the strategy of the Francoist trade union and the government to secure control of the media, thus preventing the possibility of criticism in the country when the trade union law was being

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<sup>112</sup> Giménez Martínez Miguel Angel, *El sindicalismo vertical en la España franquista: principios doctrinales, estructura y desarrollo*, , Revistas Jurídicas, Universidad de Castilla-La Mancha, 2015.

<sup>113</sup> Archivo General de la Administración, *Declaración de la CIOSL sometida al grupo de estudio, Boletín de la CIOSL*, Relaciones Exteriores Sindicales, AGA, 1969.

<sup>114</sup> Abdon Mateos López, 1997, p.157.

discussed. After the realization of the impossibility of approving the *ley sindical* (trade union law) before the start of the study group, Solis Ruiz's vertical union tried to postpone the start of the investigation itself so as to be sure to get the trade union law itself approved beforehand and allow the ILO to judge the Spanish situation on the basis of the changes that had taken place that year. However, the proclamation of the state of exception only succeeded in delaying the start of the investigation by a few months, which was now scheduled for 7 March 1969, but in view of the profound international pressures, it did not succeed in delaying the mission by much. The study group therefore began its investigation in a climate of deep tension and social unrest.<sup>115</sup>

The ILO mission, as we will see in chapter two, was a crucial moment to assess the labour rights situation in Spain and to exert international pressure for the respect of these rights. Over time, the group's analysis of the Spanish situation had a significant impact on the future policies of the Franco regime and demands for democratization and trade union freedom in the country.

## **Chapter II The Relationship between Spain and the ILO during the late Francoist Period (1969-1973)**

### **2.1 The state of exception in Spain and its consequence at international level**

Before moving on to the in-depth study of the interim report and then the final report conducted by the study group, it is important from my point of view to emphasize the exceptional state Spain was in at the beginning of the survey, conducted by the ILO. In fact, highlighting the historical and legal context in which Spain was at the time allows us to better understand the difficulties faced by the study group itself in guaranteeing real trade union freedom in the country. The presence of the state of exception in fact guaranteed the possibility for the government to exercise almost absolute control over the population, justifying political and social repression, including torture and ill-treatment, which would otherwise have been unacceptable both nationally and internationally. Moreover, the state of exception helped to maintain the order and stability of the Franco regime, allowing any form of dissent and opposition to be stifled.<sup>116</sup> In addition, the government's strategy of maintaining the state of exception in the country also had the aim, as already mentioned in chapter one, of postponing the advent of the ILO study group, so that the trade union law, induced by Solis, would be passed before the group came. In this way, the study group would have been forced to judge the question of trade union freedoms based solely on the new law, which would not have taken into account the previous treatment of trade union status, which had taken place until recently.<sup>117</sup>

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<sup>115</sup> *ibidem*

<sup>116</sup> Abdon Mateos López, 1997, p.159.

<sup>117</sup> *ibidem*

However, in view of the significant pressure from the international trade unions to start the mission as soon as possible, the state of exception imposed by the government in the country managed to delay the start of the ILO study group by only a few months, leading to its start in March 1969. The latter's request to the government was very clear from the outset, the group in fact asked Franco's government not to carry out any kind of publicity during the period of censorship still in place, since the latter could have been instrumentalized to prevent the free expression of comments by the workers who would shortly be interviewed by the study group itself with the aim of establishing the provisional report. What is interesting to note with respect to the proclamation of the state of exception lay in Solis Ruiz's awareness of the discredit that this repression of the workers' movement had as an impact internationally. In fact, although the latter was aware that the ongoing repression had no advantages either in the credibility, solidity and maintenance of the OSE as a vertical union or in the Spanish government itself at the international level, on the other hand he knew that the state of exception was the only possibility to maintain order within the country and continue to pursue his goals of approving the new trade union law.<sup>118</sup> Moreover, it recognized that without this measure, the internal opposition could gain ground, jeopardizing not only the trade union law but also the stability of the regime itself, given the increasing pressure both domestically and internationally.<sup>119</sup> However since the arrival of the study group, its exponents were quick to condemn the government's state of exception, pointing out that this situation was unlikely to lead to a peaceful transformation within the Spanish state. The arrival of the study group was in fact essential for the change of the state of exception within the country, as the members of the study group from their arrival put pressure on the Spanish authorities, pushing for three important changes within the country.<sup>120</sup>

The first Important change they demanded In order to Initiate a peaceful change within the country was the end of the state of exception and the repressive measures manifested within the country. The second important change was an end to torture and ill-treatment of Protestants during the state of exception, in accordance both with the change in penal legislation of article 222 carried out (at a theoretical level, as already seen in chapter 1 by the Franco government itself, and with the situation at an international level, given that Protestants in other European states would not suffer the same treatment as Spanish Protestants by the government itself. The third important petition that the study group addressed to Franco's government was almost a consequence of the second, in fact, in addition to an end to torture in prisons against Protestants, the study group asked the government to free the same Protestants who populated the prisons against the political and social repression imposed by the

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<sup>118</sup>Abdon Mateos López, 1997.

<sup>119</sup> *ibid*

<sup>120</sup> AGA, Asuntos Exteriores, *La situación laboral y sindical en España, Informe Preliminar del grupo de estudio de la OIT*, Geneve, International Labour Organization, 1969, p. 2.



regime by means of amnesty or pardon. What is interesting to note is that the only one of the three petitions requested by the study group that was respected by the Spanish government was the one concerning the end of the state of exception.<sup>121</sup> Regarding the other two, however, it can be seen that the Spanish government opposed the other possibilities of the regime. In fact, the Spanish permanent delegate in Geneva, Perez-Hernandez, when he consulted Foreign Minister *Castiella* about the possibility of guaranteeing an *amnistia* for the imprisoned, received a negative response from the latter, who considered that the guarantee of a trade union *amnistia* was not the correct way to guarantee order and stability within the country and to give solidity to the Franco regime itself.<sup>122</sup> The Intervention and demands of the ILO study group highlighted the deep contradictions and serious violations of human rights perpetrated under Franco's regime, highlighting the importance of international pressure to promote substantial changes. Despite the resistance of the Franco government, the end of the state of exception marked a first step towards the protection of trade union freedoms in Spain.

## 2.2 ILO's composition of the study group

The ILO Study Group that initiated the investigation into the violation of trade union freedoms in the country consisted of the group's chairman, *Paul Ruegger*, an important diplomat and expert in international law, *J.A Barboza Carneiro*, a former chairman of the ILO board of directors, and finally *Pier Pasquale Spinelli*, a former director of the United Nations workshop.<sup>123</sup> As we can see, the formation of the investigation, as already mentioned in chapter 1, did not respect the tripartite formation typical of the ILO, since there was no representative of the trade unions. This raised concerns for international trade unions such as the CIOU about the risk of lack of impartiality on the part of the group itself and the possibility that the group's conclusions might not adequately reflect the demands of workers and their representatives. However, at the beginning of March 1969, the group began its investigation, conducting multiple interviews with both representatives of the OSE itself and with workers, with the aim of later writing an interim report to be presented before the board of the ILO itself. The interviews conducted by the study group did not only stop at the OSE, but were also carried out with members of the Franco Ministry of Labour. In addition, the study group also undertook interviews with companies, previously selected in the area, that had been reported as the main sites of "hypothetical" serious labour injustices.<sup>124</sup> The interviews conducted by the study group did not go unnoticed by the representatives of the Franco regime themselves, who were

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<sup>121</sup> Ibid

<sup>122</sup> ibidem

<sup>123</sup> AGA, Asuntos Exteriores, *Informe Preliminar del grupo de estudio de la OIT 1969*, p. 1.

<sup>124</sup> AGA, *Informe Preliminar del grupo de estudio de la OIT, 1969*, p. 3.

concerned that the facts about the regime's abuse of workers in the various provinces might come to light, causing a deep crisis of instability that would undermine the status of the regime and the vertical union itself. Consequently, the regime opted to highlight, in front of the members of the study group, the welfare aspects of the trade union regime, with the aim of highlighting a kind of good side of Franco corporatism that did not give too much importance to the injustices suffered by the workers, but instead highlighted the good works, instituted by the OSE itself. In fact, the trade union was keen to inform the study group about the so-called '*obras sindicales*', which were social initiatives and assistance programmes developed by the vertical Francoist trade union, which included, for example, the creation of the People's Houses, which were community centers offering educational, cultural and social services to workers and their families.<sup>125</sup> There were also social security institutions that provided health care, unemployment benefits, and other social security services. Finally, the *obras sindicales* included housing projects for workers, with the construction of affordable housing, and recreational initiatives, such as sports and cultural activities, aimed at improving the general well-being of workers. One can see, therefore, how informing the study group about these activities carried out by the OSE for workers was a propaganda strategy to try to demonstrate to the ILO the OSE's commitment to trying to improve the quality of life of workers. This *propaganda* intent worked in part, since in the interim report (analyzed in the next subsection) the study group admitted the progress made by the vertical union. However, on the other hand, it did not work, because as will be well noted in the analysis of the interim report, the study group severely criticized the vertical union, pointing out on page 6 of the document, that the trade union unity advocated by the OSE was contrary to the freedom and multiplicity of trade union organizations, since it did not guarantee the possibility for other organizations to undertake a joint contribution to the advancement of trade union freedoms in the country. In fact, according to the ILO, a free dialogue between the various trade union currents was the only solution to initiate real trade union freedom in the country, which would guarantee both public and workers' approval. The study group drew these deductions through the private interviews it conducted with members of the underground trade unions. In fact it is important to emphasize that while the Spanish government could have considerable propaganda influence in the study group's official visits, during the private interviews, the latter had no decision-making power, besides the fact that it had sworn to the study group itself before its arrival that it would not interfere with the activities of the ILO group.<sup>126</sup> Consequently, in order to ensure a listening and balancing act, the group devoted

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<sup>125</sup> Quer Àlex Amaya, *La figura de franco en el discurso de la organización sindical española durante los años del desarrollismo a través del diario pueblo (1957-1969)*, Universitat Autònoma de Barcelona, Revista Española de Historia, 2008, p.12.

<sup>126</sup> Quinteiro Martínez Esther, *La denuncia del Sindicato Vertical Volumen II*, Madrid, Colección Estudios CONSEJO ECONOMICO Y SOCIAL, 1997, p.54.

part of the interview time to collecting direct testimonies from representatives of underground trade unions and unofficial workers' organizations. The information gathered from the private interviews was crucial to understanding the real conditions of the workers and the limitations imposed on trade union freedom. These testimonies highlighted the difficulties faced by independent trade union organizations in being able to operate freely and effectively represent workers' interests. Furthermore, the study group used these testimonies to counterbalance official propaganda and to highlight discrepancies between government statements and the reality experienced by workers. It is interesting to note that most of the people who were interviewed by the study group had been selected from a proportionate list by the democratic trade unions in Geneva. However, this critical and balanced approach was essential to produce a provisional report that accurately reflected the complexity of the trade union situation and to make recommendations aimed at promoting genuine trade union freedom in the country.

### **2.2.1 The interim report**

At the end of March 1969, the Study Group, also called the *Ruegger Group* because of the surname of the group's chairman, met in Geneva to draw up the interim report, the text of which would then go before the ILO board on 22 April of the same year and be published the following day. The interim report drawn up by the study group is very interesting for the purposes of this paper, because while on the one hand it can be established that the document emphasized the reforming impulse of the OSE and trade union reform, on the other hand it criticized the corporatist structure of the movement itself, stating that in order to achieve a true trade union, there was a need to move towards a common acceptance of the trade union multiplicity existing in the country itself, which was impossible given that the only trade union organization deemed legal by the regime remained that of the OSE itself.<sup>127</sup> Going into the specifics, it is interesting to note that the interim report analysis carried out by the study group, opened on page 2 with the characteristics that (according to the study group itself) the trade union law, promoted by Jose Solis Ruiz, should have at its core, in order both to respect the principle of real trade unionism in the country, and to allow the country to align itself with the principles enshrined in the 1944 Philadelphia Declaration (such as freedom of expression and association, provided for all member countries). The first principle that the study group expressed as fundamental to the establishment of the new trade union law was the fact that all occupational appointments within the trade union movement were to be made through trade union elections.<sup>128</sup> It is important to remember, as already explained in the previous chapter, that in the 1966 elections,

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<sup>127</sup> Quinteiro Martinez Esther, p.55.

<sup>128</sup> AGA, *Informe Preliminar del grupo de estudio de la OIT*, Asuntos Exteriores, AGA, 1969, p. 2.

despite the authoritarian context of the Franco regime, the non-Franco trade unions managed to achieve considerable success, as the representatives of the *Comisiones Obreras* (CC.OO) won numerous seats, demonstrating their popularity and the demand for democratic reforms among Spanish workers. This success, however, led to a repressive reaction by the Franco regime, which in 1967, following the election results, declared the CC.OO illegal and intensified the repression against unofficial trade unions and their representatives. Consequently, the fact that the study group had placed this principle as the first in order to make the new trade union reform legitimate, was a clear sign against the lack of trade union pluralism and the failure to democratize the trade union movement. Subsequently, the second point of the trade union reform suggestion established by the study group in the 1969 interim report required the Spanish government to ensure complete autonomy and effective authority in practice between workers' and employers' associations. This meant that the reform had to guarantee that trade unions and workers' associations could operate without outside interference, particularly from the government and employers.<sup>129</sup>

Complete autonomy implied that trade unions were free from government control or influence, which meant that the government should not intervene in their decisions, the election of their representatives, their funding or their operational activities. Moreover, autonomy was also to be guaranteed with respect to employers, who were not to be allowed to interfere with trade union activities or influence the decisions taken by trade unions. What is interesting about this second point is the fact that the trade union reform suggestion made by the ILO was to make the Collective Bargaining Act of 1959 more effective. In fact, the Collective Bargaining Act of 1959 (analyzed in chapter 1) in Spain had been introduced to regulate relations between workers and employers and to allow a certain form of collective bargaining. However, in practice, this law did not guarantee real autonomy and authority to trade unions, often due to the interference of the Franco regime and the limitations imposed on the freedom of association and the ability of trade unions to operate independently.<sup>130</sup> The third principle was to ensure that the trade union reform law ensured that all officials appointed by the trade union organization were subject to the authority of, and received instructions from, the previously elected leaders. This principle was deemed important to ensure that the elected union leadership retained effective control over the organization's operations and decisions, avoiding outside interference from the government, and ensuring genuine representation of workers' interests.<sup>131</sup> The fourth principle was closely related to the third, for what it suggested was that the trade union organization, even if subject to the laws of the state, should not be subject to the direction or control of any political movement. He further added that in the event of any relationship of the union with a political

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<sup>129</sup> AGA, *Informe Preliminar del grupo de estudio de la OIT*, Asuntos Exteriores, AGA, 1969, p. 2.

<sup>130</sup> *ibid*

<sup>131</sup> *ibidem*

movement, this should be freely determined by its members. The suggestion of this principle was fundamental to the affirmation of the status of Jose Solis Ruiz himself, who through the affirmation of the trade union law, aimed precisely to detach the trade union movement from the control of the Franco government, so as to guarantee greater independence and thus automatically greater room for manoeuvre.<sup>132</sup> The last principle reiterated the importance of trade union pluralism in the country, emphasizing that the law should guarantee freedom of expression and assembly for all currents of trade union opinion, their freedom within a freely accepted unity.

Continuing with the analysis of the interim report, on page 3, we find the description of the interviews already analyzed in the previous paragraph, what is interesting to note, however, is the final description of the page in which the study group thanked the Spanish authorities with whom they had contacted for their cooperation. The Spanish authorities' thanks fostered a constructive dialogue and showed openness, facilitating the cooperation needed to promote and implement the suggested trade union reforms. It was also crucial to secure the support of the Spanish authorities themselves, especially following the important suggestions on page 2 of the interim report itself.<sup>133</sup> Later, in the interim report on page 5 of the official document, the study group analyzed the Spanish trade union situation, describing the renewing impulse that characterized the Spanish Trade Union Organization OSE, based mainly on the call for a new trade union law as a symbol and demand for the modernization of the country, as analyzed above. However, what is interesting about this passage was the fact that, while not questioning that the renewal impulse came from the reforming instincts of the OSE, the study group could not fail to consider the pressure carried out by workers' movements still considered 'clandestine' within the country.<sup>134</sup> This passage is interesting because by mentioning the independent trade unions outside the OSE, the study group itself provided them with a sort of legitimacy of existence, which had previously been challenged only two years earlier with the establishment of the *ley organica* of 1967 that prohibited the assembly and association of some of these unions such as the CC.OO. The group therefore, although trying to remain impartial, contested the illegality of these movements with respect to the OSE, pointing out on page 6 of the document that with the aim of having a united, strong, free and responsible trade union movement, it was essential to create the conditions that would allow all movements to coexist legally in the country.<sup>135</sup> According to the study group, in fact, a genuinely representative trade union movement was the only option to presuppose full respect for basic civic freedoms. Following this analysis, the study group

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<sup>132</sup> Quinteiro Martinez Esther, 1997, p.42.

<sup>133</sup> AGA, *La situacion laboral y sindical en Espana, Informe Preliminar del grupo de estudio de la OIT*, Geneva, Asuntos Exteriores, AGA, 1969, p. 3.

<sup>134</sup> AGA, 1969, p. 5.

<sup>135</sup> AGA, 1969, p. 6.

dwelt on page 7 of the document on the annexes relating to the government's "bad treatment" of prisoners that year, which followed the government's proclamation of a state of exception to try to maintain order within the country. What is interesting about this part of the document was the fact that the study group merely reported the responses made by the Spanish Ministry of Justice, following conversations between the group and the ministry itself. In fact, the Spanish Ministry of Justice declared itself against any ill-treatment of detainees, and was willing to send representatives of the International Committee of the Red Cross to observe the real conditions in which detainees were held in the various prisons. The study group reported these statements as evidence of the commitment that the Franco government should have, emphasizing the need for a system that guaranteed respect for fundamental human rights.<sup>136</sup> This focus on respect for civil liberties and human rights highlighted the international pressure the regime was under, pushing it towards greater transparency and improved prison conditions. Furthermore, this position of the study group implicitly emphasized the importance of constantly monitoring government practices to ensure compliance with international human rights standards, promoting a climate of trust, credibility, and inspiration to follow these practices in other countries, and thus internationally. Also on page 7 of the interim report, the study group suggested to the Spanish government the need to establish an amnesty, i.e. the extinction of the crime, for people imprisoned for activities that, as the same study group reiterated, in other countries would be considered legitimate trade union activities.<sup>137</sup> In fact, even in this case the group considered that the extinction of the offence against the unjustly imprisoned persons would be a necessary condition to start a future development of the labor and trade union situation in Spain. In conclusion, the interim report not only highlighted the criticalities of the trade union and human rights system in Spain, but also offered concrete recommendations to promote meaningful change.<sup>138</sup> The call for a new trade union law, the acknowledgement of pressure from underground trade unions, and the insistence on humane treatment of prisoners, reflect an approach geared towards greater openness and modernization of the country. The study group's proposals, although critical, were aimed at fostering a more inclusive Spain that respects civil liberties, while pointing out the importance of adapting to international standards. These suggestions, if implemented, could have represented a fundamental step towards a more just and democratic society.

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<sup>136</sup> AGA, Asuntos Exteriores, *La situación laboral y sindical en España, Informe Preliminar del grupo de estudio de la OIT*, Geneve, Organización Internacional del Trabajo, 1969, p. 7.

<sup>137</sup> *ibid*

<sup>138</sup> *ibidem*

### 2.2.2 The instrumentalization of the interim report by the Spanish government

The interim report, as analysed in the previous section, had been very harsh towards the Franco government and the OSE. This caused the vertical union itself to have to instrumentalize the content of the document to try to destabilize as little as possible the image of the Franco system, already internationally tested and unstable given the frequent protests at national level. In fact, the objective of the vertical union was to passively disseminate the contents of the interim report, instrumentalizing the words expressed by the ILO, through Emilio Romero's propaganda newspaper, with the aim of making people believe that the International Labour Organisation had given 'reason' to Franco's government, concentrating only on the first part of the document, that is, the one that recognised the positive evolution of vertical unionism.<sup>139</sup> This communicative manoeuvre sought to present the vertical union as an evolving and improving entity in an attempt to gain greater acceptance both nationally and internationally. By publishing only the positive aspects noted by the ILO, the regime hoped to demonstrate a false openness and commitment to reform, while in fact deliberately ignoring the parts of the report that emphasized the need for deeper and more systemic changes. Emilio Romero's newspaper played a crucial role in this propaganda operation, using emphatic tones and carefully selecting information to shape public opinion in favor of the government. Moreover, this strategy sought to undermine the credibility of the clandestine trade union forces and opponents of the regime, portraying them as destabilizing elements that did not recognize the progress made.<sup>140</sup> In this way, the Francoist government sought to maintain a degree of control and legitimacy, despite growing internal and external pressure for political and social liberalization. The attempt to manipulate the content of the interim report showed how the regime was aware of the power of public opinion and the importance of maintaining an image of stability and progress. The instrumental interpretation, emphasized through the propagandistic use of Romero's newspaper, was also crucial to focus attention on the trade union project strategy of Solis Ruiz, who wanted to exploit the imminence of the study group to ensure that the draft trade union law passed the Cortes before the approval of the final ILO report, under the pretext of ensuring that the study group report would not influence the process of institutionalizing the draft trade union law. The project in fact, as mentioned earlier, was essential to ensure the independence of the OSE from the government and to guarantee a prominent role for Solis Ruiz himself after Franco. However, beyond the propagandistic role of the interim report, implemented by the vertical union, the truth was that the ILO's interim document had

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<sup>139</sup> Amaya Quer Àlex, *La figura de franco en el discurso de la organización sindical española durante los años del desarrollismo a través del diario pueblo (1957-1969)*, Universitat Autònoma de Barcelona, Revista Española de Historia, 2008, p. 25.

<sup>140</sup> *ibid*

turned out to be very uncomfortable for the Franco government, which had to balance the need to maintain political and social control with increasing international pressure to improve human and trade union rights conditions. The government's reluctance to fully acknowledge the report's criticism highlighted the tension between the aspiration to project a positive image and the reality of internal challenges.<sup>141</sup>

In fact, the government, together with the ministers affected by the ILO report itself, expressed important reservations about the study group's provisional report, condemning the report as an interference in the internal affairs of the Spanish state, discrediting above all the document on page 7 of the report, i.e. the page referring to the poor treatment of prisoners.<sup>142</sup> Moreover, another important criticism that the government could not tolerate was the one on page 5, concerning the contribution that the acceptance of trade union pluralism would make in the evolution of Spanish trade unionism, as a symbol of true unity. In response to this criticism, the Franco government took a hard line, seeking to discredit the report and minimize the impact of its recommendations. On the other hand, however, the government's resistance to the report's recommendations underlined its determination to maintain the status quo, but at the same time, exacerbated internal tensions and strengthened the determination of the trade union movements and opposition forces to continue their struggle for real and lasting change. Precisely with the aim of trying at all costs to discredit the credibility of the interim report, which went against the stability of the Franco regime, the Spanish ambassador Perez-Hernandez in Geneva expressed to the director general his desire to demolish the publication of the interim report.<sup>143</sup> The aim was to replace the interim report with an official government statement in order to eliminate contents inconvenient to the regime. This scheme was in line both with the propaganda intent already initiated by Jose Solis Ruiz through Romero's newspaper, and with the Spanish government's previous moves against the ILO, such as that of 1959, when the government, in order not to approve ILO law number 98 (analyzed above), created an ad hoc law on collective bargaining which formally mirrored that of the ILO as much as possible, but which had the concrete aim of maintaining state control over the workers' right to organize. The Spanish ambassador therefore, in line with Franco's strategy, argued that some points in the interim report were based more on moods than on actual facts, and therefore contributed to the country's image in a bad light internationally.<sup>144</sup> However, following these statements, President David Morse informed the ambassador that it was impossible to amend the document as requested by the government. This position reflected the ILO's

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<sup>141</sup> Abdon Mateos López, 1997, p. 158.

<sup>142</sup> AGA, Asuntos Exteriores, *La situación laboral y sindical en España, Informe Preliminar del grupo de estudio de la OIT*, Geneva, Organización Internacional del Trabajo, 1969, p. 7.

<sup>143</sup> Abdon Mateos López, 1997, p. 160.

<sup>144</sup> *ibid*



commitment to maintaining the objectivity and veracity of its investigations, despite external political pressures. Morse's decision also underlined the organization's determination to uphold the fundamental principles of international labour law, including respect for trade union rights and prison conditions, and support for trade union pluralism as a key element in the democratic development of member countries.<sup>145</sup> This episode highlighted the tensions between the Franco regime, which sought to maintain centralized control, and the international community, represented by the ILO, committed to promoting international standards and universal human rights.

### **2.2.3 The reaction of the Internationalists to the interim report**

The content of the ILO Study Group's stipulation of the interim report did not please the internationalists of the CIOSL either, who responded to the publication of the interim report through the movement's general secretary, *Harm Buiter*. In fact, the CIOSL accused the study group of having drafted an incomplete and incorrect version of the Spanish situation, since it was not harsh enough against the Spanish government and especially in the first pages of the document praised the improvements of the OSE itself, thus giving no importance, according to the CIOSL, to the numerous abuses carried out by the Francoist regime over time, and denounced through case number 294 itself. In particular, the CIOSL pointed out that the interim report neglected to mention the systematic violations of human rights and trade union freedoms perpetrated by Franco's regime. *Harm Buiter* and the CIOSL internationalists were in fact convinced that the document should reflect more severely the oppressive conditions under Franco's regime, highlighting the repression of free trade unions and the frequent persecution of trade union leaders. CIOSL criticism focused on the fact that the interim report, with its more conciliatory tone, risked to justify a regime that had systematically violated workers' rights and human dignity. Their reaction was therefore a call for a firmer and clearer condemnation by the ILO to uphold trade union rights and social justice in Spain<sup>146</sup>. The CIOSL's dissatisfaction was also joined by that of the UGT (*Union General de los trabajadores*), which from exile wrote two important statements in response to the same interim report, published by the study group. In the first statement, the UGT explained the history of the Spanish trade union movement before the civil war. It also stated that the OSE was (in light of the facts), however, the only legitimate trade union organization within the country.<sup>147</sup> The UGT consequently made a clarification, saying that trade union pluralism had already been a fundamental element that had characterized Spanish

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<sup>145</sup> Abdon Mateos López, 1997, p. 161.

<sup>146</sup> *ibid*

<sup>147</sup> Vega Rubén, *Análisis históricos del sindicalismo en España. del franquismo a la estabilidad democrática*, Madrid, Archivo UGT, Fundación Francisco Largo Caballero, 2013, p.15.

trade unionism throughout history, pointing out that the concept of trade union unity was a concept imposed by the Franco government, and that previously during the period especially of the second Spanish republic it had not always been so.<sup>148</sup> In the second statement published in the newspaper *Le Socialiste*<sup>149</sup>, the UGT questioned the new trade union bill supported by the regime, claiming that it was an attempt to disguise continued repression under a guise of reform. The UGT argued that the draft law, presented as a step towards modernization, in reality only perpetuated the government's control over trade unions, denying any real autonomy to workers' organizations. The statement was useful for the regime to seek international legitimacy through this pseudo-reform, while on the ground it continued to stifle any attempt at independent trade union organization. The UGT called on the international community not to be fooled by appearances and to continue to put pressure on the Spanish government to respect the fundamental rights of workers. Furthermore, it insisted on the importance of stricter international supervision to ensure that promises of reform did not remain mere empty words but were translated into concrete actions that respected trade union freedom and human rights.

### 2.3 The final report and its consequences

The final report from the study group was not long in coming, in fact on 31 July 1969 the latter signed and delivered the final report to the director general of the ILO, which was then officially published on 18 September of the same year.<sup>150</sup> The publication of the final report led OSE Secretary *Jose Solis Ruiz* to a change of strategy. Before its publication, Solis' goal had been to use the report as an instrument to accelerate the passage of the trade union law to parliament, but the latter, seeing the impossibility of realizing the plan, focused on the opposite idea, that is, to have the new trade union law approved only after the approval of the study group's final report, so as to avoid the latter appearing as a judicial process of the same law.<sup>151</sup> In this way, Solis Ruiz hoped to present the law as an Independent initiative, avoiding giving it the appearance of a court case or an obligatory response to the content of the report itself.<sup>152</sup> The final report began on page 1 with an important statement similar to that made in the interim report itself, namely that only Spaniards themselves could decide the future of the Spanish labor and trade union situation. This sentence was a clear call for

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<sup>148</sup> *ibid*

<sup>149</sup> Abdon Mateos López, 1997, p. 162.

<sup>150</sup> AGA, Asuntos Exteriores, *La situacion laboral y sindical en Espana, Informe del grupo de estudio sobre la situacion laboral y sindical en Espana*, Madrid, Organizacion Internacional del Trabajo, 1969, p.1.

<sup>151</sup> Quinteiro Martinez Esther, *La denuncia del Sindacato Vertical Volumen II*, Madrid, Coleccion Estudios CONSEJO ECONOMICO Y SOCIAL, 1997, p.131.

<sup>152</sup> *ibid*

collaboration between the different Spanish trade union organizations, with the aim of setting aside ideological differences and contributing through a common assumption to the advancement of the Spanish trade union situation. The final report also went on to state in its very introduction that trade union freedom belonged, as a civil freedom, to that series of worldwide norms that, although they did not originate from any contractual obligation for ratifying states, could not in any case be disregarded by any state in the world. The final report continued on page 2, reiterating the fact that there was a reform impulse and broad consensus regarding the reform of trade union law within the country, with the goal of achieving a trade union movement fully representative of its members. This part of the document was interesting because it provided prestige and recognition to the trade union reform project carried out by Solis Ruiz. Indeed, the fact that the conclusions provided in the final report did not differ from those of the interim report reinforced the recognition of the progress made by the OSE itself, legitimizing the progressive independence of the trade union movement from the control of the political movement of the Franco regime.<sup>153</sup>

The final report went on to describe the improvements that had taken place within the Spanish state over time, starting with the Collective Bargaining Law of 1958, which had enabled an important economic transformation within Spanish society, bringing it more in line with international standards. However, even here the group was keen to point out that the labor situation, through this agreement, had not reached a standard perfectly in line with the international context, given that workers' remuneration remained insufficient, and given that this was at the root of the numerous protests that had taken place in the country over the years.<sup>154</sup> Stressing the inadequacy of workers' pay, the report thus justified the national protests and legitimized the complaints made by internationalists, including the CIOSL, in previous years. An interesting point of criticism of the Franco regime came, however, especially on page 4 of the final report in which the study group pointed out that within the Spanish trade union organization there was a split in the movement between those who were in favor of a traditionalist political line of the movement made up of the traditional values of the movement such as 'unity, totality, hierarchy and verticality', and those who were in favor of a new representative line, also called social-economic.<sup>155</sup> This new line had gained more importance over time within the trade union movement and was based on giving space to elected leaders and the method of trade union elections. This step contained in the final report was fundamental in increasingly legitimizing the process of modernization and democratization of the Spanish trade union movement, highlighting the growing importance of elected representation and the method of trade union elections compared to the traditional hierarchical and vertical structure of the Franco regime. This split between the two

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<sup>153</sup> AGA, Asuntos Exteriores, 1969, p.2.

<sup>154</sup> *ibid*

<sup>155</sup> AGA, Asuntos Exteriores, 1969, p.4.

fronts clearly showed the tension between conservative and more progressive forces within the movement, arguing the need for change to better reflect the needs and aspirations of workers.<sup>156</sup> The document then continued on page 5, supporting this divergence between the two ideologies within the Franco system, and emphasizing the importance of supporting the representative line, as opposed to the traditionalist political line. To support this second ideology, the study group recalled that the 1966 elections represented a turning point within the country, as they took place with a greater degree of transparency and participation than before, demonstrating the growing pressure for democratic reforms within the union structure.<sup>157</sup> This electoral context favored the emergence of elected union leaders who were more “sensitive” to the real needs of workers and who promoted a more participatory and less authoritarian management. However, even this new representative line had a propagandistic role, used by one side of the regime to show an apparent openness and modernization, while maintaining strict control over the process and results. The study group therefore concluded in its final report that the adoption of the representative line would facilitate greater legitimization and acceptance of the union among workers, thus contributing to the social stability and economic progress of the country. Later on page 6 of the document, the study group recalled, in line with what had already been reiterated in the interim report, that a stable trade union and labor situation in the country could only be achieved in a context of legality of the various trade union groups in the country, which were still considered illegal until then.<sup>158</sup> Consequently, the study group reaffirmed that amnesty or pardon in favor of imprisoned Protestants, for activities that would have been considered legal in other countries, was the only way to guarantee a fruitful dialogue between the parties that would lead to a modernization of Spanish trade unions and their alignment with the democratic principles enshrined in the ILO itself. What is interesting to note about the concluding part of the final report is the fact that the study group made a point of reminding us that in order to achieve this modernization in the country it was essential to pursue the five conditions previously outlined in the interim report.<sup>159</sup> Among these conditions, the one that stood out most was the need for the trade union organization, although subject to the laws of the state, not to be subject to the direction or control of any political movement. In fact, the study group reiterated that this was the only real condition for the full realization of the movement’s representative line, while at the same time reiterating that the OSE’s dependence on the political party was an insurmountable obstacle to the realization of a truly authentic and representative trade union movement. This divergence between

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<sup>156</sup> Saz Ismael, *Mucho más que crisis políticas: el agotamiento de dos proyectos enfrentados*, Valencia, Revistas Marcial Pons, p.1.

<sup>157</sup> AGA, Asuntos Exteriores, 1969, p.5.

<sup>158</sup> AGA, Asuntos Exteriores, 1969, p.6.

<sup>159</sup> AGA, Asuntos Exteriores, 1969, p.7

the need for an independent trade union and the reality of its submission to political control caused internal tension among the members of the Franco system themselves, which threatened the stability of the regime. This instability endangered the cohesion of the regime, opening the way for more radical changes that were difficult to control.

