

Governance of fisheries in the international watercourses of Spain and Portugal. The River Minho Condominium

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Abstract

International watercourses relations are influenced by the political context and can serve as arenas for governance aimed at the sustainable management of water resources. On the border between Spain and Portugal, the first fishing agreements were formalised in the late 19th century, shortly after the signing of the treaty delimiting the political borders. This study focuses on the analysis of the role of these agreements in the international stretches of rivers and how they have contributed to fostering cross-border cooperation between both countries. Special attention is paid to the River Minho Condominium, where the predominant role of the military in controlling and supervising fishing in the river is highlighted. Through the analysis of these agreements and interviews conducted with various local stakeholders, including authorities, representatives of fishermen's associations, environmental organisations, military personnel, and officials, this research reveals two main outcomes. Firstly, it emphasises that one of the benefits of fishing agreements lies in their capacity to promote cooperation in other areas beyond the river itself, encouraging new initiatives and projects in this cross-border region. Secondly, it points out that the supervisory role of the military in the River Minho, though historically accepted by the local community, currently faces some critical perspectives; among them, those advocating the opportunity to progress in establishing a cross-border civil body with authority over the comprehensive management of the international stretch of the River Minho.

Keywords: Border, International Rivers, Minho Condominium, Fishing, Spain, Portugal.

1. INTRODUCTION

The need to share the various uses of transboundary watercourses can result in cooperation and multiple benefits, both for the protection of ecosystems (Salamé et al., 2021) and for the production of goods and energy, as well as being a catalyst for greater collaboration between States (Sadoff and Grey, 2002); and can even promote regional integration (Maganda, 2008) within the framework of the territorial cooperation policy promoted by the EU. Transboundary rivers serve as a critical arena for establishing multiple use and multiple control cooperative agreements and strategies, as they carry

profound implications for the sovereignty and territorial integrity of riverside nations (Wolf, 1998; McLaughlin, 2006). Much like other shared natural resources, they pose a substantial geopolitical challenge.

Studies of transboundary water resources policy, management and governance can be explained on the basis of various theoretical approaches. On the one hand, we use *hydropolitics* as a term related to the systemic study of conflicts and cooperation between states over water resources that transcend international borders (Elhance, 1999: 3). It is the ability of geopolitical institutions to manage shared water resources in a politically sustainable way, i.e. without tension and conflict between political entities (Wolf, 2007: 252). On the other, we use the recent conceptual paradigm of *hydrohegemony*, developed around the importance of power in transboundary relations and shared water resources (Zeitoun and Warner 2006; Zeitoun and Mirumachi, 2008; Warner et al 2017; Zeitoun et al 2019).

The framework of hydrohegemony establishes that in all hydro-political relations in which transboundary water resources (TWR) are contested, an asymmetry of power between states can be identified that conditions water relations (Zeitoun and Warner, 2006; Warner and Zawahri, 2012). Since its formulation in 2006, the hydrohegemony approach builds its hypothesis based on the analysis of formalised agreements in transboundary rivers and basins, on the premise that conflict and cooperation coexist. Since then, the hydrohegemony approach has evolved to include relations between international or sub-national actors in its analysis (Warner and Zeitoun, 2008). Furlong (2006) emphasises that the state plays a relevant role, but it is not the only actor in transboundary water relations, nor does it necessarily represent the interests of all, due to the importance of private actors and civil society. However, Hussein and Grandi (2015) insist on looking beyond the water sector, adopting a 'broader socio-political context' to look for complexities and interactions in 'water governance' (Hussein and Grandi, 2015: 175). Hegemonic and counter-hegemonic behaviour of riparian countries is conditioned by multi-scale resource politics, access to other resources or historical grievances, which also play a role in countries' conflictual relations over water (Warner et al. 2017). Nationalisms of varying intensity and scale can also condition these relations (Palmeiro, 2009; Menga, 2016).

In this paper we extend the study of water resources beyond water to focus on fisheries resources. The 2015 World Inland Fisheries Conference recognised the need for a greater international effort to effectively integrate fisheries into water resources management plans. It recognised that international cooperation is key to comprehensively addressing competing water uses (agriculture, tourism, energy and fisheries) (FAO, 2016).

Between Spain and Portugal, the border rivers belong to five river basins: Minho, Limia, Duero, Tagus and Guadiana. The vast majority of water relations have been cooperative (Yofee, 2001) since 1864, when the Treaty of Lisbon (and its Annex I on Cross-Border Rivers) was signed. These bilateral agreements fixed much of the boundary on these rivers and established the common use of their resources on an equitable basis for both countries. These agreements include those regulating fishing activity in the internal waters of the rivers, which have been under continuous development since the end of the 19th century, and which allow for the shared management of this activity. We will focus on the River Minho basin defined in its final stretch, up to its mouth in the Atlantic, by a 75 km watercourse of international waters, as agreed in the Lisbon Treaty of 1864. This is the basis of the current international water stretch of the River Minho (TIRM, known by its Spanish and Portuguese acronym), a management unit shared by both states, especially dedicated to the management of fisheries in that stretch.

This paper addresses the governance of fisheries in international watercourses between Spain and Portugal, with a specific focus on fisheries in the TIRM. The scale of analysis is a fundamental factor in hydropolitical analyses, and it is very relevant in this field due to two conditioning factors: (1) Between Spain and Portugal, the planning and management capacity of the different powers - national, regional and local - is neither symmetrical nor equivalent. In both States there has been a progressive transfer of sovereignty, both due to their incorporation into the European Communities in 1986, as well as the development of the autonomous communities in Spain and the transfer of competences to the regions, including water management (García-Valiñas, 2018; Thiel, 2014); and (2) the plural identity and the different degree of intensity in Spanish-Portuguese cross-border relations, for which some authors propose a regionalised interpretation based on the existence of different degrees of development, with urbanised and dynamic sectors, as opposed to others in decline that represent marginal

spaces of demographic and economic repulsion (Lois and Carballo, 2015; Lois et al., 2019; Felicitades and Pazos, 2023).

The hydrohegemony framework is used as a starting point for an in-depth analysis of fisheries governance in the TIRM because of its suitability for highlighting power interactions at different levels. But it also acknowledges the limitations of theories for interpreting fisheries governance in this area, where the role of the state is first diluted in the service of local interests, and then highlights the imbalances and conflicts inherent in the compulsory, essential and EU-subsidised Spanish-Portuguese cross-border cooperation.

In view of the above, the objectives of this research are: (i) to analyse fisheries governance in the TIRM international stretches of the rivers on the border between Spain and Portugal; (ii) to examine the scales, actors and constraints of cooperation in fisheries uses; and (iii) to examine the organisational or institutional power of the process, namely the role of the bodies responsible for the regulation and control of international river waters in the governance system of the cross-border area.

We start from the hypothesis that the experience and the climate of mutual trust generated by the traditional shared management of fisheries resources in the TIRM is favouring cross-border cooperation beyond fisheries, exemplified by the comprehensive cooperation strategies developed by the new territorial planning (Euroregion, Eurocities, EGTC) created *ad hoc* to promote cooperation in this area.

This paper is structured as follows: The following section describes the methodology employed, which combines quantitative and qualitative methods. This is followed by the case study of the TIRM. The results section focuses on showing how the institutional framework created for the management of fisheries resources (treaties and organisations) has favoured cooperation beyond fisheries. Finally, the discussion and conclusion sections highlight the contribution of the paper to broadening the spectrum and research agenda of hydropolitics in the context of cross-border fishing activities as an associated water resource.

