

PORTUGAL'S INTEREST IN THE CONTEXT OF SECURITY AND DEFENCE POLICY AND MARITIME AFFAIRS. SOME THEORETICAL CONSIDERATIONS AS PART OF THE RELATIONSHIP BETWEEN PORTUGAL AND THE EUROPEAN UNION

Jaime Ferreira da Silva

jaimefsilva@gmail.com

Holder of a Degree in Naval Military Sciences from Escola Naval (Naval School); Holder of a Master Degree in Strategy from Escola Superior de Ciências Sociais e Políticas (School of Social and Political Sciences); Currently doing a PhD in Political Science, specializing in Strategic Studies at Instituto Superior de Ciências Sociais e Políticas (Higher Institute of Social and Political Science); Researcher at the Centro de Investigação de Segurança e Defesa (Security and Defence Research Centre) of IESM and at Centro de Administração e Políticas Públicas (Public Policies and Administration Centre) of ISOSP; Lecturer of Strategy at Instituto de Estudos Superiores Militares (Institute of Higher Military Studies).

Abstract

With the accession to the European Union, Portugal became part of an area that has been moving towards greater economic and political integration. In this process, Member States have delegated part of their powers to European institutions, hoping that decisions on matters of joint interest can be made more effectively at European level. However, the current economic and financial crisis has revealed weaknesses in the European construction process that have highlighted the difficulties in achieving the convergence of Member States' national interests.

In these circumstances, this study aims to evaluate whether Portugal's interest is being properly safeguarded given the strategies and common policies enacted by the European Union within the framework of security and defence policies and affairs of the sea.

To this end, the concept of national interest is analysed in the first part in order to establish a common understanding of the subject. In the second part, Portugal's current interests are identified and the third examines EU's interests in the areas under review. The fourth part reflects on how national interests connect with European interests, seeking to highlight the opportunities to be seized and the threats to be addressed.

The analysis concluded that it is not easy to identify a clear European interest in the field of security and defence, while in the area of maritime affairs that interest is evident and requires securing the exclusive competence of the Union in the management of the biological resources of the sea. The defence of Portugal's national interest requires proper monitoring of the negotiations leading to the building of sector strategies and common EU policies.

Keywords:

Portugal; European Union; National Security; Security and Defence; Sea Affairs

How to cite this article

Silva, Jaime Ferreira da (2015). "Portugal's interest in the context of security and defence policy and maritime affairs. Some theoretical considerations as part of the relationship between Portugal and the European Union". *JANUS.NET e-journal of International Relations*, Vol. 6, N.º 1, May-October 2015. Consulted [online] on date of last visit, observare.ual.pt/janus.net/en_vol6_n1_art4

Article received on October, 1 2014 and accepted for publication on April, 15 2015



PORTUGAL'S INTEREST IN THE CONTEXT OF SECURITY AND DEFENCE POLICY AND MARITIME AFFAIRS. SOME THEORETICAL CONSIDERATIONS AS PART OF THE RELATIONSHIP BETWEEN PORTUGAL AND THE EUROPEAN UNION¹

Jaime Ferreira da Silva

1. Introduction

By joining the then European Economic Community, now the European Union (EU) in 1986, Portugal became part of an entity that has come a long way towards greater economic and political integration of the states that constitute it².

Although all Member States are sovereign and independent, they ceded part of their decision-making powers to European institutions that were since created, in the knowledge that it leads to a reconfiguration of some aspects of sovereignty. In those circumstances, it is important to take into account the cost-benefit ratio of the losses associated with the new attributes of sovereignty and the gains from integration into a larger space.

In the current climate this issue is of great importance, as the lack of a real European government to pursue community interests and the cleavages since created by the economic and financial crisis have demonstrated the difficulty in obtaining the convergence of national interests of Member States in order to pursue a clearly perceived common interest.

Accordingly, it is important to ascertain to what extent the Portugal's interest is being properly safeguarded in the context of sector strategies and common EU policies. This study aims to contribute to that evaluation in the fields of security, defence and affairs of the sea.

To this end, the work is structured into four main parts. The first analyses the concept of national interest in the light of the realistic and constructivist theories of international relations. The second identifies the current national interest in the areas concerned, based on the legal structure of the Portuguese state. The third part acknowledges the common interests of the Union by examining relevant Community documents. The fourth part reflects on how national interests are linked with those of the EU in order to identify the opportunities to be seized and the threats to be neutralized in the course of the European construction project.

¹ This article is based on the study conducted to deliver the inaugural lecture of the Institute of Higher Military Studies on 27 November 2013, on occasion of the Official Opening of the 2013/2014 Academic Year.

² Professor Armando Marques Guedes has kindly read more than one version of this article, and I thank him for his nice comments.



