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Chapter 16

Governance, Planning, and Territorial Management: The Border Effect in Bajo/Baixo Guadiana

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ABSTRACT

In the European Union, there have been significant developments in recent decades in cross-border co-operation and the removal of borders. Thirty years have passed since the launch of the Interreg funds, which finance territorial cooperation policies between Spain and Portugal. Despite these developments, which have encouraged economic and social flows between the two states, the border effect persists in many aspects, especially in terms of governance and shared territorial management. This study, therefore, focuses on how to address the border issue in the different spatial, sectoral, and urban planning instruments. This has involved analysing the different governance, planning, and territorial management systems in Spain and Portugal using the cross-border area of the Baixo Guadiana as a case study. As a preview of the results, following a comparative diagnosis, a number of obstacles and differences in spatial planning, and other territorial actions in this area have been revealed that are a hindrance to the integrated planning and co-management of the Spanish-Portuguese border area.

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1. INTRODUCTION

EU territorial cooperation policies, including cross-border cooperation, require the involvement of as many actors as possible in socio-economic and territorial development processes in terms of harmonisation and interoperability at different scales. Despite the great differences between countries and regions in the exercise of public administration and in social and cultural conditions, the result has been the structuring of new types of institutions, outside the different levels of political-administrative power, with the capacity to mobilise the endogenous potential of the territories in a new framework of social and political relations (Ray, 2000; Rhodes, 1996).

Understanding borders also requires the recognition of complex networks of interacting territorial policies and governance systems. The new processes of government (policy network, multi-level governance) have modified the influence of central governments on borderlands. Among these factors, local political influence establishes links between border communities on both sides through multi-level territorial and institutional approaches (Jessop, 1997; Medeiros, 2009).

Throughout Europe, and perhaps also globally, the discourse of a static and linear conception of borders has been overcome, both in its conceptual and symbolic content and in its spatial and physical configuration (Newman, 2005; Paasi, 2009). From this approach, the concept of border goes beyond the border line as an “elegant invention of cartography” (Foucher, 1991), to become a specific area or region affected by an international boundary. Instead of fixed lines, borders are seen as processes, practices, discourses, symbols, institutions or networks (Paasi, 1999; Sidaway, 2005; van Houtum et al., 2005). And so, the notion of border goes from linear to zonal, from physical to cultural, from spatial to functional, from impermeable to permeable, from government to governance, from state to multilevel, which finally sums up an approach that focuses on the scales closest to people.

However, the conceptual richness that has recently developed in the theoretical literature on borders has not found its way into cross-border planning. According to van Houtum & Eker (2015), after decades of experimenting with cross-border cooperation in the EU, it can be observed that the potential of borderlands is still under-exploited and under-used. There is a lack of spatial planning and will to make a real and comprehensive design of borderlands, which connects with a restricted interpretation that considers any border as the end of the national planning scope or simply a barrier or obstacle to the harmonisation of territorial policies on both sides of the border.

In recent decades, we have seen remarkable examples of cooperation and spatial planning in the European Union (EU). These policies have been given a major boost thanks to the European Spatial Development Perspective (ESDP, 1999), the most relevant precedent for the harmonisation of European territorial policies, and which provides for serious reflection and focus on border territories. It considers that the removal of internal borders in the EU should not be limited to physical, political or administrative structures, but requires full rapprochement between member states at national, regional and local border levels. There are talks of a new governance, a reconciliation with border societies, the removal of administrative obstacles and the implementation of a multi-level and multi-institutional approach. The provision of instruments for territorial development must be based on spatial, regional, urban and sectoral planning (European Commission, 1999, p. 38).

The publication “European governance - A white paper” (European Commission, 2001), in line with the ESDP and added shortly afterwards, sets out a number of considerations on the concept of territorial governance (Davoudi, et al., 2008), emphasising strategic planning and greater involvement of local authorities. The White Paper on governance has also contributed to the extensive institutional reform

process completed with the entry into force of the Treaty of Lisbon in 2009. In addition, European Territorial Cooperation (ETC) has evolved from being a programme for the development of cross-border regions (Interreg) to becoming one of the pillars of the EU.

In the international context outside Europe, it is important to highlight the emergence of the New Urban Agenda (NUA), which stems from the Third UN Conference on Housing and Sustainable Urban Development (Habitat III) that took place in Quito, Ecuador, in October 2016. This document binds the participating States to promote institutional and legal mechanisms to enable more meaningful social participation in the decision-making processes of urban planning and sustainable development of cities.

ESDP, ETC and NUA are international examples of frameworks that open up multiple tools and levels of cooperation in spatial and urban planning. Nevertheless, their possibilities are limited by the powers of the states and other regional and local administrations, which are also included in the aforementioned Treaty of Lisbon. That is, administrative restrictions (municipal, provincial, regional and state) and the policies and legislative bodies still limit many possibilities for cooperation in spatial planning and management. Nevertheless, this reality is present in both border areas and non-border areas, although there are greater difficulties in the first, as a result of legal customs, infrastructure and spatial- and urban-planning policies that have long ignored the border effect on the territory. Thus, in spatial planning, for example in Andalusia, the Algarve and the Alentejo, a lack of territorial coordination in the border area has been detected (Hildenbrand, 2012a), which is further complicated by very disparate sectoral, territorial and urban policies. The same happens with other Portuguese regions and other autonomous communities.

Going back to the ETC, it is certain that a window has been opened to border cooperation, but it is still a long way from achieving spatial planning focusing solely on the cross-border area. The weight of legislation and plans drafted by the governments, under the legal and territorial sovereignty of the states, is enormous. Precisely, the COVID-19 crisis and the suppression of cross-border mobility have been a real demonstration of the power of the states and the fragility of the steps taken so far by the EU towards full integration. In any case, the progress made in the attempt to coordinate actions and decisions by the various management plans on both sides of the border are worth mentioning. Thus, finding inspiration in the principles of the ESDP and the cohesion and territorial cooperation goals and their funds, the regions of the *Raya/Raia ibérica* (local name for the Spanish-Portuguese border region), have initiated proposals for common strategic plans. This strategic planning is not binding like spatial or urban planning, but it is significant because it is an interesting tool to diagnose and propose joint projects and schemes for these border territories. Besides increasing participation at the various administrative levels concerned, they represent a clear attempt to coordinate policies of a very diverse nature (environmental, tourist, cultural, etc.), but, above all, they form a joint planning body that gradually transfuses its principles, determinations and intentions into spatial planning on both sides of the border, as a prior and essential step towards real cross-border planning in the future. This way, in light of the latest versions of EU funds (POCTEP 2007-2013 and Interreg V 2014-2020) strategic plans are being developed – in some cases, cross-border urban agendas – in the Iberian Eurocities of Chaves-Verín, Elvas-Badajoz-Campo Maior (Castanho et al. 2017) and the Guadiana Eurocity (POCTEP, 2019).

