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*Balance of security and defence
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Balance of security and defence relations between Portugal and Spain¹

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Abstract:

The main objective of this work is clarify the state of relations between Portugal and Spain in the field of security and defence, determining its meaning, content and scope. To this end, the methodology of analysis of international practice has been followed, with special attention to strictly bilateral relations and the postulates of scientific doctrine. The results of the Iberian Summits and the agreements between the two countries will be essential components of research, from the political-legal perspective. The topic has great relevance for the scientific community and also to measure the impact of Portuguese-Spanish relations in those sectors that are most relevant to security and defense. In this line, the followed conclusions have been reached: First, conventional and diplomatic practice links in the areas of security and defence are quite close and deep. Second, the priority areas for bilateral cooperation in the field of security are the fight against terrorism and organized crime, with particular emphasis on combating drug trafficking. Finally, significant achievements have been made in the defence sector, adopting specific defence agreements. Yet, it ensures that bilateral relations, beyond the participation of the two States in the European Union and NATO, represent a unique field of study and decisive progress has also been made in the area of security and defence.

Keywords:

Iberian Summit, bilateral relations, security, defense, terrorism, drug trafficking, organized crime.

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Introduction

Ties between Portugal and Spain are currently quite close, including in the field of security. The basic objective of this research is to clarify the status of this relationship in the security and defence sector, determining its meaning, content and scope. From the outset, it must be stated that the deep friendship that unites the two countries is based on a “long common history that has overcome the confrontations and hostilities of the past and the crises of more recent times to establish a permanent framework of cooperation that allows them to resolve the frictions and disputes that the common political, economic and social reality may present to them”². In other words, everything augurs that Portuguese-Spanish relations must necessarily be stable and that the two states must permanently seek components of mutual collaboration. To this effect, for example, “the list of treaties, agreements and all kinds of cooperation commitments signed between the two countries is extensive”³.

In this context, it is worth highlighting two circumstances that give meaning to the cooperation between the two Iberian countries. The first is the establishment of solid bilateral relations, the recent beginnings of which can be traced back to the conclusion of the Treaty of Friendship and Cooperation between Spain and Portugal, signed in Madrid on 22 November 1977. The essential purpose of this agreement was to “strengthen the ties of friendship and solidarity that exist between the two countries, based on common feelings and interests”. The 1977 agreement marks the beginning of links between the two countries once democratic systems were established in both. The agreement does not overlook the need for cooperation in the field of security and defence. In particular, its Article 8 states that “the Contracting Parties shall promote military cooperation between their armed forces, paying particular attention to exchanges of personnel, holding courses, comparing experience in matters of training, and doing combined exercises”. This approach is restricted and constrained to the field of defence, and even strictly to military matters, but opens the door to broader cooperation, encompassing other areas related to security in all its dimensions.

The 1977 Treaty does not rule out any area of cooperation between the Iberian states, although the emphasis is on specific matters such as the economic sphere, the cultural area and science and technology⁴. However, the reference to “multiple

² MORÁN, S. ‘España-Portugal: hacia una seguridad compartida en sectores prioritarios de la relación bilateral’ (Research paper, 03). Spanish Institute for Strategic Studies (IEES), Madrid, 2019, p. 5.

³ GARCÍA, R. “España y Portugal en la UE: De la convivencia a la integración”, Portugal e Espanha: crise e convergencia (Tribuna da Historia). Parede, 2010, p. 175.

GASPAR, C. “Portugal, a Espanha e o futuro das relações bilaterais. Spain and Portugal in the EU: De la convivencia a la integración”, Portugal e Espanha: crise e convergencia (Tribuna da Historia). Parede, 2010, p. 145-162.

⁴ BOE, n.o 128, 30 May 1978.

cooperation” implies that this should be defined through joint meetings and by specifying the priority areas for the two countries, among which security issues will be a priority. After the entry into force of the 1977 Treaty, many agreements were made that essentially sought to ensure that the aims and objectives reflected in the initial agreement were met, making it a truism that “the Iberian countries have not ceased to adopt a series of political instruments, agreements and treaties that promote bilateral cooperation, especially since the advent of democracy”⁵.

The subject is of great relevance not only for the scientific community, but also for measuring the impact of Portuguese-Spanish relations in the most important security and defence sectors today, such as the fight against terrorism, organised crime and drug trafficking. It follows that these issues will be present in stable bilateral relations, and it is therefore appropriate to clarify and gauge the significance of the progress that has been made in this area. The clearest conclusion is that “the current relationship between Spain and Portugal is [...] one of the best in history. The strength of the historical, cultural, social and economic ties between our countries is a reality also in the field of security and defence”⁶. In short, it is sufficiently clear that, since the conclusion of the 1977 Treaty, “a new stage”⁷ has been opened, which has been taken advantage of and during which excellent results have been achieved, giving rise to a legal framework for cooperation which also enjoys a certain degree of autonomy.

