



***THE CYCLES AND THE UNAVOIDABLE DICHOTOMIES BETWEEN  
AZOREAN AUTONOMY AND THE SOVEREIGNTY OF THE  
'TERREIRO DO PAÇO': A CASE STUDY ON CONFLICTS OVER  
MARITIME SPATIAL PLANNING POLICIES***

**OS CICLOS E AS DICOTOMIAS INCONTORNÁVEIS ENTRE A  
AUTONOMIA AÇORIANA E A SOBERANIA DO "TERREIRO-DO-  
PAÇO": ESTUDO DE CASO DE ATRITO SOBRE AS POLÍTICAS DE  
ORDENAMENTO DO ESPAÇO MARÍTIMO**

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**ABSTRACT:**

**Objective:** The article aims to analyze the tensions and conflicts between the political-administrative autonomy of the Azores and the sovereignty of the Portuguese Republic, focusing specifically on the management of the Azorean maritime domain. It seeks to identify the main causes and consequences of these institutional conflicts and to reflect on potential alternatives that could strengthen regional autonomy without compromising national integrity.

**Method:** The study adopts a qualitative approach, combining a historical overview of Azorean autonomy with a case study analysis of recent legal and institutional conflicts over maritime spatial planning policies (POEM). It examines constitutional and statutory provisions, relevant jurisprudence (notably decisions of the Constitutional Court), and the conclusions of the Special Commission for Monitoring Maritime Spatial Planning Policies (CEAPOEM). The analysis is supported by legal scholarship and official reports.

**Results:** The research demonstrates that, despite the constitutional recognition of Azorean autonomy, this status has been subject to increasing challenges from central authorities, particularly in relation to the governance and management of maritime resources. The jurisprudence of the Constitutional Court has consistently favored a centralist interpretation of the relevant constitutional and statutory provisions, thereby restricting the effective scope of regional powers. Furthermore, the CEAPOEM report evidences a broad regional consensus regarding the inadequacy of the current constitutional and legal frameworks to address the specific needs and legitimate aspirations of the Azores in the field of maritime management.





**Conclusions:** The article concludes that the management of the Azorean maritime space is not merely a technical or legal issue, but a matter of political, identity-related, and strategic significance. Strengthening regional autonomy in this domain requires both institutional innovation (such as joint commissions) and broader strategies to raise awareness of Azorean specificities. Ultimately, solutions that benefit the Azores will also reinforce Portuguese democracy and national cohesion.

**Keywords:** Autonomy; Sovereignty; Azores; Maritime Space; Planning.

## RESUMO

**Objetivo:** O presente artigo tem por objetivo analisar as tensões e conflitos entre a autonomia político-administrativa dos Açores e a soberania da República Portuguesa, com especial incidência na gestão do domínio marítimo açoriano. Procura-se identificar as principais causas e consequências desses conflitos institucionais, bem como refletir sobre alternativas que possam reforçar a autonomia regional sem comprometer a integridade nacional.

**Método:** O estudo adota uma abordagem qualitativa, combinando uma contextualização histórica da autonomia açoriana com a análise de um estudo de caso relativo a conflitos jurídicos e institucionais recentes em torno das políticas de ordenamento do espaço marítimo (POEM). São examinados os preceitos constitucionais e estatutários aplicáveis, a jurisprudência relevante — nomeadamente os acórdãos do Tribunal Constitucional — e as conclusões da Comissão Eventual de Acompanhamento de Políticas de Ordenamento do Espaço Marítimo (CEAPOEM). A análise é ainda sustentada por doutrina jurídica e relatórios oficiais.

**Resultados:** A investigação demonstra que, não obstante o reconhecimento constitucional da autonomia açoriana, este estatuto tem sido objeto de desafios crescentes por parte das autoridades centrais, especialmente no que concerne à governação e gestão dos recursos marítimos. A jurisprudência do Tribunal Constitucional tem, de forma reiterada, privilegiado uma interpretação centralizadora dos preceitos constitucionais e estatutários aplicáveis, restringindo, assim, o âmbito efetivo dos poderes regionais. Ademais, o relatório da CEAPOEM evidencia um amplo consenso regional quanto à insuficiência dos atuais enquadramentos constitucionais e legais para responder às necessidades específicas e às legítimas aspirações dos Açores no domínio da gestão marítima.

**Conclusões:** O artigo conclui que a gestão do espaço marítimo açoriano não constitui apenas uma questão técnica ou jurídica, mas assume uma dimensão política, identitária e estratégica de grande relevância. O reforço da autonomia regional neste domínio exige não só inovação institucional — como a criação de comissões paritárias —, mas também estratégias mais amplas de valorização e sensibilização para as especificidades açorianas. Em última análise, as soluções que beneficiem os Açores contribuirão igualmente para o fortalecimento da democracia portuguesa e para a coesão nacional.