2. National interest in the context of International Relations

Several researchers have reflected on the concept of national interest. In order to establish a common understanding of the notion, a brief review of it is made here in the light of realistic and constructivist theories. The liberal approach is an alternative stance that has become "classical". However, liberal theories in international relations are more a family of stances than a truly coherent entity. They contrast with neo-realism and merge, in variable ways, with constructivist positions. Contrary to the neo-realists, they do not stipulate an "immutability" of the international system, even if the latter is only constituted by states that interact as if they were "billiard balls". Liberal theories focus on the "peoples" first and foremost and consider that the international system can be formally changed through the institutional channels (e.g. international and/or legal organizations), considering that, this way, international anarchy is progressively blurring; informally, the liberal positions on international relations theories allude to interim players, such as international regimes. For this reason one sees the existence of a kind of gradient between liberalism and constructivist trends in the context of international relations. This progressive fusion is felt the most in hard areas, such as security and defence, foreign policy, and strategy and the sea because they stand very close to the sovereignty of states. In this article, the liberal theories are examined within the wider framework of the so-called constructivist theories.

In international relations, the concept of national interest is used to indicate a particular need that has reached acceptable claim status on behalf of the state, but also to justify and support the pursuit of certain specific policies (Griffiths, *et al.*, 2008: 216). In a pragmatic manner, the National Defence Institute defines national interest as the "integrated and compatible expression of the wishes and concerns of individuals and groups that make up the national community", corresponding to a generalized abstraction of the aspirations and basic needs of that community (Sacchetti, 1986: 14).

The national interest has a dimension associated with the state's domestic policies and another related to its foreign policy, although globalization has dimmed the differences between the internal and external dimensions of the interests of countries (Stolberg, 2012: 13; Guedes & Elias, 2012b).

In the context of domestic policies, it is often called public interest, especially in democratic regimes, or common good, among communitarians. In that circumstance, it is understood as something that is important for the general population of a given state, as opposed to the particular interest of citizens, socio-economic groups and regions that make up that state (Bobbio, *et al.*, 1998: 642). In the context of foreign policy, the concept is usually associated with the classical realist perspective of international relations, also dubbed the "theory of the interests of the states" (Bobbio, *et al.*, 1998: 641).

This theory believes that states are the central actors in the international system and interact in a lawless environment in which there is no higher power able to set and enforce rules governing their relations. In this context, policies are based on the national interest, which is grounded on the power of each state (David, 2001: 33). As realists see international politics as essentially conflictual, states must develop a credible power to ensure their safety and protect their interests, with the military vector having a leading role in its construction. In a world where sovereign states compete for resources, the nation's survival becomes the essential national interest.



Once survival is guaranteed, the state can then have other interests, bearing in mind that those who neglect their interests ultimately do not survive as sovereign nations (Dougherty & Pfaltzgraff, 2011: 95-97). According to this view of international relations, the interests and identity of states are defined before any interaction on the international scene, and the power relations that are established are determined depending on the material capacities of states.

However, this perspective, which occupied a dominant position in the study of international relations in the period between the end of World War II and the early 1980s, was criticised on various fronts. In an attempt to find answers to the identified omissions, the neorealist and neoliberal perspectives focused their attention on how structures affect the rationality of the players. On the one hand, neorealist authors emphasize that the competitive pressure of an anarchic international system decisively influences certain types of state behaviour, namely the constant demand for balance of power. On the other, neoliberals argue that in an interdependent world, international institutions are constituted as an alternative structural context in which states can define their interests and coordinate the different policies (Katzenstein, 1996: 12).

Conversely, these liberal views, which focused less on states and more on people as actors, still do not take into account that the national interest depends on the interpretation that policy makers make of it and that the meaning they attribute to it is conditioned by their education and values as well as by the data that is provided to them. In addition, they do not take into account the key role that national identity plays in the construction of the interests of nations, and that it is not exclusively the result of materials and external factors, because if so, states with similar capabilities would have the same behaviours. This identity has an internal dimension related to how groups, states or agents see themselves, and an external dimension which expresses how they perceive those around them. Thus, as has been argued, intersubjective consensus about their external roles is reached, which in turn shapes the national interest that emerges from standards and rules created within the group³.

Devising the national interest as the product of a socially constructed identity and not as something material, belongs to the group of theories dubbed constructivist (Dougherty & Pfaltzgraff, 2011: 121, 122). For constructivists, the national interest is constructed through social interaction among states in international institutions, and is not defined at the outset (Katzenstein, 1996: 2). The international system is the result of relations established among its members, which give meaning to the material capabilities of states. It is anchored on the following principles: (i) states are the main units of analysis; (ii) the key structures of the system are not material, but intersubjective; and (iii) identities and state interests are largely constructed by social structures (Wendt, 1994: 385). The normative output of the major institutional structures exerts a decisive influence on the formation of the identity and interests of states, which have a corporate identity that establishes generic goals. However, the way they attain them depends on their identities, i.e., it depends on how they see themselves in relation to other states. Institutions incorporate the rules governing interactions between states. In turn, these interactions will condition the formation of identities and interests of states, also establishing the possibilities for action and the constraints to which they are subject (Griffiths, *et al.*, 2008: 51, 52). Thus, the

³ Intersubjective consensus is achieved through shared understanding, expectations and existing social knowledge in International institutions.



constructivist perspective is considered to be particularly suitable to analyse the formation of the EU's common interest as a result of the interaction between Member States in EU institutions.