The second notable circumstance is the two countries’ membership of the European Union and how this conditions their mutual relations and the postulates the two hold in security and defence matters. It has been rightly noted that “the entry of the two states into the European Union and their permanence in the hard core of the European architecture of international relations [...] has made it possible to dilute differences and rivalry while opening up new spaces for cooperation, concerted action and the maintenance of a common position, while keeping the level of relations with a healthy tension, i.e. permanently limited by the framework of international coexistence”⁸. What is more, the mutual relationship has grown and it has been decided that the two countries will adopt common and shared positions on many issues, including security and defence.

Given that they belong to the same integration scheme, which is making decisive progress on common foreign and security policy issues, it is logical that the Iberian

⁵ MORÁN, S. ‘España-Portugal: hacia una seguridad compartida en sectores prioritarios de la relación bilateral’ (Research paper, 03). Spanish Institute for Strategic Studies (IEES), 2019, p. 6-7.

⁶ LÓPEZ, T. E. “Las relaciones en seguridad y defensa de España y Portugal: una historia de éxito”. Defence Staff, 7 June 2021. Available at: https://emad.defensa.gob.es/emad/El_JEMAD_en_los_Medios/listado/210605_articulo_jemad_portugues.html

⁷ ALMUIÑA, C. “España y Portugal: tan cerca geográficamente y tan lejos históricamente”, La Albolafia: *Revista de Humanidades y Cultura*, n.º 1. 2014, p. 144.

⁸ AZNAR, F. “Portugal. Cooperación y seguridad» (Analysis paper, 58). Spanish Institute for Strategic Studies (IEES), 2015, p. 3.

countries agree on their security and defence postulates⁹. In any case, “the traditional relationship of mutual ignorance changed radically with their simultaneous entry into what is the European Union”¹⁰. This has led to the two Iberian countries having common positions on security and defence issues and sharing activities, including operational ones, something that is revealed, for example, in the most ambitious project that the Union has launched to date, which has taken the form of Permanent Structured Cooperation in Defence (PESCO). In this line, it has been rightly said that, with the UK’s exit from the EU, Spain will participate in a series of PESCO projects. In particular, “together with Portugal, with whom we are developing a set of PESCO projects, and our islands, we are at the centre of the EU’s Atlantic axis, with all the advantages that this entails”¹¹.

Common membership of the EU has always been a special circumstance that has been taken into account in the analysis to determine the content of Portuguese-Spanish relations, something that was already felt in the 1977 Treaty and which was indicated in the second paragraph of the “Preamble”, which stated that “the strengthening of cooperation between the two peninsular countries will serve the cause of European unity”¹². To a large degree, this also means that mutual relations are conditioned by the criteria and guidelines adopted on security and defence matters within the Union, especially in line with progress in the creation of a common area in the field of foreign policy and, in particular, in the field of security and defence.

To this effect, it is true that “the reactivation of defence in the EU after the freezing of the TEU approved in Lisbon opens up new expectations for bilateral and sub-regional collaboration between the two countries”¹³, even if the EU’s strategic autonomy in these matters is doubted¹⁴ and, of course, despite the acknowledged serious difficulties for the EU to be a global and leading actor in international relations. In any case, the focus in this paper should logically be limited to strictly bilateral relations between Portugal and Spain. Furthermore, the examination of bilateral relations between Portugal and

⁹ MALOVEC, M. and PADURARIU, A. “La política exterior: objetivos, mecanismos y resultados”, Fact sheets on the European Union. European Parliament, 2021. Available at: <https://www.europarl.europa.eu/factsheets/es/sheet/158/la-politica-exterior-objetivos-mecanismos-y-resultados>

¹⁰ RIVERO, A. “Portugal’s new foreign policy: Is Lisbon moving away from Madrid? FAES Foundation, 2020, p. 30.

¹¹ ALDECOA, F. and PÉREZ, P. “La Cooperación Estructurada Permanente (PESCO): un nuevo compromiso de los Estados miembros en materia de Seguridad y Defensa europea. Análisis de las implicaciones para España y posibles aportaciones relevantes” (Opex Working Paper, 94). Fundación Alternativas and Ministry of Defence, 2018, p. 78.

¹² BOE, n.o 128, 30 May 1978.

¹³ ARTEAGA, F. «España y Portugal: oportunidades para la cooperación», *ARI*, n.o 91. Real Instituto Elcano, 2017, p. 5-2.

¹⁴ MOLINA, M. J. and BENEDICTO, M. “Autonomía estratégica en seguridad y defensa: un anhelo geopolítico que no se hace realidad en la Unión Europea”, *Revista UNISCI / UNISCI Journal*, n.o 55. 2021, p. 10.

