



Portugal and the Lusophone World

Law, Geopolitics and
Institutional Cooperation

Edited by
Paulo Afonso B. Duarte · Rui Albuquerque ·
António Manuel Lopes Tavares

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To all the victims of the war

FOREWORD BY PROFESSOR FRANCISCO JOSÉ B. S. LEANDRO

International relations in the Lusosphere is a neglected area of study in terms of its volume of publications in the English language, but it has been growing in political and economic importance: The Lusophone space shares a common language, traces of a common history, and coastal geographies as it encompasses places accessed by Portugal's historical seafaring expeditions. This space, currently composed of nine sovereign states—Angola, Brazil, Cabo Verde, Equatorial-Guinea, Guinea-Bissau, Mozambique, Portugal, Timor-Leste, and São Tomé and Príncipe—across four continents, therefore holds remarkable potential in both regional and global dimensions. The Lusosphere covers 7.2% and 5.48% of the world's land and maritime space, respectively, providing access to 2.9 billion consumers through regional economic communities; the Portuguese language is the most spoken language in the southern hemisphere; and, formally—in addition to the above nine states—the Community of Portuguese-speaking Countries has 35 “associate observer” states, and 106 “consultative observer” international entities.

The growing public and academic interest in post-colonial studies and international studies of the Lusosphere has been a long time in the making: First, since 1975, there had been a series of Portuguese-speaking sovereign states forming, before the subsequent creation of the Community of Portuguese-speaking Countries in 1995. Then, in 2003, the Forum for Economic and Trade Cooperation between China and Portuguese-speaking Countries (Forum Macao) was established by

the People's Republic of China, to facilitate scholars, students, institutions, as well as the general public to uncover and discover new areas of interest. Such areas now include (1) the identity, existence, and development of Portuguese-speaking countries from a post-colonial perspective; (2) the economic, political, geopolitical, legal, and social relations between the Portuguese-speaking countries; (3) the economic and social-political spaces of influence of the Portuguese-speaking countries; (4) particular groups of states sharing common characteristics the Portuguese-speaking Small Developing Island States; and (5) the Portuguese-speaking countries' bilateral and multilateral relations with major regional and global actors such as the European Union, the US, and the People's Republic of China. These areas are gaining importance in the context of international studies.

This especially timely manuscript, *Portugal and the Lusophone World: Law, Geopolitics and Institutional Cooperation*, is honoured to be published by the internationally renowned Palgrave Macmillan, and is in English. It covers four thematic areas: (1) Legal issues within the Lusophone world; (2) Portugal and the Lusophone world; (3) The Atlantic and the Lusophone world; and (4) Influence and Institutional cooperation in the Lusophone world. In particular, this volume contributes substantially to fields of studies concerning law, the role of the Portuguese Republic, influence from certain Lusophone institutions, and the importance of the middle and south Atlantic.

Economic, diplomatic, and language cooperation, blue economy, maritime security, spatial development initiatives, the Belt and Road Initiative, Forum Macao, energy, and soft power are among the topics discussed and debated in this publication, which, though revolving mainly around Africa, Brazil, and the South Atlantic, has not neglected the Pacific, where Timor-Leste's candidacy for ASEAN membership will prove to be significant for the region and beyond. All of these discussions remind us of the once heated debates regarding development, cooperation, and dependency, which have since triggered different narratives and diverse perspectives. More importantly, such research will contribute to deepening our understanding of the existing Lusophone order, offering a better grasp of not only the Lusosphere's reality but also the plethora of opportunities and pathways that it brings to the global community for states to develop mutual benefits. As such, this book is most academically relevant and valuable to current studies and discourse on international

relations. It is therefore our sincere hope that the book will be recommended to the widest possible readership, thereby allowing it to induce and catalyse more academic interest on research associated with the Portuguese-speaking states.

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FOREWORD BY PROFESSOR LI XING

This book takes a hybrid and holistic approach to a wide scope of perspectives that encompass history, law, and geopolitics of Portugal and the Community of Portuguese Language Countries, known as the Lusophonia. I believe that this book represents one of the pioneering efforts in its intellectual devotion to the “globalization” of the Lusophone World. One particular issue that I want to emphasize in writing this foreword is the increasing connections between China and the Lusophone community.