2. BORDERS ON INTERNATIONAL RIVERS AND SHARED USE OF FISHERY RESOURCES

From a geopolitical point of view, borders are lines of physical contact between countries and offer both opportunities for cooperation and risks of conflict (Prescott and

Triggs, 2008). However, as historical constructions, borders are reproduced, including their meaning, as part of changing socio-spatial relations and the border processes they entail (Kolossoff and Scott, 2013). The study of borders is concerned with territorial analysis at various socio-spatial scales, with increasing importance being given to the local level and how they affect everyday life, in particular how they are perceived and appropriated by local people in terms of places, institutions and symbols (Paasi, 1998). In this development, the reconfiguration of state borders in territorial control, security and sovereignty proposes a profound alteration of everyday life scenarios and power relations in different spheres (Nelles and Walther, 2011). Indeed, processes such as Europeanisation have modified the dialectical relationship between the fixed nature of borders with their fluid and changing character, which have reframed the impact of borders on human activities in a new way (Harrison and Grove, 2014).

Many borders undergo long metamorphosis partly due to the loss of their pure functions of control, separation and differentiation of goods and people (Sohn, 2010). This is what happened in the last decades of the 20th century, when the creation of a post-border narrative of a 'borderless' world (Newman, 2006) gained momentum among academics and policymakers, and served to develop new scenarios of transnational interactions, especially in the European Union (EU). From this revolution, borders emerged as an element of attraction and a heritage resource to drive development strategies. In the case of the EU, borders are serving to consolidate its own political foundation, and especially to promote Europeanisation through cross-border cooperation mechanisms, which contribute to economic interdependence, and the strengthening of processes of mutual knowledge in social and cultural matters, including multi-level governance and the promotion of local economies and identities of proximity (Sanguin, 2007; Sohn, 2014). The EU's cross-border cooperation policy, its funds and cross-border region projects are part of this process.

The debate on borders, in these circumstances, no longer focuses on whether they remain an obstacle to the 'natural' development of the spaces concerned, but to what extent the border is a territorial resource, a factor of growth and an axis around which new territorial scales and functional cross-border territorial processes, such as Euroregions, Eurocities and EGTCs, can be built (Perkmann, 2002; 2007; Castanho et al., 2019). For example, the Iberian Eurocities, including the 3 of the River Minho (Tomiño-

Vila Nova de Cerveira, Tui-Valença and Monção-Salvaterra de Miño), emerge as "Europeanisation laboratories", which rethink spatiality in spatial planning and the territoriality to which the EU aspires, based on the concepts of 'soft spatial planning' and the constitution of 'soft spaces' (Walsh, et al., 2012; Paasi & Zimmerbauer, 2016). This recent paradigm takes into account the complexity of borders, and the 'border character' that makes them unique, and involves particular and valuable modes of observation and coordination and a specific scenario, such as cross-border governance (Felicidades and Pazos, 2023), but without erasing the internal logic of previous governance on each side of the border. In this context, borders are intended to be a place of 'tension' and integration of urban, rural and coastal policies and activities. This tension contributes to the complexity of governance at the border, as a place of intense contact and interaction between groups of people, ecosystems, trade flows, etc. According to the paradigm of the border as a sphere of relations and a transition area rather than a line drawn on a map (Trillo and Garcia, 2015), from certain political and organisational arrangements they emerge as optimal areas for agreements and cooperation, as well as places of action and intervention that raise the question of how they should be governed (Perkmann and Sum, 2002, Oliveira, 2017). In this study, the Minho Condominium appears as a clear example of this 'tension' in a space of common use supervised by the armed forces, where all the actors involved in its governance have a voice and put strategic planning at the forefront. Border studies focus on the socio-spatial dynamics that develop in these spaces.

2.1. International borders and rivers

Globally, there are 286 river basins shared by 2 or more countries, covering 42% of the Earth's land surface (excluding Antarctica) and home to 2.8 billion people (UNDP, 2006). The diversity of interests and uses on international rivers has led to multiple treaties to form a common basic regulatory regime. At the regional scale, there is extensive experience in concluding resource management agreements – both on rivers that cross political boundaries and on rivers that are borders and where international watercourses are declared – for water use, energy production, flood control or navigation (UNDP, 2006; Phillips et al., 2006). In this context, fisheries-specific

agreements, which are the focus of this research, are the least frequent (UNDP 2006: 222).

More than a third of the length of international land borders is riverine (Donaldson, 2009). Water systems that cross national borders make riparian states in any shared basin interconnected in a complex web of environmental, political, economic, and security interdependencies, turning water issues into political issues, thereby amplifying the sensitivity and complexities of transboundary water management. (Salamé et al., 2021). During the formation of the first states in Europe, rivers were seen as natural boundaries that helped legitimise political borders (Amilhat Szary, 2014). Today, these international rivers take on changing functions to adapt to political imperatives and acquire new meanings in relation to social, political and environmental changes (Cousins, 2019). K. A. Thomas uses the 'river-border complex' concept to argue that rivers and international borders constitute each other, and discusses how attempts to correct, enforce or reinforce 'natural' borders affect flows across them (Thomas, 2021, 7). The current interpretative framework of water management takes into consideration the multipurpose planning of a basin in order to comprise the full range of potential benefits, such as environmental services, energy production, irrigation, industries, navigation, fishing, etc. (Phillips et al. 2006). The water and resources that sustain these rivers support very diverse discourses and stories, which cover rather complex issues. In the cooperative framework, it includes, among others, aspects such as the integrated management of water resources, water security or adaptation to the impacts of climate change, all of which have achieved international discursive hegemony (Salamé et al., 2021), and in general have become an important paradigm for the debate, legitimisation and application of water policies that incorporate the concept of sustainability (Orlove and Caton, 2010).

However, for some time, the study of shared water resources from a hydropolitics perspective has viewed international rivers as a potential source of tension and threats, highlighting the thesis that 'water leads to war'. The arguments of supporters of this interpretation have been silenced in recent decades (Wolf, 1998; Salamé et al., 2021) by the observation that 'shared water offers convincing incentives for dialogue and cooperation' (Wolf, 2007: 243). The critical positions of the hydrohegemony framework developed by the London Water Research Group (LWRG) are part of the conflict and

cooperation debate (Zeitoun and Warner, 2006; Zeitoun and Mirumachi, 2008; Warner et al., 2017; Zeitoun et al., 2019). Their research on the importance of power in transboundary water relations has demonstrated the coexistence of conflicts and cooperation in any interaction in shared waters, since both are the result of power asymmetries (Earle et al., 2010). In recent years, the hydrohegemony framework has evolved to become more complex (Warner et al., 2017). It moves from what some authors call an overly state-centric approach (Lopes, 2012), to incorporating actors beyond states, such as NGOs or the private sector (Warner and Zawahri 2012; Zawahri and Hensengerth, 2012; García-Valiñas, 2018), the 'soft power' of hegemonic discourses and narratives (Zeitoun, Mirumachi and Warner, 2011), including the socioecological perspective of water (Warner et al., 2017; Zeitoun et al., 2019). In this way, hydrohegemony incorporates scales of action where the role of the state can be diluted in certain situations, and incorporates a multidimensional concept of power. This framework allows us to combine the different scales and dimensions of power that concur in border rivers: regional and local powers, the sovereign interests of states and the role of the EU, which conditions sovereign power relations through dominant discourses such as those of sustainability, governance and cross-border cooperation. In general, agreements and treaties on the use of international rivers have implied certain restrictions on the sovereignty of riparian states. The desirability of making optimal use of natural resources and the need to plan their use have influenced the evolution of legal relations between these states, starting with the acceptance of the idea that an international river is an asset of the riparian community. Since the end of the 20th century, the thesis that considers states as co-owners of international waters with reciprocal rights and obligations has gained prominence. Thus, states are considered 'co-owners' of a 'common or undivided property' that is the international watercourse (Sereno, 2011: 26). Therefore, the majority legal tradition in the EU and its contemporary development have instituted the obligation of respect, consideration and equitable use between riparians (Fuentes, 1997).