### 2.3.1 The fragmentation of Francoism between political and representative line

In order to fully understand the words of the study group in the final report, which emphasized the need for ‘modernization’, stressing the ideological division within Francoism itself, I believe it is necessary to take a step back and understand the origin of this ideological difference. In fact, although we cannot state with certainty who were the subjects belonging to the currents (representative and traditionalist line) that the study group was referring to in their final report, it is possible to firmly establish the existence of two diametrically opposed political ideologies within the regime itself. In fact, the divergence between the latter was at the basis of the political fragmentation of the movement and the end of that Francoist unity that had until then allowed it to maintain an apparent solidity in the face of attempts to delegitimize the government apparatus, especially by the internationalists through the ILO’s Committee for Trade Union Freedom. Indeed, at the basis of the formation of the *Falange Tradicionalista y de la Juntas de Ofensiva Nacional Sindicalista* (FET y de las JONS) party there were already significant disagreements between the phalangists and the National Catholics.<sup>160</sup> Although it is true that the fusion between the Falange Española y de las JONS, of José Antonio Primo de Rivera and Ramiro Ledesma Ramos, and the *Comunión Tradicionalista* of the *Carlistas*, took place in 1937 by decision of Francisco Franco himself, the latter was never a homogeneous and tension-free fusion.<sup>161</sup> In fact, while the falangists followed a fascist ideology, with an ultra-nationalist-populist matrix, which emphasized radical nationalism and the unity of the people against class divisions and foreign ideologies, the national-Catholics (of which the Carlists were considered an Important part of the movement), belonged to an ideology of so-called reactionary European nationalism, which based its principles on the monarchy and the Catholic church. Consequently, at the basis of the great distinction between these two groups was the different vision of the people, for while the Falangists saw the fatherland as a power, capable of uniting the classes under a common ideal, while the National Catholics emphasized the role of tradition and religion in maintaining social order and hierarchy.<sup>162</sup> At the time of unification under Franco’s regime, therefore, the two groups

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<sup>160</sup> Saz Ismael, 2013, p.1

<sup>161</sup> Javier Rodrigo, *Was There a Resistance Fascism? Narratives about Falange’s Place in the Franco Regime*, Barcelona, Journal of Comparative Fascist studies, Brill, 2024, p.3.

<sup>162</sup> Saz Ismael, 2013, p.5.

actually maintained this different ideological outlook that was to be the basis of the Francoist unificationist rupture following the release of the final report of the ILO. In fact, on the one hand, the National-Catholics were in favor of a unification of the nationalist forces without contributing a defined ideological profile, in the style of the *Union Patriótica* (Patriotic Union) established during the dictatorship of Miguel Primo de Rivera.<sup>163</sup> The *Union Patriótica* had been a right-wing monarchist party, fundamental during the first Spanish dictatorship of the 20<sup>th</sup> century. The party's aim during Primo de Rivera's dictatorship was to unify the regime's various factions with the aim of creating national unity and supporting the regime's authoritarian policies, but without having a defined political ideology.<sup>164</sup> On the other hand, the falangists, aspired to the opposite of unification without an ideological principle. In fact, the falangists' aim was to build a true fascist party, which would become the basis of the totalitarian state of Franco's dictatorship. They were therefore in favor of a strong party with an important ideological identity, based on the pillars of nationalism and militarism, and promoting values such as discipline, order and the supremacy of the nation.<sup>165</sup> In this state model, society was to be organized according to corporatist principles, in which the different social classes and professions were to work together under the aegis of the state. The *Falange* intended to replace traditional social divisions with a new hierarchy based on an ideal of national unity, where every citizen was expected to contribute to the good of the fatherland. Through propaganda and education, the Falangists sought to shape a collective consciousness that would support their worldview, thus creating a strong link between state and society.<sup>166</sup> The unification decree of 1937 therefore attempted to take into account these conflicting visions, for on the one hand it is true that it gave birth to a new political entity the *Falange Española Tradicionalista y de las Juntas de Ofensiva*, also adopting the 26 points of the Falange, which combined nationalism, socialism and authoritarianism, emphasizing national unity and a corporative system to promote collaboration between social classes.<sup>167</sup> On the other hand, however, the name of the party itself (traditionalist) and the structure adopted still allowed nationalists to feel represented in this single party. This therefore allowed for the existence of a momentary balance between the two visions. However, the balance between the conflicting visions was never really overcome over time, but on the contrary became more pronounced as the Franco dictatorship progressed. In fact, in the following years between 1948 and 1955 the cultural and ideological battle reached increasingly heated tones, with the phalangist wing of the party seeking to promote a revolutionary and above all criticized54

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<sup>163</sup> *ibid*

<sup>164</sup> Casanova Julián, *Breve historia de España en el siglo XX*, Barcelona, Editorial Ariel, S.A, 2012, p.65.

<sup>165</sup> Saz Ismael, 2013, p.6.

<sup>166</sup> *ibid*

<sup>167</sup> López Díaz Jesús, *Vivenda social y falange: Ideario y construcciones en la década de los 40*, Barcelona, REVISTA ELECTRÓNICA DE GEOGRAFÍA Y CIENCIAS SOCIALES, Researchgate, 2003, p.6.

vision, while the wing of conservative Catholic nationalism, of which the opus dei technocrats were a part, sought to promote economic modernisation, but always maintaining the aspiration of monarchical restoration.<sup>168</sup> In 1957, however, due to the economic crisis that was taking place in Spain, Franco decided to reduce the influence of the Phalange and entrust economic management to the technocrats of Opus Dei. This change of pace greatly affected the balance of the movement, as it led to a change of political leaders and the beginning of greater influence of Opus Dei members, (Catholic leaders) who promoted economic modernisation and administrative efficiency.<sup>169</sup> The phalangists then found themselves crushed by this change of direction at the top of the party, and criticized that the regime, faced with this economic crisis, had preferred to entrust the reins of control to technocrats rather than the phalangists themselves. One important name that stood out among the technocrats and that is relevant for the purposes of this paper is that of *Luis Carrero Blanco*, who became a key figure in Franco's regime, representing the growing influence of Opus Dei technocrats in the country's political and economic decisions.

### **2.3.2 Franco and the Opus Dei technocrats against Jose Solis Ruiz's strategic plan**

Understanding this fragmentation of the ideological line within the Francoist system and the takeover of power by the Opus Dei technocrats is, as stated at the beginning of this sub-section, fundamental to analysing the motivations that led to the collapse of Francoism itself from within and its loss of unitary cohesion as a movement. In fact, the ILO's final report was hostile to the traditionalist line of the Francoist party, i.e. that of the members of the National Catholic and Opus Dei technocrats, but not specifically to the Phalangist supporters of the OSE, who represented, (interpreting the words of the ILO) the representative line of the party, i.e. the true vision that sought a modernisation of Spanish society, not only economic as proposed by the members of the technocrats, but also and above all cultural and political and social. This was because, as already mentioned, the OSE led by Jose Solis Ruiz, had the objective of making the trade union movement independent of Franco's political party, and while it is true that Solis Ruiz's real reason for pursuing this plan was to secure power within the state, (essential especially in the event of Franco's death), it is also true that the ILO itself supported *Solis Ruiz's* formal line, repeating in the same interim and final report the importance among the five points to be achieved in a good trade union law precisely that of releasing the trade union from government control. During the years of his tenure as national delegate of the OSE, his position became increasingly worse, not only because of the political change that took place in 1957, which saw power now in the hands of the technocrats, but above all because of the words of the ILO study

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<sup>168</sup> Saz Ismael, 2013, p.6.

<sup>169</sup> *ibid*

group, which were uncomfortable for the Francoist government except for Solis Ruiz himself and his Falangist followers.. The hostility towards *Solis Ruiz* by members of the government started from the beginning of the proposed trade union law, later discussed by the ILO itself. The announcement as early as 1966 to the government of the initiative for this new trade union law worried Opus Dei members because *Solis Ruiz* wanted to endow the movement with ‘any level of representativeness’, so basically to allow the participation of trade union representatives of various ranks and backgrounds, including those elected by workers in different structures and contexts.<sup>170</sup> This meant that not only the official vertical union representatives of the regime, but also those who had obtained some form of representation through local elections or other informal structures could participate in the study for the future Trade Union Law.<sup>171</sup> This approach created hostility among the members of Opus Dei, because the latter, since they supported a more technocratic and centralized vision of the administration, saw enlarged participation as a threat to their control. The ‘socializing power’ of the people for strategic purposes adopted by Solis Ruiz was seen as an obstacle to the control of the technocrats, who wanted decisions to be made by experts rather than elected union representatives. The hostility between Solis Ruiz and the technocrats grew especially following the amendment of the *Ley organica del estado* in 1967, which was crucial, as analyzed above, to initiate trade union reform. Following the amendment of the LOE, the OSE conducted a consultative investigation with the aim of defining the basic principles of the new legislation, which would be presented at the Trade Union Congress (4<sup>th</sup> Trade Union Congress, held in Tarragona in May 1968). The main project, as analyzed in the previous chapter, was to create a preliminary draft to be submitted to the government, while also trying to remove the most conservative sectors within the union.<sup>172</sup> The entire process was supervised by the trade union leaders, and the Trade Union Congress was also subject to criticism regarding its representativeness. The criticism came mainly from *López Rodó*, a key member of Opus Dei and the 1959 economic stabilization plan, who pointed out that of the 582 participants with voting rights, only 193 had been chosen by the National Workers Council.<sup>173</sup> The other members had been selected by the National Delegate Minister of Trade Unions (190 people) and the National Council of Businessmen (199 people). Following the approval of the text in the trade union congress in Tarragona, the project took a long time to become law, precisely because Francisco Franco himself, coordinated with the main Opus Dei exponents, such as *Luis Carrero Blanco*, who was vice-president of the Spanish government at the time, and *López Rodó* himself, confessed to being annoyed by Solis

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<sup>170</sup> Soto Carmona Alvaro, *Auge y caída de la Organización Sindical Española*, Espacio, tiempo y forma. Serie V, Historia Contemporánea, Dialnet, 1995, p. 14.

<sup>171</sup> *ibid*

<sup>172</sup> *ibidem*

<sup>173</sup> Soto Carmona Alvaro, 1995, p. 15.



Ruiz's role and his evident attempt to acquire credibility, power and independence for the trade union through the trade union law.<sup>174</sup> This discontent reflected the growing tension within the regime between those who wanted to maintain centralized control of the institutions and those, like Solís Ruiz, who sought to push for an opening and modernization of the trade union system. Franco and his collaborators feared that a stronger and more autonomous trade union could threaten the authoritarian structure of the regime, leading to conflicts of interest between the different factions. Consequently, the trade union law became a symbol of the internal struggle between the need for reform and the desire to maintain control, further delaying its approval and implementation. In addition to the handling of the hostile trade union law, which as we shall see in the next section, forced *Solis Ruiz* himself to step down as national delegate of the OSE, there was another major problem for the government itself, namely the instrumentalization of the ILO's final report.

### **2.3.3 The sharing strategy the ILO's final report with the Spanish press**

The strategy of instrumentalizing the ILO's final report was a very important task for Franco's government. This was because, on the one hand, it had the task of passing off the result of the ILO study group as a subjective and incomplete opinion of three experts in international law that had little to do with the objective conditions of trade union freedom in the country, and on the other hand, the final instrumentalization of this report would also be fundamental in discrediting the role of Jose Solis Ruiz and his power interests within the OSE.<sup>175</sup> The instrumentalization of the final report was also important for the Spanish government for another reason, namely the fact that the government had repeatedly tried to convince the ILO of the need to change both the provisional and final report because it was considered to be full of inaccuracies. The attempt to convince the ILO to change the text also took place with regard to the final report. In fact, in July 1969, the Minister of Labour, *Romeo Gorria*, had already pressed the organisation to change certain aspects of the report as they were seen as interference in the affairs of the state, and in this case too David Morse responded in the opposite way.<sup>176</sup> However, the failure of *Gorria's* appeals, did not stop the Spanish government from inducing the ILO to make substantial changes, in fact later it was the turn of Foreign Minister *Castiella* who in August 1969 delivered a document to the Director General with all the contradictions in the final report according to the Spanish government. In the document, the government accused the study group of having gone beyond the fulfilment of its tasks, and thus of having formulated conclusions outside the role of suggestions, to which the study group had been assigned, exactly in line with the

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<sup>174</sup> Soto Carmona Alvaro, 1995, p. 16.

<sup>175</sup> Quinteiro Martinez Esther, *La denuncia del Sindacato Vertical Volumen II*, Madrid, Coleccion Estudios CONSEJO ECONOMICO Y SOCIAL, 1997, p.134.

<sup>176</sup> *ibid*

same criticism the government itself had levelled at the interim report. This criticism aimed to question the authority and legitimacy of the report, arguing that its conclusions did not adequately represent the reality of the Spanish situation. Moreover, the government attempted to legitimize its repressive actions against trade union freedoms, justifying the centralized control of trade union activities as a necessity to maintain order and stability in the country. This manoeuvre not only aimed to protect the regime from possible international criticism, but also to strengthen the power of Franco and his allies by maintaining a narrative favorable to their authoritarian vision. In this context, the manipulation of the ILO report became a crucial tool to maintain control over the narrative regarding trade union freedom in Spain and to hinder the rise of figures like *Solis Ruiz* who sought greater independence for trade unions.<sup>177</sup>

The strategic objective, therefore” to alleviate the consideration of the final report, was to follow the guidelines of the Spanish permanent delegate to Geneva, Perez-Hernandez, who suggested publishing the conclusions of the final report double-page spread. This meant publishing on one page the original ILO text, containing the conclusions adopted by the study group, and on the opposite page the corrections, made by the government.<sup>178</sup> This initial strategic plan was very attractive to the Spanish government, as it allowed the dissemination of the final report, but instrumentalized the final result through the press. Moreover, the plan was better than the Franco government’s ban on its dissemination, which would have caused even heavier attacks by the internationalists of the CIOSL and FSM on the Franco system itself as a reaction. However, although Perez-Hernandez’s plan apparently benefited Franco’s government on paper, in practice it proved to be unworkable due to the passing of a 1966 law by Manuel Fraga.<sup>179</sup> The law in question was the *ley de prensa*, which eliminated compulsory prior censorship, guaranteeing greater freedom of publication for Spanish newspapers without undergoing significant government control over the publication of the press as had been carried out by the government prior to 1966.<sup>180</sup> The *ley de prensa* therefore did not help the propaganda intentions promoted by the permanent delegate *Perez-Hernandez*, in fact the final report was published, but without fiscal control regarding the form and modifications promoted by the same delegate. The lack of effectiveness of government propaganda also generated an increasingly unfavorable international public opinion towards the Franco regime. The government thus found itself forced to respond to external and internal pressure.

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<sup>177</sup> Quinteiro Martinez Esther, 1997, p.134.

<sup>178</sup> Quinteiro Martinez Esther, 1997,p.137.

<sup>179</sup> Boletín Oficial del Estado (BOE), *Ley 14/1966, de 18 de marzo, de Prensa e Imprenta*, Madrid, Jefatura del Estado, 1966, p.4.

<sup>180</sup> *ibid*

### 2.3.4 The dissatisfaction of Christian Democrats with the regime, and the support for the final report

A very interesting stance against Franco's regime following the release of the final ILO report was that of the Spanish Christian Democrats. In fact, the latter used the *ley de prensa* to share their support for the final report itself. The Christian Democrats placed great emphasis on human and social rights, including workers' rights.<sup>181</sup> Consequently, for them supporting the ILO report meant supporting improvements in working conditions and trade union freedoms, consistent with their vision of a fairer and more just society. The latter obviously differed from the Opus Dei-style National Catholics, who, as already analysed, were instead interested in maintaining authoritarian control and preserving the traditional order, resisting significant changes that could undermine the structure of the Franco regime.<sup>182</sup> The role of the Christian Democrats in supporting the final report, however, did not help in the slightest to support *Solis Ruiz's* control as national delegate, but on the other hand penalized his stay within the OSE. In fact, the Christian democrats were in favor of true representativeness, which did not correspond to the very idea of Solis Ruiz and his trade union law, which they really saw as an attempt at power, rather than a modernization of trade union activity, which would benefit the workers themselves. Some Christian Democrats used the *ley de prensa* of 1966, which allowed them to be freer to communicate without censorship, to publish, following the release of the final report (on 18 September 1969), an important commentary that emphasized their position of support for the five points established by the ILO study group.<sup>183</sup> The newspaper in question in which this commentary in support of the final report was published was called *Diario Ya*, and was edited by *Aquilino Morcillo Herrera*.<sup>184</sup> This Catholic editorial proved important as it was a relevant attempt to break away from the totalitarian ideal of the regime, advocating a vision independent of both the ideas of the Opus Dei technocrats and the strategic ideas of Solis Ruiz. The editorial then went on to state, as proclaimed by the same study group, the incompatibility of the Franco principle of trade union unity with that of trade union freedom.<sup>185</sup> This was because, as the paper repeated, a single trade union organisation limited the real freedom of workers to create and join different unions, according to their preferences and needs. Instead, trade union freedom, expressed in the possibility of pluralism, provided that workers had the right to form and join unions of their choice, without impositions from above.

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<sup>181</sup> Quinteiro Martinez Esther, 1997, p.137.

<sup>182</sup> Saz Ismael, 2013, p.5.

<sup>183</sup> Quinteiro Martinez Esther, 1997, p.137.

<sup>184</sup> EL PAÍS, *Aquilino Morcillo, ex director de 'Ya', fallece en Madrid a los 77 años*, Madrid, EL PAÍS, 1990.

<sup>185</sup> EL PAÍS, 1990.

This line of thought for the editorial was the only one supporting a real representativeness expressed in the final report of the study group, which would lead to a real modernization of Spanish trade unionism. Furthermore, the Catholic editorial argued the need to shed light on the abuse and torture suffered by imprisoned workers by the Franco government, as a starting point from which to establish a lasting reconciliation.<sup>186</sup> The ILO's final report therefore for both the editorial *Ya*, but especially for the Christian Democrats represented the starting point of a new beginning, and above all represented the world's view of Spain, which according to the Christian Democrats could no longer be ignored at that point.

### **2.3.5 Inter-union reaction to the final report of the study group**

The vision of the Christian Democrats was not the only one to manifest itself against both the work of the OSE and Franco corporatism in general, in fact the vision of the internationalists, as with the interim report, was clearly manifested following the release of the final report. Here again, the role of the internationalists was fundamental in the destabilization of Francoism, for although many of them did not agree with the interim report, the conclusions of the study group, which were always considered too harsh, they nevertheless agreed with the outcome of the ILO operation as an important milestone in the modernization of Spain at trade union level and the gradual defeat of Francoism itself. The role of the trade union centers was very active, especially before the final ILO report passed into the hands of the board itself, which was to examine it and concretely decide what to do with it.<sup>187</sup> In one of its statements, the CIOSL itself complained that the Spanish government was not following the guidelines of the ILO with regard to the composition of the trade union law. The CIOSL was disappointed with the attitude of the ILO still from the principle of the composition of the study group, which, as stated above, did not respect the tripartite composition typical of the International Labour Organization itself. Consequently, this prompted it to criticize the fact that the ILO was indirectly supporting, by making suggestions, a trade union reform that was totally unrepresentative of Spanish workers, and always based on the Franco government's own interests.<sup>188</sup> The theory of the lack of representativeness in trade union reform was also accentuated by the fact that according to the CIOSL in the trade union reform project there was no general amnesty in favour of imprisoned workers, as was stated in the final report of the study group. The objective of the CIOSL was therefore to unveil

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<sup>186</sup> Quinteiro Martinez Esther, 1997, p.140.

<sup>187</sup> Berzal de la Rosa Enrique, *La acción de los ugetistas en la Organización Internacional del Trabajo: contrarrestar el sindicalismo franquista en el mundo (1969-1976)*, Valladolid, Hispania: Revista española de historia, Dialnet, 2018, p.11

<sup>188</sup> *ibid*

the mechanisms of trade union repression within the Spanish state, but to do so it was important to emphasize that the final report was not totally meaningful for the inter-union organization itself in order to ensure greater trade union freedom for Spanish workers. In fact, the CIO SL also criticized the study group's insufficient condemnation of the torture perpetrated by the Franco government, given that the study group had asked the government to implement a pardon or amnesty for those imprisoned, but had not focused on specifically condemning the acts perpetrated by the government itself.<sup>189</sup> Furthermore, the organization also criticized the fact that the ILO had not included the role played by the inter-union organizations in the fight against Spanish trade union freedom, given the numerous complaints that arose in ILO case 294. The CIO SL therefore saw the moderation expressed by the study group as an attempt not to damage the ties between the ILO itself and the Franco government, and reiterated that it was important, following the examination of the final report by the ILO board, that the ILO send the document to the 54<sup>th</sup> International Labor Conference so that the text of the report could be discussed, including the measures necessary to submit Spain to a permanent ILO evaluation. The CIO SL therefore wanted to make sure that the report on the trade union situation in Spain was not simply filed away, but that it was examined in a broader context (the international conference) and led to continuous monitoring of Spain by the ILO itself in order to ensure concrete improvements in trade union freedom and the condemnation of torture.<sup>190</sup> The interpretation of the final report by the other inter unions was certainly less harsh than that made by the CIO SL, but it was just as significant. The FSM, in a statement it sent to the board prior to its decision in November 1969, called for the recognition of the CCOO as legitimate, and no longer illegal, trade union organizations and as bearers above all of trade union pluralism in the country.<sup>191</sup> In fact, the FSM supported the claim of a representativeness proper to the CCOO as real organizations, endowed with trade union freedom, since they were independent of the OSE. Although the FSM, unlike the CIO SL, appeared more enthusiastic towards the final report, seeing it as a basic document, which would allow knowledge of the Spanish labor and trade union situation in a complete form, on the other hand it expressed important doubts and perplexities.<sup>192</sup> The latter stemmed from the fact that the FSM was not convinced that a totalitarian state such as Franco's, could really adopt a more representative approach, advocating real pluralist trade union recognition. Consequently, the FSM, in line with the CIO SL, insisted on constant monitoring and concrete actions by the international community to support the struggle for trade union rights in Spain.

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<sup>189</sup> Berzal de la Rosa Enrique, 2018, p.14.

<sup>190</sup> *ibid*

<sup>191</sup> Quinteiro Martinez Esther, 1997, p.168.

<sup>192</sup> *ibid*

## 2.4 The end of the Solis era, the *Matesa* case

Returning to the case of the government's harassment of the OSE's national delegate *Jose Solis Ruiz*, it can be noted that at a historical level the political replacement of him with *Enrique Garcia Ramal* in October 1969, was useful to the Francoist government to keep the OSE in its grip. In fact, the replacement of Solis Ruiz, with a member of *Opus Dei*, guaranteed a greater affinity of the OSE with Franco's government, and therefore a greater possibility of control of the trade union organization, concretely avoiding granting it such autonomy that could have created instability and weakening within the government itself.<sup>193</sup> With the end of Solis's control, the intention of strengthening the development of the movement in the terms desired by the Falange, led precisely by Solis's ideas, also ended. The arrival of *Ramal* further consolidated his control over the trade union structures, precisely by integrating conservative Catholicism itself into the workings of the OSE.<sup>194</sup> Moreover, his arrival helped to marginalize the influence of the Falange within the organization, while ensuring that the vertical union remained a docile instrument allied to the government's objectives. *Solis Ruiz's* weakened position within the movement was also indirectly caused by the *Matesa* Case, a financial scandal that erupted in Spain in July of that year, involving the company *Maquinaria Textil del Norte, S.A (matesa)*, accused of having financed its textile machinery exports through the use of public funds in an illicit manner.<sup>195</sup> It was discovered, however, as knowledge of the case progressed, that the scandal was not only limited to the economic sphere, but also concerned the political sphere, since some Opus Dei exponents, such as *Gregorio López-Bravo* (Minister of Industry) or *Faustino García-Moncó* (President of the *Instituto Nacional de Industria*), were accused of poor vigilance, favoritism and granting favorable loans that had allowed a prosperous environment for the creation of illicit practices.<sup>196</sup> However, rather than condemning these exponents by unanimity of the Franco government, the *Matesa* case turned out to be a case of accentuating the internal rivalries within the regime between members of Opus Dei and those of the Falange, contributing to weakening the integrity and unity of the regime itself.<sup>197</sup> In fact, Falangists such as Solis Ruiz and Manuel Fraga saw in the *Matesa* scandal the opportunity to denounce the corrupt actions of Opus Dei exponents. Manuel Fraga, Minister of Tourism at the time, was accused of publishing details of the scandal, following the same *ley de prensa* of 1966 already analyses, but causing unjustifiable damage to the political

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<sup>193</sup> Soto Carmona Alvaro, *Auge y caída de la Organización Sindical Española*, Espacio, tiempo y forma. Serie V, Historia contemporánea, Dialnet, 1995, p. 18.

<sup>194</sup> *ibid*

<sup>195</sup> Jiménez Fernando, *El caso Matesa: Un escándalo político en un régimen autoritario*, Madrid, Historia y política Ideas, procesos y movimientos sociales, Dialnet, 2000, p.3.

<sup>196</sup> Jiménez Fernando, 2000, p.17.

<sup>197</sup> Soto Carmona Alvaro, 1995, p. 18.

imagination. Later it was the turn of Solis Ruiz himself, who being the representative leader of the Phalange, as well as one of the advocates of the OSE's own desire for independence from the regime, was seen as a very uncomfortable character for the *Opus Dei* technocrats themselves. As a result, the *Matesa* Case helped to weaken the influence of the Phalange within the movement, and led from 1969 onwards to a government reshuffle that further strengthened the power of the *Opus Dei* technocrats within the movement, while the power of the *Falange*, represented by Solis, was totally destroyed. The transition of power between Solis Ruiz and Garcia Ramal thus marked a fundamental change in the trade union leadership of the movement, representing a clear signal of authoritarian direction by Franco's regime, which wanted to consolidate its control over all the institutions of the regime, both out of fear of a fragmentation of the Franco system and to defend itself from attacks by the inter-union and the ILO's own Committee on Freedom of Association.

#### **2.4.1 The new government's strategy before the ILO**

The replacement of *Solis Ruiz* and the government reshuffle that took place at the end of 1969 contributed to a sort of change of strategy for the Spanish government both in the management of internal political dynamics within the state and external ones such as relations with the ILO itself. The government reshuffle was announced on 30 October by means of a government decree, published in the *Boletín Oficial del Estado* (BOE), in which, in addition to thanking the phalangist exponents for their work, the change in the system of appointment of the president of the OSE itself was established.<sup>198</sup> In fact, in line with the vision of *Carrero Blanco*, who by that time had acquired more and more power within the government, the union's National Delegation was replaced with a ministerio without portfolio, entrusted precisely to Enrique Garcia Ramal himself. The replacement of the National Delegation with a ministry without portfolio was undoubtedly a strategic move to centralize power, as already mentioned in section 2.4.<sup>199</sup> In fact, creating a ministry without portfolio meant bringing trade union issues directly under the control of the central government, thus preventing that socializing power, of which the phalangists were the spokesmen, from continuing to spread, causing uncertainty in relation to the central government. Moreover, a ministry without a portfolio, not being tied to any administrative structure, allowed for greater operational flexibility, and its evolution over time according to the stability of the regime, which led to the formation of the *Ministerio de Relaciones Sindicales* that was created in 1971, with the promulgation of the trade

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<sup>198</sup> Boletín Oficial del Estado, 30 octubre 1969, Madrid, BOE, 1969.

<sup>199</sup> Soto Carmona Alvaro, 1995, p. 18.

union law.<sup>200</sup> The flexibility that the ministry acquired guaranteed it greater alignment with the regime's objectives, reducing (thanks also to the governmental reshuffle), the inconsistencies of internal currents that could be a symbol of hostility and imbalance in the internal dynamics of the government. The governmental reshuffle that led to the election first of *Enrique Garcia Ramal* and then of other important *Opus Dei* technocrats, was essential to ensure Franco's effective control over the different party structures. Besides *Ramal's* strategic move, another important change made by the government was the replacement of *Fernando Maria Castiella* with *Gregorio Lopez-Bravo* as the new foreign minister.<sup>201</sup> This replacement was just as essential to secure international credibility, as Franco was concerned about the image of Francoist Spain in the international community, especially given the inter-union complaints about the government itself, which profoundly undermined the status of the government and its credibility especially in a geographical context governed predominantly by democracies in Europe. Consequently, the figure of *Lopez Bravo*, supported by the technocrats of *Opus Dei*, helped to ensure a dynamic of friendship and loyalty in international relations with other states, such as the Arab countries, Portugal or the United States itself, with the aim of strengthening Spanish diplomatic initiatives, especially to ensure diplomatic support and the continuation of foreign affairs with these countries, which were fundamental to preserving the image of a strong state.<sup>202</sup> The work of *Garcia Ramal* and *Lopez Bravo* was also important in solidifying the vertical union's relationship with the ILO employers' group.<sup>203</sup> In fact, this group, following the ILO's tripartite composition scheme, was part of (and still is part of) one of the three organs of the ILO's governing body, which, being one of the organization's main governing bodies, was supposed to allow a balanced participation of the different social partners in decisions concerning labor policies at international level. The ILO employers' group's support for Franco's vertical unionism was justified by the fact that the vertical union guaranteed a certain stability and control of the labor movement, which allowed it to operate in an apparently conflict-free environment due to repression and the absence of independent trade unions.<sup>204</sup> Moreover, the presence of technocrats such as members of *Opus Dei*, benefited the implementation of market and capital-friendly economic policies, which met with the support of employers internationally and a business opportunity.<sup>205</sup> Consequently, the support given by the employers' group, as we shall see in the following paragraphs, would be fundamental for the Franco government in trying to sabotage the fact that the final report of the study group would assume, by decision of the governing body of the ILO, greater power than the consultative power it

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<sup>200</sup> Soto Carmona Alvaro, 1995, p.21.

<sup>201</sup> Quinteiro Martinez Esther, 1997, p.171.

<sup>202</sup> Ibid

<sup>203</sup> Ibidem

<sup>204</sup> Quinteiro Martinez Esther, 1997, p.176.

<sup>205</sup> Ibid



had hitherto assumed. In fact, the fear for the Franco government was that the final report by decision of the governing body of the ILO would become a permanent assessment of the situation of Spanish trade union freedoms, which would entail continuous monitoring of the ILO and consequently a loss of government control and stability in its internal affairs.<sup>206</sup> In fact, the increasing international attention by the inter-unionists and the Committee on Freedom of Association, and the potential increase in the power of the ILO report, posed a significant threat to the stability of the regime, forcing Franco to have to manoeuvre diplomatically in order to preserve their control over internal Spanish affairs and, above all, to prevent Spain from becoming a model case of violation of trade union freedoms on a global scale.<sup>207</sup> However, Franco's government failed in its will to arrest the Committee of the ILO with regard to cases of complaints of violation of trade union freedoms. An example of this lack of arrest, were two important cases dealt with by the Committee on Freedom of Association that would cause further destabilization for the Franco government, namely case 520 and case 540, dealt with during the 116<sup>th</sup><sup>208</sup> meeting of the Committee itself, and analyzed in the following elaboration in section 2.4.3 respectively.

#### **2.4.2 The governing body's structure and its decision regarding the *Ruegger* study group**

The final report of the study group was analyzed by the governing body of the ILO on 18 November 1969, respectively at the 177<sup>th</sup> session of the body.

For Franco's government, the analysis of the final report of the *Ruegger* study group represented a crucial moment, since, as mentioned earlier, the objective for the Spanish delegation was to do everything possible to prevent the governing body from taking the decision to further monitor respect for trade union freedoms in Spain beyond what the study group had already done.<sup>209</sup>

However, before understanding the decisions of the governing body in the 177 session as to what consequences to implement with the final report, I think it is essential to understand the very composition of the ILO governing body so that it is clear why this decision was so painful and divisive for the governing body members themselves. The governing body is one of the three fundamental organs of the ILO, to which also belong the International labor conference, which through the composition of tripartite delegations of its member states, composed of governments, employers and workers, is responsible for establishing the ILO's policies and strategic lines, and the International

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<sup>206</sup> Quinteiro Martinez Esther, 1997, p.163

<sup>207</sup> *ibid*

<sup>208</sup> Avilés Antonio Ojeda, *LA LIBERTAD SINDICAL BAJO EL PRISMA DE LA OIT. EL CASO ESPAÑOL*, Madrid, Revista del Ministerio de Empleo y Seguridad Social, Dialnet, 2012, p. 6.

<sup>209</sup> Quinteiro Martinez Esther, 1997, p.170.

labor office, which is the organization's permanent secretariat, that has the task of implementing the policies adopted by the organization's governmental bodies.<sup>210</sup> The governing body, on the other hand, is defined as the executive body of the organization, i.e. the body that implements the decisions of the conference, supervises the work of the International Labor Office itself, and decides how to implement the recommendations made by the various committees, including the Freedom of Association Committee, as already seen. The governing body is composed of representatives of the three constituent groups, i.e. those of governments, employers and workers. Among them, there are respectively 56 regular members, of which 28 represent governments, 14 employers and 14 workers. In addition, there are 66 alternate members, of which 28 for governments, 19 for employers and 19 for workers.<sup>211</sup> The difference between the two categories is that while the regular members take part in the decision-making process, the substitute members take their place in the absence of the regular members, assuming the same rights as the regular members, i.e. the right to vote, and the right to table resolutions and motions, but only when they are deputizing.<sup>212</sup> Employers' and workers' groups elect their representatives, while government members are elected by all member states, except for those who have lost their voting rights (in case, for example, the state in question has not paid a financial contribution to the organization). The three officers of the governing body, that are the Chairperson, and the two Vice-Chairpersons are elected for a period of one year at the session of the governing body held with the end of the International Labor Conference.<sup>213</sup> The Chairperson is chosen from among the members of the governing body, respecting a four-year cyclical rotation, while the two respective Vice-Chairpersons, in addition to being elected by their respective groups, may be re-elected several times. Given these assumptions, returning to the question of the 177<sup>th</sup> conference, we can see that the role of Chairperson was entrusted to Hector *Gros Espiell*, a Uruguayan jurist, politician and diplomat, while the role of Employers' Vice-Chairperson belonged to the Swede *Mr. Gullar Bergenstrom*, and that of Workers' Vice-Chairperson to the Swiss *Jean Möri*, although he was soon replaced in 1970 by the Canadian Joseph Morris.<sup>214</sup>

The meeting opened in a very tense atmosphere, for while on the one hand, as mentioned in the previous sub-section, the employers' group supported the Spanish delegation, the workers' vice-chairperson *Jean Möri* did not hide his opposition to the Franco regime and its deprivation of trade union freedoms for workers. In fact, during the meeting the Vice-Chairperson denounced the fact that the Spanish trade union reform did not take into account the five conditions set by the study group

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<sup>210</sup> International Labour Organization, *The ILO Governing body at glance*, Geneva, International Labour Organization, 2023, p.3.

<sup>211</sup> International Labour Organization, 2023, p.4

<sup>212</sup> International Labour Organization, 2023, p.6.