National interest upholds what the state wants to safeguard, and its identification is the starting point for the development of a particular policy or strategy, for which reason special care should be placed in its assessment. Once the interactions between the various categories of interests have been acknowledged and analysed, it is up to the government to set the national goals that indicate what the state wants to achieve. Attaining the proposed goals will depend on the satisfaction of interests (Sacchetti, 1986: 17) (Santos, 1983: 45).

Identifying national interests correctly in a given historical moment is not an easy task, because these elements are not clearly spelled out in a single document. To infer them requires analysing official documents and the discourse of policy makers. In this context, the next chapter systemizes the analysis of the documentation on the national legal framework that is relevant to identify Portugal's current national interest in the fields of security, defence and affairs of the sea.

3. Portugal's National interest today

The national interest has a constant dimension that remains unbroken over long periods of time, and another cyclical dimension that runs in a certain context (Santos, 1983: 48). The permanent national interest of Portugal is inseparable from the Atlantic, European and Lusophone options that shape its foreign policy. As a country of scarce resources, the framework of alliances in which it operates plays a key role in safeguarding the national interest. In this regard, the alliance with the maritime power has been a constant throughout Portugal's history, so maintaining a special cooperation relationship with the US is particularly important. The reasons are systemic rather than strictly political-ideological. The United States, in this sense, merely takes the place that until the mid-twentieth century had been occupied by England. In a context where Europe is the main geographical area of Portugal's permanent strategic interest, soon followed in importance by the Euro-Atlantic area (Government of Portugal, 2013a: 20), the EU and NATO are key strategic partners. In another aspect, the national interest is also associated with the consolidation of the Community of Portuguese Speaking Countries (CPLP) as an area of cooperation among its member states (Government of Portugal, 2013a: 8).

As regards the cyclical national interest, this is influenced mainly by the situation in the EU. The international financial and economic crisis that particularly affected the euro zone revealed deficiencies in the architecture of European integration that until then had not been identified. Faced with adversity, political leaders have reinforced the priority given to the interests of their own countries, giving rise to internal tensions and testing Europe's solidarity implicit in the European project. In this context, the revaluation of the Member States' position regarding treaties and common policies in force is a variable to consider, especially when the national interest is at stake. For this to be feasible, countries must be given the necessary freedom of action to act in defence of their interests, which is not happening in Portugal currently. This is the main limiting factor in defining Portugal's national interest today.



In the field of security and defence, financial constraints inherent to this crisis and the consequent negative impact on the budgets of these areas, as well as the emergence of new powers and obligations arising from commitments under NATO and EU, are the factors that most influence the definition of the national interest (Government of Portugal, 2013a: 6). The reorientation of the strategic priorities of the US towards the Asia-Pacific area dictated its smaller commitment to Atlantic and Mediterranean issues, which means increased responsibility for the European allies, mainly due to the current turmoil in North Africa and the Middle East. Within NATO, the comprehensive approach concept, which advocates the need to adopt a method involving political, civil and military instruments in crisis resolution, and smart defence, which seeks to encourage the emergence of a new cooperation culture that enables the development of better capabilities at reasonable costs, were introduced (Government of Portugal, 2013a: 21). Within the EU, an institutional construction inspired by liberalism, the Treaty of Lisbon led to the replacement of the European Security and Defence Policy (ESDP) by the Common Security and Defence Policy (CSDP), resulting in the establishment of mutual defence and solidarity clauses by extending the area of enhanced cooperation and the creation of the permanent structured cooperation mechanism. On the other hand, the European Security Strategy reinforces the EU's need to improve its ability to act in an environment characterized by the diversity of civilian and military resources. Budgetary constraints resulted in the increased role of the European Defence Agency (EDA) and in the identification of the need to develop the concept of pooling and sharing, which translates into the sharing of military assets and capabilities (Government of Portugal, 2013a: 22).

In the field of maritime affairs, in recent years there has been an increased interest of the international community in the oceans, especially the prospect of accessing the marine resources that they potentially contain. The emergence of new powers in a process of accelerated economic development coupled with the rapid population growth in some regions of the globe, has implied an increase in demand for natural resources. This has resulted in the progressive depletion of natural resources on land, so access to marine resources takes on a new importance. In this context, the possibility of extending the continental shelf beyond 200 nautical miles is of undeniable importance to coastal states, which thus see the area over which they exercise their sovereign rights enlarged for the purpose of exploitation of marine resources. On the other hand, awareness of the finite nature of natural resources has led to need to explore it in a sustainable manner and to adopt an integrated management of the sea and coastline.

In order to identify the current national interest in the fields in question, the national documentation where normally these matters are addressed was examined, including the Constitution of the Portuguese Republic (CRP), the National Defence Law of (LDN), the Strategic Concept of National Defence, the 19th Constitutional Government programme, and the See National Strategy 2013-2020.