2.2. The Portuguese-Spanish border: an unfinished process

The establishment of the land borders between the two countries dates back to the end of the 13th century, creating what literature considers to be one of the oldest and most

stable borders in Europe (Trillo and Paül, 2014; García-Álvarez and Puente, 2015, 2017; Lois et al., 2019). As the linearity of the border with the nation-states of the 19th century was imposed, the spaces of transition and common use at the old border, sometimes born of dispute, or the result of local agreements without the intervention of the kingdoms of Spain and Portugal, gradually disappeared (Paül and Trillo, 2015, Cairo and Godinho, 2013). The Treaty of Lisbon (1864) and the 1926 Convention delimited the border, leaving a 65 km stretch of the Guadiana River, around the municipality of Olivenza (Olivença), as a border not recognised by Portugal under diplomatic dispute (Figure 1), frozen and diluted in practice since the incorporation of both countries into the common European project. The delimitation of the borders between Spain and Portugal is currently an unfinished process where the intensity of conflicts has been changing, and where other issues beyond water (such as those related to national sovereignty) are influencing water relations. These are the cases, as an example, of conflicts over the use of fishery resources in the fluvial maritime area on the mouth of the Guadiana River (Suárez de Vivero, 1985; Lacleta, 2004), or the aspirations of both states to expand their continental shelf beyond 200 miles (Somoza and Medialdea, 2017).

Most of the Spanish-Portuguese border is marked by river courses (64%), which form what is known as the *Raya Húmeda* ('Wet Border') (Figure 1, Table 1). In order to approach the different areas of the Iberian border, we start from the classic interpretative analysis of Regional Geography, which differentiates between areas of economic and demographic repulsion, the most extensive, and some more dynamic sectors, where development plans are designed based on the border as an axis of attraction. The 'wet border' of the Minho, between Galicia and Northern Portugal, and the Guadiana, between Andalusia and the Algarve, are examples of these dynamic areas (Lois and Carballo, 2015).

The Treaty of Lisbon (1864) and the Annex of neighbouring rivers (1866) establish that all rivers that define borders are considered international waters, establish their common use of the rivers by the peoples of both states, as well as the obligation for both parties not to take any action that could damage the interests of the other (Barreira, 2008). This is the agreement that constitutes the political-territorial basis for the construction of cross-border governance of international waters. More recently, the

European construction project, which Spain and Portugal joined in 1986, entails the gradual and de facto disappearance of the internal borders of the EU. This translates into a transformation of the role of the border, the creation of new territorial dynamics, and a new role for the states, which experience a loss of sovereignty vis-à-vis the EU, a widely studied process for the Minho border (Trillo and García, 2015; Lois et al., 2019). Since the late 1990s, a new institutional framework for water has been established with the signing of The Convention on the Law of Non-Navigational Uses of International Watercourses. Adopted in 1997 and implemented in 2014, it establishes the basin unit to encourage States to seek optimal and sustainable use and adequate protection of watercourses. Spain and Portugal took this new international framework into account when they signed the Albufeira Convention in 1998, the main instrument of cooperation in the Spanish-Portuguese watersheds (Barreira, 2008), which adopts an approach of sustainable community governance of both surface waters and groundwater (aquifers), as well as aquatic and terrestrial ecosystems associated with transboundary watersheds (Lopes, 2012). At the European level, the Water Framework Directive (WFD) was signed in 2000, which establishes the obligation to demarcate an international river basin. In practice, this means that riparians must apply the same principles and standards established in the EU and are obliged to cooperate in the protection and development of both watercourses and international watersheds and their habitats. Therefore, the powers of the States in the Iberian border rivers are limited by international agreements, European legislation and the obligations of the States in the delegation of powers at the basin, regional and local levels. This new stage of Iberian hydraulic relations significantly expanded both the discursive approach and the institutional framework to improve the sustainable use and management of resources present in shared rivers (Bukoski, 2011; Lopes, 2012).

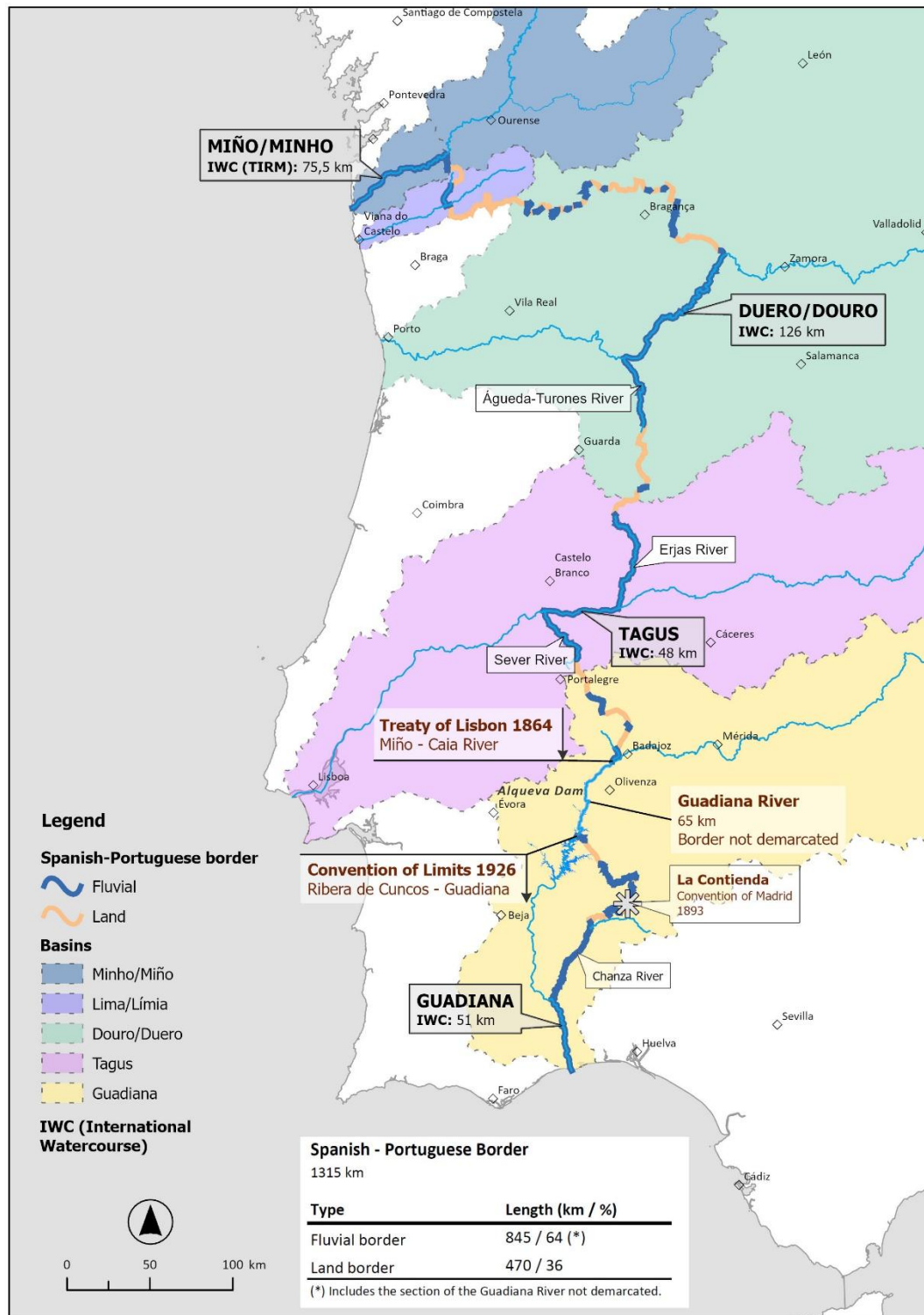
Table 1. Boundary treaties on rivers bordering Spain and Portugal

<i>Year</i>	<i>Treaty</i>	<i>Boundaries established</i>
1864	Treaty of Lisbon	From the River Minho to the confluence of the Caya and Guadiana rivers
1866	Annex of neighbouring rivers	Establishing the sovereignty of both states over the international stretches of the rivers

1893	Madrid Convention	River stretch across <i>La Contienda</i> territory
1926	Lisbon Convention of Limits	Stretch from the confluence of the Cuncos River with the Guadiana River down to the Guadiana River mouth
2017	Treaty of Vila Real	Closure line of the mouths of the rivers Minho and Guadiana, and delimitation of the international stretches of both rivers.