Spain in the security and defence sectors clearly enriches studies on international relations and, in particular, with respect to the rules that regulate the international order, determining the geopolitical position of the two countries. In short, it can be said that “the overall balance of Spanish-Portuguese diplomatic relations over the last forty years is very positive, with a great rapprochement in the last four decades”¹⁵.

The bilateral relationship between Portugal and Spain and the importance of the Iberian Summits in the security and defence field

Between 1983 - when the first Iberian Summit between the two countries took place in the city of Sintra (Portugal), bringing together presidents Mário Soares and Felipe González and specifically addressing issues relating to the accession of the two countries to the European Economic Community (EEC) and agreements on fisheries and agriculture, and 28 October 2021, when presidents António Costa and Pedro Sánchez met in the city of Trujillo (Spain), there have been thirty-two meetings at the highest level between the two Iberian countries, in which a multitude of issues have been addressed and, above all, a rich international practice produced that is worthy of analysis. This period has undoubtedly brought forth an Iberian *acquis* that derives from the foreign policy guidelines of the two countries.

These summits have acquired great political significance in mutual relations because they express the prevailing atmosphere of trust and also identify areas where the two countries are willing to work together more closely and on an ongoing basis. At the very least, these meetings make clear what is of concern on the Iberian peninsula and where progress can be made more decisively and more quickly in mutual cooperation. It must therefore be agreed that the institutionalisation of the summits “does no more than respond to the common need to find joint responses to the challenges that both countries are facing”¹⁶. In essence, the conclusion is that the summits are forging deepened and accentuated bilateral relations between the two countries and, above all, are giving shape to the content and scope of mutual cooperation.

We can safely say, however, that security and defence issues have always been an integral part of the agenda of contact between the two countries. Even at the time of the first Summit - although it did not specifically address issues of this nature - some questions in this line were discussed, such as Spain’s position in NATO once it became a full NATO member and, in particular, whether this would mean displacing Portugal from the organisation’s Atlantic Command. On the occasion, the then Spanish Prime Minister stated unequivocally that “if Spain were to join NATO’s military wing, we

¹⁵ OID (Diplomatic Information Office). “Country profile, Portugal. Portuguese Republic”. 2021.

¹⁶ COSTA, C. “Las relaciones político-diplomáticas entre Portugal y España en la segunda mitad del siglo xx”, *Historical investigations: Modern and contemporary times*, No. 21. 2001, p. 405.

would first have to reach agreement with our neighbours, especially Portugal”¹⁷.

Security issues, and specifically those of a military nature, have been a priority concern from the outset in bilateral and multilateral relations between the two countries and, to a large extent, were matters that were clouding the good understanding that had been developing between Madrid and Lisbon. Irrespective of the tangible results of the first Iberian Summit and the persistence of a certain centuries-long mistrust¹⁸ between the neighbouring countries, from then on a path would be opened for bilateral cooperation to have unique channels and for agreements to be reached on certain matters. In short, the Luso-Spanish summits will be a highly appropriate bilateral forum for consultation and cooperation to address security and defence issues.

These issues have not been absent from the Iberian Summits, though certain issues have taken precedence at some of them, such as economic issues and matters of infrastructure and communication between the two countries¹⁹. However, it is always useful to identify the areas that have received preferential treatment at these summits and, in doing so, to point out the main cooperative actions that have been carried out between the two neighbouring countries. In this line, it is noted that security and defence-related issues have been a particular focus of attention at both at the Iberian Summits and in the rest of the expressions of bilateral relations between Portugal and Spain.

The last summit held prior to the Trujillo meeting, which took place in Guarda, Portugal, in October 2020, largely summarised both the importance of security and defence issues for the two countries and the priority areas in which cooperation between the neighbours has developed and should be further developed. Thus, “the importance of close cooperation in the strategic areas of security and defence” is noted, and both countries “welcome the excellent bilateral relations in the field of home affairs”. From this position, “the two countries are committed to strengthening cross-border cooperation in security matters, reinforcing the channels of cooperation and operational coordination for the fight against transnational crime [...] and especially in the areas of terrorism, drugs, organised crime, trafficking and smuggling of human beings”. If to this we add the expressed willingness to reform defence cooperation structures, practically everything set out in the framework of the summits on these matters could be considered to have been achieved.

¹⁷ GAUREGUI, F. “Recelos mutuos y problemas comerciales dificultan la Cumbre Hispano-Portuguesa”, *El País*. 7 November 1983. Available at: https://elpais.com/diario/1983/11/07/espana/437007606_850215.html

¹⁸ SABATER, G. *Los socialismos ibéricos en el poder. Las relaciones PSOE-PS entre 1983 y 1985*. UNED, 2011.