<sup>213</sup> *ibid*

<sup>214</sup> Quinteiro Martinez Esther, 1997, p.175.

previously, stressing that the most important of these was precisely the independence of the OSE from the government, so as to make it the spokesperson for workers' rights, thus freeing it from party control. However, as analyzed above. The replacement of *Solis Ruiz* by *Garcia Ramal*, had instead returned the OSE to total dependence on the Franco government.<sup>215</sup> Consequently, for workers' vice-president *Jean Möri*, this was a serious affront and misalignment of Franco's Spain with the principles and norms governing the International Labour Organization itself. In addition, *Jean Möri*, as leader of the workers' group, also emphasized Francoist Spain's failure to fulfill other important conditions in the study group's final report, such as the possibility of granting an amnesty or pardon for those unjustly imprisoned.<sup>216</sup> This, as the workers' vice-president reiterated, demonstrated the disinterest of Franco's Spain in truly modernizing, taking the representative line that the *Ruegger* group had already expressed as fundamental to achieving trade union pluralism in the country, which would bring Spain into line with the principles established by the ILO itself. Another important fact that the workers' group supported during the 177<sup>th</sup> meeting concerned the very freedom of dissemination of the final report document. What the workers' group advocated was that greater publicity be given to the content of the final report, as it was important for expressing the principles of the ILO regarding the trade union situation in Spain, while at the same time ensuring that the organization itself monitored the practical measures necessary for the information to be totally free for the whole of Spain, as well as free for the advent of the 54<sup>th</sup> Labour Conference<sup>217</sup>. The 54<sup>th</sup> International Labour Conference, which took place from 3 to 25 June 1970<sup>218</sup>, would have been an uncomfortable moment for Francoist Spain if the governing body of the ILO had decided to turn the final report of the study group into the beginning of an ongoing monitoring of the Spanish trade union situation. In fact, the conference would have been an opportunity to highlight violations of workers' rights and trade union freedoms in Spain and to ensure that the international community made the Franco regime's position within the ILO uncomfortable and vulnerable, thus making it more difficult for Franco's government to maintain propaganda control within the country.<sup>219</sup> Vice-President *Jean Möri* was well aware of this, which is why he urged the ILO's governing body to do its utmost to keep the trade union situation in the country under review. The main problem, however, arose from the fact that the employers' group, as mentioned earlier, led by *Gullar Bergenstrom*, mobilized to ensure that the ILO's governing body did not overlook the final report. In fact, the main objective of the employers, who agreed with the Spanish line, thanks to the intense diplomatic campaign carried out by the latter, was to remind the

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<sup>215</sup> Soto Carmona Alvaro, 1995, p. 18.

<sup>216</sup> Quinteiro Martinez Esther, 1997, p.175.

<sup>217</sup> International Labour Conference, *Fifty-fourth session Geneva Record of Proceedings*, Geneva, International Labour Organization, 1970, p.V.

<sup>218</sup> *ibid*

<sup>219</sup> Quinteiro Martinez Esther, 1997, p.176.

ILO governing body not to ratify the final report on the Spanish trade union situation, especially since the final judgement given by the *Ruegger* group was based on their interpretations of the basic theses of the ILO and therefore implying that this was not an absolute judgement.<sup>220</sup> At the end of the 177<sup>th</sup> meeting of the governing body, *Jean Möri*'s workers' group failed to prevail in their view that the final report should be given more importance than the perceived advisory opinion by the ILO study group. As a result, the report would not be discussed during the 54<sup>th</sup> International Labour Conference, which obviously procured a favorable outcome for *Perez-Hernandez*'s Spanish delegation.<sup>221</sup> However, although the ILO's governing body had taken this decision, it was at the same time keen to remind them of the importance of the free dissemination of the final report so that the ILO's operation would not appear to be without motivation. In fact, although the governing body did not consider it necessary to pass the text of the report beyond the role of an informative title, it did feel that the document represented an important starting point to ensure clear changes in Franco's Spain.<sup>222</sup> Learning of this, the permanent delegate in Geneva *Perez-Hernandez* tried to eliminate even this last compromise that the governing body had established. However, he could not prevent this decision, for while it was true that the Spanish delegation had partially won in the final decision taken by the governing body to leave the text as a simple opinion of the *Ruegger* group, the free dissemination of the text without propaganda controls by the regime worried the delegation itself. This was because what they feared was that the inter-union would use the free dissemination, without regime control, as justification to continue demanding a permanent assessment of the Spanish trade union situation. In fact, the continuous denunciations by the inter-union, thanks to the total free dissemination of the report, could have led in any way to the denunciation of the trade union situation in the 54<sup>th</sup> International Labour Conference. The governing body's decision to leave the final report with a consultative value did not prevent inter-union organizations such as the CIOLS from continuing to make complaints that would later be fundamental in turning the document into a permanent ILO debate on trade unionism in Spain.<sup>223</sup> In fact, as will be analyzed in the next subsection, as early as February 1970 the inter-unionists managed to put this plan into action.

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<sup>220</sup> *ibid*

<sup>221</sup> Quinteiro Martinez Esther, 1997, p.178.

<sup>222</sup> *ibidem*

<sup>223</sup> Quinteiro Martinez Esther, 1997, p.185.

### 2.4.3 Case 520 and 540 of the Committee of freedom of association

As previously mentioned, the problems for the Spanish delegation in Geneva and for Franco's government, did not stop with the decision of the governing body, in fact the position taken by the Committee on Freedom of Association regarding cases 520 and 540 through its 116<sup>th</sup> meeting, immediately brought attention to the real condition of trade union freedoms in the country.<sup>224</sup> In fact, the two cases were considered very important in the eyes of the Committee, they had been jointly presented by the CIOSL and the CMT (World Confederation of Labour) and contained within them the description of a huge series of trade union conflicts that took place between 1966 and 1969.<sup>225</sup> The latter had been brought to an end through government repression that had not guaranteed the possibility of free protest by workers. What is interesting to note is the fact that the Committee had waited to make a final judgement on both cases in order to ensure that the Governing body would in turn first make a final judgement on the interpretation of the work carried out by the *Ruegger* team. Case 520 was mainly concerned with the repression of trade union activities by the Spanish government, also focusing on the illegality of strikes and demonstrations, while case 540 focused on the use of anti-terrorist legislation (undertaken by the Franco government itself), used with the aim of repressing political and trade union activities, and the consequences that these actions had on the members of trade union activities, considered clandestine in the country.<sup>226</sup> Going more specifically, it can be seen that case 520, among the various offences within it, dealt first of all with the conviction in the country of a miner *Evaristo Martinez*, a representative of the UGT, for having put up posters of the trade union organization, inviting workers not to vote in the 1966 trade union elections. The Public Order Tribunal (TOP) de "Ided" to sentence the activist to one year in prison and a fine of 10,000 pesetas for illegal propaganda, and the same tribunal also sentenced him to four months in prison for illegal association.<sup>227</sup> In the document of the ILO Committee on Freedom of Association, it was pointed out that the Committee itself severely condemned the actions of Franco's government against the miner, especially bearing in mind that Franco's Spain had not yet signed either Convention No. 87 concerning trade union freedom or Convention No. 98 concerning collective bargaining (for the latter, as already examined, the government had preferred to create an ad hoc law on collective bargaining with the aim of preserving control in its favor on the subject).<sup>228</sup> However, the 520 case,

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<sup>224</sup> Avilés Antonio Ojeda, *LA LIBERTAD SINDICAL BAJO EL PRISMA DE LA OIT. EL CASO ESPAÑOL*, Madrid, Revista del Ministerio de Empleo y Seguridad Social, Dialnet, 2012, p. 6.

<sup>225</sup> International Labour Organization, *Freedom of Association Cases, Interim Report- Report No 116*, Geneva, International Labour Organization, 1970, section 196.

<sup>226</sup> Avilés Antonio Ojeda, 2012, p.7.

<sup>227</sup> International Labour Organization, section 200.

<sup>228</sup> *ibid*

analyzed in the 116<sup>th</sup> Committee meeting, did not stop with the analysis of *Martinez's* conviction, but continued, listing another important series of accusations against Franco's Spain. Prominent among these charges were those relating to the trial of eight members of the trade union organization USO, or *Unión Sindical Obrera*, reported by the CIOSL itself to the Committee to report on the seriousness of the situation of trade union freedom in the country.<sup>229</sup>

In fact, in December also in 1966, the CIOSL denounced the arrest of hundreds of workers in Spain because of the national strikes that were taking place. The CIOSL pointed out that the illegal situation of these trade unions was contrary to the very principles of the ILO and consequently invited the Committee to consider a series of measures to be reported to the governing body to ensure that the latter would take severe punishments against Franco's Spain.<sup>230</sup> In addition to the following accusations, other important complaints reported by the CIOSL against Francoist Spain concerned the arrest and imprisonment of Asturian workers in 1967, on the grounds of illegal assembly and illicit association. In fact, 10 of these workers had been arrested and tried following the organization of the clandestine assembly in Asturias. Given the facts considered by the prosecutor as unjustifiable, the latter asked for exemplary sentences ranging from 4 months to 4 years in prison to be imposed on the 10 convicted.<sup>231</sup> The charges reported by the CIOSL hinted at the seriousness of the situation, especially since the final report of the *Ruegger* group had called for an amnesty or pardon for those convicted, describing the situation of trade union freedoms in Spain as intolerable in the eyes of the ILO experts. Consequently, the assessment of case 520 and 540 (reported hereafter) at the hands of the committee, destabilized the Spanish delegation as it made the governing body's final position unstable, which could however be modified in subsequent sessions, given the pressure from the ILO's own Committee on Freedom of Association. Another serious case of accusation of unlawful conduct of the Spanish government by the CIOSL, included in case 520, concerned the suspension of constitutional guarantees, perpetrated by the Spanish government also in 1967. In fact, the activation of the state of emergency had led to arrest and deportation measures mainly in the *Vizcaya* area where around 300 workers were arrested.<sup>232</sup> Many of those arrested belonged to unions considered illegal by the government, and this was seen as justification for the suspension of guarantees that was deemed necessary to maintain control of public order.<sup>233</sup> The CIOSL in its charge, taken up by the Committee on Freedom of Association at its 116<sup>th</sup> meeting, reiterated that it was the same study group that considered that if the state of exception continued, it would have a negative impact on the peaceful

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<sup>229</sup> International Labour Organization, section 204.

<sup>230</sup> *ibid*

<sup>231</sup> International Labour Organization, section 207.

<sup>232</sup> International Labour Organization, section 211.

<sup>233</sup> *ibid*

development of the Spanish labor situation. Consequently, for the CIOSL and the other inter-union organizations, the actions taken by the Spanish government were considered inadmissible, given the very opposition to the state of emergency by legal experts on the ILO study group.<sup>234</sup>

Case 540, which was taken up again at the 116<sup>th</sup> meeting of the ILO, concerned the accusations made by the CIOSL against the legislative decree on banditry and terrorism approved by the Spanish government. In fact, in a communication made on August 26, 1968, the CIOSL made an accusation against the measures implemented by the Spanish government through the Decree-Law of August 16, 1968, aimed precisely at restoring certain provisions relating to the trial of crimes of banditry and terrorism.<sup>235</sup> In fact, the law against banditry and terrorism had already been previously introduced in 1947 during the first phase of Francoism, corresponding from 1939 to 1959. The law assigned the judgement of political crimes (i.e. crimes against the state) to the military courts, but in the following years some of the repressive measures envisaged were applied with less intensity. However, as demonstrated by the CIOSL's accusation in its August 1968 complaint, the Spanish government had decided to reinstate these legal provisions with greater rigor in correspondence with the proclamation of the country's state of emergency, and in the name of defending unity, national integrity and maintaining public order.<sup>236</sup> The CIOSL then denounced the imprisonment of citizens who had been deported from *Guipuzcoa* to *Córdoba* and *Cádiz*, as well as the imprisonment of 68 citizens in the prison of San Sebastian.<sup>237</sup> The government responded to the accusations made by the CIOSL on several occasions. One example was the government's response, attached to the 116<sup>th</sup> Committee meeting, regarding the incarcerations that took place in *Guipúzcoa*. The government justified them on the grounds that they were due to the detainees' affiliation with ETA, a terrorist organization of a completely political nature, which threatened the stability of the government.<sup>238</sup> In this way, Franco's government reiterated that their incarceration had nothing to do with labor issues, but was due to reasons of maintaining order. In light of the accusations made by the inter-union workers and the answers given by the government, the Committee expressed its important opinion on the situation to be reported later to the governing body of the ILO itself. The Committee expressed its concerns about freedom of association and trade union activities in the country, recommending that the governing body urge the Spanish government to guarantee workers the right to establish organizations without prior authorization. Furthermore, the CFA considered it essential for workers to be able to organize

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<sup>234</sup> International Labour Organization, section 214.

<sup>235</sup> International Labour Organization, section 244.

<sup>236</sup> *ibid*

<sup>237</sup> International Labour Organization, section 244.

<sup>238</sup> International Labour Organization, section 245.

trade union demonstrations without interference and to enjoy the freedom of opinion considered fundamental for Spain to align with the very principles guaranteed by the ILO.<sup>239</sup>

Besides that, the CFA invited the Spanish government to provide details of the legal proceedings of the previously released trade unionists. The final considerations reached by the CFA worried the Spanish government and especially the permanent delegate in Geneva, Perez-Hernandez, because, as already stated, although it may have seemed that the Spanish government had achieved a triumph through the governing body's earlier decision not to give the study group's final report a more important character than advisory, the CFA's stance destabilized the Spanish government, which feared a change of course by the ILO director general, and a major accusation by the inter-union against the OSE in the 54<sup>th</sup> International Labor Conference scheduled for June of the same year, i.e. 1970.<sup>240</sup> In the next sub-section, the analysis of the end of the Morse era will enable the reader to understand the reasons that led Francoist Spain to fear a downgrading of its position and international credibility within the ILO itself.

#### **2.4.4 The end of the Morse era and its consequences for the Spanish government**

Before analyzing the decisions taken at the 54<sup>th</sup> International Labor Conference, presented at the beginning of chapter 3, it is essential for concluding this chapter, to analyze the withdrawal of ILO director-general David Morse, since Morse's role in the past was of considerable importance in trying to maintain a diplomatic approach towards Franco's Spanish delegation, even though the latter had not ratified the most important conventions on trade union freedoms such as numbers 87 and 98, already discussed in the first chapter. In fact, Morse's role within the organization was advantageous for the Spanish delegation, which, thanks to concessions made by the Director General himself, was able to maintain its presence within the ILO while violating its own principles.<sup>241</sup> But the end of Morse's presidency also marked the end of an era of profound transformations within the international organization itself. For beyond the condescension shown by the director-general towards the Spanish delegation, the Morse era was also an era of great change within the ILO. He witnessed major geopolitical changes, such as decolonization and the Cold War, which profoundly influenced the internal dynamics of the Organization.<sup>242</sup> In fact, these two political changes upset the balance previously maintained within the ILO, leading it, especially with the death of Stalin in 1954 (and the

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<sup>239</sup> *ibid*

<sup>240</sup> Quinteiro Martinez Esther, 1997, p.189.

<sup>241</sup> Quinteiro Martinez Esther, 1997, p.190.

<sup>242</sup> Maul Daniel, *The International Labour Organization 100 Years of Global Social Policy, Part III Between Decolonization and Cold War: 1949-1976*, Berlin, De Gruyter Oldenbourg, 2019, p.156.



annexation of the Soviet Union), to become an organization that was no longer purely Western. Moreover, during the Morse era, precisely because of the dissolution of the Western empires, there was a significant increase in the organization's member countries in Africa.<sup>243</sup> The inclusion of new member countries, under the Morse administration, was so significant that it went from 55 member countries in 1948, to 121 countries with the end of the Morse era in 1970. More specifically, it is interesting to note that from 1960 onwards, developing countries began to become the majority within the organization, causing a change of course for the ILO itself, which was forced to adapt its profile and political programme to take into account the entry of these new countries.<sup>244</sup> Consequently, through this explanation, it can be understood that Morse's own role of compromise with the Franco government was to be understood as an attempt by the director general to maintain a unity within the organization, taking into account the different political interests between the various member countries of the ILO itself. Morse therefore had to balance the needs of the capitalist western countries and those of the socialist countries in the east by maintaining a diplomatic and neutral position but often compromising on issues such as trade union freedom and workers' rights to avoid fractures within the organization. Moreover, the entry of new post-colonial nations with different political and economic agendas brought additional challenges, making ILO decisions influenced by political and diplomatic considerations.<sup>245</sup> Consequently, with the aim of including all parties in the global debate, the director-general sought to maintain the cohesion of the ILO while adapting to political pressures from member countries, often making concessions to governments that did not fully respect the organisation's principles as in the case of Francoist Spain. David Morse announced his resignation as director-general on 9 February 1970, declaring that the post of director-general would be vacant from 31 May of that year. Morse's departure terrified the Spanish delegation. This was not only because Morse had been a key flexible interlocutor for Franco's regime, but also because the director-general's exit would take place before the official proclamation of the 54<sup>th</sup> International Labour Conference.<sup>246</sup> This meant that the next director-general would control the conference, and this worried the Spanish delegation, who feared that the next director might prove not to be as compromising towards the regime as Morse had been, and change their mind about what status to give to the Ruediger group's final report, especially given the pressure exerted by the Committee on Freedom of Association during its 116<sup>th</sup> meeting.

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<sup>243</sup> *ibid*

<sup>244</sup> Maul Daniel, 2019, p.157

<sup>245</sup> Quinteiro Martinez Esther, 1997, p.191.

<sup>246</sup> *ibid*

## 2.4.5 The election mechanism for the new Director, the beginning of the Wilfred Jenks

The actual end of the Morse era can be matched with the 178<sup>th</sup> meeting of the ILO Governing Body on 3 March 1970, when the Director General officially announced his resignation. Before understanding, however, the historical and political process that led to the election of Wilfred Jenks as the new director general, and thus understanding the change that this meant for the Spanish delegation, I believe it is important for the purposes of this paper to grasp how the election of the director general of the ILO works.

The director-general is indeed elected by the governing body of the ILO, respecting the tripartite composition of the organization itself. In fact, every member of the board has the right to vote, and the vote is by secret ballot after a series of interviews and presentations of candidates.<sup>247</sup> The decision to elect by secret ballot he is essential to guarantee the confidentiality and impartiality of the organization's electoral process.<sup>248</sup> In order for the candidature of the hypothetical Director General to be valid, it must be proposed by a Member State or a member of the governing body at least two months before the date set for the election. Each nomination must include a curriculum vitae, a clean bill of health from a recognized medical facility, a statement of up to 2,000 words describing the candidate's vision for the organization and the strategic direction he or she would like to pursue, together with his or her commitment to the ILO's values and his or her experience in economic, social and labor issues. Although the election, as already mentioned, takes place by secret ballot, an event is organized in the run-up to the election to allow the candidates to present themselves and their vision of commitment within the organization.<sup>249</sup>

The election is by secret ballot and to be elected a candidate must obtain an absolute majority of the votes. If no candidate obtains a majority, further voting takes place, progressively eliminating candidates with the fewest votes until one of them reaches the required majority.<sup>250</sup> An interesting factor to consider is that although it is true that all members of the governing body vote individually, it is possible that each representative seeks to pursue the interests of his or her group. This implies that group consultations and strategies may take place before the vote, so that each group may decide to support a specific candidate. For example, in the governing body, the workers' group, whose members are often nominated by international trade union federations such as the CIOSL, being interested in respect for trade union freedoms, could coordinate with the aim of electing a director-

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<sup>247</sup> International Labour Organization, *Rules governing the appointment of the Director-General of the ILO*, Geneva, International Labour Organization, 2023, section 8.

<sup>248</sup> International Labour Organization, 2023, section 9.

<sup>249</sup> International Labour Organization, 2023, section 4.

<sup>250</sup> International Labour Organization, 2023, section 12.

general who is particularly interested in these issues. In fact, referring to the election of Wilfred Jenks as David Morse's successor, it was precisely this coalition dynamic that presented itself in the election of the new director-general. Following the decision of Morse's resignation at the 178<sup>th</sup> meeting of the governing body, the group of workers who had met earlier on 28 February to strategically discuss who would be the next most suitable representative, were almost unanimously in favor of electing Wilfred Jenks.<sup>251</sup> Jenks in fact was a renowned British jurist, already known for his deep dedication to international labor law and his long career within the ILO itself. As early as 1958, Jenks published an important book called 'The Common Law of Mankind', which contributed to the introduction of an important concept within international law, given the fact that Jenks himself was a scholar more specifically of the law of international organizations.<sup>252</sup> 'The Common Law of Mankind' in fact represented the jurist's idea of guaranteeing an universal set of legal and normative principles that transcended national borders, promoting an ideal of justice and human rights on a global level.<sup>253</sup> Jenks argued that, in the face of growing interdependence between nations, it was necessary to create a shared legal framework that could guide the behavior of states and international organizations, based on universal values such as equality and cooperation. The connection established by the author between the new concept of the Common Law of Mankind and the traditional concept of common law is therefore very interesting. In fact, according to Jenks, the connection between these two concepts lay in the evolutionary and adaptive approach of both systems. The jurist saw international law not as a static set of rules, but as a growing corpus that develops through interpretation and practical application, similar to the way common law relies on judicial precedent and cumulative decisions. Both systems emphasize the importance of practical experience and adaptation to new circumstances, allowing the law to respond dynamically to social and global changes.<sup>254</sup> Taking this view of Jenks, one can understand why the workers' group was coveting his election as opposed to choosing other leaders instead. However, it is also important to remember that although for Workers' Group vice-president *Jean Möri*, Jenks' election would have been optimal for the role of the new ILO director general, not all members of the Workers' Group saw this choice in the same way. In fact, for example the French *Roger Louet*, confederal secretary of the *Confédération française du travail*, a French trade union founded in 1947, the choice of Jenks would not have been suitable for the role of director general, proposing instead that of *Francis Blanchard* as an alternative.<sup>255</sup> In any case, even counting some no votes from the workers' group, the workers' group front was firmly

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<sup>251</sup> Quinteiro Martinez Esther, 1997, p. 192.

<sup>252</sup> Sinclair Guy Fiti, *The Common Law of Mankind: C. Wilfred Jenks' Constitutional Vision*, New York, The Jean Monnet Working Paper Series, NYU School of Law, 2016, p.6.

<sup>253</sup> Sinclair Guy Fiti, 2016, p.11.

<sup>254</sup> Sinclair Guy Fiti, 2016, p. 12.

<sup>255</sup> Quinteiro Martinez Esther, 1997, p. 192.

convinced of Jenks' election, especially given the CIOSL members' approval of his election. During the celebration of the 178<sup>th</sup> meeting of the governing body, the latter's president *Gros Espiell* agreed that an extraordinary meeting of the governing body would be held from 19 to 20 May with the objective of nominating the election of the general manager.<sup>256</sup>

## **Chapter III: The Relationship between the ILO and Spain during the late Francoist Period and the Transitional Democracy (1970-1980)**

### **3.1 The functioning of the International Labour Conference**

The proclamation of the extraordinary meeting scheduled for 19 and 20 May 1970 consecrated the victory of Wilfred Jenks as the new director general of the ILO, bringing with it as much new instability as regards the position of Francoist Spain within the International Labour Organization. This is because during the Jenk's era as general director of ILO, the Spanish delegation will suffer from an important crisis of solidity of the regime itself, and a downsizing over time of Franco's position within the ILO, which would definitively collapse in 1974 with the arrival of Spanish clandestine trade unionism within the organization itself.<sup>257</sup> However, before analyzing the composition and the proceedings of the 54<sup>th</sup> International Labour Conference with a specific focus on the Spanish delegation, I retain important for the purpose of this thesis, to start in chronological order, briefly explaining the composition and the workings of the ILO's International Labour Conference, to then move with more clarity to the impact that the 54<sup>th</sup> Conference had on the Spanish delegation. The International Labour Conference is the body with the highest decision-making power in the ILO, as the plenary assembly that adopts international labour standards and global policies, with equal participation of governments, employers and workers, which respects the organization's own tripartite constitution. Its decisions, including agreements and resolutions, directly influence global labour laws and practices.<sup>258</sup> The Conference event is chaired at ILO headquarters in Geneva, and is held annually, usually in June. The conference is not only of fundamental importance as an annual event for all 187 ILO member states, but also counts on the presence of observers, both from IGOS and NGOs, and representatives from non-member states. For each member state the tripartite delegation is constituted which formally represents the state itself and is made up, as the term suggests, of members of the government, employers, and workers, more precisely at the numerical level it is made up of two members of the government, one member of the employers and one

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<sup>256</sup> *Ibid.*

<sup>257</sup> International Labour Organization, *The International Labour Conference in 5 minutes*, ilo.org, ILO, 2024.

<sup>258</sup> *ibid*

worker.<sup>259</sup> The rationale behind this tripartite choice, as already mentioned, is based on the fact that it seeks to respect both tripartism as a fundamental principle underpinning the ILO and equality between the parties in order to ensure that all perspectives are represented in discussions on labour policies.

The tripartite national delegation has a different role from the observers and representatives of the non-member states. In fact, while the delegation formally represents each member state with government, workers and employers, the observers and representatives of non-member states do not have a direct decision-making role. Observers may come from international organizations, such as the United Nations itself, and participate to monitor discussions without voting or directly influencing policies, while representatives of non-member states mainly come from non-governmental organizations, but they too have no voting rights and do not participate in official decisions. However, they too can influence the debates as external observers.<sup>260</sup>

The procedure for the registration and participation of delegates at the International Labour Conference involves three main steps. The first is the accreditation stage, which consists of obtaining official authorization to participate, ensuring that delegates are recognized and officially accepted. The second is the registration phase, which is the process of delegates confirming their physical presence at the event. The third phase is registration with the International Labour Conference committees, where delegates are assigned to specific working groups to participate in the committees' discussions and activities.<sup>261</sup> An important part to be dealt with then concerns the structure of the Conference itself, which is divided into two important sections, namely the Plenary conference and the Committees. The first has several stages, in fact it opens with the opening ceremony, which is an official welcome address by the conference's leading figures such as the director-general. Next comes the discussion of reports by the Director General and the chairperson of the governing body, which serve to present the main issues and guidelines for the work of the conference.<sup>262</sup> Afterwards, the World of Work Summit, a high-level event held during the International Labour Conference, is a global forum where world leaders, heads of government, representatives of international organizations and other key players discuss crucial issues related to the future of work. The summit focuses on challenges such as social justice, inequality, green and digital transition, with the aim of promoting decent work and inclusive policies globally. Next comes the phase of adoption of committees' outputs and other decisions, which is one of the last points of the plenary session itself.<sup>263</sup>

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<sup>259</sup> *ibidem*

<sup>260</sup> International Labour Organization, *International Labour Conference*, Geneva, ilo.org, ILO, 2023.

<sup>261</sup> International Labour Organization, *The International Labour Conference in 5 minutes*, Geneva, ilo.org, ILO, 2024.

<sup>262</sup> *ibid*

<sup>263</sup> *ibidem*

During this phase, the plenary formally adopts the results of the committees, such as resolutions, conventions or recommendations discussed and agreed upon in the committees during the conference. This adoption is necessary for decisions to become official and operational at the international level. (key point for explanation). Finally, the closing ceremony takes place with the summary of the main recommendations, in which a final declaration is issued summarizing the results of the conference and future actions.<sup>264</sup>

On the other hand, the committees are first of all divided into standing ones and technical ones, because while the former are the main and permanent committees dealing with specific issues related to the conference, the latter are committees created ad hoc to deal with specific technical topics that arise during the conference. There are five standing committees and they consist of the: Credentials committee (CVP)<sup>265</sup>, which verifies and confirms the validity of the participating delegations, the Finance committee (CF) which manages and approves the budget and financial matters of the conference, the Committee on the Application of Standards (CAS) which examines the application of international labour standards in the various member states, the General affairs Committee (CAG) which deals with general and organizational matters of the conference, and the Drafting Committee which drafts and prepares the texts of resolutions and official conference documents.<sup>266</sup> It is interesting as an example, before turning to the functioning of the technical committees, to look in more detail at the functioning of the CAS, given its important function during the International Labour Conference. The latter, as seen above is part of the standing committees, which are present during the conference and examine the annual report published by the Committee of Experts on the Application of Conventions and Recommendations (CEACR), which is generally adopted in December and then submitted to the CAS for analysis during the same International Labour Conference in June.<sup>267</sup> The CEACR is an independent body of 20 national and international legal experts who annually review the application of ILO conventions, protocols and recommendations by member states.<sup>268</sup> During the conference, the Committee on the Application of Standards selects specific cases from the CEACR report for further review, which it then discusses at the conference, always respecting the tripartite configuration of government, employers and workers. The discussions pressed at the CAS, may lead to the drafting of a resolution emphasizing the need for action or reform for the Member State. Secondly, the technical committees examine and discuss technical issues such as the preparation and analysis of technical reports or the development of recommendations on specialized topics, and are

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<sup>264</sup> International Labour Organization, *The International Labour Conference in 5 minutes*, Geneva, ilo.org, ILO, 2024.

<sup>265</sup> Office of the Legal Adviser, *Credentials Committee*, Database on the verification of credentials, JUR, 2024, p.1.

<sup>266</sup> International Labour Organization, *The International Labour Conference in 5 minutes*, Geneva, ilo.org, ILO, 2024.

<sup>267</sup> International Labour Organization, *Committee of Experts on the Application of Conventions and Recommendations (CEACR)*, Geneva, ILO Supervisory System, 2024, p.1.

<sup>268</sup> *ibid*

the standard setting (NC) which discusses and develops new international labour standards and norms. The recurrent discussion (CDR) which analyses and reviews recurring and long-term issues in the field of labour, and general discussion (CDG) which addresses and discusses general and priority topics for the conference, often based on specific reports and studies.<sup>269</sup>

### 3.1.1 The impact of the 54<sup>th</sup> Conference on the Spanish delegation

By understanding the actual functioning mechanism of the International Labour Conference, it is possible to grasp the main aspects of the 54<sup>th</sup> Conference in relation to the Franco delegation. The Conference, held from 3 June to 25 June 1970<sup>270</sup> was preceded in the days before by important events. In fact, even if it is true that the governing body had decided, as already mentioned, to leave the final report of the *Ruegger* Group as a consultative report, and therefore as a simple opinion of the three experts in international law, this did not prevent the Intersyndicals such as the CIOSL to prepare a statement of denunciation against the Spanish delegation to be disseminated during the first day of the Conference, that is on June 3, denouncing the continuing state of repression in Franco's Spain.<sup>271</sup> In fact, what they were denouncing was the fact that despite the many complaints made by the Committee on Freedom of Association from 1957 onwards, Franco's Spain had never taken responsibility, always responding vaguely to those complaints. This for inter-union organizations such as the CIOSL was unjustifiable given the continuing state of repression of trade union freedoms in the country for years. The Spanish delegation on the other hand, which had hitherto seen the work of the Committee on Freedom of Association as unjustifiable, judging it as interference in the internal affairs of the state, could not tolerate such a stand against it during the 54<sup>th</sup> International Labour Conference. Indeed, the latter could have greatly undermined the credibility of both the Spanish delegation and Franco's regime itself. Interestingly, the motivation that allowed Spain at the time to cling to this position was the lack of ratification of both convention number 87 on trade union freedom. And that number 98 of the ILO, replaced in 1958 by an ad hoc law on collective bargaining, as seen in chapter one.<sup>272</sup> In fact, if at the time of the 54<sup>th</sup> International Labour Conference, Franco's Spain had already ratified these Conventions, the excuse of seeing the work of the Committee on Freedom of Association as interference in national affairs would not have been possible, because the same Convention No. 98 in Article 2 paragraph 2 quotes these words:

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<sup>269</sup> International Labour Organization, *The International Labour Conference in 5 minutes*, Geneva, ilo.org, ILO, 2024.

<sup>270</sup> International Labour Conference, *Record of Proceedings: Fifty-Fourth Session*, Geneva, international Labour Organization, 1970, p.5.

<sup>271</sup> Quinteiro Martinez Esther, p. 206.

<sup>272</sup> Argüelles Blanco Ana Rosa, *Recepción en España y dificultades de aplicación de los convenios fundamentales de la OIT: En particular, sobre los convenios núm. 87 y núm. 98*, Oviedo, Universidad de Oviedo, Dialnet, 2019, p. 3.

*“Measures aimed at provoking the creation of workers’ organizations dominated by an employer or an employers’ organization, or at supporting workers’ organizations by financial means or otherwise, with the aim of bringing these organizations under the control of an employer or an employers’ organization, shall in particular be regarded as acts of interference within the meaning of this Article”.*<sup>273</sup>

Consequently, although it is true that the complaints of the Committee on Freedom of Association would not have been binding on the Spanish state in any case, it can be grasped that in the event of ratification at the time of Convention 98, the excuse of interference would have been impossible to implement, since if a state ratifies a convention it must respect it in full. Consequently, the work of the CFA in this case, even if not binding, would have been impossible to counterattack, since it would have been a reminder to Spain itself to respect the trade union freedoms contained in the conventions it had already ratified. To defend itself against the CIOSL’s accusations, the Spanish delegation’s strategic plan consisted of ordering the Spanish ambassadors present in the various countries to contact the governments of those countries to see if they could support the Spanish delegation against the accusations initiated by the Intersyndicals. Support for the Spanish delegation came by telegram from many countries, but above all from the government of Brazil<sup>274</sup>, which was ruled at the time by dictator *Emilio Garrastazu Médici*, who shared the defense of the Spanish case, since it was convenient both to maintain the credibility of his government, considered the most repressive in the history of the country<sup>275</sup>, and to take joint advantage of the non-ratification of Convention 87 concerning trade union freedoms, which Brazil had also not ratified. Having obtained the support of other delegations present at the conference, the Spanish delegation could feel more supported even though there were still many challenges to be faced. Before understanding what the challenges of the delegation at the conference were, it is good to analyze the composition of the delegation itself. The Spanish delegation present at the 54<sup>th</sup> conference was in fact chaired by Minister *Licinio De La Fuente* (the presence of a minister is possible in delegations although it is by no means obligatory), by *Jose Utrera Molina*, as government delegate, who was undersecretary of the *Franco* Ministry of Labour, by *Perez-Hernandez*, also as government delegate, and Spain’s permanent ambassador delegate in Geneva. Also present as adviser (of the government delegation), i.e. expert who assists official delegations by providing technical support, was *Francisco Utray*, Spanish permanent deputy to the ILO in Geneva. As for the Spanish employers’ delegation, *Manuel Fuentes Irurozqui*, Secretary General of the National Employers’ Council, was present as an official member representing Spanish workers, *Noel Zapico Rodriguez*, Central President of the Workers’ Section.<sup>276</sup>

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<sup>273</sup> Organizzazione Internazionale del lavoro, *CONVENZIONE SUL DIRITTO DI ORGANIZZAZIONE E DI NEGOZIAZIONE COLLETTIVA*, Geneva, ilo.org, ILO, 1949, p1.