**Palavra-chave:** Autonomia; Soberania; Açores; Espaço Marítimo; Ordenamento.





## 1 INTRODUCTION

The Political and Administrative Autonomy of the Autonomous Region of the Azores (ARA) constitutes one of the central pillars of Azorean identity and one of the community's most significant intangible assets. Beyond a mere legal framework, autonomy represents a historical process of political and social affirmation, shaped by centuries of geographical remoteness, cultural particularities, and struggles for self-determination within the Portuguese State. Nevertheless, this achievement has not been free from tensions, as it is frequently tested by the complex relationship between the Region's self-governing institutions and the Sovereignty of the Portuguese Republic.

In recent decades, there has been a marked increase in institutional and legal frictions that highlight the—often tenuous—boundaries between regional autonomy and national sovereignty. The sea, as a strategic asset and a fundamental resource for the future of the Azores, emerges in this context as the most sensitive arena of dispute. The management of maritime space, regulated by the Maritime Spatial Planning Policies (MSPP), brings into confrontation differing interpretations of the Constitution of the Portuguese Republic (CRP) and the Political-Administrative Statute of the Autonomous Region of the Azores (EPARAA), giving rise to divergences of significant geopolitical, economic, and identity-related relevance.

This study aims to analyze a specific case of friction between the ARA and the Portuguese Republic, focusing precisely on the issue of the Azorean maritime domain. To this end, it begins with a brief historical contextualization of Azorean autonomy, followed by an examination of the main causes and consequences of institutional conflicts, with particular attention to decisions of the Constitutional Court and opinions of leading legal scholars. The objective is not merely to identify obstacles but also to reflect on potential alternatives that could strengthen regional autonomy without compromising the integrity of the State.

Finally, the relevance of new solutions is discussed, notably the creation of a Joint Commission and the use of regional soft power strategies. The analysis points to the need for a renewed balance between Lisbon and the Azores, capable of ensuring the shared management of maritime resources while preserving national cohesion. This paper thus aims to contribute to the ongoing debate on the future paths of Azorean autonomy, emphasizing that what strengthens the Azores may, in the end, also





reinforce Portugal as a whole. Accordingly, and prior to addressing the core subject of this study, it is appropriate to present, in Figure 1 below, a glossary of terms and expressions referenced throughout the article:

Term or Expression	Meaning or Description
Archipelagic waters	The body of water enclosed between the low-water line and the outer archipelagic perimeter, in cases of States composed entirely of islands (e.g., Japan, the Philippines, Cape Verde). These waters are subject to preferential rights for fishing, but only concurrent rights for navigation and the laying of cables and pipelines, reflecting significant limitations on maritime sovereignty. ( <i>Marchante, 2025, p. 11; Gouveia, 2016, p. 190</i> )
Internal waters	The portion of salt water located landward of the territorial sea baseline (known as the "baseline"); these waters are fully subject to the sovereignty of the coastal State. ( <i>Gouveia, 2016, p. 190</i> )
Public domain	Refers to property held by the State or other public legal entities — it designates the rights to use collective goods which, due to their public function, cannot be subject to private commerce. These goods are governed by a strict regime of imprescriptibility and inalienability. ( <i>Gouveia, 2016, p. 198</i> )
Regional Maritime Public Domain	While Article 84 of the Portuguese Constitution generally allows for the existence of regional public domain across various geographic spaces [land and water], including maritime areas, it also implicitly affirms that the Autonomous Regions may hold a maritime public domain. This recognition ensures that the maritime space, which forms part of the geographic boundaries of the Autonomous Regions, has practical legal relevance and is not merely symbolic. ( <i>Gouveia, 2016, p. 204</i> )
Inter-island space	The Philippines, along with other archipelagic States, and despite opposition from major powers (USA and USSR) and maritime powers (Japan, United Kingdom, etc.), succeeded at Montego Bay in securing recognition of the straight archipelagic baseline that connects the various islands and defines an inter-island space under the sovereignty of that State. This space is governed by a regime similar to internal waters, but with limitations to safeguard navigation rights (Articles 46 to 54 of UNCLOS). ( <i>Marchante, 2025, p. 11</i> )
Maritime space	Refers to the portion of saltwater surrounding the land territory, which may also include the seabed and subsoil in certain cases. It is divided into several subcategories: internal waters, territorial sea, continental (or insular) shelf, and archipelagic waters. ( <i>Gouveia, 2016, p. 190</i> )
Terrestrial space	Refers to areas where States may carry out various activities on equal and free terms with other States — a