Source: SNIG, IGN, 2023. The authors.

Figure 1. Fluvial stretches of Spanish-Portuguese border.



Source: SNIG, IGN, 2023. The authors.

3. METHODOLOGY

In order to meet the research objectives, a mixed methodology has been used, combining the analysis of scientific literature on borders (and on the Spanish-Portuguese border in particular) and in the field of hydropolitics, with the use of other materials, mainly related to international and European conventions, and bilateral boundary agreements and regulations for the management of hydraulic, agricultural, hunting, fishing and industrial uses of international rivers. Thus, all boundary treaties formalised since the nineteenth century have been studied, as well as fishing agreements referring to border rivers, their motivations, and their scope (Table 1, Table 3).

The analysis of the scientific literature begins with reference texts in: (1) border studies, particularly in the Hispanic-Portuguese context, analysing studies on cooperation fostered by the European Union and those related to the regionalisation of the Hispanic-Portuguese border; and (2) studies on fishing and local development in the European Atlantic. This initial phase of the literature review was supplemented with a search of databases such as Science Direct, Web of Science, Scopus, and Wiley for the most recent contributions in the field related to the 'cooperation in transboundary rivers' and the concept of 'Hydrohegemony', given the importance attributed to power imbalances between states in the analysis of formalised agreements in transboundary rivers and basins.

For the socio-economic characterisation and fisheries data of the case study, we have analysed statistics on employment and fishing production in TIRM provided by the Naval Commander of the Minho (Spain), and data published by INTERREG V-A, Spain-Portugal Programme (POCTEP) 'Migramiño Project' (Migramiño, 2020) and by the Galician government on the platform <https://www.pescadegalicia.gal/>. In this way, it is intended to highlight the existence of an intense fishing activity, managed jointly, that works for a single local-regional market, and that is serving as a driving force for cooperation beyond fishing.

This documentary analysis was complemented by personal interviews with authorities, representatives of fishermen's associations, environmental associations and military and civil servants from the administrations responsible for river management. The

objective is to deepen the study of the TIRM, and to advance the analysis of the scales of cooperation in the river, with very different interests and priorities, and also with different capacities to introduce them into the political agenda. These interviews have allowed us to delve deeper into the analysis of fisheries governance, power structures and dimensions of power in the TIRM, and scales of cooperation in the River Minho.

The interviewees were chosen from among the representatives of the associations, organisms, and institutions members or guests of the International Permanent Commission of the River Minho (CPIRM), or the Fisheries working group of said committee, and an attempt has been made to maintain a balance from the state's point of view. Using a qualitative approach, 11 semi-structured interviews were conducted between 2017 and 2023, following a script made up of three blocks: (1) the role of fisheries agreements in cross-border cooperation, (2) opportunities and limitations of the CPIRM mission and future perspectives, and (3) benefits and challenges of joint management of international stretches. In this way, in-person, telephone and e-mail interviews were conducted with representatives of institutions, organisations and associations that participate in the CPIRM with an environmental, commercial or fishing character, including representatives of the local administration and of transboundary cooperation organisations such as the European Grouping of Territorial Cooperation of the Rio Minho (River Minho EGTC) (Table 2). Before the interviews took place, all participants received information regarding the research objectives, the lead investigator, the institutions to which they are affiliated and the dissemination of the research findings. All of them expressed their agreement to participate in this research, and in its dissemination in scientific publications.

Table 2. Institutions interviewed in the case study

<i>Spain</i>			
<i>Date</i>	<i>Stakeholders Interviewee</i>	<i>Modality</i>	<i>Code</i>
Feb 2017	Naval Command of the Minho (Spain) ¹	In person	(E_CNM)
Jan 2023			(E_CNM2)

¹ As shown in Table 2, two interviews were conducted with the Naval Commander of Minho, due to the renewal of the position in 2021, since the term of office of the Naval Commander is limited to two years. The first interview took place in February 2017, followed by a further interview with the new Naval Commander in January 2023.

Feb 2023	O Trabadoiro Cultural Association (Spain)	Over the phone	(E_AOT)
Jan 2023	River Minho Fishermen's Association (Spain)	Over the phone	(E_APM)
Feb 2023	Municipality of Tomiño (Spain)	Email	(E_ACT)
Jan 2023	A Guarda Fishermen's Guild (Spain)	Over the phone	(E_SCG)
Portugal			
November 2024	Captain Caminha Port	In person	(E_CPC)
November 2024	Municipality of Vilanova da Cerveira	In person	(E_PVNC)
Mar 2023	Aqua Museu in Vilanova da Cerveira (Portugal)	By email	(E_AVC)
May 2023	<i>Pesqueiras</i> Artisanal Fishermen's Association	Email	(E_PAP)
June 2023	Professional Fishermen of the river and sea Association (APPRMM)	Over the phone	(E_APPRMM)
Spain-Portugal			
Apr 2023	River Minho EGTC	Over the phone	(E_EGTC)

As this work is part of a broader investigation into cooperation in transboundary rivers, and to complement the local focus on the Minho, two more interviews were conducted: the Naval Commander of Huelva (E_CNH) regarding the international stretch of the Guadiana River, in May 2017, and the Commander Director of the Hydrographic Institute of the Navy (E_CDC), in March 2017, as the spokesperson for state interests regarding boundaries in the International Boundary Commission with Portugal.

Fieldwork took place over two different periods between February 2017 to November 2024. This research was conditioned by the Covid-19 pandemic, especially by the mobility restrictions imposed on the border in 2020 and 2021, which prevented us from completing the initially intended fieldwork. After the mandatory break, fieldwork was resumed in 2022 and continued until 2024.

The analysis of the interviews was carried out based on the researchers' notes and transcribed interviews. Due to the large volume of non-standardised data, the responses were organised by thematic areas, which guided the interviews and were defined based

on the questions and objectives of the research. Some interviews raised unforeseen thematic areas, which were incorporated when deemed relevant to the research objectives. A response matrix was created from the thematic areas, selecting relevant textual fragments obtained from each interview, which were assigned individual codes for comparison and the grouping of similar responses. Finally, a thematic and case-based analysis of the matrix was conducted, contextualising the interviewees to obtain information on the phenomena and processes being studied.

4. CASE STUDY: THE RIVER MINHO CONDOMINIUM AS A SYSTEM OF SHARED MANAGEMENT OF FISHERIES

The need to regulate fishing activity, which is of great socio-economic importance in some sections of the river border, has contributed to the formalisation of successive agreements between Spain and Portugal, and the designation of ‘international stretches’ that serve as a base for the implementation of fishery management systems in all border rivers, with different levels of development in the different areas (Table 3). These agreements are developed in 3 distinct water areas: (i) the international section of the Minho, where the first fisheries agreement was signed in 1897, and successively renewed, either partially or totally, until 2023; (ii) the rest of the Spanish-Portuguese border river sections, where the ‘Regulation on fishing in the border river stretches between Spain and Portugal’ has been in force since 1992; and (iii) the maritime-fluvial area of the Guadiana River, where there is no fisheries agreement, although work has been under way since 1997 (Figure 1, Table 3).

