

**ANS - Portugal****WORKSHOP**Warsaw - Poland - Tuesday 20th June 2006

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"RIGHT OF ASSOCIATION - The Portuguese experience (ANS point of view)"

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For more than 48 years Portugal lived under a severe and harsh dictatorship until 25th of April, 1974 when the military (the Captains Movement) supported by the Portuguese people led a military coupe known as "The Carnation Revolution", that put an end to the dictator regime and led the country to democracy.

Unfortunately the one who provided it (the military) has not experienced this democracy given to the people.

Far before the Revolution servicemen felt the need of having representative organizations besides the existing bodies within the armed forces. With the revolutionary spirit very active in everyone mind some organizations arose: the Navy NCO Club was one of the pioneers and it was the "nest" for some other organizations to be created and, among them, our own association was and still is an example.

The embryo of today's ANS - Associação Nacional de Sargentos (Sergeants National Association) started late seventies, early eighties as CNS - Comissão Nacional de Sargentos (Sergeants National Committee) and after a meeting that gather more than 4200 sergeants, in April of 1989, in Lisbon, ANS was formally created in June 10th of that same year. At that time some responsible politicians suggested, *"ANS was nothing but a bunch of adventurers who would have no more than six months of life!"* Seventeen years after here we are to say that they were wrong and our project was right. Right and needed! Right and useful!

According with the restricted law of national defence and armed forces in 1982, military people didn't have the right of professional associations, thus the chance we had to represent the social interest of our members was via the social, cultural and deontological rights. It was in deed a thin line between legality and illegality but it was the only mechanism we got to survive and to protect and fight for the rights of our members. It was a long and hard period where some of our members were disciplinary punished and the threats and the fear were daily used to dissuade people from joining the movement. Fortunately these attempts were not totally succeeded and ANS was growing every year. Perhaps not growing as much as we would like but growing any way!

In 1992 ANS applied the observer status for EUROMIL and in 1993 we join EUROMIL with the full membership status. Since then, the experience, the support, the solidarity, the friendship and comradeship of this European organization has been very important to our association and, along with our firm determination, has helping us to achieve some of our goals.



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Even though we didn't have the right of professional association recognized in law, this fact never prevented us to contribute with our projects and ideas with different governments. We can proudly say that, in spite of the difficulties, our association proposed some of the changes towards the military people improvement of conditions of living.

By the end of 2000, we were invited by a TV channel to be present at their studio for a live statement, concerning the situation of the servicemen we represented. A disciplinary process against ANS chairman was the out-coming of it. It was a four-month long period until the process was archived with no punishment. On the course of this process we could testify the support and solidarity of EUROMIL as an organization as well from a significant number of their members by means of letters, faxes, messages addressed to several Portuguese authorities. I came to this point to stress that after this very difficult period the law was changed and in August of 2001, the Organic Law 3/2001 recognized the right of professional associations for the Portuguese military people. This law was approved unanimously at the Parliament. It was in deed a victory. But the time is showing us that it was a victory with bitter taste.

Despite the existence of the law, the following governments and the different military leadership didn't care to accomplish the law as it was written. In addition, the law states that the charter for association board members should be written and organized by a law-decree from the government. This important document was never made nor published.

Because this lack of legislation and the lack of will to accomplish the law, some servicemen faced disciplinary procedures due to their activities as board or association members. Once again we are feeling and experiencing the solidarity and support of our comrades and friends from all over Europe, under the umbrella of EUROMIL.

At this present moment, in Portugal as well as in some other European countries, we are facing profound changes in the Armed Forces organization. Different matters such as careers, wages, social, health care and many others, are under discussion to be changed. Some of them are endangering the military condition as it is stated in the law. However, associations are not integrated in the working groups concerning matters that are within their competence, as it is stated in the law. In some cases we are called to be told what is under discussion, but not to participate with the other members of the working groups.

This is our current situation. We have the law that recognizes the right written and published but it is not being accomplished. We are aware of several and different Directives from the Council of Europe, from the European Parliament or from other European authorities that our country as signed and subscribed. However these directives are still to be implemented in our country.

I'll finish my presentation saying:

When in the past we had nothing to support us in terms of laws, we dare to fight for our rights! Now that we have laws that support us and friends that help us, we will fight harder, will



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keep fighting for our rights and the rights of our families because we do believe that "the ones who fight may not win but those who do not fight are already defeated!"

The military citizens who made an oath before the flag, assuming a commitment with their countrymen of defending the constitution and accomplishing and forcing to accomplish the laws, even with the risk of giving their own lives, deserve much more respect from those that are enjoying today the democracy that was in the past given to them by the military.

That is our understanding about the concept of "Citizens in Uniform".