Term or Expression	Meaning or Description
	situation currently exemplified only by Antarctica, given that all other terrestrial spaces have been progressively occupied and utilized by State authorities as dry land was discovered across the globe. (Gouveia, 2016, p. 189)
[Straight] Baseline	Article 47 – Archipelagic Baselines: An archipelagic State may draw straight archipelagic baselines connecting the outermost points of the outermost islands and reefs of the archipelago, provided that within these baselines are included the main islands and an area where the ratio of water surface to land surface, including atolls, is between 1:1 and 9:1. (UNCLOS, Part IV – Archipelagic States) (Marchante, 2025, pp. 11-15)
Territorial sea or territorial waters	The portion of salt water between the low-water line and the outer limit of 12 nautical miles ( $12 \times 1,851.83 \text{ m} = 22,222 \text{ m}$ ), or from the outer limit of internal waters, where applicable. This zone also includes the seabed and subsoil beneath it. In certain cases, it may be subject to special regimes, such as those governing international straits. (Marchante, 2025, p. 5; Gouveia, 2016, p. 190)
Continental/Insular Shelf	Refers to the seabed and subsoil extending to the outer edge of the continental (or insular) shelf, or up to a maximum of 350 nautical miles from the baseline. (Gouveia, 2016, p. 190)
Sovereign territory	The area over which the State exercises full and eminent domain — known as “territorial lordship.” It is a singular and exclusive domain, meaning that no powers or ownership rights are granted to autonomous regions or any other public legal entity, whether domestic or international. (Gouveia, 2016, p. 198)
Contiguous zone	A maritime area adjacent to the outer limit of the territorial sea, where the coastal State has specific powers related to customs, taxation, health, and immigration. This zone extends 12 additional nautical miles beyond the territorial sea, reaching up to 24 nautical miles from the baseline. (Marchante, 2025, p. 6)
Exclusive Economic Zone (EEZ)	A maritime space extending from 12 to 200 nautical miles beyond the territorial sea, where the coastal State exercises preferential rights over the exploitation of living biological resources, as well as jurisdictional and enforcement powers. The State also holds exclusive rights over both living and non-living resources in the water column, seabed, and subsoil. (Gouveia, 2016, p. 191; Marchante, 2025, p. 7)

Figure 1: Glossary of Terms or Expressions Referenced

2 AUTONOMY: A HISTORICAL OVERVIEW AND THE POLITICAL MOVEMENTS IN THE AZORES





Autonomy constitutes a concept with millennial roots that has remained relevant due to its capacity to adapt to the demands of each historical period. At the onset of modernity, the term reemerged as a response to the crisis of the modern sovereign state, functioning as a mechanism for political and social reorganization during periods of transition (Fontes, 2023, p. 16). The origins of autonomy can be traced back to the classical period of the City-States, where it was understood not as absolute independence, but as the ability of certain communities to preserve their own identity while maintaining ties to broader political entities. According to Amaral (2016, p. 70), autonomous communities were those that, without ceasing to be part of larger structures, asserted distinctive characteristics in both the cultural and political spheres.

During the absolutist period of the Old Regime, autonomy was primarily practical and corporate in nature. It arose from the geographical distance between Lisbon and the Azores, the insular isolation, and the Crown's difficulty in effectively centralizing power over the archipelago. This was a granted and tolerated form of autonomy, provided it yielded benefits for both parties. As João (1992, pp. 4–5) notes, one cannot yet speak of political autonomy, but rather of forms of corporate self-government that subsisted under the Crown's benevolence.

With the consolidation of nation-states following the Peace of Westphalia (1648), political autonomy came to rest on two central premises. First, it was recognized that states, although formally unitary, contained differentiated components that did not fully conform to the ideal of homogeneity and unity. Second, these specific components were granted the political authority necessary to manage aspects in which they diverged from the broader state. Amaral (2017, p. 292) emphasizes that, in this context, autonomy allowed for the reconciliation of the political unity of the state with respect for its internal diversities. This inevitability stemmed from the geographical, linguistic, and cultural particularities present within states, rendering autonomy a natural mechanism to ensure governability (Amaral, 2017, p. 3; Fontes, 2023, p. 16).