The analysis concluded that, in the context of security and defence, national interests extend along three vectors. The first is associated with the fundamental values and comprises:

- The guarantee of state sovereignty, national independence and integrity of the Portuguese territory, as well as the freedom and security of the population (article 273 of the Portuguese Constitution and article 1 of LDN); and



- Safeguard European, Atlantic and international stability and security (Government of Portugal, 2013a: 8)

The second vector is related to the policy of alliances and strategic partnerships. In this context, national interests are associated with:

- The strengthening of EU and NATO cohesion (Government of Portugal, 2013a: 28);
- The strengthening of the relationship with NATO and European structures responsible for the implementation of the CSDP (Government of Portugal, 2011: 10);
- The consolidation of friendly and cooperation relations with CPLP countries (article 7 of the Portuguese Constitution, based on the strengthening of the technical and military cooperation with those states (Government of Portugal, 2011: 111).

The third vector concerns capacity building and includes:

- Strengthening the capacity to face external threats or aggressions (article 5 of the National Defence Law);
- Strengthening the capacity to participate in humanitarian and peacekeeping international missions (Government of Portugal, 2013a: 28); and
- Developing integrated civilian and military capacities (Government of Portugal, 2013a: 28).

In turn, in the field of maritime affairs, national interests have also developed along three axes. The first is related to the role of the sea as an international instrument of Portugal's affirmation, with the following associated interests:

- The recovery of Portugal's maritime identity (Government of Portugal, 2013a: 62);
- The valuation of Portugal's Atlantic vocation (Government of Portugal, 2013a: 28); and
- The consecration of Portugal as a maritime nation as part of the Integrated Maritime Policy (IMP) and the EU Maritime Strategy, namely in the Atlantic (Government of Portugal, 2013b: 62).

The second axis concerns the sea as an economic development tool, and national interests include:

- Mobilization of financial resources for investment in maritime economy sectors (Government of Portugal, 2013b: 62);
- Promoting interoperability between maritime services and ports, shipbuilding and ship repairing and marine works (Government of Portugal, 2011: 53);
- Protection of fisheries and aquaculture promotion (Government of Portugal, 2011: 53);

Promoting the well-being and quality of life of the population (Article 9 of the Portuguese Constitution), in this context with emphasis on the fishing populations; and

- Assumption of the strategic nature of the continental shelf extension project, due to the prospect of accessing potential mineral, energy and biogenetic resources (Government of Portugal, 2011: 110).



The third axis is related to sustainable development and comprises:

- The protection of nature and of the environment and conservation of natural resources (Article 9 of the Portuguese Constitution); and
- The correct arrangement of the national territory and its harmonious development (Article 9 of the Portuguese Constitution), with emphasis on the planning of the coastline.

Following this overview of what is perceived to be the national interest stated in the relevant national documentation in the fields of security, defence and maritime affairs, the common interests of the Union in the same fields will be identified next.

4. The interest of the EU

The hybrid governance model that embodies the EU, with intergovernmentalism coexisting with supranationalism, turns it into a new kind of actor in international politics (Buzan & Little, 2000: 359). Its unique character stems from the fact that, despite all Member States being sovereign and independent, they have given away some of their sovereignty and delegated some of their decision-making powers to European institutions since created. The question of the existence of a common European interest is not consensual, and there is the prospect that this interest simply does not exist, or is just the sum of the interests of the several Member States. Along a different strand, some argue that the mechanisms leading to decision-making are not sufficiently robust in the European Union. However, certain clues may indicate that this interest exists, as evidenced by the very name of EU policies, which are classified as common. In this regard, the change in the designation of the ESDP to CSDP is paradigmatic. This fact of undeniable political significance demonstrates the intention of Member States to roam a path that leads to the identification of common interests in the area of security and defence. As one notices, at the moment there is still a long way to go to materialize a genuine common policy in this area. However, a common European interest is perceived to exist in certain contexts, formed in the course of interactions among member states in European institutions.

The EU is based on rule of law and decisions taken are based on treaties ratified by the Member States. The Treaty of Lisbon was established as the last change to the treaties, with previous treaties being incorporated in a consolidated version embodying the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU) (European Commission, 2013: 3, 4). The policy areas where the EU can make decisions are determined by the treaties of the Union. The EU's exclusive areas of competence comprise customs and trade policy, competition rules, monetary policy in the euro area and the conservation of marine biological resources (Article 3 of the TFEU). Competence is shared in the areas of internal market, agriculture, consumer protection, and transport, among others, (Article 4 of the TFEU). In other policy areas, decisions are the responsibility of Member States, and the European Commission cannot legislate in these matters (European Commission, 2013: 8).

In order to identify the interests of the EU in these areas, the treaties of the Union, the Europe 2020 strategy, the European Security Strategy, the Integrated Maritime Policy (PMI), and the legal mechanism embodying the Common Fisheries Policy (CFP) were examined. The analysis showed that the interest of the EU is essentially and implicitly



laid down in the TEU. The above study indicates that European interests in the field of security and defence include:

- Protecting its security, independence and integrity (Article 21 of the TUE);
- Promoting peace and well-being of its Member States (Article 3 of the TUE);
- Promoting its values, namely respect for human dignity, fundamental freedoms, democracy, equality, rule of law, and human rights (Article 2 of the TUE);
- The creation of an area of freedom, security and justice without internal borders (Article 3 of the TUE);
- Promoting peace and international security, as well as solidarity and mutual respect among peoples (Article 3 of the TUE);
- Developing privileged relations with neighbouring countries in order to create an area of prosperity and good neighbourliness (Article 8 of the TUE); and
- Establishing relations and partnerships with countries and with international, regional or global organizations that share the same values as the EU (Article 21 of the TUE).