<sup>274</sup> Quinteiro Martinez Esther, p. 207.

<sup>275</sup> Palmowski Jan, *A dictionary of Contemporary World History*, Oxford, Oxford Reference, 2008, p.1.

<sup>276</sup> International Labour Conference, p.34.



Understood, the main objective in fact of Franco's Spain was to make a good impression of its real situation regarding trade union freedoms within the country and to avoid, that the Credentials committee (CVP), which verifies and confirms the validity of the participating delegations, express a negative judgement regarding the representativeness of the Spanish workers' delegation, which was in fact in the Spanish case represented by *Noel Zapico Rodriguez*, was a member of the Spanish vertical union, consequently not representative of that trade union pluralism, which the study group had expressed as fundamental in increasing the cohesion and unity necessary for a trade union evolution itself at Spanish level.<sup>277</sup> In addition to this during the conference, there was another important challenge for the Spanish delegation, which was to prevent the confrontation that would be held at the Resolutions Committee (committee replacing the current drafting committee) regarding the labour and union situation in Spain, presented to the Austrian, French, Swiss and Belgian workers' delegates, belonging to the large Intersyndicals during the conference, from becoming a definitive resolution at the same committee.<sup>278</sup> In fact, the resolution could have undermined the credibility of the Franco delegation. The workers' delegates of the old resolutions committee, elected at the conference, were bound by the repulsion of the OSE and above all to prevent the work of the study group from remaining in vain. What they demanded was the creation of real trade union pluralism in the country, which was part of the five conditions made for trade union development in the country, by the *Ruegger* group. In addition, the workers' delegation united against the Spanish delegation expressed their dissent against the trade union law, which was seen as not really efficient in guaranteeing a real advancement of the trade union situation in the country. Furthermore, the workers' delegations expressed the importance for the ILO Director General to keep the Spanish labour and union situation under constant review, informing the governing body of the development of trade union respect in the Spanish context. During the ongoing discussions, the Spanish government workers' representative firmly opposed the workers' delegation, replying that the review of the Spanish labour situation was an interference in the country's internal affairs, unjustified given that the *Ruegger* Group's final report had already been judged by the previous director-general as non-binding for Spain, and as merely a suggestion by the three international law experts regarding the hypothetical improvement of the Spanish situation. Furthermore, the Spanish government representative considered this harassment of Spain as unjustified, given that Spain was not the only one not to have ratified ILO Conventions 87 and 98. Consequently, he added that this stance by various workers' representatives had to be considered as totally inappropriate for several reasons. The debate continued, but the main problem was the fact that numerous government delegations, as well

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<sup>277</sup> Quinteiro Martinez Esther, p.210.

<sup>278</sup> Quinteiro Martinez Esther, p.214.

as some employers, sided with the Spanish delegation, such as government representatives from Syria, Ghana, Morocco and others, defended the idea that Spain was slowly evolving in terms of trade union freedoms in the country, even Colombia defended the fact that Spain had the right to find its own trade union model in the country.<sup>279</sup> The defense of non-interference in Spanish domestic affairs by these government delegations may have been done to avoid setting a precedent that could have backfired in the future. Indeed, taking sides in the permissiveness of a country's internal affairs, with the aim of providing social improvements, could have opened the door to similar interference in their domestic affairs, thus undermining their own autonomy in future political and social choices. This stance by many government delegations sank the workers' resolution strategy, who were totally overwhelmed when it came to the final vote on whether or not to implement this resolution against the Spanish delegation.<sup>280</sup> The only judgement expressed as negative towards the Spanish delegation was that of the credential committee, which in fact condemned the composition of the Spanish delegation, considering it not truly representative.

### **3.2 Analysis of the propagandistic role of the new trade union law (1971)**

As it was possible to understand from the previous paragraph, the 54<sup>th</sup> International Labour Conference had meant another victory for the Spanish delegation, and in general for Franco's Spain, which saw itself able to finally pass the new trade union law in the country without having to submit to the changes in the law desired by the workers' delegations during the conference itself.<sup>281</sup> Furthermore, although the General Director, Jenks, had reaffirmed the importance of the Committee on Freedom of Association in the course of time. This was also demonstrated by the fact that at the 54<sup>th</sup> conference itself, the latter had been strengthened to make it more operational, he had also reaffirmed at the 181<sup>st</sup> meeting of the ILO's governing body the need to wait for a change in the Spanish case before being able to judge the Spanish situation.<sup>282</sup> The director-general's words thus implied that he was indirectly legitimizing and authorizing the approval of the new trade union law before he could actually make a new judgement on the situation of trade union freedoms in the country. The trade union law was promulgated in February 1971 by the *Jefatura del Estado*, but before understanding the essence of the law and explaining the relationship between the trade union law and the 5 conclusions of the ILO, it is good to grasp the strategic and propagandist intent behind

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<sup>279</sup> *ibid*

<sup>280</sup> Quinteiro Martinez Esther, p.218

<sup>281</sup> De la Guardia Ricardo Manuel Martin, *La Organización Sindical Espanola ante la ley de febrero de 1971*, Vallaboid, Universidad de Vallaboid, Dialnet, 1991, p.18.

<sup>282</sup> Quinteiro Martinez Esther, p.219.

it. This propagandistic intent in fact began almost a year earlier following the end of the 54<sup>th</sup> International Labour Conference, when OSE General Secretary *Rodolfo Martin Villa*, began a series of attempts to seduce Director General Jenks into siding with him and the regime in the promulgation of the Trade Union Law.<sup>283</sup> In fact, during a meeting held on 16 September 1970 between the secretary general, the Spanish ambassador in Geneva *Perez-Hernandez* and Wilfred Jenks himself, Martin Villa tried to sell the trade union reform as an instrument of progressiveness fundamental to Francoist Spain, which the state could not do without, informing him also that barring emergencies, the Spanish Cortes would discuss it next October of the same year. What Martin Villa promised was greater trade union representativeness within the country. Jenks in turn respected what was quoted in the 181<sup>st</sup> conference of the governing body of the ILO, invoking the fact that (certainly if this were true), this new law would have improved the relationship between the ILO itself and Spain at the time.<sup>284</sup> The game of strategy to secure support for the new trade union law, however, was not only conducted at the international level, as for example in the same conversation described between the OSE secretary and the director general, but was conducted above all at the national level. In fact, in addition to the efforts undertaken at the international level, it was important to make sure that the circulation of the law was promulgated in the best possible way so that it would be considered unchallengeable.

The propaganda strategy began as early as mid-October 1970 when the text of the law was being debated by the Spanish Cortes, in fact *Martin Villa* was already contacting the provincial delegates of the OSE with the aim of creating a favorable environment for the imminent approval of the same law. The latter therefore asked *Hernando Julio Estrada*, the trade union delegate in Valladolid, to already contact the trade union representatives in the same province with the aim of convincing them of the progress proposed by the same trade union law, which in the meantime was being discussed in the Spanish parliament.<sup>285</sup> However, the task of disseminating the law's great successes by the provincial delegates had to go beyond the trade union sphere, and also succeed in winning the favor of other power figures and local authorities who could be instrumental in strengthening support for the bill. The mobilization of a broad spectrum of local powers ensured that the new trade union law was perceived as a necessary and inevitable reform, in fact direct contact with other influential people in the various provinces, as mentioned in the case of Valladolid, was seen as fundamental to creating the right atmosphere for the law's approval.<sup>286</sup>

In addition, the state's control of the media played to their advantage in promoting a narrative of modernization and progress, trying to present the new law as a step towards greater worker

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<sup>283</sup> *ibid*

<sup>284</sup> *ibidem*

<sup>285</sup> De la Guardia Ricardo Manuel Martin, p.7.

<sup>286</sup> De la Guardia Ricardo Manuel Martin, p.10

representation even though in fact it would continue to maintain the union as a mere tool to support the Franco regime. In addition to this type of propaganda, on 16 February 1971, one day before the official date of the law's promulgation, a real plan for the dissemination of the law was established. Within it, it was planned to organize a series of public events in the municipalities of the provinces, at which high-level conferences would be organized that would bring to speak prominent figures who had been involved in the drafting of the law itself. The conferences would be supplemented by talks and meetings with local media to further enhance the propaganda effect.<sup>287</sup>

### **3.2.1 The relationship between the new trade union law and the 5 conclusions of the ILO final report**

The new trade union law was promulgated specifically on 17 February 1971, in the *Boletín Oficial del Estado* (BOE), and entitled *Ley Sindical 2/1971*.<sup>288</sup> What immediately jumps out at you when analyzing the text of the trade union law is the fact that before explaining the content of the law, there are a series of important paragraphs celebrating the history of the OSE itself and its evolution as a trade union organization over time. The text of the law in fact takes up the 1940 *Ley de Unidad Sindical*, the law previously in force before the approval of the new trade union law, celebrating the evolution that led the regime to the approval of the new law, and above all denying that a climate of deprivation of trade union freedoms was previously present within the country. This can be seen from the words used to describe the previous law, in which it is said that the *ley de unidad sindical* and the *Bases de la Organización Sindical*, were of considerable importance in outlining the fundamental lines of the trade union order, and were always flexible and open in the way they carried out their practices.<sup>289</sup> The manner therefore described by the text of the new trade union law to indicate the evolution that pushed the regime towards a new trade union law, always follows a propagandistic thread. What is intended to insinuate in the reader is that the only valid motivation for implementing this new law was to align with the terminology and social change also present in other western countries, and not because there were actually structural problems in the Franco apparatus itself, as it was not truly representative. Returning to the analysis of trade union law in relation to the five important conclusions established by the ILO's final report, it is important to mention that the first of the five conclusions was the fact that (according to the experts of the *Ruegger* report), all positions of authority within the trade union movement should be established by election (see p. 42). In

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<sup>287</sup> *ibid*

<sup>288</sup> *Boletín Oficial del Estado, LEY Sindical 2/1971, de 17 de febrero*, Madrid, Jefatura del Estado, p.1

<sup>289</sup> *Boletín Oficial del Estado*, p.2

connection with this principle established by the ILO, it can be seen that the trade union law did not allow for all offices in the trade union movement to be genuinely elective.<sup>290</sup> In fact, the new trade union law only allowed free election to the lowest occupational positions, while for positions of greater responsibility the principle of co-optation applied. This principle was based on the fact that the new members for the higher occupations were not selected through a democratic election, but were chosen by the existing trade union leaders, who could then opt for a staff of their convenience so as to continue to do their business within the regime and the OSE itself.<sup>291</sup> The *Ministro de las Relaciones Sindacales* himself was appointed and thus chosen without going through elections or democratic consultations, but through a decision taken from above, which is generally by a single authority or a small group of people with decision-making power. In the case of Francoist Spain, this meant that key figures, such as the *Ministro de las Relaciones Sindacales* himself, were chosen directly by the regime without any popular or electoral involvement. This system of co-optation therefore not only limited the real freedom of workers to elect their representatives, but contributed to maintaining a strict regime control over the internal dynamics of the movement, ensuring that the OSE itself remained a mere tool in the hands of the regime rather than becoming a true representative of the workers. In fact, as stated in Article 34 paragraph 2 of the same trade union law, the *Ministro de las Relaciones Sindacales* was considered to be at the apex of Spanish trade unionism, and was the maximum head of the single trade union, so he was the one who had great decisive and regulatory powers in his hands. In fact, in addition to presiding over the *Comite Ejecutivo Sindacal*, which is the body responsible for the management and control of trade union activities (ensuring that the single trade union was aligned with the interests of the State, and the *Congreso Sindacal*, that is the main assembly to approve trade union policies, it also had the possibility of suspending, according to Article 45(1)<sup>292</sup>, organizations that developed activities contrary to the trade union law in its fundamental principles. These two articles were thus fundamental in guaranteeing the regime's total control over trade union activities, while manifesting an apparent openness to trade union appointments within the movement. Another fundamental aspect dealt with by the law, again in relation to the first ILO conclusion, concerned the appointment of provincial delegates of the OSE, i.e. the officials who represented the trade union movement at the provincial level. In fact, although the law did not express exactly the type of designation of the provincial delegates, it did express in Article 41 paragraph 4 that the delegates would be the same persons designated before the new trade

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<sup>290</sup> TIERNO GALVÁN Enrique, *Comentarios sobre la ley sindical española de 17 de febrero 1971*, Geneva, International Labour Office, International Labour Organization, 1972, p. 5.

<sup>291</sup> *ibid*

<sup>292</sup> *ibidem*

union law. Consequently, this implied that the appointment continued to be under the same regime control as before the trade union law.

The second conclusion made by the ILO in the final report as a recommendation for improvement of the trade union situation in the country was the achievement of both equality and autonomy of employers' and workers' associations.<sup>293</sup> This second recommendation was extremely important because it reflected the *Ruegger* group's intention to break down the corporatist structure of the vertical trade union itself, which did not allow any independence either for employers (although employers actually managed to have more autonomy see chapter 1), or for workers, since they were both seen as serving the state apparatus which did not allow any free bargaining within it.<sup>294</sup> The lack of freedom of association and the lack of trade union pluralism, as analyzed above, were in fact seen as a lack of alignment of Spain at the time with the principles of the ILO, which had called (in the final report) for this situation to be improved through the new trade union law. However, the new trade union law did not really seem to meet the criteria of the ILO, in fact in Article 1 paragraph 2 it insisted on defining the OSE as part of the Spanish institutional order, whose function was to contribute to socio-economic development according to the principles of the regime itself. This made it clear that the organization was not independent of the latter but closely linked to the aims of the Franco regime, so instead of ensuring the full representation of workers in an autonomous manner, the union remained a means to promote the interests of the dictatorship. Furthermore, Article 2 of the new trade union law referred to the composition and co-ordinating bodies, such as the *Comité Ejecutivo Sindical* and the *Congreso Sindical*, establishing that both these bodies were positioned above the professional associations, which were the formal groups within the corporatist system that represented workers, entrepreneurs and technicians.<sup>295</sup> This thus limited their real capacity for action, reducing them to a condition of apparent representativeness and passivity. The new trade union law, however, attempted to cover up its real intentions of the continued deprivation of trade union freedoms by means of Article 4<sup>296</sup>, which mentioned a hypothetical institutional and functional autonomy of professional associations, which in practice were limited by the presence of governmental control mechanisms as mentioned above. Consequently, the article was simply contradictory and sanctioned only to ostensibly satisfy the criteria of the ILO through precisely such words as 'autonomy'. The lack of real trade union autonomy, especially of workers, was then enshrined in Article 36 of the new trade union law, which dealt with one of the coordinating bodies, namely the *Comitato Ejecutivo Sindical*, which consisted of 22 members, of whom only six were

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<sup>293</sup> TIERNO GALVÁN Enrique, p.6

<sup>294</sup> *ibid*

<sup>295</sup> Boletín Oficial del Estado, p.2

<sup>296</sup> *ibid*

workers' representatives while the rest were government and employer representatives. Consequently, the minority presence of workers makes us understand the minority weight they had in important decisions for the OSE itself. Article 38 then dealt with the other important coordinating body, the *Congreso Sindacal*, composed of at least two-thirds representatives of employers, workers and technicians.<sup>297</sup> Given state control, however, workers were always in the minority, given also that its composition was designed to favor representatives of employers and technicians, maintaining government control over every decision and ensuring that the union's policies and courses of action remained in line with the interests of the state and employers.<sup>298</sup>

The third recommendation of the ILO had to do with the need for OSE officials to be subject to the authority of the elected leaders, it also mentioned that the assets of the organization should be managed by the members themselves. However, it was evident that this recommendation was not adhered to, since the trade union officials themselves, such as the *Ministro de las Relaciones Sindacales* and the various secretaries of the trade union bodies were members of the government administration.<sup>299</sup> This meant in effect that the government continued to exert direct influence on trade union decisions, undermining the autonomy required by the ILO itself. As mentioned earlier, within the same *Comitato Ejecutivo Sindacal* and the *Congreso Sindacal*, one third of the members came from the state administration, ensuring that the interests of the ruling class were protected at the expense of those of the workers. With regard to the management of trade union assets, the law postponed this issue to a future regulation, as indicated in Article 61(2), but without specifying when the latter would come into force, and above all without stating the break with the corporatist criterion that integrated employers, technicians and workers, thus making it difficult to protect workers. What also had to be borne in mind was that the same union dues paid by workers and employers fell to a union bureaucratic apparatus, which was itself controlled by government delegates and secretaries. This so didn't ensure future change but was merely a symptom of ongoing control.<sup>300</sup>

The ILO's fourth recommendation was that the trade union organization should not be subject to direction or control by any political movement. It can be understood from the above that this criterion was not met. However, it is worth pointing out that the regime had taken care to formally change aspects so as to make the system of Franco less and less contestable. In fact, with the *Ley Organica* of 1967, the regime had eliminated the need for trade unions to be led by members of the Spanish Phalange, but this elimination had actually remained purely formal, since there could be no real independence from political parties since there were no other political parties considered legitimate

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<sup>297</sup> Boletín Oficial del Estado, p.7

<sup>298</sup> TIERNO GALVÁN Enrique, p.6

<sup>299</sup> *ibid*

<sup>300</sup> Boletín Oficial del Estado, p.11

in the country.<sup>301</sup> Moreover, other important laws still in force, such as the 1960 anti-terrorism law, confirmed that the government had broad powers of repression against any form of protest that conflicted with the maintenance of public order. Moreover, the very existence of Courts of Exception such as the *Tribunal del Orden Publico* (TOP), which judged labour-political disputes and crimes, once again confirmed the authoritarian control over labour and society. The fifth and final recommendation of the ILO focused on the importance of guaranteeing freedom of expression and assembly in the country, but as far as the former was concerned, this seemed impossible to achieve given the continuous states of exception perpetrated by the regime precisely to silence clandestine trade union organizations so that they would not rebel against the regime by expressing conflicting opinions.<sup>302</sup> With regard to freedom of assembly, a decree was introduced in April of that year, number 964, which further restricted this freedom as a symbol of the regime's failure to comply with ILO recommendations. This decree prevented any co-ordination between workers, imposing the splitting up of large groups. Furthermore, every meeting had to take place in union or company premises and required government authorization if it took place elsewhere. In addition to this, government control was very strict, so permission had to be obtained from the union leadership, personal details and topics to be discussed had to be communicated, and each participant had to be summoned personally.<sup>303</sup>

Thus, despite the recommendations made by the ILO to improve the trade union situation in Spain at the time, the regime nevertheless maintained strict authoritarian control over the trade union situation in the country. The new trade union law in fact introduced hints of a hypothetical autonomy of trade union associations, but in reality remained purely formal, exercising heavy government control over the workers, who remained in a minority decision-making position. The lack of change within the country did not go unnoticed at the international level, but mobilized the inter-union organizations to take an increasingly tough stance through the ILO's Committee on Freedom of Association.

### **3.2.2 The opposition of trade unions against the Spanish trade union law**

The proclamation of the new trade union law, as anticipated in the previous subsection, was therefore seen as inefficient from the point of view of a real evolution of trade union freedoms in the country at the hands of both the trade union organizations considered to be clandestine in the country, and the inter-union organizations to which many of the organizations were affiliated. For example, the executive commission of the UGT in connection with a delegation of the CIOSL, had examined the

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<sup>301</sup> TIERNO GALVÁN Enrique, p.10.

<sup>302</sup> TIERNO GALVÁN Enrique, p.11.

<sup>303</sup> *ibid*



trade union situation in the country in relation to the new trade union law, finding that the latter was really inappropriate to concretely improve workers in the country. In fact, what the committee concluded was that the new legislation did not change the trade union situation in any way, but on the contrary sought to preserve the structure of vertical trade unionism in the country for ever longer. Consequently, the commission, in an undated article in the newspaper *El Socialista*, repudiated the new trade union law, calling on workers to abstain from participating in the new trade union elections.<sup>304</sup> The latter had in fact been preceded by a partial amnesty, held on 21 September 1971 with the aim on the part of Francoist Spain of improving the regime's image both vis-à-vis the ILO and the international community as a whole, especially in view of the pressure Spain was continuing to receive from the Intersyndicals through the action of the Committee on Freedom of Association. The new trade union elections caused a stir, since they were the first elections after the change through the trade union law, so they were seen as a concrete proof of change, which did not happen. In fact, a government provision stated that no more than 50 per cent of elected union positions would be renewed.<sup>305</sup> OSE secretary *Garcia Ramal* had justified this government decision, saying that it was an intent to protect a sector of employees who were already doing their work, and that they would continue, making sure they were doing the best for the interests of the workers.<sup>306</sup> However, the situation with respect to Francoist Spain had already worsened months before the trade union elections, following the promulgation of the new trade union law itself, when the CIOSL together with the CMT filed a joint complaint with the Committee on Freedom of Association against the new Spanish trade union law. The complaint was drafted on the same day that the new trade union law came out and was then admitted for analysis on 12 March 1971 by the Committee itself. What the parties were denouncing was Spain's continued failure to ratify Conventions 87 and 98, relating, as already analyzed, to trade union freedom and collective bargaining. The trade unionists complained that the absence of such ratification was the excuse used by the country to continue violating the fundamental principles established by the ILO in its own territory, preventing the real autonomy of trade unions and maintaining strict state control over workers' organizations. In addition to the denunciation by the intersyndicals, at the national level, the CCOOs also protested against the new trade union law, which they saw as a tool for the regime to continue to keep workers under control, denying them the possibility of exercising freedom of expression, protest and assembly, which were instead deliberate rights in many other western states.<sup>307</sup> The CCOO's accusation therefore went hand in hand with that of both the UGT and the CIOSL. In fact, as argued by these two, the CCOO also

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<sup>304</sup> Quinteiro Martinez Esther, p.264.

<sup>305</sup> *ibid*

<sup>306</sup> De la Rosa Enrique, p.12.

<sup>307</sup> *ibid*

supported the idea that the trade union law had done nothing more than change the language to be ostensibly in line with ILO principles, but in reality had not followed any of the recommendations previously instituted by the *Ruegger* group. The pressure exerted by the Intersyndicals therefore began to be more and more stringent with regard to the Spanish case, and this was seen above all at the 182<sup>nd</sup> meeting of the ILO governing body, when a coalition of people formed mainly by *Victor Louet*, a leading member of the employers' body at the ILO, representing the Confederation of Free Trade Unions, *Horst Eggermann*, a member of the Workers' Executive Committee of the World Trade Union Confederation (CIOSL), and *Jean Pierre Faupl*, a member of the employers' representative council, protested to the director general that the Spanish issue was not among the prominent topics at the meeting.<sup>308</sup> The 182<sup>nd</sup> meeting of the governing body began on March 2, 1971 thus before the Committee on Freedom of Association accepted the joint complaint of the CIOSL and CSM, however it can be stated that the submission of this complaint in February of that year was influential in putting pressure on the workers' delegates to contest Jenks' failure to take a stand. The reasons for the director-general's failure to take a firm stance against Spain can be found in the fact that Wilfred Jenks, as already analyzed, had wanted to wait for the promulgation of the new trade union law before making a firm judgement.<sup>309</sup> Moreover, the lack of an immediate stance could also be justified by the fact that Spain, although not the largest financial contributor to the ILO at the time, was nevertheless among the most influential. Consequently, antagonizing a nation that was actively contributing to the support of the ILO might not have been such a favorable action for the stability and maintenance of the organization itself. From my point of view in addition, as seen above during the 54<sup>th</sup> International Labour Conference, there were several countries that were part of the ILO at that time that had not ratified conventions number 87 and 98, so too much pressure on the Spanish delegation could have been counterproductive for the Director General himself both economically and politically because it could have antagonized other countries in the same situation as Spain. However, all this did not frighten this coalition, especially *Faupl*, who, on 5 March, reminded the Director General of the promise made by the latter during the 181<sup>st</sup> meeting of the governing body, in which the Director General had expressed his support for keeping the Spanish trade union situation under permanent control. After the meeting, the general secretary of CIOSL<sup>310</sup>, *Buitter*, and the general secretary of the CMT, Jean Bruck, urged the director general in a declaration to ensure that the committee really took into account the complaint sent by the latter last February, and that it did not fall into oblivion.

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<sup>308</sup> Quinteiro Martinez Esther, p.255.

<sup>309</sup> Quinteiro Martinez Esther, p.256.

<sup>310</sup> *ibid*

### 3.2.3 The Spanish delegation's line of defense against Intersyndicalist attacks

Jenks's stance on this occasion alarmed the Spanish delegation, which ran for cover, trying to adopt a strategy to safeguard itself from attacks by the Committee on Freedom of Association, and thus also from those of the inter-unionists. The initial idea of the Spanish delegation would have been to withdraw from the ILO, which on the one hand would certainly have been beneficial to the regime itself, as it would have been able to handle trade union matters in full autonomy without any challenge from the Committee on Freedom of Association, but on the other hand the permanent ambassador in Geneva *Perez-Hernandez* advised the government against such a plan, given the international isolation Spain had already suffered during the 1950s<sup>311</sup>. In fact, breaking away from the ILO at this time would have entailed a further deepening of Spain's international isolation, which could have further compromised its diplomatic reputation and undermined the efforts already made to reintegrate into the global arena. In addition, such a drastic move could have exacerbated the already existing domestic unrest, leading the regime to an instability too great to control, as well as damaging the country's trade and diplomatic relations with other states, as many of them were influential members of the ILO.<sup>312</sup> The plan therefore that was established, mainly through the influence of *Perez-Hernandez*, revolved around the fact that the government had to stop responding to the Committee on Freedom of Association, in order to protect itself from the continuous internal interference that the latter was manifesting against it.<sup>313</sup> The plan in fact consisted in continuing to respond to the decisions of the governing body, to leave the Committee totally unanswered, which did nothing more for the Spanish delegation than meddle in the internal affairs of the state, and to give space to the inter-union organizations that caused as many problems of internal mobilization. The lack of response to the Committee would be definitively established later on 17 November 1971, perpetuated until the 184<sup>th</sup> meeting of the governing body, thus not allowing information from the government concerning the trade unionists imprisoned some time earlier.<sup>314</sup> The government's offensive against the ILO was based on the fact that the ILO felt it was under attack from several fronts, especially at the national level, so imposing a strong international line of defense was the only solution that could protect the government from the constant attacks it was receiving at the union level. This decision was also influenced by what the regime was suffering domestically. In fact, at the domestic level, protests continued to grow, both as the cost of living in the country increased and as trade union freedoms were not respected in the country. The underground organizations began to intensify their

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<sup>311</sup> Quinteiro Martinez Esther, p.261.

<sup>312</sup> De la Rosa Enrique, p.13.

<sup>313</sup> Quinteiro Martinez Esther, p.262.

<sup>314</sup> *ibid*

mobilization, thanks above all to the partial amnesty granted by the government in September 1971, which had set important activists free.<sup>315</sup> The offensive policy towards the Committee on Freedom of Association, however, did not yield concrete results, having the opposite effect of antagonizing many members of the Committee itself and delegitimizing the very figure of the Spanish delegation within the International Labour Organization. However, what was happening at the national level in the meantime was even more worrying for the government itself.

### **3.2.4 The imprisonment of *Carlos Pardo Cabado*, the blow to the Spanish government**

To understand what was happening at the national level, it's necessary to go back to the trade union elections of September 1971. In fact, as already mentioned, these elections caused a lot of interest both nationally, but also internationally especially because they took place following the proclamation of the new trade union law. Consequently, there was an expectation of change and renewal of positions and an expectation especially for workers of greater representativeness. However, this representativeness did not really happen, and *Enrique Garcia Ramal's* speech about the fact that there would not be a renewal of more than 50% of the elected positions soon made it clear that the new trade union law had failed in its representativeness, which only served to protect and pursue the corporatist interests of the OSE itself.<sup>316</sup> At this point, following the joint complaint of the CIOSL with the CMT due to the continued disrespect of trade union freedoms in the country, months before the trade union elections, the Industrial Union of Metals (*IG Metall*), affiliated to the CMT itself, thought of sending an observer to the country to document the events that were happening there.<sup>317</sup> What was needed, however, was someone who was an expert on the Spanish situation and who better than *Carlos Pardo Cabado*, who was an emigrant from Galicia, who had already lived in Germany, would be an expert on the situation in the country. In fact, *Carlos Pardo* had already shown his discontent with the Spanish situation in his youth when, following the civil war against the establishment of the regime, he was taken in by his aunt and uncle in South America where he spent his adolescence.<sup>318</sup> Later, between returning to and leaving the country, he took refuge in Germany where, as a metal worker, he affiliated himself with *IG-Metall* in the city of Essen where he worked. At the same time, however, he also affiliated with the UGT section in exile in the same city, and later with the Social Democratic Party of Germany and also the PSOE. He was therefore the perfect man

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<sup>315</sup> Boletín Oficial del Estado, *Decreto por el que se concede indulto con motivo del XXXV aniversario de la exaltación a la Jefatura del Estado*, Madrid, Justicia y Memoria Histórica, 1971, p.1.

<sup>316</sup> Quinteiro Martínez Esther, p.266.

<sup>317</sup> FERNÁNDEZ MARTÍN, *Carlos Pardo, un sindicalista de Mondoñedo clave en la Transición*, La Coruña, La Voz de Galicia, 2022, p.1.

<sup>318</sup> *ibid*

and observer for this mission to document the situation in the country. In fact, *Carlos Pardo*, apart from being a metal worker, was also responsible as editor of the magazine *Exprés Español*, owned by the publisher *Hans Matthöfer*.<sup>319</sup> However, Pardo was already known in the country due to some articles he had written in Germany against the Franco regime, so he did not have time to get off the plane when he was immediately arrested and locked up in the *Carabanchel* prison in Madrid.<sup>320</sup> The case had a strong media impact especially in Germany, creating problems for the Spanish government with the German government. In the country, the case became a symbol of struggle against the illiberal Spanish government. However, the affair also intensified internationally, in fact the case was also taken up during the 56<sup>th</sup> International Labour Conference, held from 2 to 23 June of that year, where even though the Spanish delegation tried to defend itself, justifying the imprisonment of *Carlos Pardo* with the fact that the latter was imprisoned for offences against the head of state and not for problems related to trade union activism, the delegation was nevertheless considerably penalized for this imprisonment.<sup>321</sup> On 17 June, therefore, the government, given the repeated attacks on the case decided to set *Carlos Pardo* free, however this did not justify the fact that the Spanish delegation continued to receive attacks during each International Conference, creating a climate of instability and distrust towards the Spanish delegation itself.<sup>322</sup> This further highlighted the isolation and international legitimacy crisis of the Franco regime, which was incapable of effectively defending itself against criticism on both the trade union rights and civil liberties fronts. The arrest of *Carlos Pardo*, although resolved by his release, left deep scars on Spain's global reputation. In fact, this affair further highlighted Franco's Spain's difficulty in aligning itself with the standards of trade union freedoms guaranteed by other western democracies, thus contributing to deepening the crisis of legitimacy of the Spanish government, which was unable to respond effectively to growing international pressure, except by obstructing the very work of the Committee on Freedom of Association. Moreover, the relationship between Spain and the International Labour Organization persisted throughout the final years of the Spanish dictatorship, becoming progressively more strained and contentious. This period was marked by escalating diplomatic tensions and ongoing discussions regarding the regime's continued failure to uphold trade union rights and basic labor freedoms, ultimately leading to more frequent clashes on the international stage. Pardo's detention also resulted in an inter-union complaint to the Committee on Freedom of Association, and he took 667<sup>323</sup> as a law

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<sup>319</sup> FERNÁNDEZ MARTÍN, p.1

<sup>320</sup> Quinteiro Martinez Esther, p.267.

<sup>321</sup> *ibid*

<sup>322</sup> *ibidem*

<sup>323</sup> International Labour Organization, Freedom of Association Cases, Case-Law 667, Geneva, International Labour Organization, NORMLEX, 1972, Section 158.

case. The government responded to the charges in May 1972, when it resumed dialogue with the Committee.

### **3.2.5 The change of strategy towards the Committee on Freedom of Association**

The resumption of the replies given by Franco's government to the ILO's Committee on Freedom of Association, anticipated in the previous sub-section, was an important strategic choice for the Spanish delegation. Indeed, the Spanish delegation had to come to terms with the fact that the choice of not responding to the ILO Committee for a period of time had been a risky one. This was because the lack of response did not prevent the inter-union organizations from continuing to lodge complaints about the lack of trade union freedoms in the country anyway. Consequently this only aggravated the position of Francoist Spain, which at some point would have had to answer for what was happening anyway. The change of strategy was therefore evident in 1972 when the offensive strategy failed, the delegation resumed a dialogue with the Committee itself.<sup>324</sup> However, a very important fact was to be established according to the Spanish ambassador, *Benito Mestre* (who had replaced the former *Perez-Hernandez*), namely that the government would provide details of its response regarding the complaints that had accumulated in the Committee, but always maintaining the position that the Committee at the same time had to moderate its responses and requests for information towards the Spanish government. This was because the Committee's mode of accusation so far seemed unpleasant in the eyes of the government, as well as disrespectful of its own limitations of functions, since according to the government the Committee had no binding role in its final commentaries, but only maintained an advisory role.<sup>325</sup> In this context, Franco's Spain tried to maintain a balance between providing answers to the Committee to avoid further international criticism, while at the same time not giving in to what it still perceived to be excessive interference in its internal affairs. In the run-up to the 57<sup>th</sup> International Labour Conference, scheduled to take place on 7 June until the 27<sup>th</sup> of the same month, the Spanish delegation in May managed to win the support of the Director General for this change of strategy.<sup>326</sup> Jenks in fact appreciated the change in Franco's Spain and saw it as a gradual move towards more open-minded positions regarding trade union freedoms, he therefore considered that the change in the country would take place gradually. Although the Spanish delegation managed to secure a compromise with the Director General, this did not mean that it was completely immune to attacks during the proclamation of the 57<sup>th</sup> International Labour Conference. In fact, one

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<sup>324</sup> Quinteiro Martinez Esther, p. 279.