In this context, and for the Euroregion of Alentejo-Algarve-Andalusia, the cross-border action plan *Plan de Acción de Cooperación Transfronteriza 2012* (PACT-AAA) was passed, accompanied by the *Andalbagua* (COPV, 2012) project of the Bajo/Baixo Guadiana. The first, despite the importance of its title, is a very generic interregional strategic plan. It is particularly interesting because it analyses and diagnoses some legislative and spatial planning differences along the southern edge of the *Raya/Raia*. Despite the cooperation policies implemented, this document concludes that spatial planning,

along with urban and sectoral planning, continues to ignore the territory at the other side of the border. Regarding *Andalbagua*, as with other projects developed within the Interreg framework, it has served to carry out some specific actions but not to promote processes of governance and co-management of this border area, or a harmonisation of its institutional channels. Whatever the case, these are small and precise steps, generally very sectoral, that are gradually helping to conciliate the legal and regulatory bodies of both countries dedicated to these border territories in the search for coordinated solutions to common problems.

The hypothesis raised in this study considers that one of the variables involved in the degree of socio-territorial integration of the *Raya ibérica* is the degree of disparity in territorial, sectoral and urban planning. This is the result of the different legislative and policy agencies, and the uneven development of governance processes in Portugal and Spain external to the border. This does not invalidate the fact that the measures adopted in relation to international treaties (especially regarding water and biodiversity) and territorial cooperation have been significant, and that a wide range of networks, projects and actions to promote integration have been established. It may seem like little progress has been made, but it should be noted that the ETC has only been present in the *Raya* for thirty years.

Therefore, the goal of this study is to analyse how the border aspect is addressed in the different spatial, urban and sectoral planning instruments with territorial impact (mainly water and biodiversity). For this purpose, after this introduction, there is a chapter dedicated to analysing these instruments, followed by a diagnosis that detects the causes that are a hindrance to the integrated management of the border region. Finally, some proposals are presented to conciliate and promote cross-border territorial actions.

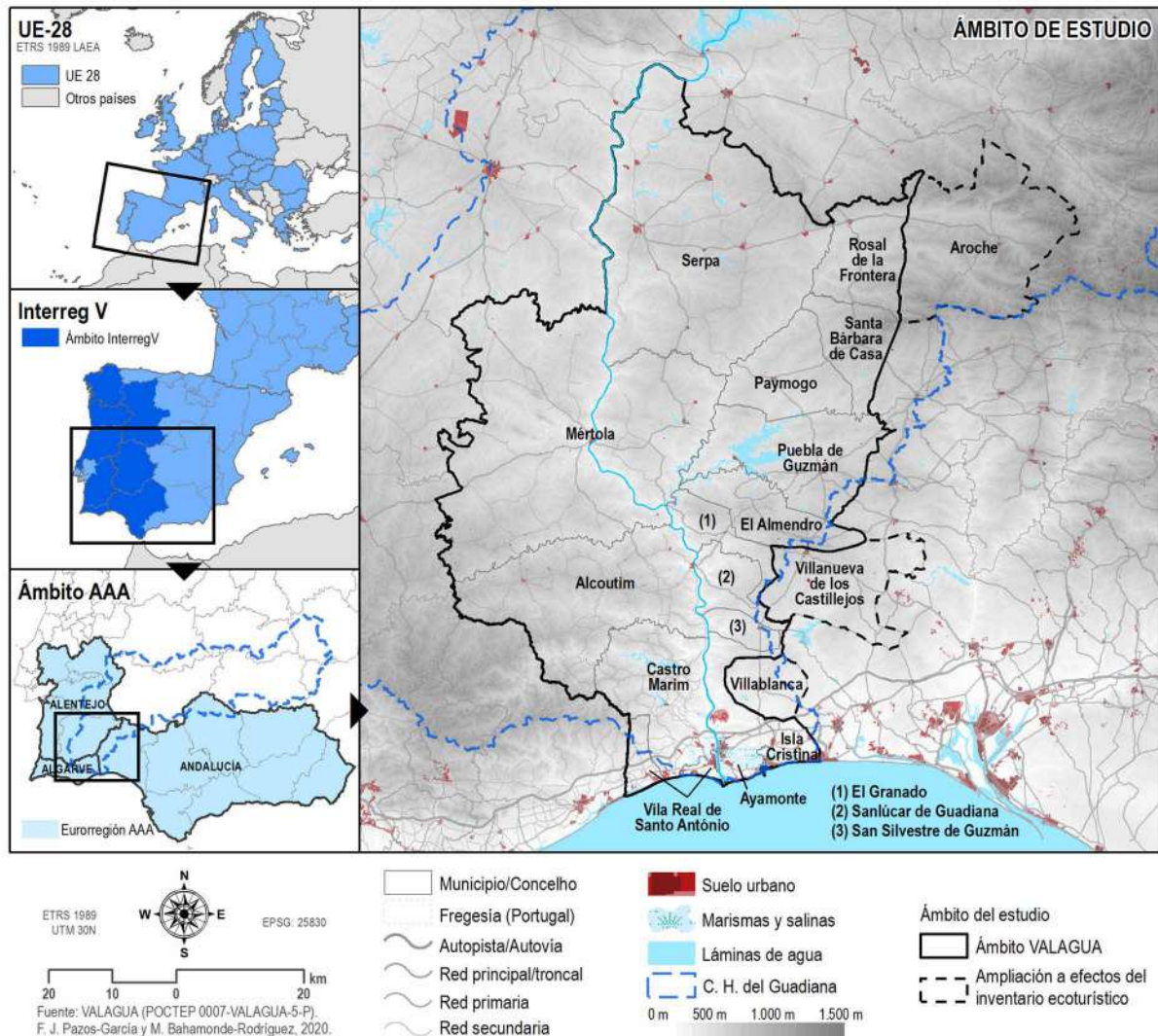
As previously mentioned, the case study is based on the joint region known as *Bajo/Baixo Guadiana* (Jurado Almonte et al., 2017) (Figure 1), defined according to the VALAGUA Project of Interreg V (VALAGUA, 2019). It is made up of five Portuguese municipalities (Serpa, Mértola, Alcoutim, Castro Marim and Vila Real de Santo António) and ten Spanish municipalities (Rosal de la Frontera, Santa Bárbara de Casa, Paymogo, Puebla de Guzmán, El Granado, El Almendro, Sanlúcar de Guadiana, San Silvestre de Guzmán, Ayamonte and Isla Cristina).

Regarding methodology and sources of information, in the cross-cutting subject matter of spatial planning and sectoral planning with territorial impact, it was important to consult the planning legislation and documents of the EU, Spain and Portugal, and the regional government of Andalusia. It was also necessary to study geographical and territorial information (bibliographic, statistical and cartographic) provided by organisations such as:

- The General Technical Secretary of Interreg Spain-Portugal (POCTEP according to its initials in Spanish), which provides information on cross-border cooperation projects between Spain and Portugal.
- The Alentejo-Algarve-Andalusia Euroregion (AAA), which provides qualitative and quantitative data and information specific to this section of the *Raya*.
- The *Conserjería de Agricultura, Ganadería, Pesca y Desarrollo Sostenible* of the regional government of Andalusia, which deals with the environment, spatial and urban planning.
- The Institute of Statistics and Cartography of Andalusia (IECA, according to its initials in Spanish), which produces the official geographic, cartographic and statistical information of Andalusia.
- The *Ministerio para la Transición Ecológica* of the Spanish government, to which the river authority Confederación Hidrográfica del Guadiana, among others, is linked.