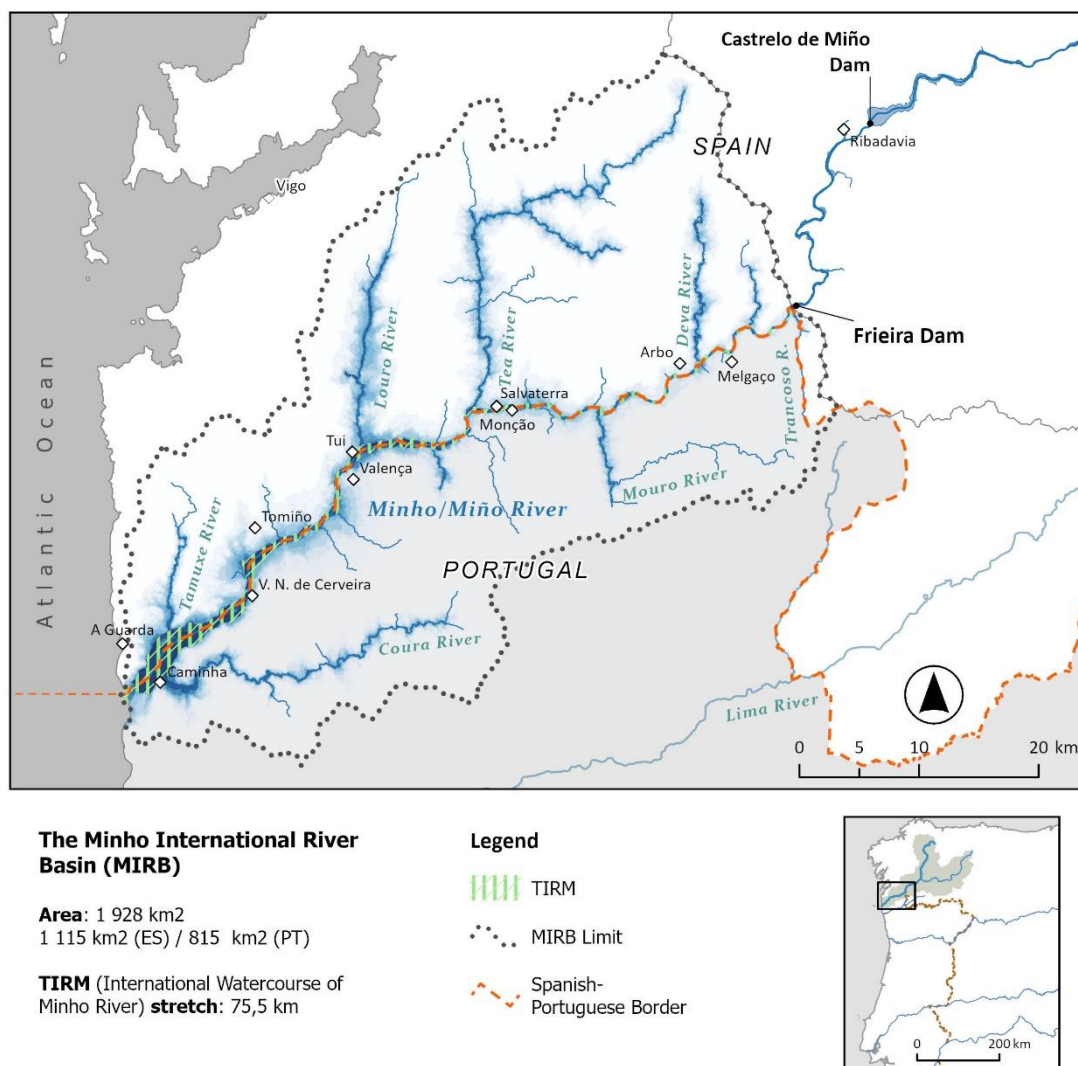
4.1. The River Minho Condominium

The shared fisheries management system designed by Spain and Portugal in the River Minho covers a stretch of 75.5 km where the river serves as a border, from the Frieira dam to its mouth in the Atlantic Ocean (Figure 2), as it appears in the 1866 Annex of neighbouring rivers. However, the delimitation of the international stretch over which they apply was not precisely fixed until the 2017 Treaty of Vila Real (Table 1).

The Treaty of Lisbon (1864) sought to address a series of problems related to certain traditional uses and exploitations in border areas. These include the problems caused by the establishment of constructions for fishing on the banks of rivers, especially on the

River Minho, which were causing alterations to the boundary line, difficulties for navigation, obstacles to the public use of the river and damages to private riverside lands. The numerous conflicts caused by the intensive use of the banks and waters of the River Minho were addressed, and led to the publication in this regulation, which intended to address the disputes between the inhabitants of the towns on both sides of the border (García Álvarez and Puente, 2015: 77).

Figure 2: International stretch of the River Minho (TIRM)



Source: SNIG, IGN, 2023. The authors.

The first fishing agreement on the Minho was signed in 1897. This regulation precisely details the obligations relating to the registration of vessels and constructions on the

banks of the river, and the need to obtain licences to carry out the activity. It also specifies the permitted fishing gear and their seasons, the alternation between Spanish and Portuguese fishermen, the penalties for non-compliance with the regulation, and even the issues associated with the rental of boats between countries. Subsequently, the regulation underwent revisions in 1901, 1904 and 1927, and was completely renewed three times, in 1968, 1981 and 2008, both to mitigate the problems arising from the use of fishing gear and to adapt it to the evolution of nature conservation regulations at all scales, including the European one. The most recent agreement was signed in 2021, and incorporates the new limits of the international stretch of the river agreed in 2017 (Table 3).

Table 3. Fisheries agreements in border rivers

<i>River</i>	<i>Commission</i>	<i>Fisheries agreements</i>	<i>Scope</i>
Minho	Permanent International Commission of the River Minho (CPIRM),	1897 (revised in 1901 and 1904, 1927), 1968, 1981, 2008 2023	Fluvial
Guadiana	Has not yet been created	2014 (approved, but not in force)	Fluvial and maritime
Rest	Commission to regulate the conservation and exploitation of inland fishing (COPEC)	1992	Fluvial

Source: the authors, based on official documents.

To advance in the institutional framework for the implementation of these agreements, in 1968 the Permanent International Commission of the River Minho (CPIRM) a bilateral Spanish-Portuguese commission responsible for fishing regulation and control was created. The chairmanship of this Commission is held by representatives of the armed forces of the two countries (the Spanish Armada and the Portuguese Marinha) that are responsible for the regulation, surveillance and joint policing of the river, which is an exceptional situation in the Iberian Peninsula and represents a mixed solution between

the peaceful and militarised techniques used by states to resolve disputed issues on border rivers (Hensel, McLaughlin and Sowers, 2006).

At present, CPIRM is responsible for drawing up the regulations that complement the fishing agreement for each fishing season, which outline the activity in even greater detail, from the rights of use, closed seasons, licences for professional and recreational fishing, permitted species and sizes, to the prohibition of certain activities in TIRM, such as underwater fishing, and which incorporates European ecosystem protection measures –e. g. measures for the recovery of the European eel (EC Regulation no. 1100/2007).

4.2. The relevance of fishing in the Minho

River fishing has traditionally had a strong weight in the local economy in this section of the Spanish-Portuguese border, as is evident in the *Atlas of the border defined by the Minho river*², published in 1898, which, at a very detailed scale (1:2500) shows the numerous fixed constructions existing in the river related to fishing activity, such as *pesqueiras*³, dams, canals or palisades (García Álvarez and Puente, 2015, 2016, 2017). In the early 1920s, on both banks of the river, there were 2,277 fishermen and 895 boats, and more than 40 villages lived off fishing (Rodríguez Santamaría, 1923).