The following European interests, although not exclusively related to maritime affairs, share some points with them:

- Establishing an internal market based on sustainable development (Article 3 of the TUE); and
- Preservation of the environment and the sustainable management of natural resources (Article 21 of the TUE).

Based on the above, the issue of the relationship between Portugal's national interests and the interests of the EU will now be examined, in order to identify points of convergence and of potential conflict.

5. The articulation of the national interest with the interest of the EU

From the analysis of security and defence according to a generic point of view, it appears that the resolutions on the CSDP are adopted unanimously (Article 42 of the TEU), which offers relative guarantees that decisions are not made behind the backs of national policy makers. Looking retrospectively to the process of European construction, it turns out that the EU's interest is very diffuse regarding security and defence, pointing even to the absence of a real common interest. This is evident in the wording that was given to the mutual defence clause in the TEU which is transcribed below (Article 42 of the TEU):

“If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power (...) This shall not prejudice the specific character of the security and defence policy of certain Member States. Commitments and cooperation in this area shall be consistent with commitments



under the North Atlantic Treaty Organisation, which, for those States which are members of it, remains the foundation of their collective defence and the forum for its implementation”.

This clause clearly shows that it results from a compromise that seeks to meet the interests of three types of Member States (Monteiro, 2011: 734.):

- The integrationists, who wanted to see the obligation to help the Member State that suffered the aggression reflected in the clause;
- The traditionally neutral states, who wanted respect for the security and defence policies of each Member State to be enshrined in it; and
- The Atlanticists, who in their capacity of NATO members, wanted their defence to be the remit of the Alliance.

These three groups of states reflect the EU's major trends in the field of security and defence, so although there is a security and defence policy called common, one cannot see the existence of a clear common interest. It is no coincidence that the TEU expresses the intention of the CSDP to build a common defence, but only when the European Council, acting unanimously, so decides. In the current context when the financial and economic crisis is putting the entire European project to the test, one fails to see how this route can be taken in the near future.

Focusing now on the analysis of the articulation of interests according to the vectors through which Portugal's national interests in security and defence are developed, it turns out that there is an alignment between national interests and the interests of the EU in the vector of the fundamental values, which is not surprising bearing in mind that European integration is underpinned by sharing basic principles. The mutual defence clause and the solidarity clause contribute particularly to safeguarding the national interest in this field. The first establishes the political commitment to mutual help in the event of armed aggression against the country, while the latter sets out mutual assistance in the event of a Member State being the target of terrorist attack or the victim of natural or human-based disaster.

In the context of alliances' policy, the articulation of interests has to be analysed from the perspective of the relationship between the EU and NATO, as well as structured permanent cooperation. Portugal is part of the group of states that give primacy to their defence within the Atlantic Alliance, so it is in its interest that the relationship between NATO and the EU is strengthened. On this matter, there is an alignment between the interests of the Union and the national interest because, while the CSDP respects the obligations of Member States under NATO, the report on the implementation of the European Security Strategy strengthens the need for the EU and NATO to deepen their strategic partnership for the benefit of better cooperation in crisis management (Council of the European Union, 2008: 2). This cooperation has been increasing, and one notes that sometimes in the implementation of EU missions, there is coordination with NATO, whose command and control structures are used (European Commission, 2013: 18). Thus, the institutionalization of forms of cooperation that enable the articulation of resources and existing capacities is considered to be of interest to Portugal and to those aforementioned organizations. This may involve



coordination in planning forces, so that a more efficient use of available resources is made.

In another aspect, Member States are allowed to establish closer cooperation among themselves in areas where the EU does not hold exclusive powers (Article 20 of the TEU). Authorisation to proceed with enhanced cooperation is granted by unanimous Council decision (Article 329 of the TFEU). In this context, the Treaty of Lisbon established the permanent structured cooperation, which is a cooperation mechanism created specifically for the CSDP (Article 46 of the TEU). Structured cooperation stands halfway between the creation of formal alliances and the emergence of international regimes, as customary force. The very notion of structured cooperation pays tribute to constructivist liberalism.

This instrument allows Member States with the highest military capabilities to have commitments among themselves, with a view to conducting the most demanding military missions. Participation in the permanent structured cooperation implies the commitment of Member States to develop their military capabilities more intensively (Article 1 of Protocol 10 on the Permanent Structured Cooperation). This mechanism can act as a catalyst for developing the military capabilities of Member States, allowing Europeans to take greater shared responsibility with the US, but it can also pave the way for the formation of a multi-speed Europe in the field of security and defence. Thus, to achieve the desired objectives, a lot of care must be placed in defining the criteria for membership. If the stated conditions are lax, the goal of promoting Member States' development of defence capabilities will not be attained; if they are very demanding, the conditions for the existence of a multi-speed Europe in this area will be created. In this case, Portugal may not be at the forefront due to structural and financial constraints hampering the development of the necessary military capabilities. If one bears in mind that the defence of national interests is at the forefront of European integration so as to actively participate in the EU' decision-making process, not being part of a possible permanent structured cooperation can be contrary to national interests.