Figure 1. Bajo/Baixo Guadiana area.

Source: VALAGUA Project.



- The *Comissão de Coordenação e Desenvolvimento Regional* (CCDRs) of the Alentejo and the Algarve, which carry out statistical and cartographic work and advise the local administration on territorial matters.
- The *Instituto Nacional de Estadística* (INE) and the *Instituto Geográfico Nacional* (IGN), which produce the official geographic, cartographic and statistical information of Spain.
- The *Instituto Nacional de Estatística* (INE), the *Direção Geral do Território* (which integrates the National Geographic Information System, SNIG) and the National Territorial Information System, which displays all the current Territorial Management Tools (IGT).

Finally, it has been instrumental to consult and review recent literature on the Spanish-Portuguese border and its current conceptualisation (García-Álvarez, 2015; Lois, 2015; Trillo, 2014; Márquez, 2010; Castanho, 2016; Castanho, 2019; Kurowska-Pysz, 2018).

2. THE SPANISH-PORTUGUESE BORDER AND ITS IMPACT ON SPATIAL PLANNING AND THE MANAGEMENT OF WATER AND BIODIVERSITY

2.1. The Uneven Governance of Spatial Planning

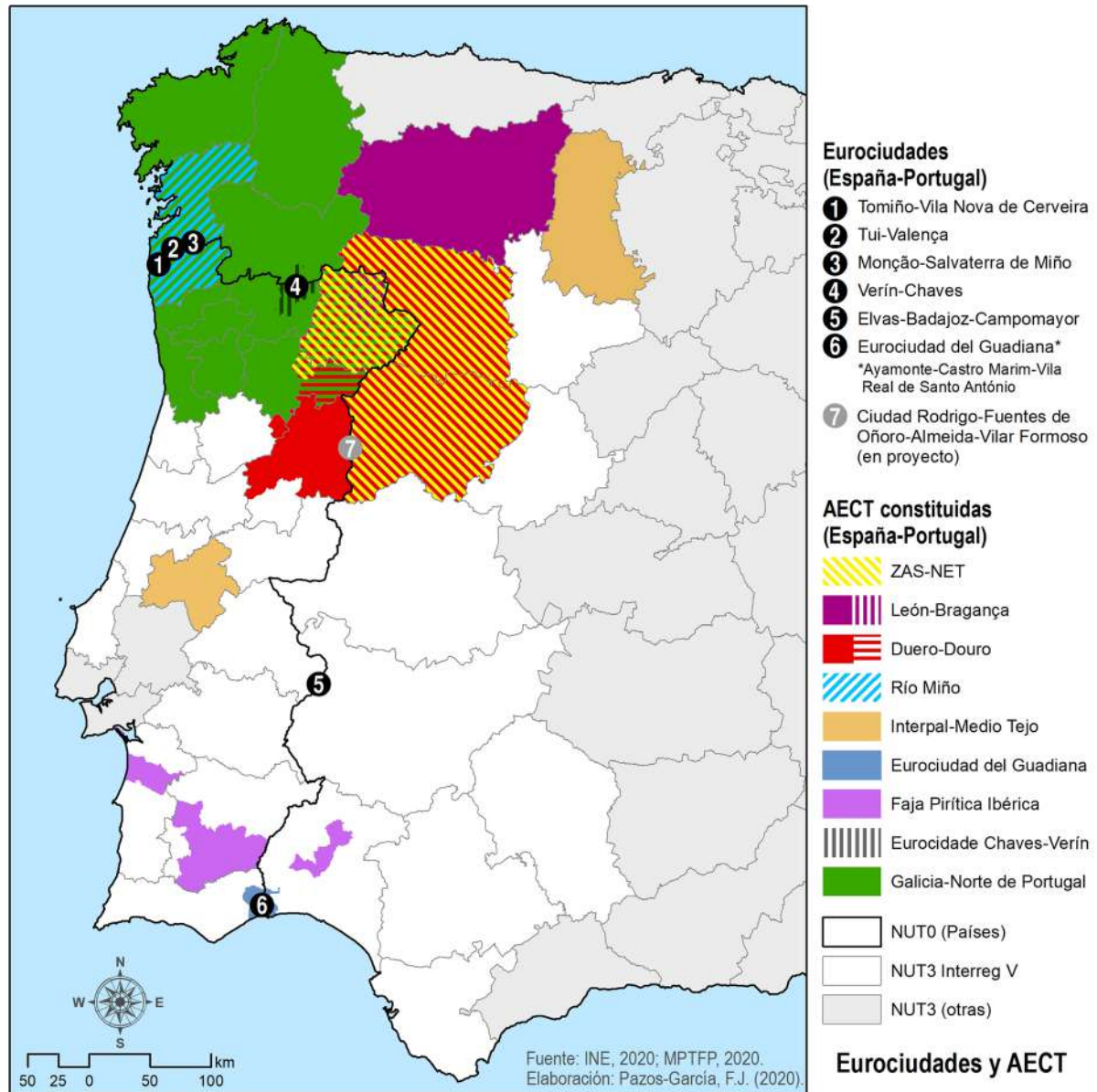
The difficulties of spatial and sectoral planning integrated into the border areas between Spain and Portugal are closely linked to institutional and governance differences (Márquez et al., 2017). The two states have different systems of political-administrative organisation, which results in an uneven performance in spatial and urban planning, the environment and other sectoral policies with an impact on the territory, economy and society.

The Portuguese Constitution of 1976 endorses a centralist state that establishes only the autonomous island regions of the Azores and Madeira, but leaves open the possibility of decentralising the rest of Portugal in order to transfer certain administrative powers. Despite several attempts to create a new state model of regions with their own competences (the latest in 1998 following a referendum), the decentralisation of Portugal has only manifested itself through the the *Comissões de Coordenação e Desenvolvimento Regional* (CCDR). These institutions, five in total, are attached to the current department of planning *Ministério do Planeamento*, although they enjoy administrative and financial autonomy that allows them to implement measures on territorial units and statistics (NUTS II) in areas such as action for development. The CCDRs do not establish an administrative level as such, nor do they have legislative or government powers, as is the case with the Portuguese island regions or the Spanish autonomous communities. Therefore, in continental Portugal we can find, on the one hand, two fairly well defined political-administrative levels with high authority – the central and local administration (*autarquias*) – and on the other hand, the *Distrito*, which, despite having been stripped of power, is the only regional constitutional department where part of the organisation of the state continues to be linked to census and electoral issues, social services, justice, defence, security and civil protection matters.

For its part, the Spanish Constitution of 1978 chose a decentralised state system, with a strong intermediate level formed by the Autonomous Communities, which have progressively acquired greater power in different areas depending on the responsibilities acquired in their statutes of autonomy and the budgets they manage. Their powers include territorial policies – spatial planning urban planning and sectoral policies – and cross-border cooperation. At the same time, the Spanish municipalities do not have the authority or self-management of their Portuguese counterparts, although the provincial organisation (*Diputaciones*) completes the subregional level.

Figure 2. Eurocities and European Groupings of Territorial Cooperation (EGTC) on the Spanish-Portuguese border.

Source: Jurado et al., 2020.