At present, TIRM is an area of intense extractive activity, where the fishing activity stands out due to the high price of some of the species caught. There are several types of fishing –professional, in the final stretch of the river up to its mouth,; artisanal, practised from the shore in the *pesqueiras*; and sport or recreational, from boats; all of them are subject to licences or fishing permits issued by the CPIRM on an annual basis. In 2019, 431 licences were issued for professional fishing, 504 for artisanal fishing and 1,671 for sport fishing, and 259 boats and 289 ‘*pesqueiras*’ were licenced on both banks of the river (Migramiño, 2020).

Two species, the sea lamprey (*Petromyzon marinus*) and the glass eel (*Anguilla anguilla*) are the most commercially valuable. The latter is a highly valued species that can fetch market prices of up to 500-600 €/kg (Cobo, 2018). According to the records of first sale,

² Drawn up by the Boundary Commission in charge of the preparatory work for the Treaty of Lisbon of 1864.

³ Traditional constructions consisting of stone walls built from the banks, used together with net traps to catch fish from the River Minho, under community property.

published by the regional government, in the 2021-2022 season first sale revenues for these two species was around €400,000 (Pesca de Galicia, 2023). Other migratory fish such as Atlantic salmon (*Salmo salar*), brown trout (*Salmo trutta*), allis shad (*Alosa alosa*) and twaite shad (*Alosa fallax*) are also of commercial interest and generate a strong tourist attraction in this territory. Since joining the EU and the development of the CFP (Common Fisheries Policy), and the formation of a single market for fishery products, it is local communities that have acquired a greater role in the governance of the territory, as we will detail in the following section.

This significant importance of the fishing sector on the River Minho is not mirrored in the Guadiana, where no fishing agreement is currently in force, except in the fluvio-maritime area, nor in other border rivers, where a unified fishing agreement has been formalised to cover them all. At state level, fishing interests of Spain and Portugal are concentrated in maritime areas, far from inland waters.

5. RESULTS

In this section, we first focus on the analysis of the fisheries governance system in the TIRM, which is cross-border in nature, with a long tradition and great complexity. We then move on to cooperation on fisheries in international watercourses, before concluding by arguing for progress in cooperation beyond fisheries.

5.1. Fishing governance

In the TIRM, the regulation and control of fisheries is in the hands of the Permanent International Commission of the River Minho (CPIRM), created in 1968, and which reports hierarchically to the International Border Commission, and to the respective Ministries of Foreign Affairs. The creation of the CPIRM was formalised during the final stages of the Iberian dictatorships, in a transition from a period of "closed coasts" to greater cooperation between states. In 1968, in addition to the fishing agreement, the Convention on the international stretches of the Minho, Limia, Tagus, Guadiana, and Chanza rivers, and their tributaries, was formalised for hydroelectric purposes, within the context of deeply asymmetric Hispanic-Portuguese relations, clearly favourable to the Spanish side due to its role as the upstream hydrohegemon (Jiménez Redondo, 2000).

CPIRM is co-chaired by representatives of the Spanish and Portuguese Armed Forces, unlike in the rest of the peninsular rivers, where management is in the hands of the regional or state administration. Thus, in practice, in TIRM are the Naval Command of the Minho, for the Spanish Navy, and the Port Captaincy of Caminha, for the Portuguese Navy, which are responsible for the administrative management, control and monitoring of fisheries. In fact, the policing and surveillance functions on the river are carried out by vessels belonging to the Spanish and Portuguese navies.

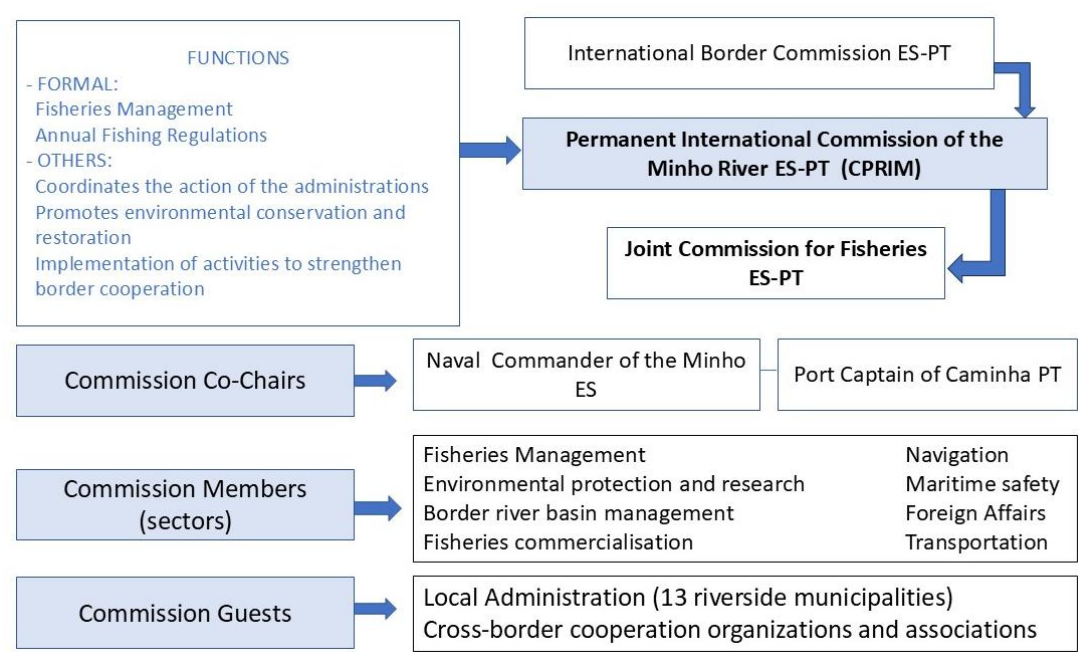
However, the work of the CPIRM is conditioned, on the one hand, by the significant fragmentation of responsibilities in the TIRM, and on the other, by the clear asymmetry in the powers of the two CPIRM presidents. First, the CPIRM only has powers related to hunting and fishing in the waters of the TIRM, although its presidents carry out some tasks that go beyond the powers granted by legislation, an aspect we will address later. Other responsibilities related to the environmental conditions of the TIRM (river flow and sedimentation problems caused by sandbanks), navigation safety, or works on its banks, are fragmented between the various administrative levels of the two countries, and even between different departments within the same administration. Second, the Captain of the Port of Caminha holds greater powers in the TIRM than their Spanish counterpart, particularly in the areas of aquatic environment protection, pollution control, navigation safety, civil protection, and works on the riverbanks (E_CPC).

It follows from the above that Fisheries governance in TIRM is complex, since it includes state, regional and local administrations responsible for the management and commercialisation of river resources, armies, river basin authorities, environmental conservation agencies, and fishermen's associations all working together. This area is also part of the scope of action of cross-border cooperation organisations and associations, such as River Minho EGTC, and research and educational centres, such as Aqua Museu in Vilanova da Cerveira (SUDOANG, 2019). All these bodies and actors are represented in the CPIRM, although their ability to assert their interests is very different (Figure 3). In this way, the CPIRM constitutes an example of a 'political mobilisation' framework, that manages, supervises and leads annual consultative processes with the aim of improving the regulatory system for fishing in the river.

Currently, the CPIRM is working on the creation of a document that will regulate its actions and the relationships between its members and the agencies with a voice in this

commission. While this internal regulation is not yet formalised, a protocol of action is usually agreed upon in several phases, aimed at the approval of the annual regulations for each fishing season. The work, coordinated by the presidents, begins with consultations with professional fishermen's associations and subsequently with environmental advisory bodies, before moving on to the stage of discussing modifications in the Mixed Fisheries Commission, a subcommittee of the CPIRM. The CPIRM presidents participate in all of these preparatory stages, which conclude with an annual plenary meeting of the CPIRM, to which local actors are invited, and which addresses issues beyond the strict competencies related to fishing, in order to tackle the river's environmental challenges.