Concurrently, the protocol on permanent structured cooperation sets out that, as much as possible, member states should harmonize military instruments and specialize their defence resources and capabilities (Article 2). Portugal as a country with interests in a wide geographical area, materialized in a diaspora spread all over the world, should not discard the possibility for autonomous action, when the defence of its interests so requires, which may be compromised if the path towards specialization of military assets and capabilities is initiated. This condition is another factor to consider in the event of a possible participation of Portugal in this mechanism.

However, it should be pointed out that, since its inception, the idea of creating structured cooperation has been a very controversial issue, with the very remote probability of ever being implemented. This is attested by the fact that even after several years having passed and efforts made by some countries (e.g. Belgium, Hungary and Poland) to replace the eligibility criteria for participation commitments, no Member State has yet notified the Council about the intention to engage in structured cooperation. With regard to Portugal, the fact of not having fulfilled the basic conditions to be able to join a future structured cooperation, could significantly affect its ability to



protect the national interest, rather than making any sovereignty concessions to European institutions⁴.

The aforementioned issues lead to the third aspect regarding national interests in the context of security and defence, which is related to capacity building. The TEU gives the EDA competences to contribute to the identification of the military capabilities objectives of Member States, to promote harmonization of operational needs, as well as to implement measures to strengthen the industrial and technological base of the defence sector (Article 45 of the TEU). While the allocation of powers to a European agency to identify military capabilities goals of the Member States is something that may compromise national interests, participation in research projects and defence technology development may be of interest to Portugal, if it results in increased spending in defence activities.

Whereas in the field of security and defence it was not possible to identify a clear common interest, in the area of maritime affairs that interest is manifest, involving securing the EU's exclusive competence in the conservation of marine biological resources. The intention to communitarise marine biological resources is evident right from the Treaty of Rome, but it was only with the achievement of a common policy for the fisheries sector that the first steps in this direction were taken. This interest culminated in the Treaty of Lisbon with the adoption of a clause stating that, within the CFP, the EU has exclusive competence as regards the conservation of marine biological resources (Article 3 of the TFEU).

Aware of the problem of overfishing, the EU tries to impose measures that contribute to the sustainability of fish resources, while member states, concerned about the well-being of fishing communities, seek to ensure the access of their fleets to fishing areas, resulting in a conflict of interest. This conflict has been settled within the EU by adopting exception clauses, which have enabled Member States to safeguard the interests of local fishing communities that depend heavily on traditional fisheries conducted along the coast. These clauses have allowed Member States to maintain the uniqueness of fishing activity in their territorial sea for their own vessels. In addition, in the archipelagos of Madeira and the Azores, with the entry into force of Regulation (EC) No 1954/2003 on the management of fishing effort, Portugal has managed to restrict fishing to vessels registered in the islands' ports, in a strip between the baseline and 100 nm. This restriction does not apply to Community vessels that traditionally fish in those waters, provided they do not exceed the fishing effort traditionally exerted. With the exception of Belgium and Holland, where large vessels prevail, in other Member States vessels under 12 meters long are the majority (European Parliament, 2013, p. 2). In these circumstances, coastal fishing is of special relevance to European countries, which attests the importance of safeguarding the exclusivity of fishing activities in coastal areas for national vessels.

Another aspect that should be taken into account with regard to fisheries is the negotiation of fisheries agreements by the European Commission on behalf of Member States. With these agreements the EU is seeking permission for its vessels to fish in the EEZ of the partner country. The conclusion of these agreements could benefit or harm Portugal's interests, for which reason the negotiating processes should be followed up case by case with particular attention.

⁴ I thank the anonymous reviewer for drawing my attention to such important issues.



To complete the analysis of the fishing industry, there is the fact that this sector has not yet become autonomous in relation to agriculture. This lack of autonomy is reflected in the absence of specific rules on fisheries in the treaties, which are governed by the provisions relating to agriculture (Monteiro, 2011: 742). This circumstance is made clear in the TFEU, which states that "'agricultural products' means the products of the soil, of stockfarming and of fisheries (...)" and that "references to the common agricultural policy or to agriculture and the use of term 'agricultural', shall be understood as also referring to fisheries (...)" (Article 38 of the TFEU). Another tell-tale sign of this lack of autonomy is the fact that the European Economic and Social Committee meets in plenary sessions divided into six thematic sections, and fishery issues are dealt with at the Section for Agriculture, Rural Development and the Environment (European Commission, 2013: 32). The non-protection of the specificity of the fisheries sector is deemed to be contrary to the interests of a country like Portugal, which, in September 2011, had the fourth largest fishing fleet in the EU (European Commission, 2012: 15, 21, 44).