In the twentieth century, particularly after the Second World War, regional political autonomy consolidated as a structuring principle of European political organization. This development manifested in the progressive recognition of special self-government regimes in peripheral, insular, or culturally distinct regions. Amaral (2017, pp. 290–292) notes that this process contributed to reinforcing the stability of European democratic states, allowing for greater inclusion of communities with unique characteristics. A prominent example is the Åland Islands in the Baltic Sea, which,





although formally part of Sweden, achieved autonomy from Stockholm due to the Finnish origin of their population, particularly in cultural and linguistic matters. Similar experiences occurred in the Channel Islands, in relation to the United Kingdom; in the North Sea islands, in relation to Denmark; and later in the Canary Islands, Madeira, and the Azores, particularly following the democratic constitutional reforms in Spain and Portugal in the second half of the twentieth century.

### **3 FOUNDATIONS AND CHALLENGES OF AZOREAN AUTONOMY VIS-À-VIS SOVEREIGNTY**

As Bloch (1976, p. 35) reminds us, “no phenomenon can be fully explained outside the study of its time,” and this premise is particularly relevant to the analysis of Azorean autonomy. Its roots can only be fully understood through the historical and political contextualization that shaped the autonomist ideology within the archipelago. In this regard, João (1992, p. 4) emphasizes the necessity of situating the period during which the notion of an autonomous project in the Azores began to be articulated, as well as identifying the social, economic, and cultural factors that provided it with substance. Today, this autonomous asset continues to raise critical questions: whether it can evolve into a fourth movement, proactively and continuously, or whether, on the contrary, it may encounter ruptures caused by financial shifts, institutional dysfunctions, or internal tensions that could compromise both the balance of the current model and the very ideal of autonomy.

The first autonomist movement emerged in the nineteenth century, associated with a pioneering and idealistic spirit that opposed the centralism of the Kingdom. This period was characterized by demands for the free administration of the Azores by the Azoreans themselves and by a strong social awareness of insular realities, which fostered the need to strengthen inter-island ties and overcome constraints imposed by geography. Luís (2016, p. 14) recalls that, beginning in 1893, an intense campaign in defense of autonomy developed, driven by isolation, limited economic development, and the central government’s financial neglect. The resulting indignation mobilized several notable figures of the time, including Aristides Moreira da Mota, Gil Mont’Alverne de Sequeira, José Maria Raposo do Amaral, Caetano de Andrade







Albuquerque, Francisco Pereira Lopes Bettencourt Ataíde, Manuel Jacinto da Ponte, and Luís Soares de Sousa.

The second autonomist movement, more turbulent in nature, occurred at the beginning of the twentieth century, alongside national political and economic instability. According to João (1992, pp. 14–16), autonomy and separatism coexisted during this phase, largely as a reaction by monarchical and conservative sectors against the radicalization of republican movements on the mainland. In São Miguel, the movement was led by Aristides Moreira da Mota, Luís Bettencourt de Medeiros e Câmara, José Bruno Tavares Carreiro, Francisco Machado de Faria e Maia, among others, and was marked by strong corporate and familial interests, reflecting both political contestation and internal power disputes.

The third autonomist movement corresponds to the process that culminated in the contemporary political-administrative autonomy of the Azores. Still in the democratic transition phase, various political and institutional forces, including the district organizations of the PPD, PS, and CDS, as well as the so-called “Group of Eleven,” submitted proposals for the drafting of a Political-Administrative Statute (Andrade, 2016, p. 14). The debate centered on the scope of autonomy: while the PPD advocated for full political-administrative autonomy, with its own legislative and executive bodies, the civil governors proposed only administrative and financial autonomy, reviving the historical notion of a province (João, 1992, p. 26). This third phase was characterized both by the persistence of the so-called “autonomy hardliners” and by the inevitability of accepting the democratic regime of the Third Republic, in a context of euphoria following nearly half a century of dictatorship. However, as Fontes (2013, p. 12; Martins & Rodrigues, 2024, pp.24-56) observes, the attitude of the sovereign authorities toward Azorean autonomy has remained marked by distrust and by a perception of the archipelago’s heteronomy, consistent with the subordinated integration logic that had prevailed for centuries.

#### **4 CASE STUDY: MARITIME SPATIAL PLANNING AND GOVERNANCE**

Since the beginning of the Third Republic and with the realization of the Azorean autonomist agenda during the third autonomist movement, both the Constitution of the Portuguese Republic (CRP) and the Political-Administrative Statute of the Autonomous





Region of the Azores (EPARAA) have undergone multiple revisions, driven by political, institutional, and party-specific circumstances. The CRP has experienced seven revisions between 1982 and 2020, some of a surgical nature and others with substantial impact, while the EPARAA has been revised three times, the most recent being introduced by Law No. 2/2009, of January 12 (Medeiros & Bargalho, 2023, p. 120).