¹⁹ MORÁN, S. ‘España-Portugal: hacia una seguridad compartida en sectores prioritarios de la relación bilateral’ (Research paper, 03). Spanish Institute for Strategic Studies (IEES), Madrid, 2019, p. 21.

Bilateral ties between Portugal and Spain in home affairs

A closer examination of the areas of the fights against terrorism, organised crime and drug trafficking requires a reading of the final communiqués, agreements and commitments reached from the outset at the Iberian summits. This must be done from the perspective of bilateralism, since all these phenomena are simultaneously affected by a rather detailed political and legal regulation not only at the international level, which is universal in scope, but more importantly in the context of the EU. To this effect, the present analysis focuses on the particularities of the purely bilateral relationship between Portugal and Spain. Thus, it could be said that the two Iberian countries have complemented their effective cooperation at EU level on internal affairs with bilateral collaboration in the form of decisions and agreements on the fight against terrorism, organised crime and, of course, drug trafficking, mainly from the perspective of cross-border cooperation²⁰. In conclusion, there has been strong bilateral cooperation between the Iberian countries in home affairs, making it one of the priority areas of mutual cooperation. The joint declaration of the XXIX Summit in Vila Real (Portugal) in 2017 attests to this by stating that “Portugal and Spain welcome the growing and fruitful collaboration in the fields of internal security and civil protection and emphasise the importance of cross-border cooperation in these matter”²¹. To this end, terrorism and organised crime are explicitly mentioned.

Bilateral cooperation in the fight against terrorism

At the Iberian Summits, it has been proposed that cooperation between Portugal and Spain in the fight against terrorism should be further strengthened. In addition to the regulation provided by international agreements and EU regulations to this effect, the two countries want to have common positions and useful mechanisms in their bilateral relationship to end this scourge. In this line, it has been indicated that “beyond the instruments currently available, Spain and Portugal must explore new procedures for combating terrorism in their mutual relations, integrating the positions of those in charge of leading the fight against global terrorism”²². Combating terrorism has therefore been a priority in mutual relations, in the foreign policy of the two countries and, in particular, in neighbourly relations. Thus, counter-terrorism

²⁰ EL MARBOUHE, K. “Criminalidad organizada y tráfico de drogas entre España y Portugal”, *Revista Internacional de Doctrina y Jurisprudencia*, n.o 19. 2018, p. 1-28.

²¹ LA MONCLOA. “Spain and Portugal strengthen their cross-border cooperation”. 30 May 2017. Available at: <https://www.lamoncloa.gob.es/presidente/actividades/Paginas/2017/300517-conferencia.aspx>

²² MORÁN, S. ‘España-Portugal: hacia una seguridad compartida en sectores prioritarios de la relación bilateral’ (Research paper, 03). Spanish Institute for Strategic Studies (IEES), Madrid, 2019, p. 11.

cooperation “is described in the best terms by authorities on both sides of the border. There is a clear convergence at the strategic, political and operational levels”²³.

Since the Guimarães Summit (Portugal) in 1986, the issue of terrorism has been on Portuguese-Spanish leaders’ political agenda at a number of Iberian Summits. The one that took place at Moncloa Palace, Madrid, in 2013 perhaps clearly signalled the will of the two countries to jointly combat the terrorist phenomenon and to achieve full bilateral cooperation in this field. For the historic moment, the joint declaration of this summit prioritises the fight against jihadist terrorism and highlights deep bilateral cooperation in this field. It is based on the conviction that the two governments understand that terrorism is “one of the greatest threats to international peace and security, as well as one of the most serious violations of the fundamental principles of democracy and respect for the rule of law”, which are the values and principles on which the two countries are founded. Most importantly, it calls for “further enhancing bilateral cooperation and coordination” to effectively combat the terrorist phenomenon.

Bilateral liaison should seek to establish operational tools and mechanisms to effectively fight against terrorism. A study of the content of the Portuguese-Spanish summits leads to the conclusion that “time has passed [...] and Portugal and Spain welcome the growing and profitable collaboration in the fields of internal security”, making it necessary to “welcome bilateral initiatives that lead to a common space” to put an end to terrorism “and, above all, to proceed to the creation of joint forces and agents in the fight against terrorism”²⁴. In other words, the aim is to achieve an optimal operational level in this field, which has so far resulted in “a smooth exchange of information, especially in the field of counter-terrorism”²⁵.