In October 2003, perhaps unnoticed by the rest of the world, Macao—a Special Administrative Region of the People’s Republic of China (SAR)—hosted the first ministerial meeting of the Forum for Trade and Economic Cooperation between China and Portuguese-speaking Countries (Angola, Brazil, Cape Verde, China, Guinea-Bissau, Mozambique, Portugal, East Timor, and São Tomé and Príncipe joined the Forum at a later point). Since Portuguese is one of its official languages, Macao is seen by the Chinese government as a link to facilitate and consolidate the commercial and economic relations between China and the Portuguese-Speaking countries. It was also named “Forum Macao”. Identified as a multilateral and intergovernmental mechanism for cooperation, the formation of the Forum was promoted by the Central Government of China, with the coordination of other Portuguese-speaking countries. The main objective of Forum Macao is to contribute to the development

and strengthening of commercial and economic relations between China and its other members.

Ten years after Forum Macao, Chinese President Xi Jinping first announced China's grand "going out" idea of the "Belt and Road Initiative" (BRI) in 2013, followed by the launch of a series of development projects across Asia, Europe, Africa, and Latin America. The BRI is an infrastructure project attempting to link Eurasia. It has two routes: one is the land route, called Economic Belt of the New Silk Road (consisting of six economic corridors), and the other is the sea route, called the twenty first Century Maritime Silk Road. Globally, so far about 138 countries have signed a Memorandum of Understanding with China on the BRI. It is widely perceived, at least by the developing world, that the BRI is China's international cooperation strategy to enhance global connectivity, communication, and cooperation, so as to foster a more balanced and equitable world system.

However, the BRI has been seen by the West as China's most ambitious geopolitical initiative of the age. Such a grand geopolitical strategy is aimed at (1) exporting the Chinese development model; (2) spreading the Chinese mode of capital accumulation; (3) extending Beijing's geopolitical sphere of influence; (4) fostering new norms of international economic cooperation; and (5) promoting a new world order with Chinese characteristics. As the Chinese government and academia keep promoting the BRI in ever higher profile, the EU and the US are starting to deliberate their own blueprints for global infrastructure investment programmes, such as the EU's "Global Gateway" and the US' "Build Back Better World". Especially in the current era of growing strategic competition between China and the US, their rivalry is driven by shifting power dynamics and competing visions of the future of the international order. For the US, the BRI is no doubt a leading indicator of the scale of China's global ambitions, and it will reshape the world economy and crown China as the new centre of capitalism and globalization.

The capitalist world history shows that world orders, disorders, or reorders have always resulted from the disturbing dynamics unleashed by the rise of new powers and the resistance of established powers. Today China is seen both by the US and the EU as a "systemic rival". It implies that the impact of China's challenge to the existing world order does not only represent some functional redistribution of comparative advantage (hard power) within the existing world order. Rather, it symbolizes more serious structural changes—a *paradigm shift*—in which the institutions

and regimes as well as the norms and values grounded on the existing world order need to be redefined.

The capitalist world economy is conceptualized as a dynamic one in which nation's change of positions within its structural morphology is possible, but difficult, by taking advantage of global capital mobility and relocation of production. This explains that the change of positions in the global division of labour and the change of patterns of competition and competitiveness is the *dynamic nature* of the capitalist world economy. "Room for maneuver" refers to the external conditions for "upward mobility" in the world capitalist economy that is conducive to internal development. Historically, it was in such pivotal moments that opportunities for upward mobility within the system were generated and regenerated, such as the US historical role in the industrialization of East Asia as well as China's current role in the Global South. "Promotion by invitation" refers to the upward mobility path brought about by the rise of a new emerging economy of global scale, whose economic outward expansion is favourable to global capital mobility and production relocation, such as China's BRI project.

What is the implication to the Lusophone countries which are covered in this book? "Seizing the opportunities" indicates nation's internal capability to take advantage of a new situation or condition taking place in the international political economy and to adjust its internal development mobility accordingly. It is important for Lusophone countries to understand China's grand strategic objective of shaping the world reordering through occupying a leading position in the emerging world order and providing alternative "public goods". I believe that it is in the political and economic interest of Lusophone countries to find strategic convergence with China's global strategy so as to improve their "upward mobility" by enlarging their "room for maneuver" in a new era of global transformation.