At the constitutional level, it is important to highlight Article 5, which frames the concept of “national territory,” and, above all, Article 6(1), which defines Portugal as a unitary state while recognizing and respecting, within its organization, the insular autonomic regime, as well as the principles of subsidiarity, local autonomy, and administrative decentralization. Paragraph 2 of the same article establishes that the Azores and Madeira archipelagos constitute autonomous regions, endowed with political-administrative statutes and self-governing institutions (Gouveia, 2016, p. 196). Equally relevant is Article 227, which defines the powers of the autonomous regions, qualifying them as legal persons under domestic public law (Gouveia, 2016, p. 190), and granting them, among other competencies, participation in the formulation of policies regarding territorial waters, the exclusive economic zone, and contiguous seabed resources.

In the case of the EPARAA, particular attention should be given to Article 8, which establishes the division of competencies between the Region and the Republic, and Article 121(2), which encompasses matters of significant importance, such as policies relating to territorial waters, the exclusive economic zone, and the continental shelf, the status of an outermost region and insularity, as well as agricultural and fisheries policies when applicable to the territory of the Region. Paragraph 3(e) of the same article further provides that the Legislative Assembly of the Autonomous Region of the Azores (ALRAA) and the Regional Government of the Azores (GRA) may submit observations and proposals to the sovereign bodies on these matters.

However, constitutional interpretation has not been without controversy. The Constitutional Court (TC) has been called upon on multiple occasions to rule on the ownership and management of maritime resources. Until Judgment No. 131/2013, of January 31, the TC did not recognize a clear separation between ownership of the domain and its management. Subsequently, in decisions such as Judgment No. 136/2016, of March 30, and Judgment No. 484/2022, of May 15, the Court maintained the position that the management of maritime space must be framed by the principles





of state integrity and sovereignty. This principle has been invoked to justify limitations on regional autonomy, on the basis that the Republic cannot be subject to administrative blockages by the Region, particularly when these result from ambiguously drafted regulations or from insufficient capacity to effectively oversee maritime resources.

In this context, it is essential to recall Law No. 17/2014, the Framework Law on the Planning and Management of National Maritime Space (LBPOGEMN), comprising 34 articles distributed across four chapters, which establishes the general regime for maritime spatial planning and management. Its regulation was further developed by Decree-Law No. 38/2015, of March 12, which details, in 109 articles organized into eight chapters, the mechanisms for planning, licensing, and oversight of maritime activities (Gouveia, 2016, pp. 209–211). These instruments consolidated the centralization of competencies within the Republic, despite the constitutional and statutory provisions granting the Region enhanced legitimacy to participate in the formulation of maritime policies.

## **5 LEGAL AND INSTITUTIONAL CONFLICTS BETWEEN THE AUTONOMOUS REGION OF THE AZORES AND THE PORTUGUESE REPUBLIC**

The publication of the Framework Law on the Planning and Management of National Maritime Space (LBPOGEMN) generated strong opposition from the Regional Government of the Azores (GRA), which criticized the absence of effective participation by the Autonomous Region of the Azores (RAA) in the drafting of the statute. Although the Decree implementing it (DBPOGEMN) was formally submitted for consultation to the RAA, the Region was not substantively involved in its discussion (Gouveia, 2016, pp. 179–180). In response to the repeated disregard of regional competencies, the GRA requested, in May 2015, that the Constitutional Court (TC) conduct a successive review of the constitutionality and legality of Decree-Law No. 38/2015, under Article 281(2)(g) of the Constitution of the Portuguese Republic (CRP) and Article 51 of Law No. 21/82. The request sought a declaration of unconstitutionality and illegality of various provisions of the statute (Gouveia, 2016).

The Constitutional Court (TC) ruled through Judgment No. 136/2016, published in the *Diário da República*, Series II, No. 62, of March 30, deciding that there were no





illegal or unconstitutional provisions in the challenged statutes (Constitutional Court, 2016). Despite the outcome being unfavorable to the Region's claims, the judgment does not preclude the possibility of shared management of maritime space, as repeatedly advocated by the RAA. Subsequently, the Region sought legal opinions aimed at mitigating the impacts of the judgment, particularly regarding the operationalization of the concept of shared management of maritime territory in light of the Political-Administrative Statute of the RAA (EPARAA) and the CRP.

Two legal opinions stand out in this context: that of Professor Jorge Bacelar Gouveia and that of Professor Rui Medeiros. The former provides an extensive and critical analysis of Judgment No. 136/2016, highlighting the relevance of the statutory principles of the RAA in contrast with the CRP (Gouveia, 2016). The latter opinion, more surgical in nature, recognizes the constitutionality of the statute but also advocates for shared management and criticizes the excessive centralism in the interpretation of state sovereignty (Moniz, Rocha, Ribeiro & Medeiros, 2018). Both opinions converge in their critique of constitutional jurisprudence, which has interpreted regional powers over maritime space restrictively, disregarding the evolution of autonomies and the need for the CRP to adapt to contemporary insular realities.

