

The Common Security and Defense Policy of the European Union: The Portuguese Perspective

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Abstract: NATO is the bulwark of Portuguese national defense. The European Union defense vertebrated through the Common Security and Defense Policy is perceived exclusively within the context of a wider transatlantic defense. Pleas for a European strategic autonomy which would be inconsistent with transatlantic commitments are thus to be rejected, as they could ultimately create an existential dilemma that would force a fateful sovereign choice between the Atlantic and the European *ethos* of the Portuguese State.

Keywords: Common Security and Defense Policy; European Union; NATO; Portugal.

1. The conundrums of Portuguese constitutional identity

An unwary reader of the Portuguese constitution can easily be mistaken to assume that Portugal is a neutral or perhaps even a neutralized state. Art. 7(2) of the 1976 Constitution mandates the State to pursue an international policy of “simultaneous and controlled general disarmament”, and to foster “the dissolution of the political-military blocs”. But appearances – even if entrenched in the fundamental law for almost half a century – often do deceive, and such a provision is (and always has been) dead blackletter law,¹ reflecting the Marxist-leaning revolutionary influence of a constitution whose preamble still anachronistically aspires “to open a path to a socialist society”.²

The constitutional framers learned the hard way that you simply cannot argue with geography. Portugal holds one of the world’s largest maritime zones in the Atlantic,³ and

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¹ Miranda and Medeiros (2017), p. 83.

² Pereira Coutinho and Piçarra (2019), p. 592.

³ Portugal submitted a claim to the Commission on the Limits of the Continental Shelf, created under the United Nations Convention on the Law of the Sea (1833 UNTS 397 (entry into force Nov. 16, 1994)), to

thus not surprisingly is a committed member of the North Atlantic defense military alliance (the North Atlantic Treaty Organization (NATO)). It is also a medium-sized European country, and an enthusiastic member of a continental-wide federal union of states (the European Union, EU) actively engaged in framing a common defense policy that might one day lead to a common defense (Art. 24(1) TEU). Both stances are perfectly reconcilable in the second paragraph of Art. 42(7) TEU, which states that the EU's Common Security and Defense Policy (CSDP) shall respect the will of the Member States to frame their common defense through NATO, and therefore shall be compatible with the common security and defense policy established within the North Atlantic Treaty.

NATO is, according to Portuguese mainstream political discourse, the bulwark of Portuguese national defense. EU defense is perceived exclusively within the context of a wider transatlantic defense.⁴ Pleas for European strategic autonomy inconsistent with transatlantic commitments are thus to be rejected. This is, in a nutshell, the Portuguese perspective on the CSDP.

Such a perspective is strongly embedded in an Atlantic self-identification which explains why Portugal become a founding member of NATO while still an autocratic transcontinental Empire (section one). However, this self-identification had to be harmonized with the democratic constitutional choice of the Portuguese people to join what was, at the time of accession in 1986, essentially an economic federal union of states (section two). The transitioning of European integration into the foreign and security domains after the Maastricht Treaty created a tension between the Atlantic and the European dimensions of the Portuguese State, which became all but apparent during the debate that preceded the decision to join the Permanent and Structured Cooperation (PESCO) in defense and security matters of the EU, in 2017 (section three).

extend its current jurisdiction over maritime zones comprising 1.7 million km² (eighteen times the size of its European mainland territory) to an additional 2.4 million km² of the adjacent continental shelf in May 2009 (revised in August 2017) (Neves et al. (2018-2019), p. 70). If successful, Portugal will be granted sovereign control over the tenth largest continental shelf in the world (Costa (2021), p. 243).

⁴ Severiano Teixeira (2009), p. 17 ("To Portugal it is self-evident that the European defense community can only be established with the strengthening of the Atlantic Alliance, as the natural vocation of a European defense community is to become a part of a European transatlantic community"). See also Severiano Teixeira (2008), p. 88-89.

That tension had already provoked a serious schism in the Portuguese executive branch in 2003, during the Anglo-American invasion of Iraq, which was premonitory of what is possibly the only hypothetical scenario where Portuguese secession from the EU could be realistically raised (section four).