Portugal is one of the 57 founding member countries of the Asian Infrastructure Investment Bank (AIIB) and one of the first European states to sign a Memorandum of Understanding on jointly advancing the construction of the Belt and Road and the first EU country to establish a "blue partnership" with China. Since the BRI was initiated, China-Portugal investment cooperation has scored sound economic and bilateral benefits, with substantial progress in third-party market cooperation. As the *China Daily* (December 21, 2021) concludes, "China-Portugal

relations will sail toward a more splendid future, not only better benefiting the two peoples, but also contributing more to the building of a community with a shared future for humanity”.

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FINAL WORDS

Organizing this book was a huge task, despite being a very enriching one. In the process, we found obstacles although we believed that our sacrifice and resilience would be worth it. Therefore, we thank all those who believed as well that together we would come up with this book, particularly when there is no comprehensive, updated, and holistic work on the subject. We acknowledge that a lot more could be said regarding the role of Asia within the Lusophone World, despite the core of Lusophony as well as the bulk of geoeconomics and geopolitics are currently (and will likely remain so in the following decades) concentrated in both South American and African shores of the Atlantic Ocean. Brazil alone is an outstanding market of approximately 200 million people, while Angola, Mozambique, and other Portuguese-Speaking African countries are rich in raw materials which become increasingly important in a planet of scarce resources and where demand is bound to raise dramatically. This is mainly due to an insatiable China, which looks for new markets, as well as human and economic (in which energy security is included) instruments to feed the largest population in the world and to pursue the development of the country. In the process, security of sea lanes of communication in the vast Atlantic becomes a relevant issue when it comes to ensure an uninterrupted access to sources. All these issues help understand the relevance of the Lusophone Atlantic, which is not however limited to maritime or land logistics. In fact, institutional cooperation is crucial, as we have seen, to strengthen the ties of the Lusophone countries. Associated to it

comes soft power or, in other words, a quest for influence in world politics, in which the Portuguese language—already one of the most spoken languages in the world—is well positioned to become even more relevant in the following years. All these factors may help bring momentum to the Lusophony and to the Lusophone world which is something yet to accomplish in all its splendour, as the *Fifth Empire* in its spiritual dimension, has always inspired to believe.

In light with the aforementioned, we dare to say that this book does not offer a single conclusion, nor imposes any view. Instead, it aims to contribute to improve knowledge on the Lusophone World, its actors, dynamics, difficulties, opportunities, and challenges. All in all, we aim to inspire others to continue to delve into this promising path of research, by further complementing it according to the lines of thought that this book inaugurated, or building new ones. The goal is not to compete but rather to cooperate in order to join efforts, authors, and inputs to help disseminate both Lusophony and Lusophone World to regions and peoples all over the world, while improving knowledge on the Lusophone countries themselves about the current developments on Law, Geopolitics, and Institutional Cooperation arousing from its inside.

A final word to show our solidarity with all those who have been forced to leave their land, or who have lost their relatives in the war. Our hearts are with the children, mothers, disabled, and victims of the Russo-Ukrainian conflict.

The Editors,
 Paulo Afonso B. Duarte
 Rui Albuquerque
 António Manuel Lopes Tavares

INTRODUCTION

This book aims to fulfil a serious need for a consistent and comprehensive publication which combines an analysis of Law, Geopolitics, and Institutional cooperation within the Lusophone world. In this sense, this monograph uses a terminology related to the fields of international politics, namely the aforementioned ones. Given the lack of existence in English of previous literature on such topics, the reader's profile for such a book is heterogeneous and thus far from being limited to citizens of Portuguese-speaking countries. Indeed, the audience is global. In fact, on the one hand, the reader expects to hear for the first time something relatively new, while on the other hand there is the other reader who is already acquainted with some aspects addressed by the book, although he expects to deepen his knowledge on them.