Operational and technical mechanisms for collaboration between the law enforcement and judicial authorities of the two countries have been established, leading to much more detailed levels of information exchange and operational assistance. This was reflected in the wording of the joint declaration of the 30th Summit in Valladolid (Spain) in 2018, which contains two specific mentions, independently of the general allusion to the commitment of the two countries to eradicating terrorist acts in their territories. They link bilateral cooperation in the fight against terrorism with the work carried out within the EU “promoting the exchange of experiences and best practices”, and they also insist on the need to improve “the the training and capacity building of

²³ GARCÍA-CALVO, C. “Las relaciones bilaterales España-Portugal en la lucha contra el terrorismo global y la prevención de la radicalización violenta”, *ARI*, n.o 98. Real Instituto Elcano, 5 December 2017, p. 1.

²⁴ MORÁN, S. ‘España-Portugal: hacia una seguridad compartida en sectores prioritarios de la relación bilateral’ (Research paper, 03). Spanish Institute for Strategic Studies (IEES), Madrid, 2019, p. 20.

²⁵ AZNAR, F. “Portugal. Cooperación y seguridad” (Analysis paper, 58). Spanish Institute for Strategic Studies (IEES), 2015, p. 11.

law enforcement agencies” to prevent and fight terrorism²⁶.

Bilateral collaboration in the fight against organised crime

Fighting organised crime is a long-standing objective of the Iberian countries in their mutual relations. The neighbourhood relationship and border situations make closer liaison between the authorities on both sides of the border advisable in this area. Hence, the governments of the Iberian states have repeatedly expressed their concern about the consequences of organised crime and are committed and feel obliged to cooperate to put an end to this, including drug trafficking, irregular immigration and trafficking in human beings. This has been expressed at various Iberian Summits. In this regard, Portugal and Spain have taken stock of their cooperation in this field, noting at the 2020 meeting in Guarda (Portugal) that bilateral relations in the field of home affairs have been a priority and are producing excellent results. Furthermore, at the meeting a commitment was made to “strengthen cross-border cooperation”, particularly in the field of “drugs, organised crime, trafficking and smuggling of human beings”.

Likewise at the XXIX Summit in Vila Real (Portugal) in 2017, the will to “continue and strengthen the close cooperation between the Forces and Bodies responsible for the prevention and fight against [...] organised crime” was stated. Once again, as in the fight against terrorism, the Iberian countries are striving for technical and operational collaboration that focuses precisely on police and judicial cooperation. What is important is that this takes place in a strictly bilateral framework, despite being inspired by and respecting the guidelines and principles of action established in the EU and other forums in which both states participate, such as the G-4, which groups Portugal, Spain, Morocco and France and which, for example, agreed in 2017 on an action plan in the fight against terrorism, drug trafficking and organised crime²⁷.

Mutual collaboration between the two countries in home affairs - especially in the field of organised crime and, in particular, the fight against drug trafficking - has its antecedents in the early days of the Iberian Summits, although this is not often explicitly expressed. It was however, fairly clearly expressed at the Oporto Summit in 2012 and at the Madrid Summit in 2013. The first, while highlighting the importance of preventing organised crime and some of the manifestations of this phenomenon, including human trafficking and irregular immigration, gave hints on the meetings to

²⁶ GARCÍA-CALVO, C. “Las relaciones bilaterales España-Portugal en la lucha contra el terrorismo global y la prevención de la radicalización violenta”, *ARI*, n.o 98. Real Instituto Elcano, 5 December 2017, p. 7.

²⁷ MINISTRY OF HOME AFFAIRS. “G-4 Interior Ministers agree on an Action Plan in the fight against terrorism, drug trafficking and organised crime”. National Security (Office of the Presidency of the Government): Available at: <https://www.dsn.gob.es/en/actualidad/sala-prensa/ministros-interior-del-g4-acuerdan-un-plan-acci%C3%B3n-lucha-contra-terrorismo>

be held to address the issue based on the February 2010 memorandum of understanding, which was adopted by the secretary of state for security and the secretary general of the internal security system of each country. The second of the summits spoke of the existence of a true bilateral “heritage of cooperation” in the internal spheres and highlighted the “collaboration and exchange of information”.

To this effect, special mention should be made of Portugal and Spain’s shared fight in the field of illicit drug trafficking. The postulates of the Iberian leaders at the summits on this issue have been reflected in the adoption of some treaties, adding a conventional bilateral relationship that specifies the contents of cooperation on the drug problem to the positions of the summits. Alongside multilateral action in the fight against drug trafficking, bilateral mechanisms are extremely useful. As Joaquim Pereira, director of the Portuguese Judicial Police’s (PJ) Unit to Combat Drug Trafficking, pointed out in relation to a specific operation: “In the fight against drug trafficking, bilateral cooperation is essential. Without this cooperation between Spain and Portugal, which are designated as gateways for cocaine into Europe, this type of operation would not be possible”²⁸.