It is also important to note that new cross-border governance structures have emerged in the area of European Territorial Cooperation (ETC). Among them, it is worth noting the role of the Euroregions and Eurocities (Jurado et al., 2020), converted in some cases into European Groupings of Territorial Cooperation (EGTCs), thus decentralising the ETC (Figure 2).

2.2. The Border in Spatial Planning

Interest has focused on the presence of the *Raya* in planning instruments, from the general sphere (Spain, Portugal and Andalusia) to subregional and local levels, and from spatial to sectoral planning with a territorial and urban impact. The following table illustrates the spatial planning of the case study.

Table 1. Reference framework for urban-territorial planning instruments in the Bajo/Baixo Guadiana border area (Valagua Project)

Document and Territorial Scope	Current Status
<i>Programa Nacional da Política de Ordenamento do Território (PNPOT)</i>	Approved
<i>Plan de Ordenación del Territorio de Andalucía (POTA)</i>	Approved
<i>Plan Regional de Ordenación del Territorio del Alentejo (PROTA)</i>	Approved
<i>Plan Regional de Ordenación del Territorio del Algarve (PROTAL)</i>	Approved
<i>Plan Subregional de Ordenación del Territorio Litoral Occidental de Huelva (POTLOH)</i>	Approved
<i>Plan Subregional de Ordenación del Territorio Sierra Aracena</i>	In preparation
<i>Plan Subregional de Ordenación del Territorio del Andévalo Occidental</i>	Under study
<i>Plano Diretor Municipal (PDM) de Vila Real de Santo António, Castro Marim, Alcoutim, Mértola y Serpa</i>	Approved or under revision
<i>PGOU de Ayamonte, Isla Cristina, S. Silvestre de Guzmán, Sanlúcar de Guadiana, El Granado, El Almendro, Puebla de Guzmán, Paymogo, Sta. Bárbara de Casa y Rosal de la Frontera</i>	Approved or under revision

Source: The authors.

2.2.1 The Situation in Andalusia

In Spain, authority in terms of spatial and urban planning is vested in the Autonomous Communities. Nevertheless, the central administration continues to create legislation that imposes regionally binding and, above all, locally binding conditions, as the case of the Coastal Act (1988, renewed in 2013).

Thus, in the case of Andalusia, with the passing of the Statute of Autonomy (1981, renewed in 2007), this autonomous community includes spatial planning authority. It is worth mentioning Law 1/94 *de Ordenación del Territorio de la Comunidad Autónoma de Andalucía* (LOTA), which establishes two comprehensive planning instruments: the *Plan de Ordenación del Territorio de Andalucía* (POTA) and the *Planes de Ordenación del Territorio de Ámbito Subregional* (POTAS), to which the *Plan de Protección del Corredor Litoral de Andalucía* (PPCLA) was later added. Covered by these instruments is urban planning, which includes the spatial model developed on higher levels, and the one issued by each municipality, which must be consistent with the conditions resulting from the state and regional levels (Figure 3).

Figure 3. Diagram of spatial planning and urban development in Andalusia.

Source: the authors.



Although the Spanish-Portuguese border is mentioned in the *Plan de Ordenación del Territorio de Andalucía* (POTA), it is underdeveloped and basically refers to the coordination and cooperation in the area of the cross-border infrastructures. Chapter 4 of the POTA is titled “La integración exterior de Andalucía” (The exterior integration of Andalusia). In this chapter, and in the case of Portuguese-Andalusian relations, most noteworthy are the strategic line 121 on “Integración de Andalucía en el Arco Atlántico” (Integration of Andalusia into the Atlantic Arc) and line 123 on “Cooperación de Andalucía con Portugal” (Cooperation between Andalusia and Portugal). Nevertheless, there are infrastructure challenges that are still far from being completed, such as the rail connection between both sides of the River Guadiana.

It is difficult to find the same level of integration strategies and external infrastructure in Andalusia of the POTA in other instruments of spatial, sectoral and urban planning. It is as though the scope for action in all Andalusia (or in part of it) has led to forgetting the territorial relationships beyond its preferential areas, and this is the case of Portugal. Thus, in the *Bajo Guadiana* region, only one subregional plan has been passed: the land-use plan *Plan de Ordenación del Territorio del Litoral Occidental de Huelva* (POTLOH) of 2006. It is significant that no Portuguese institutions were consulted in its drafting. Its planning report repeats the strategies of the POTA regarding external infrastructure (the future high-speed train line between Huelva and Faro and the airport on the coast of Huelva). In general, its content is more concise in compiling references to cooperation and territorial infrastructure at borders, and it is striking that no “cross-border” references are made regarding water resources, nor does it touch upon the subject of the conservation and protection of the biodiversity of the border.

Other territorial and sectoral planning programmes with an impact on spatial planning (PIOT) seem only to be involved in regional and subregional territorial areas, ignoring the cross-border reality. This is the case with the following plans: *Plan de Protección del Corredor Litoral de Andalucía* (PPCLA), *Plan de Medio Ambiente de Andalucía*, *Plan Forestal Andaluz*, *Plan de Recuperación y Ordenación de las Vías Pecuarias de Andalucía* and *Plan General de Turismo Sostenible de Andalucía* (2014-2020). Only in the *Plan de Infraestructura para la Sostenibilidad del Transporte en Andalucía* (PISTA) are some measures considered that recognise the existence of the border, such as the high-speed train line

between Huelva and the Portuguese border, already included in the POTA and in the POTLOH. In the water plan *Plan Hidrológico del Tinto, Odiel y Piedras 2015-2021*, a request is made for an immediate agreement with Portugal on the flow to be transferred to the pumping station of Bocachanza (Guadiana-Chanza), for its regularisation within the Cooperation Agreement for the protection and sustainable use of the waters of the Spanish-Portuguese drainage basins, known as the *Convenio de Albufeira* (1998).

Finally, the analysis of the Natural Resource Management Plans and the Use and Management Master Plans ((PORN and PRUG, respectively, according to their initials in Spanish), important planning and environmental management documents, confirm the absence of the border as an area per se. Although they are specific management plans, which should revolve around the guiding concept of habitat connectivity, the mapping presented, even in those border areas, usually ignores the interconnections and influences of neighbouring areas, including the hydrographic system. This is particularly surprising when there are numerous programmes and projects that advocate the interconnectivity of natural areas on the border. This is the case of the different LIFE programmes on the recovery of the Iberian lynx, which include the reintroduction of this species in Portugal.

The strategies, regulations and precepts of the regional and subregional spatial plans and, to a lesser extent, the PIOT, end up being embodied in urban planning, which should also include the limits and negative influences of various state and autonomous community legislations. Nevertheless, the municipalities have the power to establish their own territorial models and, in turn, certain regulations and conditions. Thus, urban planning affects future urban development, municipalities and city centres, protected areas and general equipment and infrastructure systems. However, they have little or no capacity to coordinate their decisions with their Portuguese neighbours, so the absence of the border factor in the above plans means, in practice, that it is not included in planning at a municipal level. The urban planning in the ten border municipalities of the province of Huelva allows us to highlight the lack of evaluation of the urban planning of the municipalities of the other side of the border, not even the border itself can be considered a socio-territorial factor conditioning its own planning.