<sup>325</sup> Quinteiro Martinez Esther, p. 294

<sup>326</sup> International Labour Conference, Record of proceedings : International Labour Conference, 57th Session, Geneva, International Labour Organization, 1972, p.1

of the attacks the delegation received was from the Italian labour delegate *Fassina* during the plenary of the conference on 23 June 1972. The plenary, as already mentioned, is the concluding session of the Conference, in which all delegates, including trade union and employer representatives, participate. It is the stage, therefore, where final decisions on the issues dealt with during the conference are discussed and adopted. Receiving a critical comment during the plenary regarding the lack of trade union freedoms in the country undoubtedly put pressure on the Spanish delegation itself, which was once again unable to remain without accusations, denunciations, or critical comments for at least one conference. In fact, the Italian delegate *Fassina* criticized the situation of trade union freedoms not only in Spain, but also in Greece and Portugal<sup>327</sup> (which were ruled by as many dictatorships, Greece by the famous: Dictatorship of the Colonels, while Portugal, by the equally well known: *Estado Novo*, established by *António Salazar* still in 1933). The Italian delegate *Fassina* addressed the newly appointed delegates of the three states, calling them ‘fascists’, given the deprivation of trade union freedoms, present in all three. *Fassina*’s provocations were answered by the Spanish workers’ delegate *Zapico*, who, after a consultation with *Benito Mestre*, replied to *Fassina*, questioning the fact that fascism was a political ideology, which only occurred in Italy, and had nothing to do with Franco’s Spain.<sup>328</sup> *Fassina*’s intervention was important because it showed how difficult it was for Franco’s authoritarian regime to avoid public criticism in an international context in which other European dictatorships were also beginning to lose the stability and control they needed to last, in favor of the growing need for greater democratization and upholding of human rights and fundamental freedoms.. In fact, Spain was not the only one experiencing a major crisis in the stability of the regime in its own country; Portugal itself was also experiencing deep rebellions that led to the 1974 coup d’état through the *Revolução dos cravos* (Carnation Revolution), which put an end to the dictatorial regime previously Initiated by Salazar<sup>329</sup>. In Greece itself, tensions due to the deprivation of civil rights continued to grow and again led to the end of the regime in 1973<sup>330</sup>, only a year after the 57<sup>th</sup> International Labour Conference. The Spanish delegation was aware of this growth of instability both nationally and internationally, and therefore thought to strike another card in its strategy in June 1972 at the end of the 57<sup>th</sup> Conference, when it succeeded in entering the governing body of the ILO, with the objective of strengthening its presence in the organization, and thus obtaining greater security of legitimacy and recognition that would indirectly also mean greater recognition of the prestige and acceptance of the Franco regime internationally. In fact, Franco’s Spain

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<sup>327</sup> Quinteiro Martinez Esther, p.315.

<sup>328</sup> *ibid*

<sup>329</sup> Cosimelli Simone, La Rivoluzione dei garofani, l’alba della democrazia in Portogallo, *Storica National Geographic*, 2024, p.1

<sup>330</sup> Venturoli Cinzia, Il colpo di stato in Grecia e la Giunta dei Colonnelli, *Bologna, Storicamente Laboratorio di Storia*, Università di Bologna, 2012, p.1

managed to obtain one of the vacancies in the technical cooperation commissions of the ILO's governing body. In fact, the government delegate chosen by the Spanish delegation, from that moment on, worked as an alternate in various commissions, belonging to the technical cooperation branch such as the Commission on Programmes and Practical Activities. What is interesting to note, however, is that although this achievement can be seen as a victory on the part of the delegation at the time, the latter did not manage to secure a seat on the Committee on Freedom of Association, which could really have been the "Trojan horse" that could have destabilized the Committee's role and choices.

### 3.3 The arrest of the 10 of *Carabanchel*, the regime's crumbling

Although the regime thought that obtaining the position within the governing body would indeed lead to a strengthening and greater legitimacy of the regime itself, things really began to change at the end of June of that year, just after the end of the 57<sup>th</sup> International Labour Conference, when the raid on a meeting of the *Comisiones Obreras* by the *Brigada Político Social*, the regime's secret police, led to the arrest of 10 of the most important figures belonging to the movement.<sup>331</sup> However, to understand the title of this paragraph and what caused so much fuss about this arrest, we need to take a step back and analyze specifically what happened that day, the reason for the arrest and the consequences it had on the international scene, especially in relations between the Franco government and the ILO. As mentioned earlier in the paper, although the government had instituted numerous states of exception over time that could be classified as a regime state within the regime itself, as it increased police powers even further under the guise of repressing dissidence and public order, this had not stopped the role of the internal opposition. In fact there were still meetings held secretly for the various clandestine political organizations with the task of mobilizing their followers and devising strategies to overthrow the Franco regime. The *Comisiones Obreras* were part of these clandestine political organizations, and since the *Coordinadora General de COOO* (its central clandestine coordination body), had not met since January 1971, a new meeting was needed, scheduled for late June 1972.<sup>332</sup> The *Coordinadora General de Comisiones Obreras* was then set up precisely on 24 June in a secret residence at *Pozuelo de Alarcón*, near Madrid, with the aim of discussing a document entitled: "*Sobre la unidad del movimiento obrero de masas*" (About the unity of the workers' movement), drawn up by *Nicolas Sartorius*, co-founder of the CCOO itself, and *Eduardo Saborido*,

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<sup>331</sup> Ministerio Presidencia, *Para la libertad. El Proceso 1001 contra la clase trabajadora*, Madrid, Ministerio Presidencia, 2023, p.9.

<sup>332</sup> Ministerio Presidencia, p.8



another key figure in the *Comisiones Obreras*.<sup>333</sup> The real objective of the text, which was to be presented during the secret meeting, was to propose a strategy to the various members of the organization so that the CCOO itself could secure a role of relevance at the end of the dictatorship, which for the exponents would come soon, given the increase in protests, and the regime's difficulty in maintaining more and more control over the territory. It is interesting to note the name of the document that would be discussed at the conference. In fact, the use of the term *Unidad*, which is unity in English was not taken for granted. It was a term to contrast the Francoist concept of trade union unity, present for example as already seen in the *Ley de Unidad Sindacal* of 1940<sup>334</sup>, only in this case trade union unity was not really a pretext to impose the absence of trade union freedom, but on the contrary a noun to strengthen the unitary character of the *Comisiones Obreras*, which through their cohesion and independence from the state, could together make a difference in the process of democratic transition, which would soon arise. Moreover, the noun of unity in this case also served to create the fertile ground for the emergence of a single trade union central of the *Comisiones Obreras*, which until then would have been impossible<sup>335</sup>, given the OSE's concept of unity, which did not allow for trade union pluralism within the country. On 24 June, therefore, the various invitees belonging to the same organization in different locations were invited to participate in the discussion of the document. The problem was, however, that some representatives who had arrived there by different means immediately expressed concerns, insinuating that they had been followed by the regime's police. This raised many concerns and prompted the Organization's representatives to postpone the meeting to another day, but they were not in time to leave, when at 1pm that same day the Francoist police, called: *Brigada Político Social*<sup>336</sup> entered the secret location where the meeting was to be held. The police managed to capture all the guests, although some tried to escape by hiding. The most important representatives, however, such as *Sartorius* himself, and another important exponent of the movement, *Marcelino Camacho*, did not offer any resistance, having on the other hand much experience with Franco's police raids and arrests. *Camacho* had been instrumental against *Franco's* dictatorship, in fact besides having already been arrested several times, he was known to the *Franco* police for his long and tenacious opposition to the regime.<sup>337</sup> *Camacho*, had already been in prison from which he had only been released a few months earlier, and had also been interned for a period in concentration camps. His experience in the fight against the regime had been fundamental to the very formation of the CCOO, as he had taken part in the civil war, and had always stood up for

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<sup>333</sup> *ibid*

<sup>334</sup> Boletín Oficial del Estado, p.1.

<sup>335</sup> Ministerio Presidencia, p.8

<sup>336</sup> Alcantara Pablo, *La secreta de Franco, La Brigada Político Social*, Europeanmemories, European Observatory on Memories, 2022, p.2.

<sup>337</sup> Ministerio Presidencia, p.12.

workers' rights. This 30 years of experience in fact made him a linking figure between the older generation of workers' activists of the 1930s and the new trade union movement, formed precisely in the 1960s (as analyzed in chapter one). The police raid that day arrested hundreds of union activists, but only 10 of them were chosen to stand trial in the notorious 1001 Trial, these 10 were chosen, being identified by the regime as key figures in the union, and targeted precisely to further weaken the organization's status.<sup>338</sup> The 10 imprisoned leaders were imprisoned in the former *Carabanchel* prison, which was one of the prisons used by Franco's dictatorship to imprison political dissidents awaiting final sentencing.<sup>339</sup> It is interesting to note that the *Carabanchel* prison was not a final prison, but a temporary prison to which most of the political dissidents awaiting sentencing were entrusted, who would then be sent to the various other prisons in the country. At this point immediately after their arrest on 26 June, the famous 1001 trial began, judged by the judges of the *Tribunal de Orden Publico* (TOP), which would last more than a year and a half before the final verdict was issued.<sup>340</sup> At the same time, however, at the international level in the ILO, the trade unionists were not indifferent to what was happening internally in the country.

### 3.3.1 The CIOSL complaint, the opening of the 704 case

As mentioned in section 3.3, the 1001 trial by no means went unnoticed internationally, but it had an important repercussion especially on the part of the CIOSL itself. In fact, on 27 June 1972, the CIOSL filed a complaint with the Committee on Freedom of Association, in which it affirmed the seriousness of the arrest of CCOO members by the Spanish government, specifically naming *Marcelino Camacho*, *Nicolas Sartorius*, and *Eduardo Saborido*, along with the worker priest Francisco Garcia.<sup>341</sup> The Trade Union International of Workers in the Metal Industry, an organization affiliated to the CIOSL itself, founded in Turin in 1949, also joined the complaint. In fact, the latter also reported the arrest of Camacho, who was detained along with his 9 comrades equally committed to the struggle for workers' rights. In support then of the Trade Union International of Workers in the Metal Industry, the CIOSL sent a letter dated 25 January 1973, in which it echoed the words of the other organization mentioned in order to give more echo to what was happening in the country.<sup>342</sup> The government responded to the accusations by means of a statement dated 6 February 1973, in which it declared

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<sup>338</sup> *ibid*

<sup>339</sup> Ruibial Gonzalez, *The prison of Carabanchel: A Life Story*, Cambridge, Cambridge University Press, digital.cisc, 2015, p.16

<sup>340</sup> Ministerio Presidencia, p.12.

<sup>341</sup> International Labour Organization, *Freedom of Association Cases, Case-Law 704*, Geneva, International Labour Organization, NORMLEX, 1973, Section 98

<sup>342</sup> *ibid*

that the arrest of the activists mentioned had been justified because of subversive actions carried out by the latter, which had led to their imprisonment by Franco's government.<sup>343</sup> Furthermore, the government wrote in that declaration that one of those arrested had also been further charged with the crime of falsifying official documents. This was because he had been found at the time of his arrest with a forged national identity card with his photograph on it. These statements issued by the declaration, attempted in every way to justify the action of the regime, which was squeezed between two sources.<sup>344</sup> On the one hand, in fact, the latter had the need to maintain order within the regime, appeasing as in this case any intent to subvert the stability of the regime; on the other hand, at the international level, the government was trying to justify its actions before the ILO, attempting to pass off association meetings, which in other states would have been legitimate, as subversive actions against the state. What is interesting that the government also added in the declaration, however, was the fact that it could not make many statements about what had happened. This was because the trial was still ongoing, and any interference by the government in the process would have been an interference at the same time with the fundamental principles of the Spanish judiciary, which the Spanish government declared to be totally independent of the government's own role. The regime therefore invoked the independence of the judiciary as an excuse to try to compromise its image as little as possible before the ILO itself.<sup>345</sup> On the other hand, however, this represented a paradox, given that the Spanish judiciary of that period was closely linked to the role of the government and the regime, suffice it to think that the *Tribunal de Orden Publico* (TOP) itself had been created specifically to repress political and trade union activities considered subversive by the government itself.<sup>346</sup> The affirmation of legal independence was therefore a façade aimed at preserving a semblance of legitimacy before the international community and the ILO itself, as an attempt to appease external criticism, without however abandoning the rigid repression that was taking place within the country.

### 3.3.2 The attacks against Spain in the 189<sup>th</sup> meeting of the governing body

Meanwhile in the ILO, on 27 February 1973 the 189<sup>th</sup> meeting of the governing body began, in which *Benito Mestre* participated as government assistant (vide government representative) replacing *Utrera Molina*. It was at this meeting that the Spanish delegation was particularly affected, for although the

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<sup>343</sup> International Labour Organization, section 378.

<sup>344</sup> *ibid*

<sup>345</sup> International Labour Organization, section 378.

<sup>346</sup> DEL ÁGUILA, J, *El TOP. La represión de la libertad (1963-1977)*, Barcelona, Mapa de la Memoria Democrática, Planeta, 2001, p.1

Spanish case was not on the list of topics to be dealt with during the meeting, the vice president of the workers' group, *Joseph Morris*, took the floor following the end of the presentation of the meeting's report to denounce the climate of repressive legislation existing in countries that were considered to be developed on many other fronts in the eyes of the international community.<sup>347</sup> The Canadian *Joseph Morris* was in fact an important defender of workers' rights. In fact, in addition to occupying the chair of vice-president for workers at the ILO's governing body since 1970, replacing *Jean Möri*, he had also been vice-president of the Canadian Labour Congress, which is the Canadian national trade union center, to which many trade union organizations in the country were affiliated.<sup>348</sup> *Morris* was therefore not only one of the foremost experts on the question of trade union freedoms, but was also greatly interested in ensuring respect for these trade union freedoms in the ILO member states themselves. It was for this reason that after making an introduction on the issue of trade union freedoms in general, he focused on the very situation in Spain. The vice-president then attacked Spain for its lack of respect for trade union freedoms, accusing it of the illegality of associationism in the country, in addition to the large prison sentences imposed by the government itself against people who had simply demonstrated freedom of association, which was fundamentally against any principle of the ILO, clearly referring to the beginning of the 1001 process. Following *Morris's* attack, came the response at the same meeting from *Benito Mestre*, who, feeling attacked in the governing body, replied, in turn accusing the workers' group of providing a distorted picture of the course of events within the country.<sup>349</sup> In fact, as reiterated by the latter, the workers' group was passing off propaganda and political subversion within the country as simply legitimate trade union activities. In addition to reiterating these concepts, *Benito Mestre* also recalled that the act of cooperation that Spain was making towards the ILO should not be underestimated, reiterating the fact that Spain had already accepted the intervention of the Rugger group in its internal affairs in 1969, as a sign of the country's openness, which was not being considered by the workers' group.<sup>350</sup> In addition to that, *Benito Mestre* made the only other move he could have made there, which was to reiterate to *Morris* that indeed the workers' vice-president had introduced a topic that was not part of the same report as the issues to be dealt with during meeting 189. At this point tempers were running high at the governing body meeting, and a British workers' member named *Roger Plant* intervened to try to mediate in the earlier dialogue between *Mestre* and *Morris*, stating that although it was true that the Spanish delegation was cooperating much more with the ILO, the group felt that trade union freedoms were still very much

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<sup>347</sup> Quinteiro Martinez Esther, 316.

<sup>348</sup> The Governor General of Canada, Mr. Joseph Morris, Victoria, British Columbia, The Governor General of Canada, 1984, p.1

<sup>349</sup> Quinteiro Martinez Esther, p.332

<sup>350</sup> Quinteiro Martinez Esther, p.334

at risk in the country.<sup>351</sup> At this point, *Wilfred Jenks* decided to abruptly interrupt the conversation, as it was straying outside the necessary set of issues to be discussed at the meeting.<sup>352</sup> However, the case that occurred in the governing body was strictly important because it highlighted the growing tension between the workers' group and the Spanish delegation on the issue of trade union freedoms, highlighting how Spain, despite its cooperation with the ILO, was perceived by the international community as a country where workers' rights and freedom of association were severely restricted. This episode contributed to increasing the international community's attention on the Spanish situation, especially in relation to the 1001 process, and demonstrated how the issue of trade union freedoms continued to be a central and debated issue within the ILO.

### 3.3.3 The Regime's Response to Case 704

After the 189<sup>th</sup> meeting of the governing body, the climate of instability in the country continued to escalate. The demonstrations were a symbol of protest against the earlier arrest of the main political leaders of the CCOOs. Protests therefore increased especially in May 1973, but were brutally repressed by the Franco police.<sup>353</sup> Interestingly, during these demonstrations, the *Frente Revolucionario Antifascista Patriota* (FRAP) also joined in, another organization opposed to the Franco regime, but with a different position in terms of strategy and objectives than the other clandestine organizations, including the CCOOs. In fact, the FRAP was a radical organization, the result of a Maoist split in the PCE that adopted much more violent and revolutionary methods to overthrow Francoism, with the aim of overthrowing the dictatorship and building a socialist state.<sup>354</sup> Its actions were extreme and included, among many others, bombings, assassinations of regime officials and armed struggle. The CCOO and the FRAP were therefore not close collaborators, and the fact that the FRAP had taken part in the protests in May of that year did not help to ease the already tense climate, but rather led to more repression, clashes with the regime's police. The clashes therefore intensified in early May 1973 and led to numerous injuries and hundreds of detainees. On the other hand, however, police officers were also injured in these clashes, amplifying that sense of wanting justice on the side of the latter, which led on 4 May 1973 to another massive police arrest at the *Coordinadora Regional de CCOO* headquarters in a district of Madrid.<sup>355</sup> Some of the representatives of this district suffered significant ill-treatment during their arrest at the police station,

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<sup>351</sup> *ibid*

<sup>352</sup> *ibidem*

<sup>353</sup> Quinteiro Martinez Esther, p.336.

<sup>354</sup> FERNANDEZ SOLDEVILLA GAIZKA, *LA EFÍMERA VIDA DEL FRAP*, Madrid, La Aventura de la Historia, 2023, p.1

<sup>355</sup> Quinteiro Martinez Esther, p.336.

which led, through the FRAP's media campaign, to shed even more light on the abuse of power by the regime and its police force. In fact, the brutality of the repression inflicted by Franco's police only strengthened the determination of his political opponents both nationally and internationally, marking a point of no return for Franco's dictatorship through the response to these protests.<sup>356</sup> Meanwhile, at the same time, the regime, as mentioned in the previous subsection, had justified in February of the same year, before the Committee on Freedom of Association of the ILO, the imprisonment of trade union activists, locked up in the *Carabanchel* prison, denouncing them for actions subversive to the maintenance of public order.<sup>357</sup> In May of that year, the government decided to respond to several complaints that had accumulated at the CFA itself, since they had not been answered by the Spanish delegation itself. Indeed, the 704 case was not the only one to which the government had not yet responded, but the complaints without a response from the government also concerned other important cases such as 735, 736 and 750.<sup>358</sup> However, given the relevance and scope of Process 1001 and what this case was signifying internationally, the Committee decided to concentrate on following up on the 704 case, once the government had responded, by providing more pertinent information about the reasons for the arrest of Camacho and the other union leaders. A response from the Spanish delegation arrived on 8 May, but the response did not meet the Committee's demands in the slightest, in fact the only thing the government responded with was a justification of the reasons for extending the *Proceso* (trial) 1001. The government in fact, in the light of the clashes that were taking place and the ever increasing protests, had decided to implement a strategy of prolonging the sentence, which would determine how many years in prison union activists opposed to the regime should be sentenced to.<sup>359</sup> The strategy of prolonging the trial<sup>359</sup> was significant and aimed at simply increasing the waiting time to try to divert public attention in the meantime to other world affairs. In fact, the government at that time knew that it had its eyes on it and to pass a verdict at that time could have meant an even greater loss of credibility internationally. The Committee, which was definitely not satisfied with the response provided by the government, recommended that the governing body request the government to provide detailed information regarding the specific reasons for the arrest of the persons named in the complaint.<sup>360</sup> In particular, the Committee requested clarification as to what acts or conduct were considered to justify the adoption of such arrest measures. In addition, the Committee urged the Council to urge the Government to provide the full text of the judgement as soon as it was issued, together with the reasons and legal arguments on which it was based. This would have provided a

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<sup>356</sup> *ibid*

<sup>357</sup> Ruibial Gonzalez, *The prison of Carabanchel: A Life Story*, Cambridge, Cambridge University Press, digital.cisc, 2015.

<sup>358</sup> Quinteiro Martinez Esther, p.337.

<sup>359</sup> International Labour Organization, section 379.

<sup>360</sup> *ibid*

clearer understanding of the reasons behind the arrests and would in case have allowed the Committee to perceive whether these reasons were perceived as correct or not.<sup>361</sup>

### **3.3.4 The change of government, the 58<sup>th</sup> International Labour Conference and the death of Wilfred Jenks**

Following the present back-and-forth between the Committee and the Spanish government, a historic act of considerable importance was taking place at national level, namely *Francisco Franco's* decision to delegate responsibility for the government to *Luis Carrero Blanco*. In fact, what is important to specify was the fact that this decision, which formally took place on 9 June 1973, was aimed at lightening *Francisco Franco's* workload, as he was considered too old (he was 81 years old) to continue running the regime independently.<sup>362</sup> With Franco's decision, the separation of the *Jefatura del Estado* (the role of head of state) from the *Presidencia del Gobierno* (the role of head of the executive) thus formally took place, something that would have been unthinkable until sometime before, given that Franco had institutionally held both offices, centralizing in his hands both the role of head of state and that of head of government.<sup>363</sup> *Carrero Blanco's* role was therefore crucial in maintaining the day-to-day running of the state and preserving the Franco regime. In fact, the latter was one of *Franco's* loyalists, as analyzed above in the role he had played against *Jose Solis Ruiz*, so entrusting the office of executive to the latter was a sign of esteem and trust on the part of *Francisco Franco*. *Franco's* plan, however, was twofold. In fact, the dictator had designated, still in 1969, the entrusting of the regime after his death to Prince *Juan Carlos*, who was to become King of Spain after the sovereign's death, restoring the monarchy under a regime that was to retain many of the same principles as Francoism.<sup>364</sup> In this project, *Carrero Blanco* would still have had a key role as guarantor of the continuity of Francoism through the presidency of the government.<sup>365</sup> However, the handover of delegation to *Carrero Blanco* was not the only important change in Francoist Spain at that time, but the changes from the point of view of ministers were impactful, as they also introduced new interlocutors themselves with the ILO from 12 June of the same year. In fact, in addition to the formation of the new presidency of the executive, the Minister of Foreign Affairs *Lopez Bravo* was also changed and replaced with the new Minister *Lopez Rodó*. Moreover, at the internal level another change was taking place that was very important for the fate of the regime, namely the introduction

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<sup>361</sup> *ibidem*

<sup>362</sup> Real Academia de la Historia, *Luis Carrero Blanco*, Ministerio de Ciencia, Innovacion y Universidades, DBE, 2012, p.1.

<sup>363</sup> Quinteiro Martinez Esther, p. 339.

<sup>364</sup> Giniger Henry, *Franco Clarifies Succession Process*, New York, New York Times, 1972, p.1.

<sup>365</sup> *ibid*

of the change of Minister of the Interior from *Tomás Garicano Goñi* to *Carlos Arias Navarro*.<sup>366</sup> The latter was an equally fundamental change within the regime. Indeed, *Garicano Goñi* was now considered an uncomfortable figure for some of the Franco regime's leaders for several reasons, which were mainly related to his less rigid approach to repression, especially with regard to the lessening of strictness towards ETA. *Garicano Goñi* in fact adopted a relatively moderate line towards the Basque separatist movement and ETA. Although he was obviously against the separatism and violence of ETA, he tried to follow an approach that combined repression with a certain openness towards dialogue measures. This was seen by some tougher fringes of the regime as too soft and dangerous an attitude, especially considering the intensification of ETA activities during those early 1970s.<sup>367</sup> Moreover, some of the more conservative members of the regime, including those who later supported the appointment of *Carlos Arias Navarro* as Minister of the Interior, considered *Garicano Goñi* an obstacle to the uncompromising defense of Spanish unity and the fight against Basque separatism. His choices were seen as signs of weakness, which made him vulnerable to internal political pressures. As a consequence, the new formation of the regime was designed to make the dictatorship even more compact and solid from hypothetical external attacks that could have occurred, given the climate of constant hostility and opposition that characterized Spain at that time. However, although the changes occurred at the national level, at the international level the relationship between the Spanish delegation and the ILO remained unchanged in terms of communication approach. In fact, although these changes also caused a change in the Spanish delegation at subsequent International Labour Conferences and in the governing body itself, this did not change the regime's approach to the ILO. In fact, decisions concerning the ILO would continue to be taken through the composition of an Inter-ministerial Commission, which was a delegation of three ministers, who would represent and defend the interests of the Franco regime in relations with the LO.<sup>368</sup> Its main task was to coordinate Spain's position, avoiding any openness to reforms that could weaken the authoritarian structure of the regime.<sup>369</sup> Furthermore, the aim was to ensure that Spain maintained a semblance of normality in international field with the ILO without giving in to pressure for greater openness to workers' rights or democratic reforms that would undermine the solidity of the dictatorship. Consequently, having seen these changes, it is interesting to note that the new Spanish delegation was changed during the course of the 58<sup>th</sup> International Labour Conference. This International Conference, which began precisely on the 6<sup>th</sup> of June of that year and ended on the

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<sup>366</sup>Diccionario Biográfico, *Garicano Goñi, Tomás*, Madrid, acdp.es, 1988.

<sup>367</sup> *ibid*

<sup>368</sup> Quinteiro Martinez Esther, p. 340.

<sup>369</sup> *ibid*



27<sup>th</sup><sup>370</sup>, was of considerable importance in creating instability within the Spanish delegation. In fact, on 12 June of that same year, the case of the situation of trade union freedoms in Spain was discussed in the follow-up to the 58<sup>th</sup> International Labour Conference. The discussion took place within the Committee on the Application of Standards (CAS), one of the main standing committees of the ILO, as analyzed in section 3.1 of chapter 3 of this paper. However to fully understand the reasons and consequences of the discussion, it is good to start from before the discussion at the 58<sup>th</sup> International Labour Conference. In fact still in 1959, the Committee of Experts on the Application of Conventions and Recommendations (CEACR) (see chapter 3.1), had stipulated a report that would be drawn up by the experts of the same committee to be presented later in 1973, containing the implementation of respect for trade union freedoms, more precisely respect for Conventions number 87 and 98 of the ILO in the various countries, enclosing the responses given by the various governments, even those that had not signed these conventions, hence also *Franco's Spain*.<sup>371</sup> Consequently, although the Spanish delegation continued to claim that it was not its role to provide information on the situation of trade union freedoms in the country, it continued to perceive the role of the ILO as one of interference in the internal affairs of the state. In actual fact, Spain was obliged under Article 19.5.e of the ILO Constitution to report to the International Labour Office at appropriate intervals on the state of its legislation, Article 19.5.e in fact states that:

*'If a convention does not obtain the consent of the competent authority or authorities, the Member shall only be required to report to the Director-General of the International Labour Office, at such intervals as the Governing Body may decide, on the status of its legislation and practice in respect of the matter which is the subject of the convention; the extent to which the provisions of the Convention have been followed up or are intended to be followed up either in the legislative or administrative field, or by the introduction of collective agreements or in any other way, and the difficulties which prevent or delay the ratification of such a Convention shall be specified.'*<sup>372</sup>

The above article makes it clear that even in the event of non-ratification of a convention, the member state must still report to the ILO on the situation regarding the convention. Furthermore, the state itself must describe the status of its legislation and national practices relating to the subject matter of the convention, explaining the extent to which the provisions of the convention have been or will be implemented through legislation, collective agreements or other means.<sup>373</sup> What was therefore clear in the run-up to the 58<sup>th</sup> International Labour Conference was that the Spanish delegation could not

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<sup>370</sup> International Labour Conference, *Fifty-Eight Session Record of Proceedings*, Geneva, International Labour Organization, 1973, p.5.

<sup>371</sup> Quinteiro Martinez Esther, p. 344.

<sup>372</sup> Organizzazione Internazionale del Lavoro, *Costituzione dell'Organizzazione internazionale del lavoro*, Montreal, Fedlex, 2015, art 19.5.e.

<sup>373</sup> *ibid*

refrain from formally reporting to the Committee of Experts on the Application of Conventions and Recommendations, which would then forward the analysis of the set of reports to the Committee on the Application of Standards (CAS). What is interesting to note was the excuse Spain gave for the impossibility of ratifying Conventions Nos 87 and 98. In fact, Spain defended the thesis that Spanish trade unionism was peculiar in nature compared to others, but that this did not automatically imply a lack of defense of workers' trade union freedoms.<sup>374</sup> Furthermore, in the report the Spanish delegation defended the OSE model, and especially the 1971 trade union reform itself, classifying the latter as strengthening the trade union autonomy of workers, which was precisely the same right defended by the ILO itself.<sup>375</sup> He was also keen to reiterate that the various arrests had been made by the *Franco* police because of subversive actions carried out by the demonstrators, which were against the maintenance of public order.<sup>376</sup> Moreover, the most important part of this dossier, was the delegation's statement that the only reason for the lack of ratification of Article 87 was the incompatibility between the principle of trade union plurality, also described in *Ruegger's* own group, and the trade union unity that characterized Spain at the time, being that this principle was too important for the OSE.<sup>377</sup> Consequently, given this divergence, Spain was prevented from approving this convention. However, the apology adopted by Spain did not go unnoticed in the CAS discussion. In fact, in this case it denounced the incompatibility of the trade union unity advocated by Spain with the principles of the ILO, adding that the OSE's dependence on the government continued to be a problem, since the 1971 Trade Union Law had not really changed things. Before understanding the accusations made by the CAS workers' group, it is also good to understand the formation of the Spanish delegation present at the 58th International Labour Conference itself. In fact, present as government delegates were *Jose Utrera Molina*, the regime's undersecretary of labour, and of course *Fernando Benito Mestre*, the Spanish permanent ambassador in Geneva.<sup>378</sup> In addition, a group of technical advisers and advisers such as *Francisco Javier Vallaura*, Director General of International Technical Cooperation, and *Antonio Chozas Bermudez*, Technical Secretary General of the Ministry of Labour, were also present. On the other hand, as far as the employers' delegation was concerned, *Manuel Conde Bandres*, president of the National Workers' Council, was present at that conference, flanked by technical advisor *Juan Lacasa*, while the Spanish workers' delegation was again represented by *Noel Zapico Rodriguez*, vice-president of the National Workers' Council, flanked as technical advisor by *Doreste Medina*, president of the Provincial Workers' Council.<sup>379</sup> Returning then to the issue of the discussion

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<sup>374</sup> Quinteiro Martinez Esther, p. 345.

<sup>375</sup> *ibid*

<sup>376</sup> International Labour Organization, section 379

<sup>377</sup> Quinteiro Martinez Esther, p. 344.

<sup>378</sup> International Labour Conference, p.10

<sup>379</sup> Quinteiro Martinez Esther, p. 346.

in the Committee on the Application of Standards, it was precisely on 12 June that Commission vice-president *Houthuys*, who was also president of the Confederation of Christian Trade Unions in Belgium, took the floor openly criticizing the situation of trade union freedoms in Spain, emphasizing how in reality the country and above all the OSE were really against the guarantee of trade union autonomy and freedom as fundamental principles of the ILO. *Antonio Chozas Bermudez* spoke out against the accusations being made against him by the workers' group, contesting the fact that trade union unity did not stand for trade union monopoly, as if to incite that the group was, in fact, confusing the two terms. The confrontation with the Spanish delegation regarding the report made, previously by the CEACR and then passed to the CAS, was extremely important within the 58<sup>th</sup> International Labour Conference.<sup>380</sup> In fact, following other confrontations during the same conference at other times, the CEACR report was finally adopted in the plenary and passed. This was a very important step as it represented a formal recognition of the concerns expressed about trade union freedoms in Spain, which finally found their application in the 58<sup>th</sup> International Labour Conference. The international decision taken by the ILO also began to bring down a certain isolation on Franco's Spain, which now found itself not only attacked at a national level, given the strong climate of protest and instability that was affecting it, but also affected at an international level through the approval of a resolution that strongly undermined the stability of the regime.

Following the heavy blow suffered during the conference, the Spanish delegation, given the considerable internal pressures it was under and the eyes on it internationally, decided to respond to the demands that the Committee on Freedom of Association had sanctioned during its 137<sup>th</sup> report, in which it had recommended to the ILO governing body that the Spanish government provide additional and specific information regarding case 704<sup>381</sup>, explaining the reasons for the arrest of the activists. It also requested that the government forward the text of the sentence once it had been stipulated, so that the Committee could analyze it, make its recommendations and send them as suggestions to the governing body. On 29 September 1973, the government responded to the Committee's request, stating that the reason for the arrests was that the group (that had met in July of the previous year) had subversive intentions. In fact, in the declaration sent out by the government, the latter stated that the reason for the arrests was that the police had knowledge of a secret meeting of a group called the National Coordination Committee, of communist orientation and with subversive aims, declared illegal by the Supreme Court.<sup>382</sup> Furthermore, the government stated that the police, being aware of the purpose of the meeting, had obtained a warrant to enter the premises, where they had discovered people hiding or fleeing. Subsequently, it stated that as a result of this, all

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<sup>380</sup> *ibid*

<sup>381</sup> International Labour Organization, section 380.

<sup>382</sup> International Labour Organization, section 381.

persons had been handed over to the judicial authorities together with the evidence collected, which showed their criminal records and involvement in a subversive underground organization. Following the response sent, the government awaited the return of Director General Wilfred Jenks (who was travelling) with the aim of trying to discuss and negotiate the final contents of the Committee on Freedom of Association report. However that moment never came as Jenks died on 9 October 1973 in Rome while attending a session of the *Institut de Droit International*, bringing with it important consequences for the relationship between Franco's Spain and the International Labour Organization.<sup>383</sup> In fact Jenks, although he had always been on the workers' side, had repeatedly tried to bargain with Francoist Spain, trying to push it towards progressive change. Consequently, the fact that Jenks was now dead, put the Spanish delegation even more in a climate of uncertainty as the latter did not know what the consequences of this change would be in the relationship between the government itself and the ILO.

### **3.3.5 The Sentence of Process 1001 and the Death of *Carrero Blanco***

The death of Wilfred Jenks, as mentioned in the previous sub-section, was a severe blow for the regime, which suddenly found itself unable to secure the stability of the conditional cooperation that Jenks had guaranteed the Spanish delegation until now. In the meantime, the Committee on Freedom of Association responded to the government's claims in Committee meeting 139 (November 1973), stating that it had taken note of the information provided by the government itself. However it reminded the government of the Committee's importance attached to the principle of a timely and fair trial<sup>384</sup> before an independent and impartial judiciary in all cases, including those in which trade unionists were accused of political or criminal offences.<sup>385</sup> Furthermore, the Committee had recommended that the governing body invite the government to provide the text of the sentence passed, together with the reasons given in support of it.<sup>386</sup> Although it can be argued that the Committee's response was not so much a sanction against the regime, what really made the difference was the sentence, which the TOP determined in the 1001 trial in December of that year.<sup>387</sup> Before analyzing the ruling, however, it is interesting to know that soon after the death of Wilfred Jenks, *Abbas Ammar* was elected as provisional director-general of the ILO.<sup>388</sup> The latter had been a member

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<sup>383</sup> International Labour Organization, *Clarence Wilfred Jenks*, Geneva, International Labour Organization, 2006, p.1.