This has particularly been reflected in agreements. First, the 1987 “Agreement on cooperation in the fight against drugs” emphasises from the outset “the importance of bilateral cooperation in the fight against drug abuse and trafficking”, which is based on the “permanent exchange of information and documentation” and the establishment of “a system of recording and reporting which will enable the figures on heroin, cocaine and hashish consumption to be known”²⁹. Second, the 1998³⁰ “Treaty between Spain and Portugal for the repression of illicit drug trafficking at sea” regulates in detail the terms of mutual collaboration in the maritime space in the fight against illicit drug trafficking, all of this through a bilateral offensive with the “aim of having greater punitive control over criminal gangs dedicated to the trafficking of drugs and psychotropic substances”³¹.

²⁸ ARTICLE. “Portugal and Spain extol their bilateral cooperation in the fight against drugs”, *La Vanguardia*. 10 September 2015. Available at: <https://www.lavanguardia.com/sucesos/20150910/54435211886/portugal-y-espana-ensalzan-su-cooperacion-bilateral-en-el-combate-a-la-droga.html>

²⁹ BOE, n.o 41, 17 February 1988.

³⁰ BOE, n.o 18, 20 January 2001.

³¹ EL MARBOUHE, K. “Criminalidad organizada y tráfico de drogas entre España y Portugal”, *Revista Internacional de Doctrina y Jurisprudencia*, n.o 19. 2018, p. 10.

Bilateral defence cooperation

The field of security covers all defence-related matters. Bilateral relations between Portugal and Spain in this field have traditionally been intense. We must recall that for many years, during the period of the Salazar and Franco dictatorships, the famous Treaty of Friendship and Non-Aggression of 1939³² was in force. In reality, this agreement was of a military nature and concerned matters to do with the defence of countries, ensuring the inviolability and respect of borders, while not delving into more precise regulation in the field of security and defence. The 1977 Treaty, which initiates the new stage of relations between the two Iberian countries, also places the emphasis of security cooperation on military and defence-related issues. To this effect, it refers to exchanges of personnel, courses and military exercises, even stating that “to coordinate the work necessary for the implementation of the cooperation provided for in the previous paragraph, regular meetings of the Peninsular General Staffs will be held”³³. Cooperation on defence issues - and more generally in the military field - has always been at the forefront of the thinking of the leaders of the two countries. However, for this will to become effective, “military cooperation between Portugal and Spain had to wait for Spain to join the Atlantic Alliance”³⁴.

Two points of interest should be noted here. First, military and defence cooperation takes place fundamentally in cooperation and integration structures and, therefore, a detailed study of Portuguese-Spanish collaboration should not disregard what is happening in NATO and the EU, and in other multilateral structures that are sometimes created for this purpose. This was stated by the Portuguese Defence Minister, João Cravinho, referring to the relationship with Spain when he said that “we have the same concern and the same will to work within the multilateral framework of the EU, NATO and the United Nations”³⁵. Second, in a complementary but autonomous way, the two Iberian countries are working together in the defence field on a strictly bilateral basis. This is precisely the dimension with which this paper is concerned. Thus, “military cooperation is planned at the annual meetings of the Peninsular Staffs, held alternately in Portugal and Spain since 1954, and is developed in a permanent and structured way through institutional relations between the Joint Staffs and the Armies of the Armed Forces (Navy, Army and Air Force)”³⁶.

³² ALMEIDA, D. “El Tratado de Amistad y de No Agresión entre España y Portugal (17 March 1939)”, *Las huellas del franquismo: pasado y presente*. Comares, Granada, 2019, p. 1,142-1,168.

³³ BOE, n.o 128, 30 May 1978.

³⁴ ARTEAGA, F. «España y Portugal: oportunidades para la cooperación», *ARI*, n.o 91. Real Instituto Elcano, 2017, p. 1-2.

³⁵ MINISTRY OF DEFENCE. “Spain and Portugal will work together to promote defence policies in the European Union and NATO”. 17 February 2020. Available at: <https://www.defensa.gob.es/gabinete/notasPrensa/2020/02/DGC-200217-visita-ministro-Portugal.html>.

³⁶ SILVA RIBEIRO, A. “Cooperación militar entre Portugal y España: una relación única”, *La Razón*.