2.2.2 The Situation in Portugal

In Portugal, the *Lei de bases gerais da política pública de solos, de ordenamento do território e de urbanismo* (LBGPPSOTU) of 2014 is in force. A year later, the new *Regime Jurídico dos Instrumentos de Gestão Territorial* (RJIGT) was passed. Both documents define all spatial-planning, sectoral-planning with territorial impact (called *Programas Nacionais Setoriais e Espaciais*) and urban-planning structures. At the same time, it is worth highlighting the *Sistema Nacional de Informação Territorial* (SNIT), which was launched in 2008 and is managed by the *Direção Geral do Território* (DGT). It contains information on all the Territorial Management Instruments (IGT, according to its initials in Portuguese).

Spatial planning in Portugal remains highly centralised, unlike, as mentioned above, in Spain. It is based on the *Programa Nacional da Política de Ordenamento do Território* (PNPOT), similar to the POTA of Andalusia. In other words, the PNPOT is the main territorial policy instrument of Portugal. It defines the goals and strategic options for spatial development and establishes the national spatial planning model. It constitutes the reference framework for the rest of the territorial programmes and plans and is the guiding instrument for strategies and programmes with a territorial impact. Among the different commitments and measures taken by the PNPOT (in 2007 and 2018), in particular regarding the border region, we highlight that in measure 4.2. of “Optimising national habitat connectivity”, it is stated that

the predicted effect is “to increase recognition of the value of border areas by promoting cross-border synergies”. In turn, measure 5.1 refers to “Deepening cross-border cooperation”.

As regions have not been created in Portugal (although they are provided for in the Constitution), the role of regional coordination is carried out by the *Comissão de Coordenação e Desenvolvimento Regional* (CCDR) of each NUTS II, as a peripheral body of the Portuguese General State Administration, in particular of the Ministry of Planning. As previously mentioned, this body is far from having the spatial planning jurisdiction of the regions and autonomous communities. The CCDR manage, among other things, the *Planos o Programas Regionais de Ordenação Territorial* (PROT), which become fundamental instruments of the territorial strategy of the PNPOT, the nature reserves *Reservas Ecológicas Nacionais* (REN) and, in turn, define the reference framework for regional planning and development to be considered by the *Planos Directores Municipais* (PDM). In the case of Bajo Guadiana, currently in force are the PROTAL (Algarve), revised in 2007 (CCDR Algarve, 2007), and the PROTA (Alentejo), passed in 2010 (CCDR Alentejo, 2010).

After analysing the PROTAL on the *Raya*, we highlight the following:

- It only includes proposals that appear in the PNOPT.
- In the maps of proposals, the connectivity and the improvement of accessibility towards Andalusia/Spain is observed.
- The report on the proposal addresses the improvement in the navigability of the River Guadiana.
- Within the main Strategic Programmes, one is addressed, the so-called PE 07, titled “Valorización del Bajo Guadiana” (Assessment of the Bajo Guadiana).
- In the axis 3 of the system of accessibility, reference is made to promoting the polycentric conurbations allowing international integration of the Algarve, extending its influence to the western region of Andalusia.
- It also states that efforts will be made to connect the Algarve and Andalusia by rail, and, in the long term, by a high-speed rail system.

And regarding the PROTA, among the different border goals, the following should be noted:

- The proposal to improve the road infrastructure between Sines, Beja and Andalusia.
- The improvement of the regional infrastructure between Mértola and Huelva.
- In general, the goal is to intensify the cross-border relationships.

The PNPOT is responsible for a number of national sectoral and territorial programmes. These concern surface and groundwater resources, nature conservation and natural risks, agriculture, forests, infrastructure, transport, economic activities, tourism, housing, health and education, etc. They all have an impact on the territory and must be taken into account in spatial planning (of the PROT) and in urban planning (PDM and others). Through analysing those that affect the Portuguese Bajo Guadiana, we conclude that the border does not appear as a geographical element of the utmost importance nor as a factor shaping territories and societies. These are the following programmes and plans:

- The *Plano Nacional da Água* (PNA), which defines the strategy of the integrated water management of the area in Portugal. It covers the whole country.

- The *Planos de Gestão de Região Hidrográfica*, which set out the measures to be taken for the good state of water bodies. The *Plano de gestão da região hidrográfica do Guadiana* (RH7) forms part of this strategy.
- The *Programas Regionais de Ordenamento Florestal* (PROF), which establish specific rules for the use and exploitation of forest areas, in order to ensure the sustained production of all goods and services obtained from them. These programmes include the regions of the Algarve and the Alentejo.
- The *Planos de Ordenamento da Orla Costeira* (POOC), which aim to enhance the value of existing resources while preserving environmental and landscape values. The Plan de Vilamoura-Vila Real de Santo António, passed in 2005, is located in Bajo Guadiana.
- Los *Planos de Ordenamento das Albufeiras de Águas Públicas* (POAAP) are special spatial planning schemes that seek to protect and enhance water resources in the territory where they are implemented, thus ensuring their sustainable use.
- The *Programas Especiais das Áreas Protegidas* (PEAP) and *Plano de Ordenamento das Áreas Protegidas* (POAP), which establish a safeguard and conservation policy in each of the protected areas of the *Rede Nacional de Áreas Protegidas* (RNAP). Many of these areas are also catalogued in the Natura 2000 Network. Within our scope we can find:
 - The *Parque Natural do Vale do Guadiana*, with an area of 69,669 ha.
 - The *Parque Natural da Ria Formosa*, whose total area covers 17,900 ha, and has an impact on the coast of the municipality of Vila Real de San António.
 - The *Reserva Natural do Sapal de Castro Marim e Vila Real de Santo António*, declared a nature reserve in 1975, covers 2,308 ha.

With regard to urban planning, in the case of Portugal, the municipalities play a very important role. They receive the proposals from the PNOPT territorial model and, especially, from the PROT, together with the territorial influences from other plans or programmes with a territorial impact. Since 1982, the *Plano Diretor Municipal* (PDM) has been replicated in Portugal. Its goal is to establish the rules that must sustain the occupancy, use and transformation of the municipal territory and to define the general rules of urban management to be used in the implementation of these PMD. In turn, the strategies and actions of the PDM are developed in detail through the *Planos de Urbanização* (PU) and the *Planos de Pormenor* (PP). Although they are under municipal authority, they receive technical advice from the CCDR, especially in the preparation of georeferenced spatial information. Accordingly, the CCDR of the Algarve and the aforementioned *Sistema Nacional de Informação Territorial* (SNIT) enable all the cartographic information of the region's municipalities to be located and studied.

Currently, all the Portuguese municipalities of the Baixo Guadiana have valid PDMs. Once again, we find proposals for territorial models that only take into account their own municipal areas and do not go beyond their territorial limits.