On the other hand, the strategic nature of the issues related to the continental shelf suggests that close attention should be paid to this matter, so as not to miss this window of opportunity for Portugal. Whereas with respect to non-living resources of the continental shelf there is nothing in the European treaties that removes sovereignty from Member States, in relation to living resources the situation is not linear because the TFEU states that, under the CFP, the EU shall have exclusive competence as regards the conservation of marine biological resources. This issue is particularly relevant in the case of benthic organisms in hydrothermal vents, as a result of their potentially economically profitable exploitation due to possible applications in biotechnology industries. Hence the need to clarify whether these organisms, which do not correspond to the traditional definition of fishery resources, are included in what the TFEU calls biological resources of the sea. In a simplistic analysis that lacks proper legal basis, we are led to believe that, in light of the provisions of Regulation (EU) 1380/2013 on the new CFP, organisms of hydrothermal vents should be considered to be biological resources of the sea. Indeed, the regulation states that marine biological resources include "living, available and accessible marine aquatic species, including anadromous and catadromous species during their marine life", thus covering the bodies of the seabed, which is contrary to national interests.

The analysis of the IMP indicates that one should take care that its integrating stance does not lead the EU to centralize current existing expertise in matters of the sea. This can be achieved by observing the principle of subsidiarity, thus allowing solutions to be found which take into account national specificities.

On the other hand, always attentive to environmental issues, the EU launched an international appeal for the reduction of greenhouse gases, committing to reduce, by 2050, 80-95% of its emissions compared to 1990 levels. To do this, studies indicate that 60% reduction in emissions in the transport sector must be attained (European Commission, 2011: 3, 4). Many targets were set to achieve this goal, with the intention to transfer 30% of road freight over distances greater than 300 km to sea/river or rail transportation by 2030, and over 50% by 2050 standing out (European Commission 2011: 10). In a context where the enlargement of the Panama Canal could turn Portugal into the gateway to Europe for such important markets as the US and Asia, this fact is an opportunity not to be wasted (Guedes, 2012a). To this end, developing



national port infrastructure is necessary to meet the expected increase in maritime transport, as well as creating logistic support in Portuguese ports that add value to the goods carried by large ships. The flow of goods can take place by sea and it will be necessary to transfer them to smaller vessels, or by land, in this case with railways playing a key role. Like any sea economy cluster based on a strong sector of maritime transport, the EU's environmental concerns are an opportunity for Portugal to develop this sector of the economy, which should not be wasted. The future will tell us if and how we were able to do it.

Following the above, the main threats and opportunities in the areas concerned will now be examined from the perspective of safeguarding the national interest. The main threats are as follows:

- The creation of permanent structured cooperation without the participation of Portugal, because otherwise the country would be left out of the Community's decision-making process in this area;
- The possibility of having a specialization of military resources and capabilities, as this would condition Portugal's possibility to intervene autonomously where the nature of its interests so requires;
- The possibility that military objectives and capabilities are identified by the EDA, due to the chance that it will not take the specificity of national interests into account;
- The communitarisation of marine biological resources, due to the possibility that the living resources of the continental shelf end up being managed by the Commission; and
- The negotiation of fisheries agreements by the European Commission, as this may lead to situations where the national interest is not properly addressed.

Regarding the main opportunities, the following stand out:

- Carrying out actions that contribute to enhanced cooperation between NATO and the EU, with a view to better coordinate military resources and capabilities
- Participation, within the EDA, in research and development projects that allow maximizing the scarce financial resources available, address vulnerabilities in the national force system, foster the development of the technological and industrial basis of defence, and increase the interoperability with the Armed Forces from other Member States; and
- Adapt national port infrastructure to take on the expected increase in maritime traffic and the EU's intentions within the framework of the Common Transport Policy.

6. Conclusion

This paper examined the question of the relationship between Portugal's interest and the interest of the EU, seeking to ascertain whether the national interest is being properly safeguarded in the fields of security, defence and affairs of the sea. The topic was analysed in the light of realistic and liberal theories and its constructivist variants in International Relations, the constructivist approach being deemed particularly suitable to study the formation of interests in a political entity such as the EU.



The analysis pointed to the conclusion that in the field of security and defence, it is not possible to identify a clear common European interest, but rather the interests of three groups of member states, namely the integrationists, the neutral and the Atlanticists. In order to safeguard its national interest, Portugal must foster cooperation between the EU and NATO and achieve adequate material, human and financial conditions to participate in the structured cooperation that will eventually be created. It should also avoid the path towards specialization of military resources and capabilities, as well as endeavour to participate in research and development projects under the EDA, enabling it to maximize the scarce financial resources available.

In turn, in the field of affairs of the sea, it was possible to detect an obvious European common interest related to the sustainability of the sea's biological resources. Pursuing this interest requires the communitarisation of marine living resources. To safeguard national interests in this field, Portugal should try to prevent the European Commission from managing the living resources of the continental shelf, and properly monitor the fishing agreements the EC negotiates with third countries.

In short, within a framework of progressive transfer of sovereignty to the European institutions on behalf of a common interest, protecting the national interest requires the close monitoring of negotiations leading to the building of sector strategies and common EU policies, always bearing in mind the words of Lord Palmerston in 1848 in the House of Commons : "*We have no eternal allies and we have no perpetual enemies. Our interests are eternal and perpetual, and those interests it is our duty to follow*".

References

Bobbio, N., Matteucci, N. & Pasquino, G. (1998). *Dicionário de Política*. Brasília: Editora Universidade de Brasília.