2. Portugal and NATO

Portugal was, in hindsight rather surprisingly, a signatory State party of the North Atlantic Treaty, in Washington, on 4 April 1949.⁵ The preamble of the NATO Treaty proclaims the Parties faith in the purposes and the principles of the Charter of the United Nations, and their determination to safeguard the freedom, common heritage and civilization of their peoples, founded on the principles of democracy, individual liberty and the rule of law. The surprise comes not from the fact that Portugal perceived itself back then as a transcontinental nation-state stretching from Minho (an European province bordering Spanish Galicia) to East Timor (an Asian province which had a maritime border with Northern Australia), and soon became a punching bag in the United Nations for its staunch refusal to allow for the external self-determination of the peoples under its yoke.⁶ In fact, several other NATO founding members, such as France, Belgium, the Netherlands and the United Kingdom, were also colonial Empires at the time, and that explains why the mutual defense clause enshrined in Article 5 of the Washington Treaty was limited, with the exception of Algeria, to armed attacks on the territory of the any of the parties in Europe or on the Islands under the jurisdiction of any of the Parties in the North Atlantic area north of the Tropic of Cancer.⁷

Portugal was, however, the odd member of an alliance aimed at defending the Euro-Atlantic democratic way of life against the Soviet totalitarian threat looming on European democracies in the aftermath of the Second World War.⁸ Portugal was not a

⁵ 34 UNTS 243 (entry into force 24 August 1949).

⁶ Almada e Santos (2017).

⁷ Article 6 of the Treaty of Washington.

⁸ The principles and values of the NATO did not change after the dissolution of the Soviet Union. In 2022, the western allies pledged “to stand together to defend (their) security, values, and democratic way of

democracy and neither did it uphold fundamental rights or the rule of law. It was an authoritarian state ruled with iron fist since 1932 by an ageing dictator, António de Oliveira Salazar.

The incorporation of Portugal as a founding member of NATO is a testimony to realpolitik reasoning in the context of the cold war.⁹ Portugal's geographical location, and in particular its Azores archipelago located one third of the way between Lisbon and New York, provided NATO members with an indispensable air bridge between Europe and North America, and were also necessary to secure an effective defense of the maritime routes in the North Atlantic.

For Portugal, NATO membership was perfectly coherent with its centuries-old foreign policy priority of alignment with the hegemonic maritime and Atlantic power,¹⁰ first the United Kingdom, and afterwards the United States of America. It was also consistent with the abandonment in practice of neutrality during the Second World War with the adoption of the Azores agreements with the United Kingdom (1943)¹¹ and the United States of America (1944)¹². Joining a military alliance with Western bloc states was also considered an insurance against international isolation in the face of the growing challenges to the colonial rule, particularly in Africa, where nationalist movements were expected to arise in the decades ahead. Such a diplomatic insurance did not pay off after the beginning of the Kennedy presidency,¹³ but NATO membership still provided a political platform for being the recipient of economic benefits through

life" (NATO 2022 Strategic Concept, adopted by Heads of State and Government at the NATO Summit in Madrid, 29 June 2022, para. 49).

⁹ Hartmann (2022), p. 48 ("To strengthen its power position vis à vis the Warsaw Pact, (NATO) admitted countries of military strategic importance such as Portugal, Greece and Turkey to join the Alliance, even though their government systems at that time did not conform to the political principles enshrined in the NATO Treaty. According to Münkler, 'The geopolitical imperatives were more important than political principles'")

¹⁰ See Severiano Teixeira (2010), p. 52, and Moreira de Sá (2015).

¹¹ 146 Br. & For. St. Paps. 447.

¹² United States Treaties and other International Agreements (1964) 2 (2), Washington, DC, United States Printing Office, p. 558-561.