In May 2024, the Legislative Assembly of the RAA (ALRAA) established the Ad Hoc Commission for the Monitoring of Maritime Spatial Planning Policies (CEAPOEM), with the objective of overseeing and evaluating the Republic's policies regarding maritime planning. The Commission's final report, approved in May 2025, highlights the need for a constitutional review and for the creation of a Joint Commission on the Maritime Space of the Azores, aimed at ensuring genuinely shared management. The conclusions of the CEAPOEM reflect a regional political consensus on the inadequacy of the current constitutional and jurisprudential interpretation in light of the requirements of Azorean autonomy. Maritime management is thus seen not merely as a technical or legal matter, but as an issue of profound political, identity-related, and strategic significance for the future of the Region.

In point 1 of the CEAPOEM report, the firm determination of the Legislative Assembly of the Autonomous Region of the Azores (ALRAA) to strengthen Regional Autonomy is acknowledged, particularly with regard to the shared management of maritime space. This position arises as a response to the recurring disregard by Sovereign authorities, the centralism of the State, and the obstacles imposed by the





Constitutional Court (TC), which have hindered the recognition of the Region's maritime specificities.

It is consensually acknowledged, as reflected in points 2, 8, 11, and 12 of the report, among the Commission members and the invited experts—in line with the views of the self-governing bodies (OGP) of the RAA—that a revision of the Constitution of the Portuguese Republic (CRP) represents the most secure and effective path to guarantee the Region clear and legitimate competencies in the shared management of maritime space. Such a revision would allow the overcoming of limitations imposed by systematic and restrictive interpretations of the Constitutional Court (TC).

The self-governing bodies (OGP) of the RAA, as noted in point 11, advocate for this constitutional revision as an instrument to strengthen Political-Administrative Autonomy and preserve the Region's own competencies, particularly in the maritime domain, as provided for in the Political-Administrative Statute of the Autonomous Region of the Azores (EPARAA). This proposal also embodies a commitment to a renewed vision of Autonomy, based on cooperation and joint decision-making, while respecting the principles of insularity and regional specificities.

According to point 12, it is imperative to continue the work already undertaken by the ALRAA in order to further develop the concept of shared management of the Azorean maritime space, as enshrined in the EPARAA. The opinion included in the report of the Ad Hoc Commission for the Review of Autonomy (CEVERA) proposes a surgical amendment to Article 84 of the CRP, through the introduction of a new paragraph 3, expressly recognizing the right of the Autonomous Regions to constructive participation in the planning and management of maritime zones adjacent to their territory, within the framework of joint and shared management. Such participation would be limited only in cases where the exercise of powers would conflict with the integrity and sovereignty of the State.

Furthermore, the opinion argues that the Regions should have exclusive competence for the licensing of activities related to the private use of State public maritime domain assets, particularly in the areas of inert material extraction, fishing, and renewable energy production (Medeiros & Bargalho, 2023, p. 136; Rodrigues, Bhattacharya, Sachdev & Cabete, 2025, pp. 1-27).

However, the experts consulted by the Commission caution that this is not the appropriate moment to proceed with a constitutional revision, as the necessary political conditions are not expected to materialize in the medium term. Among the factors







impeding this process are the fragmentation of the political spectrum in the Assembly of the Republic (AR) and the heightened distrust of Sovereign authorities, fueled by recent episodes of territorial tension in Spain, such as the cases of Catalonia and the Basque Country (Medeiros & Bargalho, 2023).

On the other hand, as reflected in points 2 and 8, one may infer an implicit acknowledgment of a tacit mea culpa regarding the legislative work carried out to date, particularly in relation to the exploration and maximization of the scope of Article 8 of the EPARAA for the benefit of the RAA. This approach does not preclude other possible avenues for strengthening the Region's powers, such as infraconstitutional legislative amendments through the so-called "qualified competence" of the RAA, which would allow for an expansion of its capacity for intervention without the need for a constitutional revision.

Points 3 and 4 of the CEAPOEM report emphasize, on the one hand, the strategic importance of the University of the Azores in strengthening the Region's position regarding the shared management of maritime space. Scientific research conducted in the environmental, economic, and technological domains is seen as an essential pillar to support informed political decision-making and to assert the Region's capacity in shaping maritime policies.

On the other hand, it is acknowledged that, despite the studies already conducted, significant limitations persist regarding the availability of sufficient technical and scientific information to enable informed political decision-making on the exploitation of deep-sea resources in the Azores. This gap underscores the need to strengthen knowledge production and the coordination between science and public policy.