Hence, it is clear that a review of bilateral defence cooperation yields some recent results that ensure that defence relations have reached a fairly satisfactory level politically and legally. In other words, bilateral defence cooperation is one of the hallmarks of the ties between the two Iberian states and one of the most important areas in which good relations between the neighbouring countries can be established. Defence is even an area in which mutual relations as a whole could be strengthened and deepened. In this approach, two unique areas can be highlighted.

i) On a strictly institutional level, there are meetings, particularly in two areas, which are important in the field of defence. This has been pointed out by the Spanish government: “At the bilateral level, Spain and Portugal hold various cooperation meetings on defence matters, including the Meetings of Peninsular Military Staffs and the Spanish-Portuguese Council for Security and Defence (CHLSD)³⁷. The former have been held for a long time, with the first meeting taking place more than sixty years ago, while the CHLSD was formed in 2006 at the Iberian Summit in Badajoz. Both embody the essential aspects that define military and defence cooperation between the two neighbouring countries. Particular attention should be paid to the Council, since this body establishes the general lines of cooperation in these matters, i.e. the CHLSD provides the guidelines and identifies the areas in which specific action should be taken to give effect to the commitment to military and defence cooperation between Spain and Portugal (also in home affairs).

This Council has become a forum not only for cooperation, but also for debate and reflection on issues of international scope and importance that are of common and particular interest to the two countries. Hence, it makes pronouncements on various topics related to international relations. For example, in 2014 the CHLSD highlighted its concern about ‘the situation in the Sahel and its impact on European security’³⁸; and a year earlier it singled out ‘the participation of the two countries in the effort of the International Coalition to Fight ISIS’. Thus, it should come as no surprise that in some way the Council at times summarises and outlines the position of both Spain and Portugal in international fora dealing with security and defence issues. To this effect, at the XXIX Iberian Summit in Vila Real in 2017, it was recalled how the Council had ‘underlined the deepening of defence cooperation between the two countries, both at the multilateral level, within the framework of NATO, the European Union and the 5+5 Defence Initiative and, with other partners, in the Gulf of Guinea, as well as at the bilateral level’. In this way, the bilateral relationship determines first and foremost the commitments that the two countries have made at the multilateral level, and also specifies their own guidelines and indications in the area of defence.

17 July 2020. Available at: <https://www.larazon.es/espana/20200717/nfqxl45tzrh6rgirywkhzksji.html>

³⁷ MINISTRY OF DEFENCE: “Defence - Spain/Portugal”. National Security, Cabinet Office of the Presidency of the Government, 16 November 2017. Available at: <https://www.dsn.gob.es/ca/actualidad/seguridad-nacional-ultima-hora/defensa-espa%C3%B1a/portugal>

³⁸ EUROPAPRESS/NATIONAL. 4 June 2014.

In short, bilateral relations have common bodies, with the creation of the enormously useful CHLSD as the governing body for bilateral defence policy and, of course, the long-standing military cooperation between the Armed Forces of the two countries standing out. This was reflected in the Report of the 8th legislature (2004-2008) of the Spanish Ministry of Defence, which laconically stated that “the Spanish-Portuguese Defence and Security Council has been created”, emphasised the collaborations of the Spanish army with those of other countries, such that “an average of 150 activities have been programmed annually”, and noted that “Portugal remains the country with which it collaborates most bilaterally”³⁹.

It would be an interminable task to detail the specific areas in which military and defence cooperation between the two countries is made tangible on the initiative of the above-mentioned bodies. However, it is sufficient to mention two areas. The first concerns cooperation in dealing jointly with the consequences of natural disasters with the participation of the armed forces. At the XXX Iberian Summit in Valladolid in 2018 it was said that “the bilateral relationship between our Armed Forces is consolidated, highlighting the close collaboration that the Portuguese and Spanish Armed Forces have been developing in the field of response to natural disasters and emergencies”. The second area is identified with the defence industry sector, which in recent years has reached a significant level of collaboration, and is increasingly becoming one of the main areas of military cooperation. The cooperation agreement between the two countries’ defence ministries on satellite and space technologies and the work of the Working Group on Armaments and Defence Industries (GTAID) can be recalled⁴⁰.

ii) In bilateral cooperation, the Agreement on Cooperation in Defence Matters, signed in Bayonne on 22 June 2015, stands out. This Agreement has its antecedents in the defence cooperation that existed between Portugal and Spain, as can be deduced from its “Preamble”. In this regard, there are three relevant facts: first, the existence of a Protocol of Cooperation between the Ministry of Defence of the Kingdom of Spain and the Ministry of National Defence of the Portuguese Republic in 1998; the Joint Declaration of Intentions for the Strengthening of Cooperation in the Defence Field in 2012; and last, the creation of the CHLSD, with the importance of “its working groups at the level of the Ministries of Defence”. The 2015 Agreement establishes a more permanent legal framework between the two countries in the field of defence and, from a legal perspective, scales up the pre-existing levels of cooperation. The Agreement says as much when it speaks of the “need to update the legal framework for bilateral relations in the field of defence”.

The Bayonne Agreement is a decisive step towards strengthening military and defence cooperation in the Iberian area, and its reading particularly facilitates pinpointing the areas and modalities identified to make the various forms of collaboration tangible. Before doing so, the Agreement introduces two general indications in the “Preamble”.