<sup>384</sup> International Labour Organization, section 114.

<sup>385</sup> *ibid*

<sup>386</sup> *ibidem*

<sup>387</sup> Biblioteca Nacional de España, *Para la libertad. El proceso 1001 contra la clase trabajadora*, Ministerio de la Presidencia, 2023, p.73.

<sup>388</sup> Quinteiro Martinez Esther, p.357.

of the Egyptian delegation to many International Labour Conferences, and then held the provisional post of director-general until the election of the next director-general.<sup>389</sup> In fact, the latter held the temporary position until the official appointment of Francis Blanchard, who took over as Director-General in November of the same year. *Blanchard*, had already been appointed Deputy Director-General with responsibility for technical cooperation and field activities in 1968, a position he held until his proclamation as Director-General. Blanchard's stint as Director-General was to be a very long one for the ILO in general, as he had to endure the US withdrawal from the Organization between 1977 and 1980, an action that led to the loss of a quarter of the Organization's budget.<sup>390</sup>

Returning to the question of the 1001 trial, the sentence would be officially pronounced on 20 December 1973 by *José Francisco Mateu Cánove*, a magistrate who had begun his career in the regime, working in various Spanish courts from 1948.<sup>391</sup> He had later joined the Corps of Labour Magistrates and worked in the Provincial Court of Lleida. In 1964 he was appointed as a member of the newly established Tribunal of Public Order, eventually becoming its president. However, the verdict on that fateful day never came because the death of *Carrero Blanco* on the same day at the hands of ETA postponed the sentence by few days.<sup>392</sup> The assassination of *Carrero Blanco* was a pivotal moment in the history of Francoist Spain, representing the biggest attack on the regime to date.<sup>393</sup> Although this attack came not from the trade unions, but from ETA, it was nevertheless perceived as a turning point in the fight against anti-Francoism. In fact, although ETA's actions did not reflect any ideological principle of the CCOOs in the fight against anti-Francoism, nor any ideological principle of the other clandestine trade union organizations, the killing of *Carrero Blanco* highlighted the fragility of Franco's regime. Moreover it contributed to its growing instability as it was about to collapse. On the other hand, within the Francoist system, it agitated the most conservative and nostalgic sectors of the regime, the so-called *Bunkers*, who greatly influenced the elderly and ailing Franco to choose a new president of the council, as tough as possible.<sup>394</sup> In fact, the *bunkers* were an ultra-conservative sector of the regime, breaking away from the technocrats. They were nostalgic for the early days of the regime, opposed to any form of modernization carried out by technocrats like *Carrero Blanco*.<sup>395</sup> In this particular episode, their role was fundamental in pushing Franco to choose *Carlos Arias Navarro* as successor to the presidency of the executive. However, Navarro's nomination was not known until 29 December and 1973. Before dwelling on the

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<sup>389</sup> *ibid*

<sup>390</sup> International Labour Organization, *Francis Blanchard*, Geneva, International Labour Organization, 2010.

<sup>391</sup> Biblioteca Nacional de España, p.77.

<sup>392</sup> Russell Rob, *Luis Carrero Blanco's Assassination*, Sheffield, New Histories, University of Sheffield, 2010.

<sup>393</sup> *ibid*

<sup>394</sup> Quintero Esther, p.360.

<sup>395</sup> Cerrato Fernando Ruiz, *El Bunker*, Madrid, PSOE, psoc.es, 2010, p.1

nomination and his role, however, it is good to analyze the sentence of the trial, the consequences that followed and the strategy of the CCOO through the figure of a key man, *Carlos Elvira*. In fact, the latter was in charge of the CCOO's external delegation in Paris and was an inconvenient figure for the regime, as he had already been exiled during the dictatorship for his anti-Fascist ideology, becoming a fundamental symbol of resistance at that time.<sup>396</sup> In fact, *Elvira* had already mobilized a demonstration of thousands of people in protest against fascism in Geneva before the 58<sup>th</sup> International Labour Conference took place. He had managed to rally thousands of people thanks to his contacts with Spanish emigrants and contacts with Swiss anti-Francoists, as well as contacts with other delegates at the conference itself. *Carlos Elvira* had already made an international name for himself, but the most important gesture on his part was the one he made in the run-up to the trial's verdict.<sup>397</sup> In fact, *Elvira* himself mobilized an international campaign, in which he distributed thousands of files, which characterized the 1001 trial, describing it as a trial that would put an end to workers' trade union freedoms. The clear message of *Elvira*'s campaign was precisely to mobilize as many people as possible to protest against the trial in such a way as to make it as un-legitimized as possible. *Elvira*'s campaign reached an international echo, involving different ideological groups that transcended their differences to unite in the fight against anti-Francoism as a common enemy and against a trial that would not give justice to the accused.<sup>398</sup> In fact, in the campaign that started from *Elvira*, the CMT, the CIOSL, the FSM, and other trade unions from other countries such as the Italian Confederation of Workers' Unions (CISL) also lent their support. One might think that this campaign was of no use as on 20 December the trial was postponed due to the death of *Carrero Blanco*, yet this campaign played a fundamental role. Indeed it increased the attention on the Spanish case at an international level, making the trial a phenomenon now in the spotlight of the international community.<sup>399</sup> On 27 December 1973, the verdict was made public, sentencing *Marcelino Camacho* to 20 years in prison, *Nicolas Sartorius* was sentenced to 19 years in prison, *Fernando Soto* to 17 years in prison and *Zamora* and *Fernandez Castilla* to 12 years in prison. The justification for such a high sentence was that of subversive actions, aimed at changing the state structure of the regime, a political crime, harshly punished according to Francoist laws.<sup>400</sup> The justification for the sentence was also confirmed by the fact that the CCOO was seen as an illegal association since 1967, when the Supreme Court declared them dependent on the Spanish Communist Party and removed all freedom from them. Furthermore, the defendants were accused of belonging to the union as leaders,

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<sup>396</sup> Preciado Juan Moreno, *EL PAPEL DE CCOO EN LA OIT DURANTE EL FRANQUISMO Y EN LOS INICIOS DE LA DEMOCRACIA*, Relats.org, 2018, p.4

<sup>397</sup> *ibid*

<sup>398</sup> Preciado Juan Moreno, p.7.

<sup>399</sup> Quintero Esther, p.359.

<sup>400</sup> Biblioteca Nacional de España, p.80.

an element that obviously aggravated the sentences imposed.<sup>401</sup> The decision of the verdict changed a great deal the fate of the relationship between Spain and the ILO, in fact as we shall see from 1974 onwards there were important changes that hijacked the Franco apparatus more and more, leading to its collapse in 1975. However, another important fact to understand was the appointment of *Carlos Arias Navarro* as the new president of the executive. In fact, the name of the appointment became known on 29 December 1973. For the *Caudillo*, the appointment of *Navarro* had a specific intent; in fact, the new president of the executive served on the one hand to make the system's opposition to the anti-Francoists more ironclad, but on the other hand it also served to initiate a clean-up of the regime's image.<sup>402</sup> In fact, *Franco's* main plan was to make the public believe that the choice of *Navarro* had been made to ensure a greater development of political participation, as was also reiterated by the propaganda presented through the regime's press, which tried in every way to present the choice of *Navarro* as an opportunity for greater openness within the country.<sup>403</sup> The press's choice of these words was aimed at trying to portray the rise of *Carlos Arias Navarro* as a sign of greater political openness and the development of democratic participation. This was particularly aimed at appeasing international criticism of the Franco regime, showing a supposed openness and modernization. However, despite these propaganda efforts, *Navarro's* appointment failed to conceal the authoritarian nature of the regime, which continued to severely repress political and trade union opposition, as demonstrated by the harsh sentences handed down to CCOO leaders shortly before.

### 3.4 1974, Change starts with the ILO workers' group

*Carlos Arias Navarro's* period of government was indeed very intense and difficult at a national level for the survival of the Franco regime. As seen in the previous subsection, his appointment took place on 29 December 1973, although his government officially began on 24 January 1974. *Navarro's* government brought with it important changes at executive level, which manifested themselves in the replacement and thus end of office of several ministers who were members of *Opus Dei*.<sup>404</sup> This put an end to the control exercised by the technocrats over the regime for many years, bringing some members of Falangism back into government. As already mentioned, *Navarro*, under the elder *Franco's* strategy, tried to push for a fictitious openness of the regime towards workers' trade union rights, with the aim of trying to safeguard the regime's now increasingly compromised image. A famous speech of this by the president of the executive was the one he proclaimed on 12 February

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<sup>401</sup> Biblioteca Nacional de España, p.81.

<sup>402</sup> Quintero Esther, p.362.

<sup>403</sup> *ibid*

<sup>404</sup> Quintero Esther, p. 358.

1974, which took the Spanish name of *Espiritu de Febrero*.<sup>405</sup> However, before analyzing this, it is good to focus on what 1974 entailed in relations between the ILO and Spain, starting in January of that year. In fact, on 14 January 1974 a crucial event in the change in relations between the two parties began, namely the launch of the Second European regional Conference<sup>406</sup>. The latter is an important regional meeting that contributes to the global governance of the ILO. At the regional level, these conferences are held with the aim of promoting the implementation of the strategies defined by the International Labour Conference and the ILO Governing Body. They have the purpose to strengthen the ILO's capacity, in accordance with the Declaration on Social Justice, to achieve its strategic objectives by adapting them to regional and national realities.<sup>407</sup>

In the context of the 1974 conference, the most important strategic goals were those of improving working methods or ensuring greater safety for workers by implementing more safety systems. What is interesting to note about this conference was the fact that among the various resolutions tabled to improve these technical aspects, there was actually one that was approved, which concerned the study of the trade union situation in the different European social and economic systems.<sup>408</sup>

The resolution destabilized the Spanish delegation, which tried to convince the other participants of the need to move on to other topics to be dealt with precisely so as not to put too much focus on the study of the trade union situation, which could have undermined the status of Franco's OSE even more. However, in addition to this resolution, it is worth mentioning that in January of the same year, the proclamation of the Second International European Conference had brought many representatives of the various European inter-union.<sup>409</sup> It was during the conference when, on 13 January, the affiliates of the FSM met to discuss a common strategy to be adopted during the 59<sup>th</sup> International Labour Conference, to be held in June of that year, more precisely from 5 to 25 June. During that meeting it was decided that the Spanish issue would be crucial to deal with, given the continuing deprivation of trade union freedoms in the sector and the 1001 trial ruling. The FSM therefore proposed that the CCOO's external delegate, *Carlos Elvira*, should be part of the new workers' group.<sup>410</sup> The FSM contacted the CIOSL to be sure that it would not oppose its decision. The introduction of *Elvira* into the workers' group of the next International Labour Conference was a very uncomfortable move for the regime. This was not only because *Carlos Elvira*, had played a fundamental role in the fight against anti-Francoism and in the opposition to the 1001 trial, but also because being part of the

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<sup>405</sup> Segado Boj, Francisco, *Vida y muerte del Espiritu del 12 de febrero*, Bogotà, Historia Critica, Universidad de los Andes, 2012, p.3.

<sup>406</sup> Quintero Esther, p.365.

<sup>407</sup> International Labour Organization, *Regional Meetings*, Geneva, International Labour Organization, p.1.

<sup>408</sup> Quintero Esther, p.368.

<sup>409</sup> *ibid*

<sup>410</sup> Preciado Juan Moreno, p.7.



workers' group meant something even more uncomfortable for the Spanish delegation. In fact, it meant having a leading figure in the CCOO, who had an excellent knowledge of the deprivation of trade union freedoms in the country, who would actively participate in the processes of the Conference Commissions themselves, influencing the workers' delegation.<sup>411</sup> *Elvira's* presence therefore implied a commitment on the part of the CCOO, which now had one of its delegates present in the workers' group, to pursue issues such as social justice, trade union rights and the improvement of working conditions as the official representative of the ILO workers' group. The decision taken was deeply uncomfortable for the Spanish delegation, but they had no choice but to accept the course of action of the ILO workers' group, since it was the majority that voted.<sup>412</sup> *Elvira's* inclusion in the group of workers, which was also followed by that of *Miguel Sanchez Masas*, a mathematician engaged in the struggle against the regime affiliated with the PSOE and the UGT<sup>413</sup>, was a severe blow to the Spanish delegation, which was now trembling with uncertainty in view of the forthcoming International Labour Conference and the internal problems that were now increasingly evident in the regime. Faced with this new dynamic, therefore, the Franco regime found itself in a position of increasing isolation and under pressure from an international community increasingly alert to its human rights violations.

### **3.4.1 *El Espíritu del 12 de febrero: Navarro's attempt to cleanse the regime's image***

In parallel with what was happening internationally in the ILO, on 12 February 1974, the new president of the Spanish executive delivered a speech to the country with the intention of reviving the image of the regime. In fact, the speech was delivered with the aim of moving away from the most rigid positions of the Franco system, to revive the image of the regime itself. During the speech, delivered before the *Cortes*, the new president of the executive made promises of openness such as the creation of political associations within the movement, and the legal recognition of labour conflicts.<sup>414</sup> This government statement therefore practically shook many members of the OSE itself, as it seemed to all intents and purposes a liberal, open-minded discourse towards the country's working class, which would never have been expected from the regime at that time. The reaction was mainly unexpected for several reasons.<sup>415</sup> First of all, *Carlos Arias Navarro* was known to have earned a reputation as an intransigent nationalist even during the Spanish Civil War era, when in an episode

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<sup>411</sup> *ibid*

<sup>412</sup> Preciado Juan Moreno, p.8

<sup>413</sup> Fundacion Pablo Iglesias, *Sanchez Masas Ferlosio Miguel*, Fundacion Pablo Iglesias, 2012, p.1

<sup>414</sup> Segado Boj, Francisco, p.3.

<sup>415</sup> *ibid*

in 1937 as prosecutor in Malaga, he carried out such a brutal repression against anti-Francoism that the fascist regime itself expressed a sort of protest against Franco.<sup>416</sup> The 1937 episode demonstrated the totally inflexible attitude towards anti-Francoism advocated by Navarro and helped the latter to receive respect from the regime's most extremist wings. Consequently, this aperturist speech, delivered by Navarro himself, annoyed (as will be seen later) those same most extremist currents known as *Bunker*, which had previously supported his ideology and actions. The famous speech of 12 February fueled the hopes of the Minister of Information and Tourism, *Pío Cabanillas*. The latter had in fact been undersecretary of the Ministry during the era of *Manuel Fraga*, and the famous *Ley de prensa* (see chapter 2). *Cabanillas* shared with *Fraga* a desire to ensure greater openness to press freedom in the country.<sup>417</sup> In fact, although *Fraga*'s law had previously been passed, it did in fact guarantee an openness that was nevertheless still controlled with the intention of limiting press freedom so that it would not create problems for the regime. When *Cabanillas* became *Ministro de Información y Turismo*, especially given *Navarro*'s open-minded view of the discourse, he tried to push for greater openness and freedom of the press. *Pío Cabanillas*'s strategy of greater freedom of expression prompted the newspapers, authorized by the regime, to express their more sincere opinion of the new government's speech, thus giving it important notoriety.<sup>418</sup> Among the newspapers (still authorized by the regime) there were those who expressed skepticism towards the government speech, and those who saw it as a real sign of change and openness of the Franco government. In fact, for example, the newspaper *El Alcazar*, an ultra-right-wing publication, administered by the so-called, *Bunker*, was hostile and critical of *Navarro*'s opening, considerably increasing the number of cartoons in its magazines dedicated to ridiculing the reform.<sup>419</sup> On the other hand, the newspaper ABC, which was mainly of monarchical orientation, initially welcomed the opening project with moderate optimism, together with the Catholic-inspired newspaper *Ya* (see chapter 2), which also showed great enthusiasm for *Navarro*'s project.<sup>420</sup> Overall, therefore, while some newspapers showed hope for change, others remained firmly skeptical. The problem was, however, that this greater openness, as mentioned above, was not well received by the *bunkers*, who saw this openness approach as disadvantageous to the maintenance of their authoritarian principles.<sup>421</sup> As a result, *Pío Cabanillas*' attempt to introduce a more open approach to communication during his short tenure as Minister of Information and Tourism was short-lived. In fact, as early as October 1974 the minister was forced to

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<sup>416</sup> Real Academia de la Historia, *Carlos Arias Navarro*, Ministerio de Ciencia, Innovación y Universidades, DBE, 2012, p.1.

<sup>417</sup> Quintero Esther, p.373.

<sup>418</sup> Quintero Esther, p.373.

<sup>419</sup> Segado Boj, Francisco, p.8.

<sup>420</sup> *ibid*

<sup>421</sup> Quintero Esther, p.373.

resign in view of the pressure from the *inmovilistas* themselves against his project of openness and reform. Indeed, the most conservative sectors of the regime were against any change and pushed for his removal, marking the end of his attempts to promote greater freedom of expression in the media.<sup>422</sup> The resignation of *Pío Cabanillas* represented a defeat for the aperturist forces within the regime and a sign of weakness for Arias Navarro's own reform project as *Cabanillas* was one of its main supporters. Internationally, on the other hand, *Cabanillas'* resignation marked a setback in the process of Spain's political opening, raising concerns among Western allies about the stability and real will to reform the Franco regime.

### 3.4.2 The 59<sup>th</sup> International Labour Conference, the consequences for Spain

Subsequent to Navarro's February speech, internationally there was another event that would create unrest in Francoist Spain, namely the imminent start of the 59<sup>th</sup> International Labour Conference. In fact, the latter was taking place with the presence of *Carlos Elvira* and *Miguel Sanchez Masas* as participants in the workers' group and this frightened the Spanish delegation who saw themselves more vulnerable to being judged, given their presence. Moreover, the context of this International Conference would be presided over by the new director general Francis *Blanchard*. The latter, at the time of his official confirmation on 26 February that year, had a long career both internationally and within the ILO.<sup>423</sup> In fact, before joining the ILO, *Blanchard* had begun his career as an international civil servant at the IRO, the International Refugee Organization, where he remained until its demise (which came in 1952 with the establishment of the UNHCR, the United Nations High Commissioner for Refugees). Later, after helping to set up the UNHCR, and the UN Intergovernmental Committee, *Blanchard* joined the ILO in 1951<sup>424</sup>, beginning his assignment with technical cooperation tasks in the field of vocational training. In 1956, former director-general *David Morse* appointed him assistant director-general, entrusting him, given his previous experience, with the supervision of research, technical cooperation and social security. In 1968, he was then appointed Director General with responsibility for technical and field work, until his election in 1973 and his taking office as Director General officially on 26 February 1974. Interestingly, in his speech on the same day, the latter reiterated that the governing body, through its election, had not elected a representative of Europe or of the western world in general, but a true citizen of the world.<sup>425</sup> *Blanchard's* speech was therefore

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<sup>422</sup> Segado Boj, Francisco, p.9.

<sup>423</sup> International Labour Organization, *Francis Blanchard*, Geneva, International Labour Organization, 2010, p.1

<sup>424</sup> *ibid*

<sup>425</sup> Quintero Esther, p.376.

clear, especially given his pre-existing positions.<sup>426</sup> However, it must be reiterated that although the speech was not directed against *Franco's* dictatorship, *Blanchard* was by no means an admirer of the Franco regime (unlike his predecessor *Wilfred Jenks*, who had tried to change the regime through law. *Blanchard* did not seem to believe that the regime could really evolve to be a democratic system. With these premises, it can be understood that the 59<sup>th</sup> International Conference would be another blow to the Spanish delegation. The Conference began on 5 June 1974, and the Spanish delegation had undergone some important changes. In fact, the government delegates were represented by *Vincente Toro Orti*, the undersecretary of labour, and *Miguel Solano Aza*, the new permanent ambassador in Geneva. Then the former ambassador *Benito Mestre*, and *Antonio Chozas Bermudez*, technical secretary general of the Ministry of Labour, were present as technical advisors.<sup>427</sup> As for the employers' delegation, the representative was *Manuel Conde Bandres*, president of the national employers' council, while *Juan Lacasa*, president of the provincial employers' council of *Huesca*, was placed as technical advisor/adviser.<sup>428</sup> As for the workers' delegation, the role of representative was always played by *Noel Zapico Rodriguez*, vice-president of the national workers' council.<sup>429</sup> As already mentioned, the introduction of *Elvira* and *Miguel Sanchez* worried the Spanish delegation, as this gesture was really symbolic of a silent revolution that was taking place within the ILO itself. In fact, an interesting thing to add was that the introduction of these two people into the workers' group (which had been unanimously approved, by the workers' representatives of the countries themselves, except for the Spanish one in *Zapico*)<sup>430</sup> meant that the CCOO representative was recognized as the true representative of the Spanish workers. This step was extremely relevant because it was directly delegitimizing the Spanish delegation, isolating it from the point of view of decisions on workers.<sup>431</sup> Moreover, precisely in order not to be provoked by the Spanish delegation, *Elvira* and *Sanchez* agreed to be incorporated into the big inter-union, precisely so as not to suffer any kind of repercussions from the Spanish delegation. With the intention of using the space given to them thanks to the vote of the workers' group, the two representatives decided to prepare for the first day of the conference, 5 June, which corresponded with the opening of the first plenary session of the workers' group (held in the *Palais des Nations*) a joint declaration uniting the Spanish workers' representatives, denouncing the history of persecution by the *Franco* regime and the OSE.<sup>432</sup> The declaration was therefore a clear

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<sup>426</sup> *ibid*

<sup>427</sup> International Labour Conference, *Fifty-Eight session Geneva Record of Proceedings*, Geneva, International Labour Organization, 1974, p.34.

<sup>428</sup> International Labour Conference, *Fifty-Eight session Geneva Record of Proceedings*, Geneva, International Labour Organization, 1974, p.34.

<sup>429</sup> *ibid*

<sup>430</sup> Quintero Esther, p.379.

<sup>431</sup> Segado Boj, Francisco, p.9.

<sup>432</sup> Quintero Esther, p.384.

appeal both towards greater freedom of expression and against dictatorial regimes, specifically the Spanish one. However, the declaration aroused the ire of the official Spanish delegation, and *Blanchard* was forced to intervene by asking the Spanish trade unionists to gather outside the palace to make the statement. Here the latter were subjected to a verbal and carnal assault by some members of the official Spanish delegation while making the speech.<sup>433</sup> This episode was extremely serious, and although the Spanish delegation tried to manipulate the facts to convince the country's press that the affair had turned out differently, the act was considered very serious by other international newspapers. Subsequently, there were various attempts to condemn the case that happened on 5 June by various exponents such as *René Salanne*, a member of the *Confédération française démocratique du travail*, who asked the workers' group to condemn the actions of the Spanish delegation.<sup>434</sup> It is a fact that what happened on 5 June had serious repercussions on the image of Franco's Spain, which emerged from the conference increasingly delegitimized.

### **3.4.3 The final verdict of the 1001 trial, the closure of the 704 case**

As studied in the previous sub-section, the 59<sup>th</sup> International Conference was a heavy blow for Franco's regime, which found itself in a corner in the international context, no longer tolerated even by Portugal or Greece, both of which were in the process of embarking on a democratic transition. On a national level, social conflict also continued to worsen.<sup>435</sup> In 1974, in parallel with what was happening in relations with the ILO, clashes against Francoist militias continued to increase in the country through a high number of strikes that destabilized the very productivity of the country. Barcelona was one of the cities where the protest action intensified the most, leading to continuous clashes with the regime's police. 1974 was also a year in which new activists joined the CCOO labour movements, leading the *Comisiones Obrebras* to an important growth. In 1975, on the other hand, although it can be said that the labour conflict had decreased compared to the previous year, in some areas it only increased, especially in the Basque Country where ETA attacks and the repressions imposed by the regime's police had another major impact both nationally and internationally.<sup>436</sup> In the meantime, however, 1975 was also the year in which the defense lawyers of the *Carabanchel 10* filed an appeal to the TOP in an attempt to obtain the activists' freedom, or at least to reduce some of their sentences. On 15 February 1975, the Second Chamber of the TOP, a section of the Supreme

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<sup>433</sup> Segado Boj, Francisco, p.9.

<sup>434</sup> Quintero Esther, p.385.

<sup>435</sup> Quintero Esther, p.385.

<sup>436</sup> Casanova Julián, *Breve historia de España en el siglo XX*, Barcelona, Editorial Ariel, S.A, 2012, p.192.

Court that was responsible for reviewing criminal sentences, decided to issue a new sentence.<sup>437</sup> It is not possible to confirm the real reason for approving the issuing of this new sentence, but what can be deduced is that given the pressure Spain was under internationally, a lesser sentence for the defendants could have helped to clean up the image of the regime. Moreover, this reduced sentence would also have been in line with the reformist approach of: *El Espíritu de Febrero* previously mentioned the year before by *Navarro*. The condemned were thus given a drastic reduction in their sentences, but only some were allowed immediate release, as for others the excuse was that they were repeat offenders (such as *Marcelino Camacho*).<sup>438</sup> At this point, the government replied to the Committee, on 24 February 1975, explaining the reduction of the sentences imposed on trade union activists, partly as an attempt to appease the accusations of deprivation of trade union freedom that were hanging over the regime. The government, however, stated that although the penalties had indeed been alleviated, they were not at the same time rendered null and void for all of them for various reasons such as the fact that, according to the Supreme Court, associations that did not meet the legal conditions were illegal under the regime's Criminal Code. Furthermore, the Court criticized that being part of groups that aimed at violent subversion or the destruction of state institutions was an aggravating circumstance.<sup>439</sup> In fact, the CCOOs were classified as affiliated with the Communist Party for the regime was itself declared illegal, so any group linked to it was also outlawed. The CCOO, under the influence of the Communist Party, were considered subversive and sought to destroy constitutional institutions using violence. The court had therefore reduced the sentence, considering the defendants to be only active members, not leaders, but still responsible for the subversive association.<sup>440</sup> At this point the Committee responded, closing the case the following year (also considering that 704 was not the only case still active for the Spanish government). The Committee noted that the Government had provided some details of the Supreme Court decision, but not the full text of the ruling, which was to be officially published.<sup>441</sup> Moreover, the Government had not presented sufficient evidence to prove that the *Comisiones Obreras* were trying to promote subversion under workers' demands. The Committee therefore expressed concern to the governing body about the lack of information and the severity of the sentences imposed. However, case 704 was important in that it marked a crucial moment in the confrontation between the regime and the ILO regarding human rights and trade union freedoms. Although there was a reduction in sentences, the

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<sup>437</sup> Ministerio Presidencia, p.80.

<sup>438</sup> International Labour Organization, Freedom of Association Cases, Case-Law 704, Geneva, International Labour Organization, NORMLEX, 1973, Section 117.

<sup>439</sup> International Labour Organization, Freedom of Association Cases, Case-Law 704, Geneva, International Labour Organization, NORMLEX, 1973, Section 117.

<sup>440</sup> *ibid*

<sup>441</sup> International Labour Organization, Section 120.

treatment of trade union activists and the continued repression of CCOOs remained a central theme, revealing the contradictions of the regime and the international pressure that influenced its decisions.<sup>442</sup> The case represented a significant reference point for future political dynamics in Spain and for the role of trade union organizations during the last moments of the Franco dictatorship.

### 3.4.4 The end of Franchism was gradual

Having reached this point of the paper, I would like to point out that the end of Francoism was a gradual process. This is because *Franco's* death and the transition to the so-called Democratic Transition did not happen in a day, but took years before the break with the past could be so visible in Spanish society. The changes in Spanish society, however, were visible as early as mid-1975, when the former minister of labour during the *Navarro* government, and former permanent ambassador to Geneva, *Licino de la Fuente*, in order to improve Spain's already too compromised image at the time, prepared a law that allowed labour protests. This was done in an attempt to restore authority and order to Franco's dictatorship, at a time when instability in the country was beginning to be unstoppable. However, the approval of the right to protest: *Derecho de huelga*<sup>443</sup>, had important repercussions on the new trade union elections that were held only a few days before its approval. In fact, the results were unfavorable to the vertical union, as about 40% of those elected preferred to reform the system without a complete break, while another 40% belonged to the *Comisiones Obreras*.<sup>444</sup> This was indeed a severe blow for the regime, but it was not the only one that changed its fortunes for the worse that year. In fact, the defeat also came on the international front, more precisely during the 60<sup>th</sup> International Labour Conference, where delegates from various countries such as France and Portugal (which, as mentioned, had recently begun a democratic transition), harshly criticized Franco's repression, comparing Spain to the Pinochet regime in Chile.<sup>445</sup> After this, the real blow came first in September 1975, when following an attack carried out by ETA in Madrid's *Plaza del Sol*<sup>446</sup>, the TOP ordered the death penalty, triggering the withdrawal of several ambassadors from Spain, such as Belgium, Denmark and Holland (*Franco* later pardoned six of them but this did nothing to appease international disappointment), and later in November of the same year with the death of *Franco*

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<sup>442</sup> *ibid*

<sup>443</sup> Boletín Oficial del Estado, *Decreto-ley 5/1975 sobre regulación de los conflictos colectivos de trabajo*, Madrid, Jefatura del Estado, p.1

<sup>444</sup> Quintero Esther, p.393

<sup>445</sup> *ibid*

<sup>446</sup> Casanova Julián, p.193.

<sup>446</sup> Ministerio Presidencia, p.80.

himself on 20 November 1975.<sup>447</sup> Franco's death certainly represents the transition to a change that took place in the country, although the real change only came with the passage of time, three years later. Indeed Franco's death symbolically marked the end of the regime, but the transition to democracy was long and complex. Although the end of Francoism was now inevitable, the real political and institutional change only materialized over the next two years. It was with the promulgation of the Constitution of 1978, which established a parliamentary monarchy and guaranteed civil and political rights, that Spain made its transition to a democracy<sup>448</sup>. This process, unfortunately, was not without its internal and external challenges, but the country managed to consolidate a new democratic identity that would guarantee stability and growth for years to come.

### 3.5. The beginning of democratic transition and the relationship with the ILO

The dictator's death also dragged with it his dictatorial apparatuses themselves, such as the OSE vertical union itself, which could no longer find a place in Spanish society, given the increasingly large and predominant role of democratic syndicalism. However, to understand these words, we must start from the meaning of the concept of democratic transition, and see what were the processes that led to the end of the dictatorship and true democratization. Democratic transition is defined as the process by which a country goes from being an authoritarian or dictatorial regime to being a democratic system, characterized by free elections, separation of powers and guaranteed civil rights.<sup>449</sup> Democratic transition then also includes political, social and economic reforms to consolidate democracy. Returning to the Spanish question, on 22 November 1975 Prince Juan Carlos was sworn in as King of Spain according to the provisions of the *Ley de Sucesion de la Jefatura de Estado*.<sup>450</sup> The latter was the fifth of the eight *Leyes Fundamentales del franquismo*, and was based on the restoration of the monarchy in Spain, allowing *Franco* to appoint his successor as king or regent, with the approval of the Cortes.<sup>451</sup> King *Juan Carlos*, however, was very aware of the unstable situation in the country, and during his proclamation speech he said that his legitimacy was based on 3 different principles, in fact in addition to historical tradition, and the fundamental laws of the kingdom, the king added that it was based on the mandate of the people.<sup>452</sup> The inclusion of the people

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<sup>447</sup> Davis Andrea, *The death of Franco*, Columbus USA, Orgins Curent Events in Historical Perspective, The Ohio State University, 2010, p.1

<sup>448</sup> Casanova Julián, p.214.

<sup>449</sup> G.L. Munck, *Democratic Transitions*, International Encyclopedia of the Social & Behavioral Science, Science Direct, 2001, p.1

<sup>450</sup> Davis Andrea, p.1

<sup>451</sup> Instituto Historico Bachiller Sabuco, *Las siete leyes fundamentales del franquismo*, Instituto Historico Bachiller Sabuco, p.1

<sup>452</sup> Casanova Julián, p.204.



in his discourse was undoubtedly a strategic choice, because the king realized that if he wanted to safeguard the monarchy and make it last for a long time, he would have to accommodate the demand for social reforms coming from Spanish society. The demand for reformist openness therefore began with the king appointing ministers who had reformist visions belonging to Francoism itself. The objective was to strike a balance between satisfying the wishes of the people and maintaining the monarchy, so the king would not be able to overturn the Franco structure itself overnight, but would have to act step by step to ensure his continued existence as king. Among the ministers appointed by the king, one can find, for example, *Manuel Fraga* himself, already studied for his *Ley de Prensa* of 1966.<sup>453</sup> However, the king was not the only one who realized that he had to find a compromise in order to be accepted by the increasingly rebellious Spanish society, *Navarro's* own government partly shared this strategy. In fact, the opening speech, made while Franco was still alive, was part of a broader project of political and trade union reform that the chief executive now wanted to put into effect in order to guarantee the continuity of political control.<sup>454</sup> The anti-Francoist trade unions, however, were aware that this reform intention would not guarantee any real changes for the workers either, but only formal changes that would guarantee the continuity of the vertical union and the regime in another form. The strategic plan of union reform was also shared in January of that year by the new Minister of Trade Union Relations, *Martin Villa*, who presented it before the ILO itself. The aim was to make a good impression on the project, so that it would have a better chance of gaining international consensus at the 61st International Labour Conference,<sup>455</sup> to be held shortly thereafter in June 1976. The trade union reform was intended to be a sort of continuum of the 1971 trade union law, but proposing substantial changes (in words) in such a way as to make Spain appear to be in a process of transition, when in fact the aim was not to lose control over the structures of the regime.<sup>456</sup> In fact, the proposed reform aimed to keep the OSE and its affiliated unions, but allowed the creation of separate organizations between workers and employers, favoring a certain plurality at the base. However, the mechanisms envisaged would have ensured that trade union unity was preserved at the top, within the OSE continuing to lead trade union action, and only pretending to allow the presence of democratic trade unions within this structure. The trade union reform obviously did not please the democratic and anti-Francoist trade unions, who on 2 June at the workers' group meeting, prior to the start of the conference, drew up a joint declaration against the reform, arguing that it would not lead towards true democratization<sup>457</sup>, given that the very maintenance of the OSE was contrary to the

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<sup>453</sup> *ibid*

<sup>454</sup> Quintero Esther, p.395.

<sup>455</sup> Boletín Oficial del Estado, p.1.

<sup>456</sup> Quintero Esther, p.394.