In point 5, it is deemed unacceptable that the decisions of the Constitutional Court (TC) regarding the planning and use of maritime space continue to be made based on a centralist perspective, detached from insular realities and the specificities of the Autonomous Region of the Azores. This critique reflects a widespread perception that the TC has interpreted the Constitution in an excessively rigid manner, disregarding the principles of subsidiarity and regional autonomy (Gouveia, 2016).

Regarding point 6, unanimity was not achieved among the Commission members and the representatives of the parliamentary groups concerning the proposal to appoint judges to the Constitutional Court (TC) upon the nomination of the Autonomous Regions. Although some experts consider the measure feasible, it raises





questions regarding its appropriateness and compatibility with the principle of judicial independence, particularly with respect to the TC. Nevertheless, the proposal was not dismissed and could be considered in the future by the sovereign bodies, should a broad political consensus emerge.

Point 7 and the hearings conducted by the Commission reveal a clear conviction that the management of the Region's maritime territory is a sensitive, strategic, and profound matter, intimately linked to the identity of the Azores. The lack of clarity on the part of the Republic and the TC regarding the constitutional principle of subsidiarity and effective autonomy demonstrates that this issue transcends the technical-legal sphere, assuming a political, identity-related, and cultural dimension.

Point 8 (and redundantly, point 13) is particularly relevant, as it presents concrete alternatives to a constitutional revision—which is increasingly difficult to achieve—for ensuring that the RAA can exercise competencies in the shared management of maritime space. Among these alternatives, the following stand out:

- The infraconstitutional legislative route, already mentioned in point 2, which will require greater normative discipline, party coordination, and a strategic regional parliamentary vision;
- The creation of a Joint Commission on the Maritime Space of the Azores, with political representation and deliberative capacity;
- Political-institutional awareness-raising through a regional soft power strategy directed at political, academic, and institutional actors, aimed at enhancing the insular and autonomic reality.

The proposal for the Joint Commission was put forward by professor Rui Medeiros, drawing inspiration from the Joint Commission established to monitor the Concordat between the Portuguese State and the Holy See. According to the expert, this Commission should be a formal entity, with representation from both the Republic and the Region at the highest level, dedicated to analyzing challenges, exploring viable alternatives, and building consensus. Its objective would be to achieve normative solutions that benefit both parties, promoting cooperative management while respecting regional autonomy.



Point 9 of the CEAPOEM report aptly highlights the enhanced legitimacy that the Azores possess in their participation in maritime governance. This legitimacy arises not only from legislative initiatives and concrete actions, but also from the historical and strategic role that the Region has played in this domain. The Azores have set notable examples in the preservation of the marine environment, which further strengthens their moral and political authority to contribute to the formulation of maritime policies.

Moreover, the challenges facing Azorean autonomy in maritime matters are multifaceted, encompassing legal, political, and constitutional dimensions. Overcoming these challenges requires a forward-looking vision, political will, and reformist courage, all of which are essential to ensuring that maritime governance is conducted in an integrated, sustainable manner that respects regional specificities (Medeiros & Bargalho, 2023).

Point 10 underscores the importance of the classification of protected maritime areas, a competence that indisputably belongs to the Legislative Assembly of the Autonomous Region of the Azores (ALRAA), pursuant to Article 57(2)(b) of the Statute of the Autonomous Region of the Azores (EPARAA). This attribution reinforces the notion that environmental management of the maritime space is a legislative competence inherent to the Region, long recognized within the Portuguese legal framework (Gouveia, 2016).

Point 13 reiterates, somewhat redundantly, the content of point 8 by proposing the establishment of a formal consultation mechanism between the Region and the Republic for matters relating to the maritime space. This proposal aims to institutionalize dialogue and cooperation between the two levels of government, thereby promoting shared and deliberative management.

Point 14 highlights the need to strengthen the capacity for monitoring and enforcement within the maritime space of the Azores, with the aim of ensuring that activities such as fishing and other forms of maritime exploitation are conducted sustainably. This concern is aligned with the environmental principles and responsible management already referenced in point 9, and underscores the urgency of equipping the Region with the appropriate technical and legal means to effectively perform this function.

Finally, in point 15, the report recommends that its contents be disseminated to all members of the Legislative Assembly of the Autonomous Region of the Azores





(ALRAA), in plenary session, to the member of the Regional Government responsible for the matter, and to the Government of the Republic. The suggestion to extend this dissemination to all members of the Regional Government, including the President and Vice-President, is pertinent, as this is a matter of cross-cutting strategic interest that requires institutional coordination at the highest level.