¹³ Nuno Rodrigues (2004), p. 1-10.

the American Marshall plan,¹⁴ and afterwards paved the way to becoming a founding member of EFTA commercial association alongside the United Kingdom.¹⁵ Crucially, NATO granted an unsurmountable defense protection in Europe, as well the means to be the recipient of vast American military support, which would prove vital in the overseas colonial war that would consume the last decade and a half of the regime.¹⁶

3. Portugal and the European Union

The Estado Novo dictatorship ended on 25 April 1974. Although some of the revolutionary far-left political ideas still survive in the text of the 1976 Constitution, their decisive defeat on the failed putsch of 25 November 1975 secured the maintenance of the Portuguese foreign and defense policy of alignment with the United States of America vertebrated, after the Second World War, through NATO.

The inevitable collapse of the colonial Empire, the other axis of the traditional priorities of Portuguese foreign policy, created a void which had to be fulfilled. Decolonization was only one of the aims of the Carnation Revolution. Achieving the other two goals, democratization and development, required a refocus towards continental Europe,¹⁷ and that could only mean joining the European Communities; a federal political space whose members shared a common European identity based in the “principles of representative democracy, of the rule of law, of social justice — which is the ultimate goal of economic progress — and of respect for human rights”.¹⁸

The European path was thus not a matter of choice but of survival of the post-colonial democratic Portuguese nation-state. Only accession to the European

¹⁴ After some procrastination, Portugal formally requested financial assistance under the Marshall Plan (European Recovery Program) on 27 September 1948 (Rollo (1994), p. 859).

¹⁵ Convention establishing the European Free Trade Association, signed at Stockholm on 4 January 1960, 1563 UNTS 422 (entry into force 3 May 1960).

¹⁶ From August 1961 on, the United States banned the selling to Portugal of military equipment destined to ‘non-NATO’ purposes – i.e. of military equipment that could be used in Africa –, which however ended up being used in the Portuguese colonial wars. See Nuno Rodrigues (2013), p. 170 and 172.

¹⁷ Severiano Teixeira (2010), p. 53.

¹⁸ Document on the European Identity, published by the Nine Foreign Ministers of the European Communities on 14 December 1973, in Copenhagen, para. 1.

Communities could provide protection against the return of authoritarianism,¹⁹ as well as secure the level of economic prosperity required to implement the very broad social rights enshrined in the 1976 Constitution.²⁰ This explains the policy to always be at the core of European integration. The fear of missing out being in the front wagon in a multi-speed Europe made Portugal a frontrunner of every major recent step of European integration, such as with the adoption of the single currency or with the abolition of physical terrestrial borders (Schengen).

After 1986, Portugal fully transformed itself into a Western country, both European and Atlantic. These two axes became the key strategic priorities of the Portuguese State's foreign and defense policy, alongside cooperation with Brazil and other Lusophone countries. In the 90's they were joined by the participation in the delivery of international security through a very active participation in United Nations, NATO, and EU military missions.²¹ The latter were instrumental to the achievement of several diplomatic successes, such as the bids in the United Nations Security Council or the election of its nationals to several high offices in the United Nations and in the European Union.

The impact on Portuguese defense policy of the development of the CSDP can be measured by the analysis of the evolution of the Portuguese "Strategic Concept of National Defense". The CSDP is mentioned for the first time in the 2003 revision of the concept. Portugal was said to be committed to the implementation of the CSDP, and particularly interested in the participation in the Petersberg missions, and in a EU capable of taking a leading role in conflict resolution.²² In the 2013 revision of the concept, Europe is elevated to the prime geographical area of national strategic interest. The existential entanglement with European integration becomes crystal clear:

"Portugal's committed participation in the EU is crucial for the security and well-being of the Portuguese people. The values of Portuguese democracy are realized in the constitution of the EU as a community of law in the international

¹⁹ Rheling Larsen (2021), p. 123.

²⁰ About the similar reasoning leading to the United Kingdom's decision to join the European Communities, see Milward (1993), p. 304-373.

²¹ Severiano Teixeira (2010), p. 54, and Santos Pinto (2014), p. 7-8.