Table 2. List of Municipal Territorial Plans, by municipality and type (2019)

Municipality	PDM	PU	PP	Total per Municipality
Serpa	1 (2017)	4	2	7
Mértola	1 (2010)	2	1	4
Alcoutim	1 (2018)	...	...	1
Castro Marim	1 (2016)	2	7	10
Vila Real de Santo António	1 (2019)	1	6	8

Source: CCDR Algarve, online: <https://www.ccdr-alg.pt/site/info/planos-territoriais-municipais> and SNIT, online: https://www.dgterritorio.pt/sistemas_de_informacao/snit/igt_em_vigor__snit_/acesso_simples/

2.2.3 Other Specific Water and Biodiversity Planning and Management Tools

Among them, the *Convenio de Albufeira*, the river basin management plans and the Natura 2000 Directive can be found.

- **The *Directiva Marco del Agua* (DMA) (Water Framework Directive)) and the *Convenio de Albufeira***

Thanks to support also from the European Union, significant changes have been generated in the use of water. Thus, the application of the Water Framework Directive 2000/60/CE reconsiders the concept of water as social and ecological heritage that must be preserved. It establishes a number of goals and deadlines that must be incorporated into hydrological planning, in an attempt to preserve the environmental value of riverbanks and coastal waters. This objective has inevitably required a major review of the river basin plans and of various state and regional laws and regulations. This is the case of Portugal and Spain; the recently approved drainage basin plans have been modified.

In the Spanish-Portuguese Summit held on 30 November 1998 in Vilamoura (Algarve), the *Convenio sobre Cooperación para la Protección y el Aprovechamiento Sostenible de las Aguas y Cuencas Hidrográficas Hispano-Portuguesas*, better known as the *Convenio de Albufeira*, was signed. It came into force on 17 January 2000, for a period of seven years, renewable for a further three years. In 2008, the Protocol for the Revision of the Convention to the Albufeira of 1998 was passed. This agreement is broadly in line with the WFD, despite having been passed earlier. It also follows the tradition of the major agreements that have been established between Portugal and Spain since the beginning of the 20th century for the distribution of the use of the large cross-border rivers. Although the WFD enables the joint management of the cross-border drainage basins, in the case of Spain and Portugal, it is privately managed, but with a greater communication between the parties (*Consejo del Agua*). Since then, it has become clear that there is talk, for example, “of the demarcation of the Spanish/Portuguese part of the Guadiana Drainage Basin Demarcation”.

- ***Sectoral plans for drainage basins***

The *Plan Hidrológico de la Demarcación Hidrográfica del Tinto, Odiel y Piedra* (DHTOP), after being in force from 2009-2015 the river basin plan 2015-2021 was passed. This basin plan is focuses

fully on the needs and demands of the province of Huelva, except the commitments made by the Convenio de Albufeira, especially with regard to the pumping of Bocachanza, from the River Guadiana (in Pomarão) into the Chanza system.

On the Portuguese side we have the *Plano de Gestão da Região Hidrográfica do Guadiana* (2016), within the framework of the *Plano Nacional da Água* (2012). Following the WFD, this planning instrument is aimed at the management, protection and environmental, social and economic improvement of water resources. It has been drafted by the *Agência Portuguesa do Ambiente* (APA), for a cycle of six years.

- ***Natura 2000 Network***

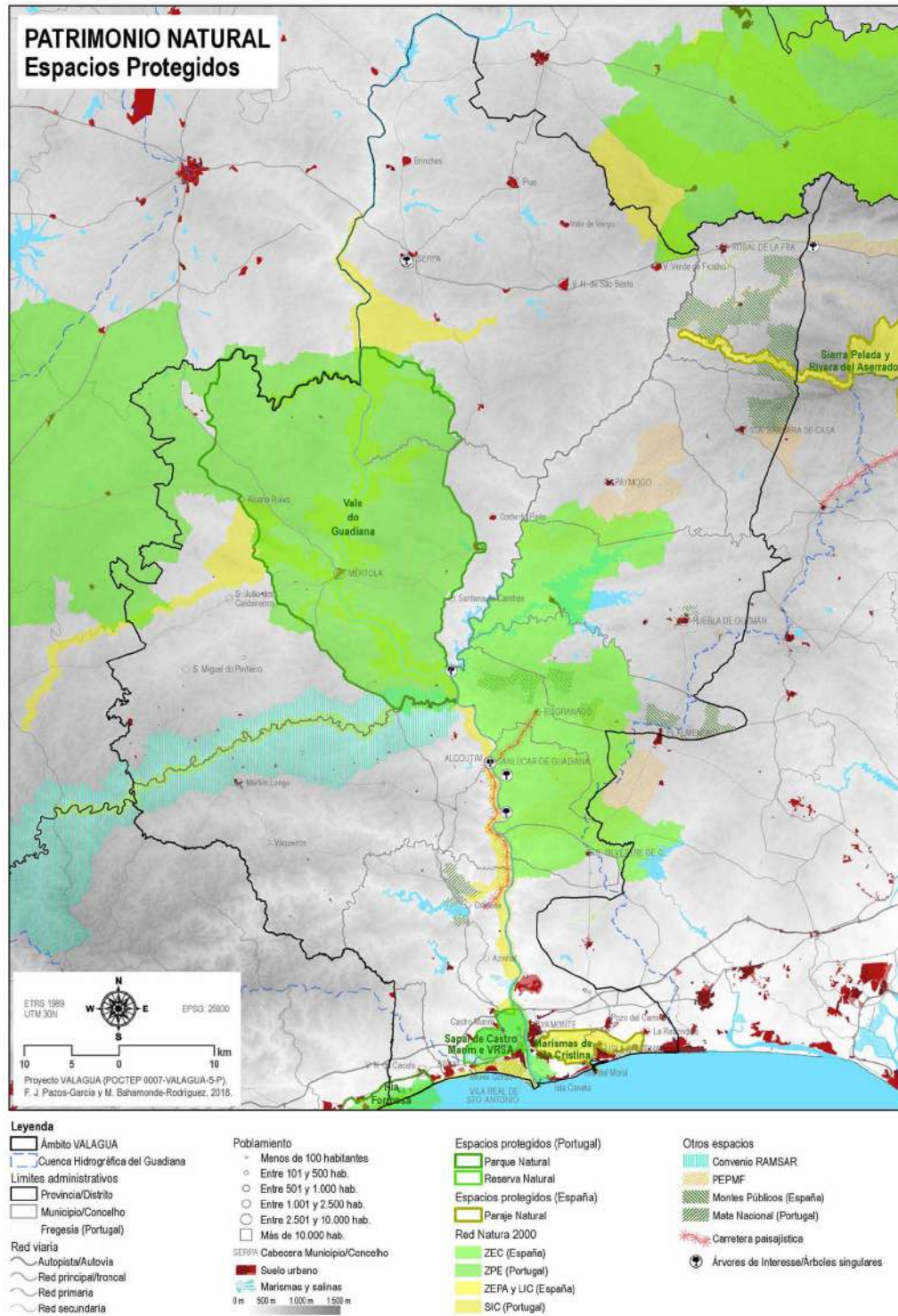
This is a European ecological network of biodiversity conservation areas, which aims to ensure the long-term survival of species and habitat types in Europe. The application of the Habitats Directive and the Birds Directive have led to the cataloguing of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) respectively. On the basis of the lists of areas drawn up by the States, the European Commission, in collaboration with those States, makes a proposal for Sites of Community Importance (SCIs), and must adopt a series of conservation measures that meet the ecological requirements of the Network.