## 6 PROPOSALS AND ALTERNATIVES: JOINT COMMISSION AND REGIONAL SOFT POWER

The proposal put forward by Professor Dr. Rui Medeiros for the creation of a joint commission between the Autonomous Region of the Azores and the Portuguese Republic, dedicated to the analysis, discussion, and understanding of maritime spatial planning, proves to be particularly pertinent. This suggestion arises in a context where the revision of the Constitution of the Portuguese Republic does not appear feasible in the short or medium term, and where legal and institutional tensions between the Region and the State have been intensifying, both in number and in complexity.

In this regard, it is proposed to establish the Azores–Lisbon Joint Commission on the Sea (CPAL/MAR), to be formalized by a normative instrument published in the *Diário da República*, such as a resolution. The commission would be composed of eight members: four representatives of the Republic and four of the Region. Among the regional representatives, two would be appointed by the Legislative Assembly of the Autonomous Region of the Azores (ALRAA) and two by the Regional Government of the Azores (GRA); on the side of the Republic, two would be designated by the Assembly of the Republic and two by the Prime Minister. The presidency of the commission could be assumed by the Representative of the Republic or another mutually agreed figure, and, in exceptional cases, it would be permissible for the President of the Republic to perform this function.

The commission's meetings should be held in person at least twice a year, alternating between the Azores and Lisbon, with the remaining meetings permitted to take place digitally. Legal and administrative advisory services would be coordinated between the Legislative Assembly of the Autonomous Region of the Azores (ALRAA) and the Regional Government of the Azores (GRA), thereby ensuring appropriate technical support for the commission's deliberations.





Additionally, the same expert suggested that the Region should invest in a soft power strategy, with the aim of raising awareness among entities and individuals who, now or in the future, may come to hold politically or institutionally relevant positions for the interests of Azorean autonomy. This strategy would involve the creation of cooperation programs with higher education institutions, both universities and polytechnics, including the University of the Azores, with possible extension to secondary education. Such programs would promote information and awareness sessions on insular realities, endogenous natural resources, the blue, green, and circular economies, and regional autonomy.

The active participation of students and faculty, both in the Azores and in other regions, would enable the sharing of testimonies regarding archipelagic and autonomous experiences, thereby contributing to a greater understanding of the specificities of the Azores. Furthermore, it would be important to enhance the role of the Casas dos Açores, through the Regional Directorate for Communities, in supporting and disseminating this strategy among academic institutions, political bodies, and think tanks, particularly in Europe and the Americas, leveraging the potential of the Azorean diaspora.

These proposals aim to strengthen the Region's capacity to positively influence the national debate on autonomy and maritime governance, promoting a collaborative approach that respects regional specificities.

## 7 CONCLUSIONS

We are living through a period of rapid and uncertain change in the world order. Europe, and in particular the European Union, is seeking to find a balance so as not to lose relevance in the competition among the major global blocs: the so-called Greater West, which appears fragmented; the Greater East, characterized by an autocratic and seemingly cohesive profile; and the Greater South, marked by diversity and its strategic position as a balancing force. This analysis was shared by the President of Finland, Alexander Stubb, during the Munich Security Conference in 2024.

In this context, several Member States are facing nationalist pressures, shaped by geographic, sociological, political, and economic factors. Portugal, for its part, appears to be sliding into a position of increasing geopolitical and geostrategic







irrelevance, both within the European and Atlantic spheres, and even among Portuguese-speaking countries. An exception to this trend is the geostrategic importance of the sea, particularly the maritime territory of the Azores.

The political-administrative autonomy of the Azores represents an intangible asset of incalculable value. The Azorean maritime territory, in turn, constitutes the third most significant material asset underpinning this autonomy, preceded only by its citizens—the primary rationale for the existence of autonomy—and by the islands themselves. Preserving these four pillars is essential to ensuring the continuity and strengthening of the Azorean autonomous project.

In this regard, it is urgent that the self-governing bodies of the Autonomous Region of the Azores coordinate strategic positions, not only in a tactical and institutional manner, as has occurred over the years, but also with an integrated vision that enhances regional assets at the internal, national, and European levels. This valorization should also extend to transatlantic relations and the diaspora, through a soft power strategy that promotes the distinctiveness of the Azores among influential audiences.

As Professor Dr. Rui Medeiros aptly noted in proposing the institutional creation of the Joint Commission on the Maritime Space of the Azores, whatever benefits the Azores will, inevitably, be beneficial for Portugal as a whole. Thus, the solutions defined for the Azores will contribute to the strengthening of autonomy and to the health of Portuguese democracy.

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