Buzan, B. & Little, R. (2000). *International Systems in World History*. Oxford: Oxford University Press.

Comissão Europeia (2007). *Uma política marítima integrada para a União Europeia*. [Online] Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0575:FIN:PT:PDF> [Acedido em 31 julho 2014].

Comissão Europeia (2010). *Europa 2020. Estratégia para um crescimento inteligente, sustentável e inclusivo*. [Online] Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:2020:FIN:pt:PDF> [Acedido em 31 julho 2014].

Comissão Europeia (2011). *Livro Branco. Roteiro do espaço único europeu dos transportes - Rumo a um sistema de transportes competitivo e económico em recursos*. [Online] Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0144:FIN:PT:PDF> [Acedido em 4 setembro 2014].

Comissão Europeia (2012). *A política comum da pesca em números – Dados estatísticos de base – Edição 2012*. [Online] Available at: http://ec.europa.eu/fisheries/documentation/publications/pcp_pt.pdf [Acedido em 3 setembro 2014].



- Comissão Europeia (2013). *Como Funciona a União Europeia*. Luxemburgo: Serviço das Publicações da União Europeia.
- Conselho da União Europeia (2008). *Relatório sobre a Execução da Estratégia Europeia de Segurança. Garantir a Segurança num Mundo em Mudança*. [Online] Available at: http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/PT/reports/104638.pdf [Acedido em 2 setembro 2014].
- Conselho da União Europeia (2009). *Estratégia Europeia em Matéria de Segurança. Uma Europa Segura num Mundo Melhor*. Luxemburgo: Serviço das Publicações da União Europeia.
- David, C.-P. (2001). *A Guerra e a Paz. Abordagens Contemporâneas da Segurança e da Estratégia*. Lisboa: Instituto Piaget.
- Dougherty, J. E. & Pfaltzgraff, R. L. (2011). *Relações Internacionais. As Teorias em Confronto*. Lisboa: Gradiva.
- Governo de Portugal (2011). *Programa do XIX Governo Constitucional*. [Online] Available at: http://www.portugal.gov.pt/media/130538/programa_gc19.pdf [Acedido em 19 agosto 2014].
- Governo de Portugal (2013a). *Conceito Estratégico de Defesa Nacional*. [Online] Available at: http://www.portugal.gov.pt/media/909457/20130405_cedn_publicacao_oficial.pdf [Acedido em 31 julho 2014].
- Governo de Portugal (2013b). *Estratégia Nacional para o Mar 2013-2020*. [Online] Available at: http://www.dgpm.mam.gov.pt/Documents/ENM2013_2020.pdf [Acedido em 29 agosto 2014].
- Griffiths, M., O'Callaghan, T. & Roach, S. C. (2008). *Internacional Relations: The Key Concepts*. Londres: Routledge.
- Guedes, A. M. (2012a). Geopolitical Shifts in the Wider Atlantic: Past, Present and Future. In: *The Fractured Ocean. Current Challenges to Maritime Policy in the Wider Atlantic*. Washington DC: The German Marshall Fund of the United States, pp. 11-57.
- Guedes, A. M. & Elias, L. (2012b). Here be Dragons. Novos Conceitos de Segurança e o Mundo Contemporâneo. In: *O Poder e o Estado*. Coimbra: ISCPSI e Almedina, pp. 5-36.
- Katzenstein, P. J. (1996). *The Culture of National Security: Norms and Identity in World Politics*. Nova Iorque: Columbia University Press.
- Monteiro, N. S. (2011). O Tratado de Lisboa, a "Europa da defesa" e a "Europa azul". *Revista Militar*, Maio, pp. 723-751.
- Parlamento Europeu (2013). *Parlamento Europeu*. [Online] Available at: http://www.europarl.europa.eu/ftu/pdf/pt/FTU_4.4.2.pdf [Acedido em 31 julho 2014].
- Sacchetti, A. E. (1986). *Temas de Política e Estratégia*. Lisboa: Instituto Superior de Ciências Sociais e Políticas.
- Santos, J. L. d. (1983). *Incursões no Domínio da Estratégia*. Fundação Calouste Gulbenkian: Lisboa.



Stolberg, A. G. (2012). Crafting National Interests in the 21st Century. In: *U.S. Army War College Guide to National Security Issues. Vol II: National Security Policy and Strategy*. U.S. Army War College: Carlisle, pp. 13-25.

União Europeia (2012). *Versões consolidadas do Tratado da União Europeia e do Tratado sobre o Funcionamento da União Europeia*. [Online] Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:326:FULL:PT:PDF> [Acedido em 31 julho 2014].

Wendt, A. (1994). Collective Identity Formation and the International State. *The American Political Science Review*, Vol. 88, No.2, pp. 384-396.

Legislation

Lei Constitucional n.º 1/2005, de 12 de agosto. Constituição da República Portuguesa – Sétima Revisão Constitucional. Diário da República n.º 155 – I Série-A. Lisboa.

Lei Orgânica n.º 1-B/2009, de 7 de julho. Lei de Defesa Nacional. Diário da República n.º 138 – 1.ª Série. Lisboa