Using as a source the *Instituto da Conservação da Natureza e das Florestas* (ICNF), we can find the following areas for the Portuguese sector of Bajo Guadiana in the Natura 2000 Network:

- *Vale do Guadiana*. It has an area of 76,543 ha and includes the different municipalities of the Alentejo and the Algarve. In turn, this territory largely coincides with the nature reserve *Parque Natural do Vale de Guadiana*, of 69,669 ha, which mainly extends through the municipalities of Mértola and Serpa.
- *Sapal de Castro Marim e Vila Real de San António*. It has also been declared *Reserva Natural*, created in 1975. It covers an area of 2,146 ha, and is a wetland consisting of marshes at the mouth of the River Guadiana.

Both protected spaces have the equivalent natural areas on the other side of the border (Figure 4). They are the Marismas de Isla Cristina and the SAC Andévalo Occidental. Nevertheless, their natural resource management plans (*Planes de Recursos Naturales y Plano de Ordenamento das Áreas Protegidas*), despite coinciding in environmental approaches, have only been carried out with their strict territorial scope in mind.

Figure 4. Protected natural areas and the Natura 2000 Network in Bajo Guadiana.
Source: Jurado, J.M., Pazos, F.J. and Castanho, A. (2000).



3. DIAGNOSIS OF CURRENT SPATIAL PLANNING AND MANAGEMENT SYSTEMS: SPATIAL PLANNING, WATER AND BIODIVERSITY

Spatial Planning

We find ourselves before a cross-border region, with, logically, multiple institutional (at different administrative levels), economical and associative stakeholders, and which is fully or partially inserted in the areas of application of the various plans. But the lack of a joint governance process is added to this clearly complex reality, one that above all reflects a certain gap in authority over the River Guadiana, including its maritime-fluvial area of shared jurisdiction. To a certain extent, this “lack” of authority can be explained by the convergence of interests and conflicts that are difficult to resolve, leading to their regulation being “ignored” at certain levels. Nevertheless, it is a reality that can also be found in other sectors of the *Raya*.

Difficulties for coordination and cooperation at certain levels and in specific matters can be explained, largely, by the presence of two territorial governance models, evolved from inheritances, dependencies and historical trajectories in their territorial organisation and legislation and that, despite a long tradition of coexistence and neighbourliness, have not managed to solve the existing dysfunctions and establish effective measures of co-management.

The differences in own jurisdiction and those delegated by the states are partially evident at the regional level. As the decentralisation process has not taken place in continental Portugal, there is no real administrative equivalence with Spain at this level. Thus, the NUTS II level, the authorities of the CCDR of the Algarve or the Alentejo are very different to those of the Autonomous Communities in Spain (in this case, Andalusia). The CCDRs are closer, in operative capacity, to the Spanish Provincial Councils (provinces, NUTS III). This is a clear problem in finding partners and interlocutors at this territorial and administrative level (NUTS III Baixo Alentejo opposite the province of Huelva, for example). Nor, as pointed out, do the Distrito in Portugal (in this case Faro and Beja, whose geographical extension is similar to the province of Huelva) and the Province in Spain (and their provincial councils as bodies) have the same executive functions and powers.

To conclude, the arrival and development of both states in the current European Union, with their common regulations and planning, has led to a process of convergence and cohesion that has not succeeded in eliminating this lack of coordination in cross-border spatial planning, despite the fact that more than three decades have passed.

Spatial Planning and Land Use Planning

References to the border and the recognition of its capacity to condition socio-territorial processes are absent in most plans, and where they are present, they ultimately do not translate into indications, actions and proposals. They are also usually absent in the enhancement in value of the *Raya* as a factor that promotes or limits productive activity. These aspects require a commitment to coordination by both states, who observe their plans from an “internal” approach and who neglect or ignore adjacent spaces directly –both from a cartographic, geographical and statistical information perspective (Felicidades-García, 2016) – at most with general references to or mentions of strategic plans or lines defined by the EU, generally with little effective weight at local levels.

Thus, POTA, PROT-Algarve and PROT-Alentejo show a lack of territorial coherence from the cross-border perspective (Hildenbrand, 2012a, 2012b; Hernández-Ramírez, 2017). In addition, this aspect is complicated even further by sectoral and urban plans very unequal in their definitions. In fact, we can find many redundant and overlapping plans. Thus situation is particularly serious in local urban plans (PDM in Portugal and PGOU in Andalusia/Spain) with programme and cartographic documents where there is a total lack of references to the cross-border territorial system.

Natural Resources and Water

Although Bajo Guadiana has a clear environmental and ecological connectivity that goes beyond the border, there is hardly any cross-border planning or environmental management. The planning and management programmes of protected natural areas do not extend past their respective territorial areas. This is evident, for example, in the marsh and wetland ecosystems that are so representative of the South Atlantic and extend all along the coastal strip (Parque Natural de Ría Formosa, Reserva Natural do Sapal de Castro Marim e Vila Real de Santo António, Isla de San Bruno, Marismas de Isla Cristina) or in the adjacent low-mountain areas (Parque Natural do Vale do Guadiana and SIC Andévalo Occidental). On the other hand, the problem of drainage basin management in Bajo Guadiana has been partially eased by the *Convenio de Albufeira* (in force since 2000), but the asymmetry of competences, not only between Portugal and Spain, but between the Spanish regions themselves, generates overlapping competences and conflicts that have not yet been resolved.

There is a major discrepancy between the number of measures adopted by both countries to improve and maintain the good state of water bodies. Until now it has been impossible to define a common action programme, which could have grave consequences, as the programme of measures adopted in border waters (and shared waters) in one country can have direct repercussions in the other. This is all the more serious in that there is a common framework agreement at Community level, which affects both hydrological issues (Water Framework Directive, WFD) and at the ecosystem level (Habitats Directive and Birds Directive). However, in their national transpositions they have been consistent with the previous reality at national level, but not very understanding of the characteristics of the cross-border territory, maintaining a significant lack of coordination, for example, in terms of deadlines and actions. This is evident in the different timetables of actions, with very different levels of competence, as in each case they must be in line with funding possibilities. This translates into a lack of coordination in the measures adopted by both parts, even when there is a resolve to do so, as the organisational constraints on each side of the border make this difficult.

SWOT

With the aim of systematising the treaty, a SWOT analysis is given for Bajo Guadiana area and, in particular, for water and biodiversity issues and their governance and spatial planning systems.

Strengths

- Social and political resolve to achieve a cross-border development programme (Euroregion AAA, POCTEP, Interreg V, etc.).
- Creation of cross-border networks associated with natural and cultural resources.

- EGTC Guadiana Eurocity.
- Navigability of the River Guadiana in its international stretch.
- Tourism linked to the River Guadiana.
- Ecosystems of high landscape and environmental value, especially the marshes and banks of the Guadiana, and that have cross-border environmental continuity.
- Rich tangible and intangible historical and cultural heritage of the border area.
- Promotion of coordination in the planning and management of water and biodiversity by the EU (main driving force).
- Clear awareness raising among the scientific community of the need for joint action in the management of protected natural areas, habitat continuity and the management of drainage basins.