<sup>457</sup> MOHEDANO MANUELA AROCA, *UGT ante la OIT (1975-1985): de la denuncia de la dictadura a la homologación internacional del modelo sindical español*, Vallaboid, Revista Uva, Universidad de Vallaboid, 2023, p.11

principles of democratization and above all to convention numbers 87 and 98, established by the ILO itself.<sup>458</sup> Instead, the demand was for a process to break away from the reform and the start of true democratization, which would guarantee democratic trade unions the future trade union structure. At this point following the 61st conference, an important change took place at the internal level on 1 July, namely the replacement of *Carlos Arias Navarro*, (given the growing internal pressures that no longer allowed his representation), with *Adolfo Suarez*, another exponent who was already part of the new cabinet of ministers introduced with the proclamation of King *Juan Carlos*.<sup>459</sup> *Suarez* was exactly the person *Juan Carlos* was looking for. In fact, *Adolfo Suarez* was a Catholic Phalangist, thus a supporter of the regime, but he was not a member of any section of the regime itself. This meant that he was not nostalgic for the regime, and could therefore have pushed for the process of reforms that would have served to consolidate *Juan Carlos's* monarchy and secure the regency of the crown in the years to come.<sup>460</sup> However, although it can be said that during *Adolfo Suarez's* executive, a path of greater political openness was indeed undertaken (as can be seen from the fact that the government engaged in dialogue with some of the leaders of the democratic opposition, including nationalists such as Pujol, and socialists such as Felipe Gonzalez),<sup>461</sup> from the point of view of union reform, *Adolfo Suarez's* project was to continue along the line of his predecessor. In fact, during his executive, the latter was in favor of continuing the trade union reform that had been initiated previously. This was also made possible by the election of a new *Ministro de Relaciones Sindicales: Enrique de la Mata*, who declared his intention to continue the process of the previously initiated reform.<sup>462</sup> In the meantime, the anti-Francoist trade union organizations, which were firmly opposed to the introduction of this reform, created the famous COS or *Coordinadora de Organizaciones Sindicales* in July of the same year, the only real intention of uniting and coordinating the anti-Francoist trade union organizations against the regime.<sup>463</sup>

### 3.5.1 From the formation of the COS to the *Ley de Asociaciones*

The *Coordinadora de Organizaciones Sindicales* was in fact a real unitary trade union platform formed in 1976 by the main Spanish trade union organizations, among which were the CCOO, the UGT and the USO. This body was precisely the product of the strong context

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<sup>458</sup> *ibid*

<sup>459</sup> Casanova Julián, p.209.

<sup>460</sup> *ibid*

<sup>461</sup> Casanova Julián, p.209.

<sup>462</sup> MOHEDANO MANUELA AROCA, p.8

<sup>463</sup> MARÍN ARCE JOSÉ MARÍA, *La Coordinadora de Organizaciones Sindicales (COS)* Espacio, tiempo y forma, Historia Contemporanea, Dialnet, 1996, p.5

of political and social instability that was taking place during the democratic transition in the country.<sup>464</sup> The COS was therefore created with the aim of coordinating trade union actions and lobbying for greater trade union freedom and democracy. However, its creation was not an easy process as the negotiations were characterized by mistrust and internal conflicts, especially between the different visions of CCOO and UGT. In fact, the UGT, in particular, was concerned that the COS could become the starting point for a unitary union under the influence of CCOO, which had a more centralized and assembly-based vision of the trade union movement. CCOO, on the other hand, was suspicious of the UGT, accusing it of having united attitudes and of being favored by the government.<sup>465</sup> Despite these tensions between the unions, COS still managed to play an important role in workers' mobilizations. Although its existence was short-lived, disbanding at the beginning of 1977, never managing to become the united trade union front that many had hoped for, its presence was nevertheless of considerable importance during that period of time, as it nurtured a cohesive intent against the government (which was still trying to safeguard the structure of the regime). However, the bold intent of cohesion failed to stop the government's intent of trade union reform, which was fully decided in this respect, and which led to the publication of Decree-Law 19/1976. The latter, officially published on 8 October 1976, gave birth to the *Administración Institucional de Servicios Socio-Profesionales*, known by its acronym AISS.<sup>466</sup> The latter represented the real attempt of the now weak regime to continue to administer control over trade union activities. In fact, the AISS consisted of five articles that seemed to finally linger on workers' independence, but in reality did nothing more than make them dependent on a new organization of the regime. This was because Article 1 of the AISS, for example, said that the AISS would inherit the management of the services of the OSE. This inheritance, however, meant that the AISS was perceived as a continuation of state control over trade union activities, rather than a real opening towards free and pluralistic trade unionism. Article 2 also stipulated that trade union officials would retain the status of civil servants, thus linked to the old apparatus.<sup>467</sup> This merely perpetuated the rigid and centralized structure of the Franco trade union system, limiting the possibility for new independent trade unions to emerge and operate without constraints. Article 3 also seemed to include not very reassuring clues, since the AISS would manage

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<sup>464</sup> *ibid*

<sup>465</sup> MOHEDANO MANUELA AROCA, p.9.

<sup>466</sup> MOHEDANO MANUELA AROCA, p.9

<sup>467</sup> MOHEDANO MANUELA AROCA, p.10

the control of the assets and resources of the former trade union organization.<sup>468</sup> This meant that the new democratic unions would have to operate in a system where the control of resources was still in the hands of an entity closely linked to the past, reducing the autonomy of the emerging unions. These aspects therefore made it clear to the democratic trade unions that the AISS was nothing more than yet another attempt to preserve state control and maintain the old vertical system, in contradiction to the demand for full trade union freedom and pluralism, which was also reiterated by the ILO.<sup>469</sup> Consequently, immediately after the approval of the AISS as a body, the UGT issued a declaration, protesting against the creation of this body and against the trade union reform process itself, always relying on the fact that the latter did not value at all the principles established by the ILO itself regarding workers' trade union freedoms.<sup>470</sup> On 18 November 1976 the government of *Adolfo Suarez* approved the *Ley para la Reforma Política* in the following reform the Spanish government also addressed the need to reform trade union legislation, which had already started with the institutionalization of the AISS.<sup>471</sup> However, there was one fact that the government should have taken into account for the first time since the beginning of Francoism. This was the fact that there was opposition from underground trade unions, such as the UGT and CCOO, which had gained significant representation in the 1975 trade union elections, so the draft law on the right to trade union association also had to be approved by them in order to enter into force, as their approval was crucial for the legitimacy of the new law.<sup>472</sup> At this point then *Minister De la Mata* went to Geneva to discuss with trade union representatives, including *José Antonio Aguiriano*, a trade union leader from the UGT who had an important role in international dialogue and relations with the ILO, about the need for a draft that respected the principles of trade union freedom established by ILO Conventions 87 and 98.<sup>473</sup> *Aguiriano* played a key role here, as he demanded the dismantling of the OSE and tabled amendments to the draft, which were finally accepted by the government, which, cornered, could do nothing but accept. On 1 April 1977, therefore, the Courts approved Ley 19/1977, which regulated the right to trade union association and was seen as a crucial step to bring Spanish legislation in line with international standards.<sup>474</sup> However, although it can be said that some points remained unresolved, the law nevertheless represented an important transition towards trade union democracy in the country.<sup>475</sup> In fact, in order to understand how this law represented a crucial step towards

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<sup>468</sup> *ibid*

<sup>469</sup> Casanova Julián, p.210.

<sup>470</sup> MOHEDANO MANUELA AROCA, p.10

<sup>471</sup> Casanova Julián, p.210.

<sup>472</sup> MOHEDANO MANUELA AROCA, p.10

<sup>473</sup> *ibid*

<sup>474</sup> Boletín Oficial del Estado, , *Ley 19/1977, de 1 de abril, sobre regulación del derecho de asociación sindical*, Madrid, Jefatura del Estado, 1977, p.1

<sup>475</sup> MOHEDANO MANUELA AROCA, p.10

democratic change and trade union freedom, one must consider that the law regulated freedom of association for both workers and entrepreneurs, allowing the creation of professional associations in every sector of activity, at both territorial and national level. The law was later repealed in 1985 when Ley 11/1985 on Trade Union Freedom was passed, however for nine years it remained in force, regulating professional associations, particularly business associations.<sup>476</sup> Another fundamental step for workers was that the law stipulated that both workers and entrepreneurs had the right to form associations to defend their interests. This was an important step since associations could draw up their own statutes, guarantee their autonomy and independence from the public administration, and enjoy protection against any mutual interference.<sup>477</sup> The law also protected workers and entrepreneurs against any discrimination that might threaten their trade union freedom, and provided that these associations would acquire legal personality after filing their statutes with the competent public office, barring any legal challenges.<sup>478</sup> Following this important milestone at national level, an even more important one occurred at international level, namely the ratification of the two ILO conventions numbered 87 and 98, on 19 April 1977 by *De la Mata*, which marked the consolidation of this new system.<sup>479</sup> In fact, these two agreements were considered of enormous importance in consolidating and strengthening the new system of trade union freedom and freedom of association. Convention No. 87 on Freedom of Association and Protection of the Right to organize and Convention<sup>480</sup> and No. 98 on the Right to Organize and Collective Bargaining<sup>481</sup> were considered milestones in international labour law. Consequently, Spain's ratification of these conventions marked the country's commitment to respect the rights of workers and employers to organize freely, without interference, and to negotiate collectively for the protection of their interests. Spain's accession to these treaties therefore not only consolidated the new domestic legislation, but also brought the country into line with the standards of protection of trade union rights promoted by the International Labour Organization. This step was crucial for the evolution of Spain's post-Francoist democratic system, guaranteeing a framework of freedoms and rights for workers and companies that conformed to international obligations, however many other things had to be achieved during the transition.

### 3.5.2 The Spanish democratic elections and its evolution of trade unions freedom

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<sup>476</sup> Boletín Oficial del Estado, *Ley Orgánica 11/1985, de 2 de agosto, de Libertad Sindical*, Madrid, Jefatura del Estado, 1985, p.1

<sup>477</sup> MOHEDANO MANUELA AROCA, p.10

<sup>478</sup> *ibid*

<sup>479</sup> MOHEDANO MANUELA AROCA, p.11

<sup>480</sup> International Labour Organization, *C087 - Freedom of Association and Protection of the Right to Organize Convention*, Geneva, International Labour Organization, 1948, Part I.

<sup>481</sup> International Labour Organization, *C098 - Right to Organise and Collective Bargaining Convention*, Geneva, International Labour Organization, 1949, Preamble.

Another great achievement that characterized Spain's transition to democracy was the so-called *Ley para la reforma política* (reform of politics). The latter in fact, as seen in the previous subsection, represented a key step towards political change given the legitimacy it allowed in the holding of free elections and, above all, given that it sanctioned the creation of a democratic parliamentary system.<sup>482</sup> This was therefore the beginning of a fundamental process that would lead to the drafting of the new Constitution. Indeed, on 15 June 1977, more than 18 million Spanish people over the age of 21 went to vote in a true democratic election. These elections were important because they saw the result of a very divided Spain. In fact, the percentage triumph was 34.4 % for the Union de Centro Democrático, a party headed by *Adolfo Suarez* himself, which won 165 seats in the new parliament. *Suarez* managed to win these votes thanks to his presence as head of the executive up to that point, and to some very important television propaganda.<sup>483</sup> In second place, however, the PSOE triumphed with 29.3% of the vote, thus gaining 119 seats for its deputies. The PSOE managed to win this vote, thanks to the active political role of *Felipe Gonzalez*,<sup>484</sup> who managed to absorb other smaller socialist groups into the PSOE, and above all to obtain a large new vote from the working class and industrialists. In third place was the PCE, with 9.3% of the vote and only 19 seats, while in fourth was the party known as *Alianza Popular*, founded by *Manuel Fraga*, which took 8.8% of the vote and 16 seats.<sup>485</sup> What was interesting to note about this new set-up was the fact that no party obtained an absolute majority, so *Adolfo Suarez's* new government was forced to govern through alliances, and had to deal with various problems that existed in the country in order for it to be transformed into a true democracy. One of the key steps was to induce a *Ley de Amnistía*.<sup>486</sup> In fact, this law, which was approved by the Spanish parliament and obtained the king's own consent, was of fundamental importance in the Spanish transition from Franco's dictatorship to democracy. Indeed, it allowed the release of political prisoners and also guaranteed the return of exiles to the country.<sup>487</sup> However, it also guaranteed impunity for those who had committed crimes during the Civil War and during Franco's regime itself. However, the law was widely criticized in later years as it was seen as a tacit agreement between the various political forces, part of the *Pacto del Olvido* (pact to forget).<sup>488</sup> That is, a tacit agreement established between the various Spanish politicians not to address the real atrocities committed during Francoism.<sup>489</sup> In fact, the law with the idea of not addressing the crimes committed during Francoism,

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<sup>482</sup> Contreras Casado Manuel, *La ley para la reforma política*, Zaragoza, Universidad de Zaragoza, 2015, p.11.

<sup>483</sup> Casanova Julián, p.214.

<sup>484</sup> Casanova Julián, p.214.

<sup>485</sup> *ibid*

<sup>486</sup> Boletín Oficial del Estado, *Ley 46/1977, de 15 de octubre, de Amnistía*, Madrid, Jefatura del Estado, 1977, p.1.

<sup>487</sup> *ibid*

<sup>488</sup> Casero Sergi, *El Pacto del Olvido*, Madrid, Matadero Madrid, 2022, p.1

<sup>489</sup> *ibid*

seeking only to move forward in the construction of the new Spanish democracy, was in this way equating (according to many scholars) victims and executioners, protecting human rights violators from any form of justice to which they should have been subjected. Following the proclamation of amnesty, another important step was to promulgate (following the proclamation of the *ley sobre regulación del derecho de asociación sindical*, of 1 April of the same year), the Royal Decree 3149/77. The latter was approved on 6 December 1977, and was fundamental in regulating the election of workers' representatives within companies, laying the foundations for the trade union elections of 1978.<sup>490</sup> The proposed model provided for a works council as a unitary representative body, elected by all workers, whether they were unionized or not. The UGT had accepted this model, but did not find it totally favourable, as it preferred a model that gave more weight to union sections (internal company bodies directly linked to trade unions), rather than a unitary committee representing all workers indiscriminately.<sup>491</sup> Thus, the UGT aspired to a system in which trade union sections had more power, thus ensuring greater direct influence of trade unions in companies, as opposed to a model based on unitary committees elected by the entire workforce. This model, to which the UGT aspired, was not realised until 1985 with *the Ley Organica de Libertad Sindical* (Organic Law on Trade Union Freedom), which gave more prerogatives to the trade union sections, giving them a stronger and more autonomous role in representing workers in companies.<sup>492</sup>

### 3.5.3 Towards the Promulgation of the Spanish Constitution

Parallel to what was happening on the trade union side, the end of 1977 was also the year in which the drafting of the new constitution that Spain was to have begun. A very important act for the start of the constitution was the so-called *Pactos de la Moncloa*, which were the actual agreements signed at the Moncloa palace in Madrid, between the various main parties in October 1977, precisely with the intention of agreeing towards the drafting of a new constitution.<sup>493</sup> Then a constitutional commission was established and the decision-making process was followed by a section of the constitutional commission. The last one had as its members, respectively, three representatives of Adolfo Suarez 's party, i.e. the UCD, one belonging to the PSOE, one belonging to the PCE, one to Manuel Fraga 's *Alianza Popular*, and a seventh deputy named *Miquel Roca*, representing the interests of Catalan nationalists and the Basque Country.<sup>494</sup> The objective in fact was to have a

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<sup>490</sup> MOHEDANO MANUELA AROCA, p.15.

<sup>491</sup> *ibid*

<sup>492</sup> MOHEDANO MANUELA AROCA, p.16.

<sup>493</sup> Gil Andres, *¿Qué fueron los Pactos de la Moncloa de los que tanto se habla estos días?*, Madrid, elDiario.es, 2022.

<sup>494</sup> Casanova Julián, p.216.

committee as representative as possible of the ideological differences that represented the nation. This section therefore worked hard, given the divergent interests, to produce a preliminary draft constitution that would then be analyzed first by the constitutional commission itself and then by the *Congreso* and the Senate, which cast their votes on 31 October.<sup>495</sup> The constitution was then approved on 6 December 1978 and was not officially promulgated until 29 December of the same year. However, the content of the Constitution itself was much debated between the various parties, who had conflicting opinions, especially on Title I of the Constitution. The Constitution was (and currently is) composed of 11 titles and 169 articles, which gives an idea of the great complexity of this process. However, Title I was much debated because it dealt with the fundamental freedoms of citizens, and the parts that were much debated were those concerning the future of education in the country, the abolition of the death penalty, abortion, and the right to life.<sup>496</sup> In fact, conservatives and the Catholic Church were against abortion and in favor of maintaining the death penalty, seeing these issues as a defense of traditional values and the right to life, while on the contrary, progressives and the left pushed for the abolition of the death penalty and the legalization of abortion, seeing these as steps towards modernization and the protection of individual rights.<sup>497</sup> Following the approval of the Constitution, general elections were held in March, but these did not cause any real change to the previously described political framework. In fact, *Adolfo Suarez* won the general elections again, but without gaining an absolute majority.<sup>498</sup> This led to the formation of the 3rd Suarez government, which saw the PSOE as its opponent in parliament this time. Meanwhile at the international level, a very important event had happened in relations between the ILO and Spain, namely the 64th International Labour Conference, which took place in June 1978. This Conference was really important because it was the first one in which a member of democratic trade unionism participated as an official member of the Spanish delegation, namely *Marcelino Camacho* himself.<sup>499</sup> During the Conference *Camacho* criticized the slowness of the trade union democratization process and accused the government of not returning trade union property confiscated during Francoism. The government, through *Jiménez de Parga*, one of the two government delegates, denied the accusations but admitted the need to return the assets.<sup>500</sup> After this, the UGT continued to push for the restitution of union assets, filing a complaint in 1978 with the Committee for Trade Union Freedom. Although it can be

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<sup>495</sup> *ibid*

<sup>496</sup> Senado de España, *Spanish Constitution*, Madrid, Senado de España, 2024.

<sup>497</sup> Casanova Julián, p.216.

<sup>498</sup> *ibid*

<sup>499</sup> MOHEDANO MANUELA AROCA, p.17.

<sup>500</sup> *ibid*



said that it only found a solution with the introduction of Law 4/1986<sup>501</sup>, which initiated the restitution of assets confiscated during the dictatorship, it was not actually completed until 2008.

### 3.5.4 The failed attempt at a new coup d'état, called *Golpe Tejero*

At the national level, the electoral result that had taken place in the first half of 1979, and which had scored the same as the first election (seeing *Adolfo Suarez*'s party, UCD, win, without, however, obtaining an absolute majority), faced a serious problem at that time. In fact, the electoral process of that year had delayed the elaboration of the autonomy project that had previously been started in the parliamentary assemblies of both the Basque Country and Catalonia.<sup>502</sup> In fact, before the elections, a process of elaborating autonomy projects for both the Basque Country and Catalonia had already begun, but the political focus on the elections and the subsequent negotiations to form a government, abruptly slowed progress on autonomy issues. However, as a result, the first year of autonomous elections was celebrated in the Basque Country in 1980, on 9 March, while the same autonomous elections were held on the 20th in Catalonia. However, while Catalonia followed a path to autonomy through Article 151 of the Spanish Constitution, which provided a quick and comprehensive route to an advanced statute of autonomy, reserved for regions that had already approved an autonomous statute during the era of the Second Republic, the Basque Country encountered multiple difficulties.<sup>503</sup> First of all, the justification that the *Partido Nacionalista Vasco* (PNV) gave for the terrorist actions carried out by ETA. Indeed, with the arrival of *Herri Batasuna*, a left-wing Basque nationalist in support of Basque independence, who won the municipal elections in the country in 1978, relations between the Basque Country and the government in Madrid began to deteriorate.<sup>504</sup> Following the promulgation of the statute in 1980, at the time of the first parliamentary elections in the region, ETA attacks began to increase like wildfire. The increase in ETA terrorist attacks was a scapegoat that fuelled the nostalgics of early Francoism, the so-called Bunkers. However, ETA's terrorist attacks were not the only factor contributing to the real malaise of the Bunkers.<sup>505</sup> The latter also stemmed from the Franco nostalgics' lack of acceptance of the democratic transition underway since Franco's death. The strategy therefore of these nostalgics was to stage a coup d'état with the support of some Spanish military commanders, with the intention of overthrowing the parliament and imposing a new military regime, fuelled by this strong discontent. Consequently, on 23 February

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<sup>501</sup> Boletín Oficial del Estado, *Ley 4/1986, de 5 de mayo, del Patrimonio de la Comunidad Autónoma de Andalucía*, Madrid, Jefatura del Estado, 1986.

<sup>502</sup> Casanova Julián, p.217.

<sup>503</sup> Casanova Julián, p.217.

<sup>504</sup> *ibid*

<sup>505</sup> Ceccanti Stefano, *Golpe Tejero, storia del colpo di stato fallito*, Il Riformista, 2021.

1981, during the vote for the investiture of the new Prime Minister *Leopoldo Calvo Sotelo*, Colonel *Antonio Tejero* burst into the *Congreso de los Diputados* with about 200 men of the Guardia Civil, taking the MPs and the government hostage. Meanwhile, in Valencia, General *Jaime Milans del Bosch* brought tanks out onto the streets in support of the coup. However, the coup plotters had to contend with the lack of help from King Juan Carlos, who, by refusing to support the coup, provided important support for the stabilization of the country and the increasingly consolidated establishment of its constitutional monarchy and parliamentary democracy.<sup>506</sup> The next day, 24 February, the coup failed definitively. *Antonio Tejero* surrendered and *Milans del Bosch* was arrested. The leaders of the coup were tried and convicted, and Spanish democracy emerged stronger from this crisis. In fact, if the aim of the nostalgics in the *Bunker* was to wreak havoc, trying to weaken the ongoing democratic process in every way. However, in reality their action only served to further strengthen the unity of Spanish democracy, which emerged even more combative and convinced of the transition process. Following the failure of the *Tejero* coup, *Leopoldo Calvo Sotelo* was invested as president on 25 February of that year, mainly due to the votes obtained in his support by the Catalan nationalists and *Alianza Popular*. During *Sotelo* 's investiture, an important step forward also took place from the trade union point of view. In fact, *Sotelo* managed to reach an agreement with the two most active and important trade union centers, the UGT and the CCOO, in order to promote a new agreement called the *Acuerdo Nacional sobre el Empleo*. The latter was promoted by decree-law number 13/1981, on 20 August and played a fundamental role in the advancement of trade union rights in the country.<sup>507</sup> It dealt with the issue of social security at work and the possibility of workers' retirement. However, *Sotelo* 's government was short-lived, making way for the first socialist government, that of PSOE leader *Felipe Gonzalez*.

### 3.5.5 The beginning of parliamentary democracy, the ILO's mission

The general elections of 1982 were surprising for their outcome, which meant a big step for the real victory of democracy in the country, as the UCD lost to the imposing PSOE of *Felipe Gonzalez* , who won the elections with a political plan that promised security and stability in the country. The election of *Felipe Gonzalez* was not only important from the point of view of political significance, as it was the first socialist government since the Second Republic, but above all for another important significance.<sup>508</sup> In fact, the rise of *Felipe Gonzalez* brought a definitive break with the past, leading

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<sup>506</sup> *ibid*

<sup>507</sup> Casanova Julián, p.218.

<sup>508</sup> The Editors of Encyclopedia Britannica Article History, *Felipe González Márquez*, Edinburgh, Britanica.com, 2024.

to the beginning of a new historical stage in the country. In fact, with the proclamation of the Gonzalez government, the country also abandoned the period defined as democratic transition and moved into a true phase of parliamentary democracy.<sup>509</sup> Indeed, the country today is still defined under this model, which *Gonzalez* himself helped to consolidate, i.e. both as a parliamentary democracy (since the executive and legislative powers are mainly managed by Parliament and the Government) and a constitutional monarchy (since it has a king as head of state limited by the power of the Constitution).<sup>510</sup> Under his leadership, Spain also consolidated its place in international institutions, such as joining the European Economic Community (EEC) in 1986, a decisive step for the country's economic progress and its integration into the western context. Having therefore analyzed this historical period up to this point of the end of the democratic transition, the point that remains to be analyzed is the evolution of Spain's relationship with the International Labour Organization up to this point.<sup>511</sup> In fact, in 1983 a second ILO international mission took place with the aim of analyzing industrial relations and proposing solutions to emerging problems. The group of experts, composed of officials, travelled to various Spanish cities, including Madrid, Barcelona and Bilbao, to meet with members of the government, representatives of the Ministry of Labour, regional representatives and trade union leaders from organizations such as UGT, CCOO and other local unions. Although the advancement of trade union rights in the country had grown significantly, especially following the approval of Conventions Nos. 87 and 98, the mission emphasized the gaps still to be resolved at the trade union level in the country, such as the lack of effective tools for the peaceful resolution of collective labour conflicts, such as conciliation, mediation and arbitration mechanisms.<sup>512</sup> In fact, this loophole prevented an adequate management of disputes between workers and employers, even though in this context both were seen as equals, hence without the presence of favoritism towards employers, as was the case during the early *Franco* period. However, the mission emphasized that a solution did not necessarily require a new law, but could come from bilateral agreements between the social partners, i.e. between trade unions and employers' associations. In the following years, thanks to this impulse, a system of autonomous conflict resolution began to develop, based on agreements between the social partners. One of the most significant results of this process was the signing, in 1996, of the *Acuerdo sobre Solución Extrajudicial de Conflictos Laborales* (ASEC), which involved the main trade unions and employers' organizations at state level, such as CCOO, UGT.<sup>513</sup>

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<sup>509</sup> Casanova Julián, p.218.

<sup>510</sup> *ibid*

<sup>511</sup> MOHEDANO MANUELA AROCA, p.18.

<sup>512</sup> MOHEDANO MANUELA AROCA, p.18.

<sup>513</sup> *ibid*

This agreement marked a decisive step in the creation of an autonomous system of mediation, conciliation and arbitration, facilitating the resolution of labor conflicts without having to resort to the courts or state administrations.

## **Conclusion**

This thesis explored in depth the complex relations between Francoist Spain and the International Labour Organisation (ILO), highlighting how, over the decades, these were influenced by a delicate interweaving of internal and external political dynamics. The analysis showed how the Franco dictatorship sought to consolidate its power through total control of institutions, including trade unions, which were turned into propaganda tools of the regime, in total opposition to the principles of trade union freedom and social justice promoted by the ILO. Spain's initial period of international isolation, especially after the end of World War II, had a fundamental impact on its relations with the ILO. Spain, due to its authoritarian policy and repression of trade union freedoms, was initially excluded from the main international organizations, including the ILO. This exclusion, combined with the international condemnation of the regime, made it impossible for Spain to be part of a constructive dialogue on labour rights. Despite its isolation, international pressure, particularly from the United States and its Western allies in the context of the Cold War, forced Spain into a gradual rapprochement with the ILO. Starting in the 1950s, Spain, driven by the need to gain international legitimacy and political and economic support, began to make formal concessions in the trade union field. Cooperation with the ILO, however, never led to a real democratic opening. Rather, the legislative changes introduced by the regime, such as the Collective Bargaining Law of 1958, were tools to mask continued internal repression and to justify Spain's apparent adherence to international standards without real substantive change. The promotion of an idea of 'social harmony' under the Franco regime clashed with the reality of a suffocated working class with no real trade union rights. The final chapter of the thesis analyzed the period of democratic transition, from Franco's death in 1975 until the 1980s, when Spain began to re-enter the international system with new perspectives. The end of the dictatorship and the beginning of the democratization process, which also took shape through the adoption of the 1978 Constitution, represented a crucial moment for Spain not only politically, but also socially and economically. In this context, the ILO played a fundamental role in monitoring the evolution of the trade union situation in Spain and providing support for compliance with international labour conventions. The ratification process of Conventions 87 and 98 on trade union independence and collective bargaining represented a milestone in the creation of a freer and fairer environment for Spanish workers. However, the transition was not without difficulties. The

birth of the *Comisiones Obreras* (CC.OO), initially a clandestine movement, and the growing mobilization of workers showed that the road to full trade union democracy in Spain was still a long one. Despite the rapprochement of the ILO and the gradualness of the reforms, the trade unions and social movements had to face internal resistance, both political and economic, to the full opening towards trade union pluralism and freedom of association. The regime's reaction to the growing trade union opposition, as well as the attempt to delegitimize demands for change, showed how deep authoritarian control was entrenched in the political and social life of the country. In light of the findings of the research, it can be said that relations between Francoist Spain and the ILO were marked by a continuous tension between Spain's geopolitical demands and its refusal to conform to the fundamental principles of trade union freedom and social justice. However, the evolution of these relations, culminating in the democratic transition, shows how, through a long process of negotiation and change, Spain managed to progressively integrate itself into the international system, ratifying workers' rights and participating in the creation of a fairer social protection system. In conclusion, this thesis has sought to show that the fight for trade union freedom in Spain was not only a domestic battle, but also an international one, with the ILO playing a key role in defending workers' rights against the oppression of an authoritarian regime. Spain's experience teaches us that democratization and the affirmation of social rights are complex and gradual processes that require the contribution of national and international actors to ensure that the principles of social justice and equality are fully respected. Spain, through its transition, has managed to evolve, but the commitment to full democracy and respect for human rights continues to be a path that evolves over time, always under the supervision of institutions such as the ILO, which remain crucial instruments in the promotion of social justice globally.

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## Bibliography

Archivo General de la Administracion (AGA), , «*Centesimo Informe del Comite de Libertad Sindacal*», Madrid, Asuntos Exteriores, AGA, 1967.

Archivo General de la Administracion (AGA), «*Declaracion de la CIOSL sometida al grupo de estudio*», Boletin de la CIOSL, Relaciones Exteriores Sinacales, AGA, 1969.

Archivo General de la Administracion (AGA), , «*Letra a Wilfred Jenks*», Madrid, Asuntos Exteriores, AGA», 1968.

Archivo General de la Administracion (AGA), *La situacion laboral y sindical en Espana, Informe Preliminar del grupo de estudio de la OIT*», Geneva, Organizacion Internacional del Trabajo, Asuntos Exteriores, 1969.

Albalade Lafita Joaquín, «*The influence of international labour Conventions on labour law and social change in Spain*», International Labour Organization, 1979, pp.443-457.

<https://researchrepository.ilo.org/esploro/outputs/journalArticle/The-influence-of-international-labour-Conventions/995274645502676>

Alcántara Pablo , «*La Secreta de Franco*», Planetadelibros, 2022.

<https://www.planetadelibros.com/libro-la-secreta-de-franco/346263>

Ángel Miguel, «*La democracia orgánica: participación y representación política en la España de Franco*», Barcelona, Departamento de Historia Contemporánea, Universidad de Barcelona, 2015,

<https://repositorio.uam.es/handle/10486/674520>

Archivo Linz de la Transición española , «*Solís presentó ayer el proyecto de Ley Sindical*», Fundación Juan March, march.es, 1969.

<https://www.march.es/es/coleccion/archivo-linz-transicion-espanola/ficha/solis-presento-ayer-proyecto-ley-sindical--linz%3AR-59939>

Arguelles Blanco «*Recepción en España y dificultades de aplicación de los convenios fundamentales de la OIT: en particular, sobre los convenios núm. 87 y núm. 98*», Oviedo, *Documentación Laboral*, Universidad de Oviedo, 2019, fasc. 116, 17–26.

<https://dialnet.unirioja.es/servlet/articulo?codigo=6939783>

Avilés Antonio Ojeda, «*LA LIBERTAD SINDICAL BAJO EL PRISMA DE LA OIT. EL CASO ESPAÑOL*», Madrid, Revista del Ministerio de Empleo y Seguridad Social, Dialnet, 2012.

<https://dialnet.unirioja.es/servlet/articulo?codigo=5214001>

Bellati, Sara «*L'Organizzazione Internazionale del Lavoro: Core Labour Standards e sistemi di controllo.*» Thesis, , Venice, Università Ca' Foscari Venezia, 2014.

<http://dspace.unive.it/handle/10579/5288>

Bernal García, Francisco. «*El sindicalismo vertical : control laboral y represtación de intereses en la España franquista : la delegación nacional de sindicatos (1936-1945)*» Thesis, Florence, European University, 2008.

<https://cadmus.eui.eu/handle/1814/10411>

Berzal de la Rosa Enrique, «*La acción de los Ugetistas en la Organización Internacional del Trabajo: contrarrestar el sindicalismo franquista en el mundo (1969-1976)*». *Hispania: Revista española de historia*, Dialnet, 2018.

<https://dialnet.unirioja.es/servlet/articulo?codigo=6547327>

Biblioteca Nacional de España, Para la libertad. El proceso 1001 contra la clase trabajadora, Ministerio de la Presidencia, 2013.

<https://www.google.com/search?client=safari&rls=en&q=Biblioteca+Nacional+de+España,+Para+la+libertad.+El+proceso+1001+contra+la+clase+trabajadora,+Ministerio+de+la+Presidencia,+2013.&ie=UTF-8&oe=UTF-8>

Biblioteca Nacional de España , «*Para la libertad. El proceso 1001 contra la clase trabajadora*», Biblioteca Nacional de España, 2023.

<https://www.bne.es/es/agenda/para-libertad-proceso-1001-contra-clase-trabajadora>.

Boletín Oficial del Estado, «*Ley de 24 de abril de 1958 sobre Convenios Colectivos Sindicales* », Madrid, Jefatura del Estado, Ministerio de Asuntos Exteriores, 1958, pp.739-740.

<https://www.boe.es/buscar/doc.php?id=BOE-A-1958-6679>

Boletín Oficial del Estado, «*Ley 14/1966, de 18 de marzo, de Prensa e Imprenta*», Madrid, Jefatura del Estado, Ministerio de Asuntos Exteriores, 1966.

<https://www.boe.es/buscar/act.php?id=BOE-A-1966-3501>.

Boletín Oficial del Estado, «*Decreto-ley 9/1968, de 16 de agosto, sobre represión del bandidaje y terrorismo*», Madrid, Jefatura del Estado, Ministerio de Asuntos Exteriores, 1968.

<https://www.boe.es/buscar/doc.php?id=BOE-A-1968-1016>

Boletín Oficial del Estado, «*Decreto-ley 5/1975 sobre regulación de los conflictos colectivos de trabajo*», Madrid, Jefatura del Estado, Ministerio de Asuntos Exteriores, 1975.

<https://www.boe.es/buscar/doc.php?id=BOE-A-1975-10967>

Boletín Oficial del Estado, , «*Ley 19/1977, de 1 de abril, sobre regulación del derecho de asociación sindical*», Madrid, Jefatura del Estado, Ministerio de Asuntos Exteriores, 1977.