²² Resolution of the Council of Ministers 6/2003, Strategic Concept of National Defense, at 7.3..

order. To ensure the imperatives of national security and defense, Portugal must guarantee its position as an integral part of permanent structured cooperation within the CSDP framework, investing in the quality of its participation in EU missions and in the programs of the European Defense Agency”.²³

The Portuguese strategic concept of national defense crucially assumes that the European and the Atlantic axes of strategic interest are complementary and embedded in the identity of the Portuguese State. Portugal is described as a European and Atlantic democracy, which means that the:

“EU and NATO are therefore vital to the national security and defense, as well as for the modernization and prosperity of Portugal. National interest thus requires greater cohesion and solidarity within the EU and NATO, the strengthening of the strategic partnership between these two organizations, as well as between Europe and the United States of America”.²⁴

As a State which identifies itself simultaneously as European and Atlantic, Portugal is not interested in being forced to choose between Europe and the United States. Such an existential choice is averted by subordinating CSDP obligations to NATO. This stance is compatible with Art. 42(2) TEU, which requires unanimity for the establishment of a common Union defense policy, and states that the CSDP shall respect the obligations of Member States, which see their common defense realized in NATO, under the North Atlantic Treaty, and be compatible with common security and defense policy established under that framework.

Art. 42(6) TUE establishes, however, the possibility that Member States whose military capabilities fulfill higher criteria can establish between themselves a permanent structured cooperation within the CSDP framework. This is a Lisbon Treaty provision which reproduces *verbatim* Art. I-41 (6) of the failed Treaty establishing a Constitution for Europe. It was discussed during the European Convention as an answer to the

²³ Resolution of the Council of Ministers 19/2013, Strategic Concept of National Defense, IV, at 3.

²⁴ Resolution of the Council of Ministers 19/2013, Strategic Concept of National Defense, at II.

divisions observed in the EU concerning the legality of the American military invasion of Iraq, in 2003.

The Portuguese at the time right-wing Government aligned itself with its transatlantic allies and even hosted the summit which set the stage for the war, on 16 March 2003.²⁵ The event was symbolically held in an American military base in the Azores Islands, and attended by the United States, Spain and the United Kingdom. It was shunned by France and Germany which did not approve of a use of force in the absence of an express authorization from the United Nations Security Council. Both Member States then pursued a constitutional formula in the European Convention allowing for the development of an autonomous defense identity for the EU.²⁶ A sort of “defense eurozone”.²⁷ The Permanent Structure Cooperation (PESCO) is the result of those efforts.

4. Much ado about nothing: the PESCO debate

Portugal was accurately described as a “pioneer” in the framing of European defense.²⁸ Despite its armed forces being subjected to chronic budgetary constraints, there was hardly a relevant CSDP military mission which did not include Portuguese participation.²⁹ It thus came as a shock that Portugal did not sign the joint notification to the Council and the High Representative concerning PESCO. On 13 November 2017, twenty-three Member States declared their intention to jointly develop defense capabilities, invest in shared projects, and enhance the operational readiness and contribution of their armed forces.³⁰ Besides Portugal, only the EU-leaving United Kingdom, the EU-defense opt-out Denmark, and the neutrals Malta and Ireland were absent.

²⁵ The Government’s decision met fierce opposition from the then left-wing President of the Republic, which, as “Commander in Chief of the Armed Forces” (Article 120 of the Constitution), even refused authorization for the sending of Portuguese armed forces to Iraq (Araújo (2010), p. 75).

²⁶ Thym (2018), p. 872.

²⁷ Kiljunen (2004), p. 84.

²⁸ Monge (2011-2012), p. 150.

²⁹ Ferreira-Pereira, (2006), p. 14-22, Branco (2007), p. 62-63, and Ferreira-Pereira (2010), p. 143-159.

³⁰ Council of the EU, Press Release (13 November 2017).