Figure 3. Composition and functions of the CPIRM



Source: the authors

This leading role of CPIRM -and of the armies that chair it- seems to be accepted by local stakeholders, who acknowledge the efforts made by this body to incorporate a larger and more diverse set of stakeholders and interests in the elaboration of fishing regulations. However, some actors still highlight that the current situation presents some disadvantages.

From the interviews conducted, it can be affirmed that there is a clear desire among some actors to move towards an ‘integrated and civil’ control of the river, in charge of

professionals specifically trained for this task, and under a governance system where fishermen, administrations and other actors have an equal role in proposing solutions to the challenges of fisheries sustainability, closely related to the environmental problems and fragmented management of the river. The fishermen associations, fish marketing associations, environmental associations, and local administrations consulted consider that, although river management by the armed forces is a traditional formula that works, and benefits from their prestige and authority, the transfer to civilian administrations would make it possible to incorporate technical advances in the management and control of fishing permits. It would also make it possible to assign personnel specifically trained in river dynamics, would avoid the temporary nature of the Commission's presidency - which changes every 2 years for reasons of military organisation in Spain, and can be extended up to a maximum of 4 years in Portugal- and would provide greater control capacity and scope for action than the Commission currently has, which would ultimately result in an integral approach to the challenges facing the river (E_APM), (E_AOT), (E_SCG), (E_ACT).

5.2. Fishing activity as a basis for cooperation

Cooperation on border rivers is driven by the perceived benefits of such cooperation, not only because it leads to better ecosystem management, but also because it results in a reduction of the costs associated with conflicts (Sadoff and Grey, 2002). The study of transboundary water politics has demonstrated that conflict and cooperation can coexist in any international river basin (Earle et al., 2010). The forms that the interplay between domestic and foreign policies take seem important for understanding how agreements are reached and evolve in international rivers (Menga, 2016). The analysis of (new) political, social, and environmental conditions appears crucial in shaping the governance frameworks around them (Cascão, 2009; Kranz and Mostert, 2010).

The 1864 Boundary Treaty between Portugal and Spain was not simply a technical agreement to mark the border, but one which sought to strengthen the sovereignty of the States and define national markets, which is a matter of broad economic importance (Cairo and Godinho, 2013). It also sought to put an end to border conflicts, establishing an international stretch in rivers that serve as an international border for 'the common use for the peoples of both countries, so that they can enjoy them at their own

convenience' (Article I, Annex I Regulations on Boundary Rivers of 1866). Thus, in these early agreements in TIRM, States cooperate on the river, establishing an international stretch, to reduce conflicts, largely caused by the fishing exploitation of the river and its banks, and improve the management of the activity. These agreements would be the germ of the first agreement regulating fishing activity in 1897.

Since these first agreements, there has been a shift in the significance of fishing activity in the economy. Fishing has experienced a decline in economic relevance since the first fishing treaties were signed. Both environmental associations and fishing professionals consulted coincide in pointing out the sharp decline in catches in recent fishing seasons (Cobo, 2018), (E_AOT), (E_APM). Studies carried out at the TIRM (CETMAR, 2020) and interviews with fishermen's associations identify among the main problems the ageing of the workforce, the lack of generational replacement (E_AOT), (E_APM), the loss of profitability of the activity due to the degradation of the river ecosystem by anthropic pressure and the worrying state of conservation of some species (CETMAR, 2020, 117). The fishermen and associations interviewed agree that another of the main problems facing professional and traditional fishing in the river is the impact of the hydroelectric development of the Frieira dam - where the international stretch of the river begins - (Figure 2), in operation since 1970, which causes significant changes in flow with strong repercussions on the work of fishermen and on the riparian ecosystem (E_AOT), (E_APM), (E_PAP). The actors interviewed affirm that during the twentieth century fishing activities were subordinated to hydroelectric uses, and they recount the expropriation of their means of production -the *pesqueiras*- for the construction of the Sela dam in TIRM (E_PAP), which ultimately never materialised.

Paradoxically, although catches and fishing employment have been considerably reduced, fishing activity continues to maintain great social and cultural importance. Studies recognise that the cultural landscape generated by the activity constitutes a tourist resource for riverside populations, especially due to the existence of *pesqueiras*, (CETMAR, 2020; MigraMinho, 2020), inventoried in the catalogue of intangible cultural heritage of Portugal since 2022, and for which Spain and Portugal are preparing a joint candidacy to request its designation as intangible heritage by UNESCO. In this manner, traditional fishing activities are moving towards becoming cultural heritage.

In this way, fishing activities continue to be key in the negotiation of agreements and cooperation, with a large portion of the river's stakeholders participating in the development of fishing regulations annually. This is aimed at addressing, on one hand, the profitability and prosperity needs raised by the fishermen themselves, and on the other hand, the obligation to improve ecosystem conditions. Fishing activity does not constitute an environmental problem in the river (E_PVNC), but promotes cross-border 'strategic unification' under the sustainability paradigm. Strategies and agreements are approved in the TIRM, facilitated by institutional cooperation and bottom-up processes aiming to integrate local actors, where fishing plays a central role, alongside a broader ecosystemic approach. These strategies acknowledge the need to expand cooperation to advance effective governance of international watercourses, enabling the reconciliation of fishing, heritage/tourist, and hydraulic interests in the Minho, and progress towards its environmental protection.

In contrast, in the Guadiana River there is a strong distinction between the river zone and the maritime zone in terms of intensity of use. In the river area there are no fishing tensions or agreements since the predominant use is navigation. On the other hand, in the maritime zone associated with its mouth, where the Spanish and Portuguese fishing fleets fish, serious conflicts over access to fishing grounds between fishermen from both countries continued for decades, in the second half of the 20th century, due to the existence of undefined areas on the Spanish-Portuguese maritime border. This strong conflict was overcome with the formalisation of fisheries agreements between Spain and Portugal, the first being in 1986 and the latest in 2021, which includes the border waters within 12 miles at the mouth of the Minho and Guadiana rivers, and which allows the states to cooperate in the exploitation of these resources.

5.3. Progress in cross-border cooperation, beyond fishing

In order to manage border sections, countries equip themselves with institutional tools, with the capacity to act in the international system, with clear competences and limits to their action (UNDP, 2006; UN-Water, 2008; Schmeier and Shubber, 2018). Our research, following Sadoff and Grey (2002), maintains that one of the benefits of fisheries cooperation, boosted by CPIRM, is an impulse towards cooperation in other

fields beyond the river itself, favouring new projects in cross-border regions. Local actors consulted emphasise that the cooperation established goes beyond fishing resources, and also favours scientific and cultural cooperation on international stretches. Traditional cooperation and experience in the creation of transnational fisheries management bodies, together with the availability of European funds to finance cross-border research and cooperation, are decisive in the advancement of cooperation at the TIRM.

There are contrasting views on the importance given to the Permanent International Commission of the River Minho and naval commanders in this cooperation. On the one hand, the advantages of a state institution having competence in the river are appreciated, because it provides a supra local perspective of transboundary rivers, and because transnational integration is favoured by the existing commitment between the states to a mutually agreed regulation of fisheries (E_AVC). The Naval Commander of the Minho appreciates the fact that the armed forces of the two countries collaborate in the search for a single management of the cross-border rivers, the Minho and Guadiana, and collaborate in raising European public funds to improve this task. For example, Spain is investing in new surveillance and control vessels for fishing in the Minho, while Portugal is investing in the Guadiana (E_CNH).