Weaknesses

- Lack of cross-border governance system and a common entity concerned about coordinated territorial development.
- Convergence of administrations with asymmetric competences in spatial planning and management.
- Lack of joint planning, both integral and sectoral.
- Overlapping of plans and actions of different administrations in the same territory.
- Lack of agreement between the different administrations involved in cross-border projects.
- Distancing of the central governments, lack of focus and little real concern for border and cross-border planning.
- Complexity of regulatory systems with an impact on the territory.
- Lack of symmetry in the demographic structures and population between the interior and the coast.
- Weak presence of the territorial presence “*Bajo/Baixo Guadiana*” as an instrument of cross-border identity.

Opportunities

- Cross-border institutional agreements, programmes and cooperation projects.
- Standardisation of divergent regulatory provisions between the regions concerned, in particular navigation and fisheries management.
- Unification of cross-border spatial planning criteria of Bajo Guadiana.
- Creation of a cross-border body that brings together and promotes the range of heritage and tourist resources on both sides of the Guadiana on a subregional level.
- New interest in border areas and their heritage and tourism resources, where the uniqueness of the River Guadiana and its valley stand out.
- New cross-border projects linked to the natural resources of Bajo Guadiana.
- Creation of cross-border natural areas, as is the case in other territories of the *Raya*.

Threats

- External image of Bajo Guadiana as a peripheral, disjointed and marginal territorial area.
- Spatial planning and water management organised by institutions outside Bajo Guadiana area.

- Lack of coordination between administrations that could hinder the creation and implementation of some actions and projects.
- Lack of coordination in the specific measures under way in each area in light of global challenges such as climate change and green infrastructure.
- New global health problems (for example, COVID-19) that lead to a reintroduction of traditional border functions, such as controlling the movement of people.

4. CONCLUSION AND PROPOSALS

The lack of cross-border governance structures, adjusted to the territorial scope of Bajo Guadiana, leaves important decisions to other administrative levels (mainly to the central administrations of both states and to the regional government, *Junta de Andalucía*), with little public participation due to the complexity of its functioning and the lack of communication between administrative and decision-making structures on both sides of the border. In this context, it is necessary and urgent to insist on the building of an *ad hoc* governance framework that protects strategic spatial initiatives and actions, is responsible for coordination and brings an integrative vision. Therefore, to solve the present imbalances in the coordination of spatial coordination in the cross-border area, there is a need to create common structures and effectively strengthen pre-existing communication and coordination mechanisms, many of which are advocated from the EU framework, and which either do not work or have not even been formally developed despite having a place in existing regulations. Accordingly, a set of actions is proposed, divided into two blocks: improving communication and proposing the integration of instruments.

Existing Communication Mechanisms (Information and Decision-making)

The communication mechanisms are far from fluid. This does not mean that there has not been significant progress, especially in the framework of European territorial cooperation policy (ETC). For example, the arrival of the Interreg programmes at the beginning of the nineties, the creation of the Working Community of the Andalusia-Algarve-Alentejo (2002), the *Gabinete de Iniciativas Transfronterizas* –GIT-Alentejo- Algarve-Andalucía 2009-2010 and the creation of the Andalusia-Algarve-Alentejo Euroregion (2010), which consolidates all the previous initiatives. But the reality is that, apart from cross-border reports and programmes, all territorial and sectoral plans generated by other administrations have ignored the border. Nevertheless, this situation can be considered normal, as governance and spatial planning structures (legislation and planning) are different.

Therefore, the following interrelated measures are proposed:

- Improve cross-border institutional cooperation. Progress has been made in recent decades, but there is much work to be done.
- Implement a European Grouping of Territorial Cooperation (EGTC) of the Bajo/Baixo Guadiana to initiate a process of territorial governance through a fourfold alliance between stakeholders from universities, productive sectors, administrative and political institutions and civil society. The aim is to build an inclusive system of local and regional stakeholders to activate participative, coordinated processes on cross-border decision-making.

- In the absence of an EGTC for the joint Bajo Guadiana, the already created Guadiana Eurocity could become a body for the coordination and agreement of different plans and actions, similar to the one proposed, for a municipal area around the mouth of the River Guadiana.
- Draft a development strategy for the Bajo Guadiana area that contributes to enhancing the value of the territory and its resources, paying special attention to the water resources and the management of cross-border natural areas.
- Possibilities of creating legislative alignment and inter-administrative coordination mechanisms. This is the desire and need of this cross-border region, and others like it. Recognising that it is no easy task: there are specific sectors and issues where there is an urgent need to create or strengthen the legal mechanisms to improve, for example, navigability and fishing in the estuary of the River Guadiana, among other matters.

Integration of Water and Biodiversity Coordination, Management and Planning Instruments

In the Bajo/Baixo Guadiana, progress must be made on the path to cross-border cooperation, taking advantage of the already established channels, but redefining the current model, at both institutional and planning levels, not only in sectoral issues (hydrological and cross-border natural areas), but also in spatial and urban planning. With the common framework established by the WFD, it is essential that its transposal, especially regarding actions for measuring, managing and monitoring the status of water bodies, does not mean maintaining pre-existing coordination problems by presenting legal frameworks, deadlines and funding that are difficult to coordinate.

For coordination to take place, there needs to be a coordination committee that guarantees that no divergent actions are produced in the protected areas of Spain and Portugal. Water and the biodiversity of a region form a system with the people inhabiting it. For this reason, a strategic plan is important for the development of the Bajo Guadiana area. This plan must be supported by local authorities, relevant social networks and the stakeholders involved.

Therefore, and in this context, the following actions and measures are proposed:

- Implementation of a territorial information system for Bajo Guadiana. A platform or spatial data infrastructure (SDI) is proposed to make available the main statistical and geographical data and information, with coordinated work on the publication of the data and its compatibility. Accordingly, the INSPIRE Directive provides the mechanisms for the achievement of a common and compatible reference system to simplify access to geostatistical and spatial information.
- Study the adaptation of the WFD. Although much progress has been made, there are still discrepancies both in the levels of adaptation of the two States and in the mutual coordination of its implementation. It is essential to strengthen and deepen the joint management not only of the shared water bodies, but also of the drainage basin as a whole in all those measures that directly or indirectly affect the water system and its natural environment.
- Creation of a joint, coordinated data base on the effects of the water resource (emissions, discharge points, catchments, consumption, etc.). Although both Spain and Portugal have records and data on these matters, they are only partially incorporated into hydrological planning and management, when the impacts are clearly cross-border.

- Establish an efficient common system for the communication and control of the planning and management of biodiversity and protected natural areas. The goal is to create a specific mechanism or advisory body to issue reports on environmental impact projects affecting the drainage basin. This can cover the establishment of communication, participation and coordination mechanisms in the drafting and approval processes of the planning and management plans for the different protected areas, and the establishment of jointly managed areas with the participation of the competent administrations on both sides of the border. Experiences developed in other protected areas of the *Raya* such as *Arribes del Duero-Douro Internacional* (between Portugal and Castilla y León), the UNESCO Cross-border Biosphere Reserve *Gerês-Xurés* (between Portugal and Galicia) or UNESCO Cross-border Biosphere Reserve *Tajo-Tejo Internacional* (between Portugal and Extremadura) can serve as a model.

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