Geopolitically, the Lusophone world encompasses a set of countries and peoples whose mother tongue, currently or officially, is Portuguese. Directly linked to this, *Lusophony* can also be interpreted as a feeling, a soul, and a desire to live together, sharing a common past. Lusophony and the Lusophone World must be understood in the light of globalization and interdisciplinarity in which they aim to consolidate a community of identity, in addition to the linguistic factor. Each Lusophone country has its own identity, which explains that the Lusophone World is formed by a multicultural reality. However, the fact that Portugal is the country whose history made the existence of the Lusophone World possible cannot be ignored in this book. In fact, it was not only the place where

the Portuguese language was born, but also the departing point of the caravels that provided the meeting of cultures and civilizations, which in turn produced the cultural and affective traits that connect the Lusophone World. This book's originality lies in its hybrid and holistic approach, offering the readers complementary, intertwined, and multilevel perspective on Law, Geopolitics, and Institutional Cooperation regarding the Lusophone World. Based on the contribution of respected scholars in the field from all over the world, as well as on their diverse education and professional experiences, this book helps the readers to comprehend, recognize, identify, discuss, form their own opinion, and consequently contribute to the ongoing debate about the Lusophone World in this new century. More precisely it aims to deepen knowledge on the legal, social, historical, geopolitical, and geoeconomic development processes of the Lusophone World.

The book is divided into three parts. In a first part, the book will address the legal and political issues within the Lusophone Space. Thus, in the first chapter, José Oliveira Rocha investigates the feasibility of the Portuguese legal system in the former African colonies. As the author argues, the importation of institutions, as well as legal systems in the postindependence period, suffered from dysfunctions that must be analysed in order to discuss the viability of the Portuguese legal system in the former African colonies. Then, in a second chapter, Fabio D'Avila and Rodrigo de Oliveira debate the onto-anthropological foundation of criminal law in Brazil, namely its fundamentals, presence, and innovation. In so doing, and drawing on the lack of studies on the subject, the authors aim at responding to the following research question: What is the main contribution of the onto-anthropological foundation to contemporary criminal law in Brazil? In the third chapter, Nuno Castro Marques analyses the various economic laws in the Portuguese-speaking countries, taking competition laws as central points of work and comparison. Also, this chapter covers the existing legal framework and law enforcement practice of authorities and courts, in addition to introducing a debate on how existing rules and procedures in Portugal have influenced other Portuguese-speaking countries. In turn, Paulo Cardinal drives us to an important part of the Lusophone world which is not located in the Atlantic, unlike the other cases presented so far, but which nonetheless deserves attention due to its unique and challenging status anchored in the "One Country, Two Systems" principle: Macau. Even though Macau's Law was basically imported from Portugal, recent developments

explain that continuity and linkage to Portuguese Law has been the subject of challenges and criticism albeit mostly in a political rather than technical way. Thus, Cardinal's question seems to be at the same time interesting and topical: What will be the road ahead? In order to complement the legal issues previously addressed, we could not end this first part of the book without looking at the place and role of Portugal within the international relations of the Lusophone World. Thus, in Chapter 6 António Manuel Lopes Tavares and José Manuel Duarte de Jesus aim to identify the pillars of Portuguese Foreign Policy from what they call the first period of globalization until the current world order. As main conclusion, the authors argue that Portugal's key geography based on both land and sea has been an omnipresent feature in shaping the country's Foreign Policy. This helps to pave the way for the next chapter to focus on reframing Portuguese Foreign Policy (PFP) after 1974. In viewing the Lusophone discourse as instrument of a global coloniality of power, Marcos Farias Ferreira addresses the question of how, with the formal end of colonial rule in 1974, PFP has been working as an ordering tool of global coloniality vis-à-vis former African colonies and Timor, a role that has been enabled by neoliberalism as the structuring principle of today's globalizing world. Finally, in the following chapter, Carmen Amado Mendes and Xuheng Wang analyse how China's interactions with the Portuguese-speaking world may affect Portugal's opportunities in formulating its foreign policy both towards China and the Portuguese-speaking countries.

The second part of the book, called *The Atlantic and the Lusophone World*, looks beyond Portugal to the vastness of the Lusophone World that is concentrated in and along the coast of the Atlantic Ocean as a space of transformation at the level of geoeconomics and geopolitics, able to bring important opportunities and challenges to Portuguese-Speaking Countries in this new century. In the first chapter of the third part, Jorge Tavares da Silva, Paulo Afonso B. Duarte, and Rui P. Pereira highlight the Portuguese maritime priorities in the Atlantic, with special focus on the challenges and opportunities generated by the growing Chinese presence in that Ocean. Finally, the conclusion sums up the main findings and points towards avenues of future research on these topics. The next chapters focus on the role of South Atlantic and Africa within/for the Lusophone World. By adding China to the equation, José Bessa Maia brings an added-value to the research, namely by exploring the multifaceted repercussions of China's engagement in the