³⁹ [MINISTRY OF DEFENCE. Memoria de la VIII legislatura \(2004-2008\), Madrid, 2008.](#)

⁴⁰ [INFODEFENSA.COM. 8 October 2021.](#)

First, it rightly recalls that “strong and consistent cooperation between the two states [...] will serve the purposes of stability, peace and international security”. The bilateral relationship reinforces the already existing close cooperation between Portugal and Spain in other fora, notably NATO and the EU, in defence matters. Second, it contains a reference to respect for the principles of the UN Charter. More specifically, it says that the principles and purposes of the UN’s founding text, “which include the sovereign equality of States, the integrity and inviolability of their territory and non-intervention in the internal affairs of other States”, will be respected. The most substantial part, however, is to be found in Articles 3 and 4, with Article 1 stipulating that “the purpose of this Agreement is to frame and promote cooperation in the field of defence”.

However, the Agreement lists and specifies the areas in which the Iberian states are committed to effective cooperation in the military field and in the defence sector. This is conceived in a broad and up-to-date approach to international security, the main areas of which are: consultations and dialogues on security issues that shape the position of the two countries on the international stage; close cooperation in the bodies in which the two countries participate; exchange activities, exercises and joint operations; and many other areas of cooperation, including “cooperation in the field of cyber-defence and global terrorism” and “promotion of historical, cultural and sporting activities”. In essence, a reading of Article 3 leads to the conclusion that there is practically no area in which military and defence cooperation between the two Iberian countries is not planned.

The Agreement also sets out the modalities for Portuguese-Spanish cooperation, described in article 4, which covers all the possible scenarios imaginable for cooperation in the field of defence. The forms of collaboration between the two countries range from “meetings and encounters between delegations from the Ministries of Defence”, to “coordination and joint organisation of courses, modules and other academic programmes”, to “the establishment of agreements to implement activities in the field of defence technology or research and development”. Consequently, exchanges of knowledge, information and training will take priority among the modalities for making bilateral cooperation effective, without ruling out agreements in the field of research and the defence industry⁴¹.

Conclusions

Bilateral cooperation between Portugal and Spain in security and defence has consistently been described as beneficial for both countries and embodies the good relations that exist between the two Iberian countries. The origin of these relations can

⁴¹ BOE, n.o 292, 1 December 2017.

be traced back to the adoption of the 1977 Treaty of Friendship and Cooperation. At this time, democratic postulates began to be consolidated on both sides of the Iberian border and the ball was set rolling in what would culminate in the subsequent entry of the two countries into the common European project. However, the joint participation of Portugal and Spain in multilateral bodies has not precluded the maintenance and gradual strengthening of strictly bilateral ties. From a scientific point of view, the latter are of particular interest because the bilateral Luso-Spanish link fulfils several functions: it reinforces the cooperation that takes place on the multilateral stage in the field of security and defence, and it lends precise components of singularity to global Luso-Spanish relations which, in the case of security and defence, reach high levels of specificity. In the security and defence domain this has become a reality.

Progress in mutual relations has come about above all through the two countries' participation in the Iberian Summits which, beyond the rhetorical aspects, have been able to argue, explore and systematise the priority areas for developing bilateral cooperation and, from there, outline the main lines of Portuguese-Spanish collaboration. Indeed, bilateral summits have become a rather privileged forum for political consultation, with legal consequences. This has been particularly true in the security and defence sector, both in the strictly military dimension and in cooperation aimed at putting an end to behaviour that poses a risk to the security of the two countries, such as organised crime and drug trafficking.

The membership and participation of the two Iberian countries in international fora dealing with these issues, such as the EU and NATO, in no way hinders the development of special cooperation and collaboration in these matters of a purely bilateral scope and content. Therefore, and although it has become commonplace, it would not be a cliché to say that Portugal and Spain have for some time been experiencing the happiest, most profitable and advantageous moments of their mutual relationship, in political and social terms. Close cooperation in the field of security and defence is the highest proof that traditional postulates have been overcome and that, moreover, a new stage in mutual relations was inaugurated in the 1970s.

Today, the Iberian Peninsula is an area of peaceful and deep bilateral cooperation between its two member states. Bilateral cooperation is a much-needed reinforcement of European and NATO mechanisms in the security field. Furthermore, bilateral security and defence cooperation is a link that has autonomy in political terms and has given rise to relevant legal manifestations. The 2015 Defence Cooperation Agreement is one of the most notable expressions of the achievements of Portuguese-Spanish bilateral cooperation. From this basis, further studies will be possible to formulate proposals to fully articulate bilateral security and defence relations between the two countries. This paper therefore serves the purpose of setting out the essential components of the bilateral link in the topics under study.