Portugal's surprising no-show stemmed from a negative coalition against a minority Socialist Government composed of a far-right populist radical party (Chega), far-left anti-American and Eurosceptic parties (Green Party, Communist Party and Left Bloc), and mainstream right-wing parties (Social Democrats and Christian Democrats), which decided to adopt a strong Atlantic sovereigntist stance. The opposition parties joined forces to stymie the Government by arguing that PESCO was the first step into the creation of a full-fledge European Army. Arguments against PESCO also included claims that it was a façade for a German-French directorate European army,³¹ that it could imply the break-up of the Portuguese armed forces by imposing a principle of specialization,³² and that it could jeopardize Portugal's participation in NATO.³³

These claims are irreconcilable with PESCO's principles enshrined in the notification sent to the Council and the High Representative. Member States recognized that PESCO is a crucial step towards strengthening the CSDP but stressed that it could only be considered an embryo for a European army in the hypothetical scenario of a (very unlikely) unanimous decision in the Council on the adoption of a common defense policy. This obviously means that PESCO does not comprise complementarity with NATO, which will continue to be the cornerstone of collective defense for its members. Quite the opposite, PESCO's objective to enhance EU Member States defense capabilities will only strengthen the European pillar within the Alliance and respond to repeated American requests for stronger transatlantic burden sharing. PESCO only aims at providing opportunities for Member States to improve defense capabilities through

³¹ Heloísa Apolónia (Os Verdes), Reunião Plenária de 6 Dezembro de 2017, *Diário da Assembleia da República*, I, 23, 7 December 2017, p. 51.

³² Carlos Costa Neves (Partido Social Democrata), Reunião Plenária de 6 Dezembro de 2017, *Diário da Assembleia da República*, I, 23, 7 December 2017, at 47, Jorge Machado (Partido Comunista Português), "Reunião Plenária de 6 Dezembro de 2017", *Diário da Assembleia da República*, I, 23, 7 December 2017, p. 49, and Pedro Mota Soares (CDS-PP), "Reunião Plenária de 6 Dezembro de 2017", *Diário da Assembleia da República*, I, 23, 7 December 2017, p. 49.

³³ Carlos Costa Neves (Partido Social Democrata), Reunião Plenária de 6 Dezembro de 2017, *Diário da Assembleia da República*, I, 23, 7 December 2017, p. 47, and Pedro Mota Soares (CDS-PP), Reunião Plenária de 6 Dezembro de 2017, *Diário da Assembleia da República*, I, 23, 7 December 2017, p. 50-51.

participation in well-coordinated initiatives and concrete common projects. In other words, it leaves national sovereignty untouched.³⁴

The Portuguese Parliament approved, notwithstanding, a largely useless resolution where it recommends Portuguese participation in PESCO, as long as the latter is envisioned as: i) complementary to the participation in NATO, which shall remain the indispensable pillar of Portuguese collective security; ii) respects Portuguese defense sovereignty; iii) does not imply an unnecessary duplication of NATO structures; iv) does not lead to the creation of an European army, nor requires the specialization of the capabilities of the Portuguese army.³⁵

The Government immediately responded by adopting another redundant resolution where it decides to join PESCO after declaring that PESCO's objective is not to create, either implicitly or explicitly, a European army, nor to impose on Member States any principle of "specialization". Portuguese sovereignty and autonomy to deploy military forces abroad is said to remain untouched. PESCO does not affect the specific nature of the national defense policy, nor any commitments made in the context of NATO. It only enhances and complements the Portuguese defense architecture.³⁶

PESCO participation was necessary as otherwise Portugal risked becoming irrelevant in European collective defense. It was also coherent with Portuguese participation to date in the CSDP, and consistent with the strategic decision to remain at the core of every major EU policy.

Since 2017, Portugal has been an active member of PESCO. It participates in fourteen PESCO projects (out of sixty), of which it coordinates three, and is an observer in other twenty.³⁷

³⁴ Notification on Permanent Structured Cooperation (PESCO) to the Council and to the High Representative of the Union for Foreign Affairs and Security Policy, 13 November 2017, available at <https://www.consilium.europa.eu/media/31511/171113-pesco-notification.pdf>.

³⁵ Resolução que recomenda ao Governo que no quadro da União Europeia integre a cooperação estruturada permanente em matéria de segurança e defesa, 7 December 2017, *Diário da Assembleia da República*, 2.ª Suplemento, II Série-A, 61, 30 January 2018, at 2.