Lusophone countries located in the South Atlantic. Considering that most of the Portuguese-speaking countries are located in the South Atlantic and that China is now also one of the largest trading partners and investors in South America and sub-Saharan Africa, the author argues that the China factor is leading to a reconfiguration of forces in the region. Based on this assumption, characterized by a hegemonic competition between the US and China, the following chapter, by Daniel Cardoso, analyses how these dynamics affect Brazil's and Portugal's stakes in this geopolitical area. The author provides pertinent and topical insights on the opportunities and challenges in maritime cooperation between the two countries in various areas, encompassing infrastructure, science, and technology, in addition to defence. Still in the realm of maritime cooperation, in the next chapter Sabrina Medeiros and Danielle Pinto examine Lusophone cooperation frameworks and the expansion of the Atlantic Maritime Security. The authors argue that the Portuguese-Speaking countries' maritime frameworks can boost Atlantic cooperation and ensure the cooperation nexus's continuing synergy within European security patterns and boundaries. In the following chapter, Francisco José B. S. Leandro and Yichao Li delve deeper into Chinese growing influence—namely through the Belt and Road Initiative (BRI)—in the African Portuguese-Speaking Countries (APSCs). The authors examine China's investment plans in Africa in a geoeconomic analysis with regional perspectives, associating Lusophony, geoeconomics, regional economic communities with the context of national development plans to answer the question: To what extent does the BRI contribute to designing the development of the APSCs regional economic space? This topic is particularly relevant in the context of the development of the Portuguese language in Africa, in which Portugal and more recently Brazil have been playing an important role. This being said, what is often neglected by literature on the Lusophone World is that Brazil's interests, despite historically more recent than the Portuguese ones, have become more and more important and diversified in the South Atlantic. That is why in their chapter, Flávio Thales, Giorgio Romano, and Mojana Vargas investigate the determinants of Brazil's approach to the African continent as a strategic option during two specific moments: the 1970s, particularly in the Ernesto Geisel government (1974–1979), and during the presidency of Luiz Inácio Lula da Silva (2003–2010). These are divided into three perspectives: geopolitical considerations, economic interests, and racial identity. In the next chapter, Cátia Miriam Costa provides the reader with a proposal for a

modern state and society in the Lusophone context, by focusing on the Angolan case. The author concludes that the nativist movement in the country endeavoured to shape Angolan identity, the idea of the modern state, and introduced a connection to a broader Lusophone geopolitical space.

The next chapters address the Lusophone World from the perspective of defence. Thus, João Paulo Madeira analyses Cabo Verde's geopolitical position in the Mid-Atlantic, in the attempt to answer the following research question: what should Cabo Verde's role be in combating terrorism and transnational organized crime, including maritime piracy, human trafficking, smuggling of illegal migrants, drug trafficking and money laundering that threaten the security of Atlantic littoral states? The author concludes that the country enjoys a geostrategic position and that it constitutes one of its most relevant assets, despite scarce resources. This position raises special interest from both NATO and US partners in terms of the possibility of signing agreements and consolidating partnerships with a view to ensuring an adequate level of security at its external borders. Particular attention is given as well by Emilio Zeca to Mozambique Geopolitics in the Lusophone World, who analyses the challenges and perspectives for Mozambique geopolitics in the Lusophone world basing on historical, defence, and security aspects, on one hand, and the international strategic insertion, opportunities, and challenges for Mozambican state in this geopolitical space, on another hand. Continuing with Mozambique, Célia Taborda explores a very topical issue related to the terrorist conflict in Cabo Delgado. As she notes, since independence, Mozambique has signed several cooperation agreements in the areas of defence and security with Portugal. Therefore, this chapter analyses the ongoing Luso-Mozambican cooperation in this conflict in Cabo Delgado and the involvement of Portuguese diplomacy in the response to this conflict. Continuing with Mozambique, Francisco Proença and Sónia Ribeiro focus on an interesting albeit less studied approach in the framework of the Lusophone Geopolitics, which is related to the blue economy and maritime security in Mozambique. Departing from the concept of Blue Geopolitics, the authors focus on both blue economy and security to reflect on Mozambique's contemporary geopolitical challenges and development opportunities. As they argue, control of the Mozambique Canal and the Development Corridors, as well as the energy offshore resources potential, represent new opportunities for the nation's economy, but also challenges to security.