<https://www.boe.es/buscar/doc.php?id=BOE-A-1977-8602>

Boletín Oficial del Estado, «*Ley de Responsabilidades Políticas,* », Madrid, Jefatura del Estado, Ministerio de Asuntos Exteriores, 1939.

<https://www.boe.es/datos/pdfs/BOE/1939/044/A00824-00847.pdf>

Boletín Oficial del Estado, «*Ley para la seguridad del Estado*», Madrid, Jefatura del Estado, Ministerio de Asuntos Exteriores, 1941.

<https://www.boe.es/buscar/doc.php?id=BOE-A-1941-3408>



Boletín Oficial del Estado, «*Ley Orgánica del Estado*», Madrid, Jefatura del Estado», Ministerio de Asuntos Exteriores, 1967.

<https://www.boe.es/buscar/doc.php?id=BOE-A-1967-5>

Boletín Oficial del Estado, , «*Ley Orgánica 11/1985, de 2 de agosto, de Libertad Sindical*», Madrid, Jefatura del Estado, 1985.

<https://www.boe.es/buscar/act.php?id=BOE-A-1985-16660>

Boletín Oficial del Estado, «*Decreto por el que se concede indulto con motivo del XXXV aniversario de la exaltación a la Jefatura del Estado*», Madrid, Justicia y Memoria Histórica, 1971.

[https://www.boe.es/biblioteca\\_juridica/anuarios\\_derecho/articulo.php?lang=va&id=ANU-P-1971-30078400785](https://www.boe.es/biblioteca_juridica/anuarios_derecho/articulo.php?lang=va&id=ANU-P-1971-30078400785)

Britannica, Falange as political organization, Britannica.com, 2012.

<https://www.britannica.com/topic/Falange>

International Labour Organization, «*C98 - Convenzione sul diritto di organizzazione e di negoziazione collettiva*», Geneva, International Labour Organization, 1949.

<https://www.ilo.org/it/resource/c98-convenzione-sul-diritto-di-organizzazione-e-di-negoziazione-collettiva>

Calvo Hidalgo, «*El sindicalismo durante la transición democrática española. La evolución de CCOO*» Vallaboid, Universidad de Vallaboid, 2017.

<https://uvadoc.uva.es/handle/10324/28632>.

Cantos Víctor, «*Ley Orgánica del Estado de 1967*» , Comentario de Historia, Aula de Historia, 2011.

<https://auladehistoria.org/ley-organica-del-estado-de-1967/>

Carnicer Miguel, Ángel Ruiz, «*Fascistas “de izquierdas” en los años sesenta. La búsqueda de las bases populares para el proyecto de una izquierda nacional en la España de Franco*», Zaragoza, Universidad de Zaragoza, Dialnet, 2014.

<https://dialnet.unirioja.es/servlet/articulo?codigo=5036555>

Casanova Julián, Breve historia de España en el siglo XX, Barcelona, Editorial Ariel, S.A, 2012.

<https://www.abebooks.it/9788434400689/Breve-historia-España-siglo-XX-8434400685/plp>

Casero Sergi, *El Pacto del Olvido*, Madrid, Matadero Madrid, 2022.

<https://www.mataderomadrid.org/programacion/el-pacto-del-olvido>

Ceccanti Stefano, *Golpe Tejero, storia del colpo di stato fallito*, Il Riformista, 2021.

<https://www.ilriformista.it/golpe-tejero-storia-del-colpo-di-stato-fallito-che-fece-fiorire-la-terza-spagna-197418/>

Cerrato Fernando Ruiz, *El Bunker*, Madrid, PSOE, psoc.es, 2010.

<https://www.google.com/search?client=safari&rls=en&q=Cerrato+Fernando+Ruiz,+El+Bunker,+Madrid,+PSOE,+psoc.es,+2010.&ie=UTF-8&oe=UTF-8>

Cervantes, Biblioteca Virtual, «*Pasado y Memoria. Revista de Historia Contemporánea. Núm. 1 (2002). Instituciones y sociedad en el franquismo*», Biblioteca Virtual Miguel Cervantes, 2002.  
<https://www.cervantesvirtual.com/obra/pasado-y-memoria-revista-de-historia-contemporanea-num-1-instituciones-y-sociedad-en-el-franquismo-2002-780468/>

Contreras Casado Manuel, *La ley para la reforma política*, Zaragoza, Universidad de Zaragoza, Dialnet, 2015.  
<https://dialnet.unirioja.es/servlet/articulo?codigo=5683185>

Davis Andrea, *The death of Franco, Columbus USA, Orgins Curent Events in Historical Perspective*, The Ohio State University, 2010.  
<https://origins.osu.edu/author/andrea-davis>

De la Guardia, Martín, Manuel Ricardo, «*La organización sindical española ante la ley de febrero de 1971: tácticas propagandísticas en la conformación de un estado de opinión*», Vallaboid, Investigaciones históricas: Época moderna y contemporánea, Universidad de Vallaboid, 1991, fasc. 11, 273–96.  
<https://uvadoc.uva.es/handle/10324/20040?show=full>

DEL ÁGUILA, J, *El TOP*, «*La represión de la libertad (1963-1977)*, Barcelona, Mapa de la Memoria Democrática», Planeta, 2001.  
<https://edicionesgps.es/producto/el-top-la-represion-de-la-libertad-1963-1977/>

EL PAÍS, «*Aquilino Morcillo, ex director de 'Ya', fallece en Madrid a los 77 años*, », Madrid, EL PAÍS, 1990.  
<https://www.google.com/search?client=safari&rls=en&q=EL+PAÍS,+Aquilino+Morcillo,+ex+director+de+%27Ya%27,+fallece+en+Madrid+a+los+77+años,+Madrid,+EL+PAÍS,+1990.&ie=UTF-8&oe=UTF-8>

FERNANDEZ SOLDEVILLA GAIZKA, «*LA EFÍMERA VIDA DEL FRAP*», Madrid, La Aventura de la Historia, 2023.  
<https://www.laaventuradelahistoria.es/la-efimera-vida-del-frap>

Ferrer González, Cristian, «*Patronos, jerarcas y franquistas : actitudes y recursos coercitivos ante el surgimiento de la protesta obrera, 1962-1976*», Barcelona, Universitat Autònoma de Barcelona, 2020, *Páginas* 12 (28).  
<https://portalrecerca.uab.cat/en/publications/patronos-jerarcas-y-franquistas-actitudes-y-recursos-coercitivos->

Friedmann, Wolfgang G. «*Reviewed Work: The Common Law of Mankind by C. Wilfred Jenks Review*», *Columbia Law Review*, JSTOR, 1959, pp. 533-537.  
<https://www.jstor.org/stable/1120132>

Fundación Juan Muñiz Zapico, «*Los Mártires de Carbayín. Ochobre 1934*», Comisiones Obreras de Asturias, 2013.  
<https://www.fundacionjuanmunizzapico.org/masInf/martiresCarbayin.htm>

Fundación Juan Muñiz Zapico, «*HUELGAS DE 1962 » Resumen de prensa*», Comisiones Obreras de Asturias, 2020.

[https://www.fundacionjuanmunizzapico.org/huelgas1962/huelgas1962\\_prensa\\_2012\\_05.htm?IdNoticia=p\\_20120728](https://www.fundacionjuanmunizzapico.org/huelgas1962/huelgas1962_prensa_2012_05.htm?IdNoticia=p_20120728)

Fundacion Pablo Iglesias, *Sanchez Masas Ferlosio Miguel*, Fundacion Pablo Iglesias, 2012.

[https://fpabloiglesias.es/entrada-db/6130\\_sanchez-mazas-ferlosio-miguel/](https://fpabloiglesias.es/entrada-db/6130_sanchez-mazas-ferlosio-miguel/)

Gago Vaquero, Francisco, «*El cincopuntismo durante los años sesenta y setenta*». *Tiempo y sociedad*, Dialnet, 2013, fasc. 12, 81–137.

<https://cgtmurcia.org/el-cincopuntismo-durante-los-anos-sesenta-y-setenta/>

García, Basilisa López, «*Discrepancias entre el Estado franquista y las asociaciones obreras católicas en 1960*», Murcia, *Anales de Historia Contemporánea*, Universidad de Murcia, 1985.

<https://revistas.um.es/analeshc/article/view/106771>

García Colmenares, Pablo, «*Incapacidad del sindicato vertical y auge del movimiento obrero, 1962-1976; Conflictividad y movimientos sociales en Castilla y León*», Dialnet, 2010, pp. 15–44.

<https://dialnet.unirioja.es/servlet/articulo?codigo=3395385>

Giménez Martínez Miguel Angel, «*El sindicalismo vertical en la España franquista: principios doctrinales, estructura y desarrollo*», *Revistas Jurídicas*, Universidad de Castilla-La Mancha, 2015.

<https://revistas.juridicas.unam.mx/index.php/historia-derecho/article/view/10213>

Gil Andres, «*¿Qué fueron los Pactos de la Moncloa de los que tanto se habla estos días?* », Madrid, *elDiario.es*, 2022.

[https://www.eldiario.es/politica/pactos-moncloa-habla-dias\\_1\\_1213736.html](https://www.eldiario.es/politica/pactos-moncloa-habla-dias_1_1213736.html)

G.L. Munck, *Democratic Transitions*, *International Encyclopedia of the Social & Behavioral Science*, Science Direct, 2001.

<https://www.sciencedirect.com/topics/social-sciences/democratic-transition>

Heijden, P.F. van der, e A.G. Koroma, «*International Labour Organization: Review of ILO supervisory mechanism: The Standards Initiative: Joint report of the Chairpersons of the Committee of Experts on the Application of Conventions and Recommendations and the Committee on Freedom of Association*», Geneva, INTERNATIONAL LABOUR OFFICE, 2016.

<https://www.ilo.org/resource/conference-paper/gb/326/standards-initiative-joint-report-chairpersons-committee-experts>

Herrerín López, Ángel, «*La CNT y el Sindicato Vertical: la quimera de la libertad sindical con Franco*». *Espacio, tiempo y forma. Serie V, Historia contemporánea*, UNED, 2000, fasc. 13, 125–68.

<https://portalcientifico.uned.es/documentos/5f88ea9229995259ef29313f>

IBÁÑEZ SALAS JOSE, «*Los estados de excepción bajo el franquismo: aquellos toques de queda*», *Nuevatribuna.es*, 2020.

<https://www.nuevatribuna.es/articulo/cultura---ocio/estados-excepcion-franquismo-toques-queda/20201029171051180711.html>

International Labour Organization, «*Historical List of Officers of the ILO Governing Body*», 2022.  
<https://www.ilo.org/resource/other/historical-list-officers-ilo-governing-body-composition-historique-du>

Houston, John A, «*The United Nations and Spain*», *The Journal of Politics*, JSTOR, 1952, pp. 683–709.  
<https://www.jstor.org/stable/2126447>

International Labour Conference, *Record of proceedings : International Labour Conference, 29th Session, Montreal, International Labour Organization, 1946*.  
<https://www.google.com/search?client=safari&rls=en&q=International+Labour+Conference,+Record+of+proceedings+%3A+International+Labour+Conference,+29th+Session,+Montreal,+International+Labour+Organization,+1946.&ie=UTF-8&oe=UTF-8>

International Labour Conference , «*Record of proceedings : International Labour Conference, 54th Session, Geneva, 1970*», Geneva, International Labour Organization, 1971.  
[https://labordoc.ilo.org/discovery/fulldisplay?docid=alma994690193402676&context=L&vid=41ILO\\_INST:41ILO\\_V2&lang=en&search\\_scope=ILO\\_ILC&adaptor=Local Search Engine&tab=ILO\\_Documents&query=creator,exact,International Labour Office,AND&facet=creator,exact,International Labour Office&mode=advanced&offset=40](https://labordoc.ilo.org/discovery/fulldisplay?docid=alma994690193402676&context=L&vid=41ILO_INST:41ILO_V2&lang=en&search_scope=ILO_ILC&adaptor=Local Search Engine&tab=ILO_Documents&query=creator,exact,International Labour Office,AND&facet=creator,exact,International Labour Office&mode=advanced&offset=40)

International Labour Conference, «*Record of Proceedings: International Labour Conference, 59th Session, Geneva, 1974*», Geneva, International Labour Organization, 1975.  
[https://labordoc.ilo.org/discovery/fulldisplay?vid=41ILO\\_INST:41ILO\\_V1&tab=Everything&docid=alma994690133402676&lang=en&context=L&adaptor=Local Search Engine&query=sub,exact,employment accident benefit&offset=30](https://labordoc.ilo.org/discovery/fulldisplay?vid=41ILO_INST:41ILO_V1&tab=Everything&docid=alma994690133402676&lang=en&context=L&adaptor=Local Search Engine&query=sub,exact,employment accident benefit&offset=30)

International Labour Conference, «*Record of Proceedings: International Labour Conference, 60th Session, Geneva, 1975*», Geneva, International Labour Organization, 1976.  
International Labour Organization». 1975. 1975.  
[https://labordoc.ilo.org/discovery/fulldisplay?vid=41ILO\\_INST:41ILO\\_V2&docid=alma994690123402676&lang=en&context=L&adaptor=Local%20Search%20Engine](https://labordoc.ilo.org/discovery/fulldisplay?vid=41ILO_INST:41ILO_V2&docid=alma994690123402676&lang=en&context=L&adaptor=Local%20Search%20Engine).

International Labour Conference, «*Record of Proceedings: International Labour Conference, 63rd Session, Geneva, 1977*», Geneva, International Labour Organization, 1978.  
[https://labordoc.ilo.org/discovery/fulldisplay?docid=alma994689793402676&context=L&vid=41ILO\\_INST:41ILO\\_V2&lang=en&search\\_scope=ILO\\_ILC&adaptor=Local Search Engine&tab=ILO\\_Documents&query=creator,exact,International Labour Office,AND&facet=creator,exact,International Labour Office&mode=advanced&offset=60](https://labordoc.ilo.org/discovery/fulldisplay?docid=alma994689793402676&context=L&vid=41ILO_INST:41ILO_V2&lang=en&search_scope=ILO_ILC&adaptor=Local Search Engine&tab=ILO_Documents&query=creator,exact,International Labour Office,AND&facet=creator,exact,International Labour Office&mode=advanced&offset=60)

International Labour Conference, «*Record of proceedings : International Labour Conference, 64th Session, Geneva, 1978*», Geneva, International Labour Organization, 1978.  
[https://labordoc.ilo.org/discovery/fulldisplay?docid=alma994689783402676&context=L&vid=41ILO\\_INST:41ILO\\_V2&lang=en&search\\_scope=ILO\\_ILC&adaptor=Local Search Engine&tab=ILO\\_Documents&query=creator,exact,International Labour Office,AND&facet=creator,exact,International Labour Office&mode=advanced&offset=60](https://labordoc.ilo.org/discovery/fulldisplay?docid=alma994689783402676&context=L&vid=41ILO_INST:41ILO_V2&lang=en&search_scope=ILO_ILC&adaptor=Local Search Engine&tab=ILO_Documents&query=creator,exact,International Labour Office,AND&facet=creator,exact,International Labour Office&mode=advanced&offset=60)

International Labour Organization, «*Committee on Freedom of Association (CFA)*», Geneva, ILO Supervisory System, International Labour Organization, 2024.

<https://www.ilo.org/international-labour-standards/ilo-supervisory-system-regular-supervision/applying-and-promoting-international-labour-standards/committee-freedom-association-cfa>

International Labour Organization, Freedom of Association Cases, Case-Law 704, Geneva, International Labour Organization, NORMLEX, 1973.

[https://normlex.ilo.org/dyn/normlex/en/f?p=1000:50001:0::NO:50001:P50001\\_COMPLAINT\\_FILE\\_ID:2896223](https://normlex.ilo.org/dyn/normlex/en/f?p=1000:50001:0::NO:50001:P50001_COMPLAINT_FILE_ID:2896223)

International Labour Organization, «*Freedom of Association Cases, Case-Law 294*», Geneva, International Labour Organization, NORMLEX, 1963.

[https://normlex.ilo.org/dyn/normlex/en/f?p=1000:50001:0::NO:50001:P50001\\_COMPLAINT\\_FILE\\_ID:2896223](https://normlex.ilo.org/dyn/normlex/en/f?p=1000:50001:0::NO:50001:P50001_COMPLAINT_FILE_ID:2896223)

International Labour Organization, «*Report of the Committee of Experts on the Application of Conventions and Recommendations (Articles 19, 22 and 35 of the Constitution)*», International Labour Organization, 2023.

<https://www.ilo.org/resource/conference-paper/ilc/111/report-committee-experts-application-conventions-and-recommendations>.

International Labour Organization, «*The ILO Governing Body at a Glance*», Geneva, International Labour Organization, 2023.

<https://www.ilo.org/resource/conference-paper/ilo-governing-body-glance>.

International Labour Organization, «The International Labour Conference in 5 minutes», Geneva, ilo.org, ILO, 2024.

<https://www.ilo.org/international-labour-conference>

International Labour Organization, «Francis Blanchard», Geneva, International Labour Organization, 2010.

<https://www.ilo.org/resource/francis-blanchard-0>

Instituto Historico Bachiller Sabuco, Las siete leyes fundamentales del franquismo, Instituto Historico Bachiller Sabuco.

[https://www.sabuco.com/historia/Leyes\\_fundamentales\\_del\\_franquismo.pdf](https://www.sabuco.com/historia/Leyes_fundamentales_del_franquismo.pdf)

Javier Rodrigo, «*Was There a Resistance Fascism? Narratives about Falange's Place in the Franco Regime*», Barcelona, Journal of Comparative Fascist studies, Brill, 2024.

<https://www.google.com/search?client=safari&rls=en&q=avier+Rodrigo,+«Was+There+a+Resistance+Fascism%3F+Narratives+about+Falange's+Place+in+the+Franco+Regime»,+Barcelona,+Journal+of+Comparative+Fascist+studies,+Brill,+2024,&ie=UTF-8&oe=UTF-8>

Jiménez Fernando, «El caso Matesa: Un escándalo político en un régimen autoritario», Madrid, Historia y política Ideas, procesos y movimientos sociales, Dialnet, 2000.

<https://dialnet.unirioja.es/servlet/articulo?codigo=295722>

Jiménez, Francisco J. Rodríguez, «La AFL-CIO y el sindicalismo español, 1953-1971». *Hispania*, Biblioteca Virtual Miguel Cervantes, 2015, pp. 863–92.

<file:///Users/macbook/Downloads/la-afl-cio-y-el-sindicalismo-espanol-1953-1971.pdf>

Lizbeth Yvey, *The Tram Boycott in Barcelona*, Vancouver, Collaborative Organization for Virtual Education, 2008.

<https://editions.covecollective.org/chronologies/tram-boycott-barcelona>

López Cerezo, Rubén, «*Historia del sindicalismo: de la Transición a la Democracia*», Vallaboid, Universidad de Vallaboid, 2013.

<https://uvadoc.uva.es/handle/10324/4175>

López Díaz Jesús, *Vivenda social y falange: Ideario y construcciones en la década de los 40*, Barcelona, REVISTA ELECTRÓNICA DE GEOGRAFÍA Y CIENCIAS SOCIALES, Researchgate, 2003.

<https://www.google.com/search?client=safari&rls=en&q=López+Díaz+Jesús,+Vivenda+social+y+falange%3A+Ideario+y+construcciones+en+la+década+de+los+40,+Barcelona,+REVISTA+ELECTRÓNICA+DE+GEOGRAFÍA+Y+CIENCIAS+SOCIALES,+Researchgate,+2003.&ie=UTF-8&oe=UTF-8>

López García, Basilisa, «*Discrepancias entre el Estado franquista y las asociaciones obreras católicas en 1960: La correspondencia del cardenal Plá I Deniel y el ministro Solís*», Murcia, Anales de Historia Contemporánea, Revistas Científicas de la Universidad de Murcia, 1985.

<https://revistas.um.es/analeshc/article/view/106771>

López Rosario Sánchez, *El sindicato vertical: dimensión teórica y ámbito pragmático de una institución del Franquismo*, Murcia, Universidad de Murcia, Dialnet, 1999.

<https://dialnet.unirioja.es/servlet/tesis?codigo=18861>

Marín Arce, José María, «*La Coordinadora de Organizaciones Sindicales (COS): una experiencia de unidad de acción sindical durante la transición*», Espacio, tiempo y forma. Serie V, Historia contemporánea, Dialnet, 1996, fasc. 9, 295–314.

<https://dialnet.unirioja.es/servlet/articulo?codigo=148073>

Martínez, Miguel Ángel Giménez, «*El sindicalismo vertical en la España franquista: principios doctrinales, estructura y desarrollo*», Madrid, Revista Mexicana de Historia del Derecho, Centro de Estudios Mexicanos, 2015, 223–57.

<https://revistas.juridicas.unam.mx/index.php/historia-derecho/article/view/10213>

Mateos López, Abdón, «*La denuncia del sindicato vertical*», Madrid, Consejo Económico y Social, Confederación Sindical de Comisiones Obreras, 1997.

<https://www.ccoo.es/3ab5fb48c1ba6c165bb416c4dc34246d000001.pdf>

Mateos López, Abdón, «*Vieja y nueva oposición obrera contra Franco*», Historia contemporánea, Universidad del País Vasco, 2003, fasc. 26, 77–89.

<https://addi.ehu.es/handle/10810/37948>

Mateos López, Abdón, «*El socialismo español ante el cambio político posfranquista: apoyo internacional y federalización*», Historia contemporánea, Universidad del País Vasco, 2017.

<https://doi.org/10.1387/hc.17586>

MARÍN ARCE JOSÉ MARÍA, «*La Coordinadora de Organizaciones Sindicales (COS)*», Espacio, tiempo y forma, Historia Contemporanea, Dialnet, 1996.

<https://dialnet.unirioja.es/servlet/articulo?codigo=148073>

Maul, Daniel, «*The International Labour Organization 100 Years of Global Social Policy*», International Labour Organization, 2019.

<https://www.ilo.org/publications/international-labour-organization-100-years-global-social-policy>

Mera Bengoa Jose Miguel, *LA HUELGA DE BANDAS. Revisión en su 50 aniversario*, Ediciones Beta, Adebook.it, 2017

[https://www.abebooks.it/huelga-Bandas-revisión-aniversario-1959-1969-década/31758615194/bd?cm\\_sp=snippet- -srp0- -tile9&searchurl=an=agustin+ibarrola%26ds=10%26rollup=off%26sortby=17](https://www.abebooks.it/huelga-Bandas-revisión-aniversario-1959-1969-década/31758615194/bd?cm_sp=snippet- -srp0- -tile9&searchurl=an=agustin+ibarrola%26ds=10%26rollup=off%26sortby=17)

Mohedano, Manuela Aroca, «*UGT ante la OIT (1975-1985): de la denuncia de la dictadura a la homologación internacional del modelo sindical español*», Vallaboid, Investigaciones Históricas, Época Moderna y Contemporánea, Universidad de Vallaboid, 2023, fasc. 43 (diciembre), 841–68.

<https://doi.org/10.24197/ihemc.43.2023.841-868>.

Moreno, Juan, «*UNA CRONOLOGÍA DE CCOO DURANTE EL FRANQUISMO*», Diaro Digital Nueva Tribuna, 2013.

<https://www.nuevatribuna.es/media/nuevatribuna/files/2016/10/04/0-3.pdf>

Muñoz Campos, Juan, «*La Ley Sindical que deviene de la Ley Orgánica*», Revista de fomento social, Universiad Loyola, 1967, fasc. 87 , 251–58.

<https://revistas.uloyola.es/rfs/article/view/4076>

Murcia, Joaquín García, «*La influencia de los convenios y recomendaciones de la OIT en la legislación social española*», Agencia Estatal Boletín Oficial del Estado, Dialnet, 2024.

<https://dialnet.unirioja.es/servlet/libro?codigo=962578>.

Ojeda Avilés, Antonio, e Miguel Pérez, «*LA LIBERTAD SINDICAL BAJO EL PRISMA DE LA OIT. EL CASO ESPAÑOL*», Revista Direito das Relações Sociais e Trabalhistas, ResearchGate, 2019.

<https://doi.org/10.26843/mestradoDireito.v5i1.148>.

Organizzazione Internazionale del lavoro, «*CONVENZIONE SUL DIRITTO DI ORGANIZZAZIONE E DI NEGOZIAZIONE COLLETTIVA*», Geneva, ilo.org, ILO, 1949.

<https://www.ilo.org/it/resource/c98-convenzione-sul-diritto-di-organizzazione-e-di-negoziazione-collettiva>

Organizzazione Internazionale del Lavoro, «*Costituzione dell'Organizzazione internazionale del lavoro*», Montreal, Fedlex, 2015.

[https://www.fedlex.admin.ch/eli/cc/1948/915\\_891\\_861/it](https://www.fedlex.admin.ch/eli/cc/1948/915_891_861/it)

Ortiz Bonifacio, «*Asturies: la "Huelgona" de 1962*», MEMORIA DEL ANTIFRANQUISMO, VientoSur, 2012

<https://vientosur.info/asturies-la-huelgona-de-1962/>

Palmowski Jan, *A dictionary of Contemporary World History*, Oxford, Oxford Reference, 2008.  
<https://www.oxfordreference.com/abstract/10.1093/acref/9780199295678.001.0001/acref-9780199295678>

Preciado, Juan Moreno, «EL PAPEL DE CCOO EN LA OIT DURANTE EL FRANQUISMO Y EN LOS INICIOS DE LA DEMOCRACIA», Relats.org, 2019.  
<http://www.relats.org/documentos/OIT.Moreno.pdf>

Quer, Àlex Amaya, «La figura de Franco en el discurso de la Organización Sindical Española durante los años del desarrollismo a través del Diario Pueblo (1957-1969)», Barcelona, Hispania, 2008.  
<https://doi.org/10.3989/hispania.2008.v68.i229.87>.

Quer, Àlex Amaya, «El acelerón sindicalista y sus contradicciones internas: imagen y realidad en la propaganda de la OSE, 1957-1969», Ayer. Revista de Historia Contemporánea, JSTOR, 2009.  
<https://www.jstor.org/stable/41326048>

Quinteiro Martinez Esther, *La denuncia del Sindacato Vertical Volumen II*, Madrid, Coleccion Estudios CONSEJO ECONOMICO SOCIAL, Confederacion Sindical de Comisiones Obreras, 1997.  
<https://www.ccoo.es/c33fba77a69e346a6c73e6ffc6249437000001.pdf>

Ramundo Ana, «El archivo del diario “Pueblo”. Un referente para la historia de la prensa en España durante el franquismo y la transición democrática», Madrid, Revistas Científicas Complutense, Universidad Complutense de Madrid, 2013.  
<https://www.google.com/search?client=safari&rls=en&q=El+archivo+del+diario+“Pueblo”.+Un+referente+para+la+historia+de+la+prensa+en+España+durante+el+franquismo+y+la+transición+democrática&ie=UTF-8&oe=UTF-8>

Real Academia de la Historia, «Luis Carrero Blanco», Ministerio de Ciencia, Innovacion y Universidades, DBE, 2012.  
<https://dbe.rah.es/biografias/10875/luis-carrero-blanco>

Redero San Román, Manuel, e Pérez Delgado, Francisco, «Sindicalismo y transición política en España», Ayer Revista de Historia Contemporanea, 1994, fasc. 15, 189–222.  
[https://revistaayer.com/sites/default/files/articulos/15-7-ayer15\\_LaTransicionalademocraciaenEspana\\_Redero.pdf](https://revistaayer.com/sites/default/files/articulos/15-7-ayer15_LaTransicionalademocraciaenEspana_Redero.pdf)

Rodrigo Javier, «Was There a Resistance Fascism? in: Fascism», *Fascism*, Brill, 2024, Volume 13 Issue 1.  
[https://brill.com/view/journals/fasc/13/1/article-p122\\_7.xml](https://brill.com/view/journals/fasc/13/1/article-p122_7.xml).

Rodríguez Jiménez Francisco Javier, «Trade Unionism and Spain-Us Political Relations, 1945-1953», *Ventunesimo Secolo*, JSTOR, 2016, pp. 96-124.  
<https://www.jstor.org/stable/45186207>

Román, Jorge Garrido, «La Transición española en el ámbito sindical», Union Nacion de Trabajadores, 2012.



[http://www.sindicatount.es/textos/la\\_transicion\\_espanola\\_en\\_el\\_ambito\\_sindical.pdf](http://www.sindicatount.es/textos/la_transicion_espanola_en_el_ambito_sindical.pdf)

Ruibial Gonzalez, «*The prison of Carabanchel: A Life Story*» Cambridge, Cambridge University Press, digital.cisc, 2015.

[https://digital.csic.es/bitstream/10261/126716/1/Carabanchel\\_a\\_life\\_story.pdf](https://digital.csic.es/bitstream/10261/126716/1/Carabanchel_a_life_story.pdf)

Russell Rob, «*Luis Carrero Blanco's Assassination*», Sheffield, New Histories, University of Sheffield, 2010.

<https://newhistories.sites.sheffield.ac.uk/volumes/2012-13/volume-4/issue-2-days-that-shook-the-world/luis-carrero-blancos-assassination>

Santos, Jorge Torre, «*La riconciliazione nel movimento sindacale spagnolo*», Rivista semestrale di storia, cultura, istituzioni. Spagna contemporanea, 2008.

<https://www.spagnacontemporanea.it/index.php/spacon/article/view/345>.

Saz, Ismael, «*Mucho más que crisis políticas: el agotamiento de dos proyectos enfrentados*», Valencia, Ayer, Universidad de Valencia, 2007, fasc. 68, 137–63.

<https://www.revistasmarcialpons.es/revistaayer/article/view/sanz-mucho-mas-que-crisis-politicas>

Segado-Boj, Francisco, «*Vida y muerte del Espíritu del 12 de febrero: El fracaso del último intento reformista del franquismo en el humor gráfico de la prensa diaria (1974-1975)*», Historia Critica, Redalyc, 2012.

<https://www.redalyc.org/pdf/811/81123217011.pdf>

Servais, Jean-Michel, «*España y la OIT (1975-2000): una relación mutuamente enriquecedora*», Revista de los derechos sociales. Dialnet, 2022.

<https://dialnet.unirioja.es/servlet/articulo?codigo=8316875>

Sinclair Guy Fiti, «*The Common Law of Mankind: C. Wilfred Jenks' Constitutional Vision*», New York, The Jean Monnet Working Paper Series, NYU School of Law, 2016.

<https://jeanmonnetprogram.org/paper/the-common-law-of-mankind-c-wilfred-jenks-constitutional-vision/>

Soto Carmona, Álvaro, «*Auge y caída de la organización sindical española*», Espacio, tiempo y forma. Serie V, Historia contemporánea, Dialnet, 1995, fasc. 8, 247–76.

<https://dialnet.unirioja.es/metricas/documento/ARTREV/148060>

Soto Carmona, Álvaro, «*No todo fue igual: cambios en las relaciones laborales, trabajo y nivel de vida de los españoles, 1958-1975*», Pasado y memoria: Revista de historia contemporánea, Biblioteca Miguel de Cervantes, 2006, fasc. 5, pp. 15–44.

<https://www.cervantesvirtual.com/obra/no-todo-fue-igual-cambios-en-las-relaciones-laborales-trabajo-y-nivel-de-vida-de-los-espanoles-1958-1975-930514/>

Tascón Fernández, Luis Julio, «*The organization of the labour market in Spain since 1890*», Documentos de trabajo, Facultad de Ciencias Económicas, Universidad de Oviedo, 2000

<https://digibuo.uniovi.es/dspace/handle/10651/45814>

The Governor General of Canada, «*Mr. Joseph Morris, Victoria, British Columbia*», The Governor General of Canada, 1984.

<https://www.gg.ca/en/honours/recipients/146-13680>

The Editors of Encyclopedia Britannica Article History, *Felipe González Márquez*, Edinburgh, Britanica.com, 2024.

<https://www.britannica.com/biography/Felipe-Gonzalez-Marquez>

Tierno Galván, Enrique. 1972. «Comentarios sobre la ley española de 17 de febrero de 1971», Geneva, International Labour Office, International Labour Organization, 1971.

[https://ilo.primo.exlibrisgroup.com/discovery/fulldisplay?vid=41ILO\\_INST:41ILO\\_V2&search\\_scope=ALL\\_ILO&tab=ALL\\_ILO&docid=alma991937753402676&context=L&adaptor=Local Search Engine&query=sub,exact,productivity\\_policy](https://ilo.primo.exlibrisgroup.com/discovery/fulldisplay?vid=41ILO_INST:41ILO_V2&search_scope=ALL_ILO&tab=ALL_ILO&docid=alma991937753402676&context=L&adaptor=Local Search Engine&query=sub,exact,productivity_policy)

Tomás, María Jesús Espuny. «*La Embajada de España ante la Organización Internacional del Trabajo (1978-1983)*», Barcelona, IUSLABOR, Universitat Pompeu Fabra, 2022, fasc. 2(226–63).

<https://doi.org/10.31009/IUSLabor.2022.i02.07>.

Torrents Margalef, Jorge, «*El efecto mariposa en las relaciones laborales: las imprevistas repercusiones de la introducción de convenios colectivos a partir de 1958*», Sociología del Trabajo, Universidad Complutense de Madrid, 2021, fasc. 99, 221–38.

<https://revistas.ucm.es/index.php/STRA/article/view/79036>

Vega Rubén, «Análisis históricos del sindicalismo en España. del franquismo a la estabilidad democrática», Madrid, Archivo UGT, Fundación Francisco Largo Caballero, 2013.

<http://www.relats.org/documentos/HIST.ArocaVega.pdf>

Young Glennys, «*Spain and the Early Cold War: The Isolation Paradigm Revisited*», Cambridge, Massachusetts, Journal of Cold War Studies, the MIT press, 2022.

<https://direct.mit.edu/jcws/article-abstract/24/3/43/112898/Spain-and-the-Early-Cold-War-The-Isolation-Paradigm?redirectedFrom=fulltext>

Ysàs, Pere, «*La imposible “paz social”. El movimiento obrero y la dictadura franquista*», Madrid, Historia del Presente, UNED, 2007.

<https://revistas.uned.es/index.php/HDP/article/view/41012>

Ysàs, Pere, «*El movimiento obrero durante el franquismo: de la resistencia a la movilización (1940-1975)*», Cuadernos de historia contemporánea, Universidad Complutense de Madrid, 2008, fasc. 30, 165–84.

<https://revistas.ucm.es/index.php/CHCO/article/view/CHCO0808110165A>

Zaratiegui, J. M, «*Una Europa para dos Españas. Primeros pasos hacia la integración (1957-1963)*», Navarra, Deposito Academico Digital, Universidad de Navarra, 2010.

<https://dadun.unav.edu/handle/10171/7270>