³⁶ Resolution of the Council of Ministers 191/2017, 7 December 2017.

³⁷ Ministério dos Negócios Estrangeiros (Direção-Geral dos Assuntos Europeus) (2022), p. 338.

5. A looming Portexit debate

The PESCO debate was indicative of the strength of the Atlantic identitarian dimension of the Portuguese State. The latter is deeply rooted in the messianic assumption that the nation's future lies in the sea as it did in its glorified mystified past. Such an assumption requires protecting its vast maritime possessions by aligning Portuguese foreign and defense policy with the hegemonic maritime power in the Atlantic, the United States of America.

In times of normality in the transatlantic relationship, the Atlantic dimension of the Portuguese State is compatible with the constitutional choice of the Portuguese people of joining, in 1986, a federal union of democratic States based in the rule of law. NATO is as an alliance of democracies against autocracies based on American military might. In the context of the Russian aggression against Ukraine, the United States repeatedly pledge to fully defend Europe against any attack.³⁸ NATO even expanded to Finland and Sweden, two traditional neutral EU Member States.³⁹ The American paradigm of European defense remains rock solid.

The current European defense and security arrangement represents the very best of two worlds for Portugal, which can assert its status as a European country in its relationship with the United States while simultaneously maximizing its transatlantic relationship as a Member of the EU.⁴⁰

PESCO is, however, a sign of heavy clouds at the horizon. Although designed to foster European military contributions to NATO, PESCO is a byproduct of the serious cleavage observed during the Iraq war of 2003 between the United States and France and Germany. It hints at the fact that some EU Member States will increasingly pursue a

³⁸ Hudson (2022) ("The United States and our allies will defend every inch of (...) NATO territory with the full force of our collective power – every single inch").

³⁹ Swedish accession to NATO was still pending in October 2023 on much delayed Turkish and Hungarian parliamentary ratifications. Ireland and Austria will likely remain as the only neutral Member States in the EU. Neutrality is safeguarded in Art. 42(2)(§2), which reads that the CSDP shall not prejudice the specific character of the security and defense policy of certain Member States.

⁴⁰ Severiano Teixeira (2010), p. 57.

policy of “strategic autonomy” vis-à-vis the United States of America. One of the biggest supporters of a concept deriving from the idea of European (external) sovereignty, the French President Emmanuel Macron, declared in a visit to China in April 2023 that Europe is not an American “vassal”, and will not be drawn into a conflict between the United States and China over Taiwan.⁴¹

A drastic cleavage between France and Germany and the United States about China and Taiwan could very well lead to the collapse of the NATO as it currently stands. The United States may be unwilling or even unable to secure the bulk of European military protection. If still confronted with the threat of an aggressive Russia in its borders, the Member States will then have no option but to adopt a common defense policy. The European army will be borne out of necessity.⁴²

In such a scenario, Portugal will likely be faced with an existential dilemma. Will it align itself with its secular Anglo-Saxon Atlantic partners and procure a political solution with the United Kingdom outside the European Union in alliance with the United States of America? Or will it forfeit its Atlantic dimension by doubling down on its commitment towards European integration even if risks being submitted to a French-German directorate?

This is a classic example of a sovereign dilemma which can only be legitimately solved by calling a referendum. It would be the first concerning European integration.⁴³ Only one thing seems certain. It will be ultimately to the Portuguese people to take the constitutional decision on the Atlantic *or* the European *ethos* of the State.

6. References

⁴¹ Vohra (2023).

⁴² Pereira Coutinho (2021), p. 36. The need of the establishment of an European army to deter a Soviet aggression explains the adoption of the Treaty establishing the European Defense Community, signed in Paris on 27 May 1952 by the six founding EU Member States, which ultimately failed to be ratified in France because an armed conflict in Europe no longer seemed imminent after Stalin’s death and the end of the Korean war (Middelaar (2013), p. 149-150).

⁴³ Pereira Coutinho (2020).

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