The third part of the book addresses the *Influence and Institutional Cooperation in the Lusophone World*. Firstly, José Paulo Esperança analyses the challenges for the Portuguese language to establish its role as a language of knowledge, despite its predicted rise of the number of speakers as a mother tongue. He concludes that without appropriate incentives and the build-up of a common market for knowledge through the geographically dispersed Lusophone community, the role of Portuguese as a language of science will lag behind its overall presence as a language currently shared by about 260 million native speakers. Secondly, João Mourato Pinto and Laura C. Ferreira-Pereira explore the Portuguese Science Diplomacy and the European Union's External Science activities with Lusophone Africa. Their study demonstrates that Portuguese science diplomacy is a centrepiece of a developing relationship between EU and Lusophone Africa based on a co-building approach. This is only possible because Portugal besides having direct access to EU funding, has showed the capacity to influence the content of normative conditionalities underlying European science programmes and initiatives implemented in Portuguese-speaking African countries. In so doing, Portugal has been ultimately contributing to improve the EU's standing as a "model power" in the Lusophone world. In the next chapter, Fernanda Ilhéu carries out an interesting comparison between the (British) Commonwealth of Nations and the CPLP—Community of Portuguese-Speaking Countries. She investigates the circumstances in which they were created, ranging from the origins of the British and Portuguese Empires through to their decolonization processes, and examines how they impacted the creation of these organizations and their objectives, as well as their problems and their organization structures. She then proceeds to analyse their future prospects, in accordance with the Diasporas Networks Theory. In a separate chapter, José Palmeira continues the analysis on the CPLP which struggles with the geostrategic dilemmas of its member states. The question is to what extent the CPLP consolidates itself as a multi-continental organization capable of maximizing the power of its member states and influencing the international system. José Palmeira arrives at the conclusion that it is possible to state the exercise of a CPLP Soft Power on a global scale, under the effect of a Portugal-Brazil-Angola strategic triangle. Still in the realm of CPLP, the following chapter, by Pedro Seabra and Rafael Mesquita, explore whether the creation of the CPLP has fostered closer ties between this set of countries in key multilateral platforms by quantitatively analysing voting patterns at the United Nations

General Assembly in the last two decades. Their results demystify broader claims of privileged relations, yet still point to considerable room for manoeuvre in institutionally dense formats such as the UN.

Moving to another field of cooperation, in the next chapter, Carla Fernandes and António Paulo Duarte focus on a different (despite interesting) field related to the Lusophone World—the Geopolitics of Energy—particularly when the current global warming scenario requires an accelerated transition to a sustainable model based on renewable energy sources. The authors examine Portuguese-speaking countries in terms of energy “access and security” using the WEF Energy Transition Index, assessing not only how their energy system is performing, but also their potential to change the energy paradigm. Fernandes and Duarte conclude that, despite their potential of their energy sources, the Portuguese-speaking countries, with the exception of Portugal and Brazil, are gradually moving towards the transition process. The book could not end without a reference to the role of Asia in the Lusophone World, as evidence of its vastness. That is why Pedro Paulo dos Santos concentrates his attention on the so-called Forum Macao. More specifically, through reviewing the importance that Portuguese-speaking countries present to China and analysing Forum Macao’s documentation, his research unveils the forum’s purpose and the roles that it plays both in the Lusophone World and in China’s foreign policy. Finally, still keeping the eye on Asia, Francisco José B. S. Leandro, José Leandro, and Carlos Branco discuss the geopolitics of Timor-Leste in the context of the Belt & Road Initiative vis-à-vis ASEAN and CPLP. They address the role of Timor-Leste within the Maritime Silk Road strategy in the context of the relations between China and the Community of Portuguese Language Countries (CPLP).

The authors would like to thank Palgrave for its receptiveness towards their proposal. We honestly hope that our contribution aims to expand the debate on the potential and vastness of the Lusophone World, as reflected in our concern to invite authors from different parts of the Lusophone Word, such as Portugal, Latin America, Africa, and Asia.

The Editors,
Paulo Afonso B. Duarte
Rui Albuquerque
António Manuel Lopes Tavares

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