The involvement of the Naval Command of the Minho and the Port Captaincy of Caminha is also important in the new cross-border cooperation bodies deriving from EU cooperation programmes, and in the projects they develop. Thus, the Spanish and Portuguese naval commanders are part of the consultative bodies of the European Grouping of Cross-Border Cooperation (EGTC) River Minho, created in 2018 and composed of 26 municipalities, which has developed a cross-border cooperation strategy in this area - Smart Minho - with the aim of strengthening the social and economic cohesion of the territory (River Minho EGTC, 2019: 7). This strategy was approved in 2019 and is currently under review to align it with the EU's Territorial Agenda 2030. Among its priority areas is one related to governance and joint service programmes, with action lines focusing on fostering agreements in health, education, mobility, risk prevention, and networks of collaboration in civil society and business (Paül Carril, 2022). In turn, as mentioned above, the River Minho EGTC participates as

an invited body in the CPIRM, collaborating in the shaping of the annual fishing regulations.

On the other hand, there are positions that consider that the nature and functions of the armed forces are not appropriate for leading or promoting cross-border cooperation dynamics in social or institutional spheres, which would be favoured by a transnational civil commission with broader competences (E_ACT). These voices consider that the states should formalise new institutional formulas, of a civil nature, with the capacity for the management and protection of resources, in order to move towards an integral protection of the river and overcome a defensive conception of it, and advance the integrated management of the TIRM (E_ACT).

Despite these voices, the CPIRM considers that its role in the management of the river resources can go beyond fishing and is working on a standard to regulate recreational boating. At the informal level, the Naval Commander is also a mediator before the body responsible for the hydraulic administration of the Minho basin (Minho-Sil Hydrographic Confederation), ensuring the interests of the fishery resources in the river, and trying to resolve the conflicts of hydraulic/fishing use (E_CNM2). The Captain of the Port of Caminha, who has environmental responsibilities for the river, has brought these concerns of great importance to the fishermen, before the Spain-Portugal International Border Commission, of which he is a part (E_CPC).

The actors interviewed state that the capacity to advance the joint management of the river is great, and it is necessary and urgent to solve the environmental problems of the river. As examples, beyond fishing, the dysfunctions in the management and conservation of the TIRM are causing the weak coordination between the Spanish and Portuguese hydrological plans for the River Minho, or the different management approach of areas protected by the Natura 2000 Network, which is run by the regions in Spain, and the municipalities in Portugal (Mulero, 2017).

6. DISCUSSION

During the 1980s, the threat of international water wars had become a dominant perspective in transboundary water literature, until the following decade when this threat was revealed to be unfounded and was replaced in the academic world by studies

focused on highlighting cooperation between states (Wolf, 2007). The most recent vision of hydropolitics emphasises the study of the coexistence of conflict-cooperation over shared water resources (Earle et al., 2010), including the coordinated management of water, land, and related activities (Hassing, J. et al., 2009). The emergence of the concept of hydrohegemony helps to analyse past and present hydropolitics in several main aspects, such as the asymmetry of power between states, the potential of exploitation and the geographical positioning upstream, factors that have determined the construction of Spanish hegemony in the Iberian Peninsula (Lopes, 2012). This scenario has defined the Spanish-Portuguese border agreements since the second half of the 19th century, clearly linked to water pacts, and in which fishing has played a central role only in the particular case of the Minho River.

Numerous treaties and agreements reflect the stability, not without tensions, of water relations between Spain and Portugal throughout the 20th century, resulting from common interests in the promotion of hydroelectric production and the development of agriculture (Lopes, 2012). Today, tensions have still not disappeared over water supply, which underlies especially the southern basins of the Tagus and Guadiana, where water resources are scarce and there is a clear link to irrigated agriculture.

But this situation is different in the international watercourse of the Minho, more dynamic from the socioeconomic point of view, and without water scarcity problems, where there are synergies of economic cooperation around activities such as tourism, intensive agriculture and fishing (Minho River EGTC, 2019). In this domain, numerous fisheries treaties have been signed, allowing the creation of entities for the management and resolution of conflicts and which will have a strong role in joint fisheries governance. Fishing can be considered an associated water resource and we analyse its governance in TIRM, a highly dynamic socio-economic space, where different scales and dimensions of power, funds and cross-border cooperation strategies -aimed at promoting territorial integration- converge. The governance state models of Spain and Portugal have evolved towards democracy, and these countries have had to cede small plots of sovereignty to adapt to the EU framework. At the same time, they have witnessed the change from hydraulic preponderance to the dissemination of the sustainability paradigm, which has become hegemonic to address the integrated water resources management (IWRM) (Lopes, 2012). The analysis of (new) political (internal and international), social and

environmental conditions seem crucial for understanding governance frameworks (Cascão, 2009; Kranz and Mostert, 2010). In Europe, border regions are subject to specific cooperation policies that have given rise to '2nd generation' formulas based, according to the dominant Europeanisation discourse, on the creation of new structures based on the place and shared governance, such as Euroregions and Eurocities, and in general, the EGTCs. The current focus of border studies has shifted towards considering these spaces as areas of attraction and even as heritage elements that can support specific development strategies (Paasi, 2002; Perkmann and Sum, 2002; Perkmann, 2007).

In studies of water relations in the Iberian basins, Cunha (1996) and Lopes (2012) identify resource-sharing agreements rather than genuine cooperation. Lopes (2012) points out that until the 1990s, treaties did not involve genuine cooperation as they lacked an integrated watershed approach or a system of multi-stakeholder participation (Lopes, 2012: 258). This author highlights that joining the EU and the signing of the Albufeira Convention allowed progress but did not achieve significant advances in relation to Integrated Water Resources Management (IWRM) or the sustainability paradigm. However, this common approach is adopted for fisheries resources in TIRM, where there has been real cooperation since the early treaties, facilitated by (i) the creation of oversight and control bodies for the agreements, (ii) the interest of citizens in regulating an activity of high socio-economic value, (iii) the existence of a single market for fishery products, and (iv) the fact that presence of States has been purely instrumental, allowing the action of armies in service of local interests, as guarantors of both security and water resources, unlike in other areas where the impact of the military is very limited and only subject to conflict situations (Zeitoun and Warner 2006: 440). In the territorial scope of the Minho Condominium, what Zeitoun and Warner (2006) call a stable situation in riparian relations has developed, as both riparian states share the resource, and both riparian states perceive it as a positive aspect.

While shared control of transboundary waters does not imply integration (Lopes, 2012), and transboundary governance does not erase the prior logic of each side of the border (Perkmann and Sum, 2002), in the case of the Minho Condominium, the creation of the CPIRM provides a framework for fishery governance that allows for the participation of different administrations with competence over the river and of the fishermen, as well

as other civil society actors. Fishing agreements in the river have evolved to adapt to new international, European, and Iberian water frameworks. Its governing body, the CPIRM, has also changed to, on one hand, incorporate new actors with high territorial impact in transboundary cooperation, such as the EGTC, and on the other hand, reaffirm its role in the river by expanding its responsibilities beyond fishing (for example, recreational boating) and adopting a non-formal mediation role in resolving conflicts between fishing and water use.

In Spain and Portugal, throughout the 20th century, hydraulic uses of transboundary rivers were prioritised without considering other water users and productive water-related activities. The shift towards a more political approach to environmental governance (Lopes, 2012) since the approval of the Albufeira Convention and the WFD has not emphasised traditional river fisheries. Consequently, actors more closely related to fishing, professionals and associations, have not been considered, leading to conflicts of use and influencing support for river resource protection measures.

Currently, there seems to be consensus on the opportunity for IWRM as a management paradigm, surpassing what Wester and Warner (2002) term the 'idealistic face' of this paradigm, and emphasising that the appropriate scale or institutions are not as obvious as they may seem (Wester and Warner, 2002: 61). Many of the actors participating in the CPIRM consulted agree on the need for a shift towards coordinated management of water, land, and related activities, including fishing. The transfer of parcels of sovereignty to the EU and the implementation of supranational water frameworks have allowed progress in this direction. The most significant is the existence of 'strategic unification' in the territory, where actors at different scales converge on the need for increased cooperation for the comprehensive management of the Minho, through bodies capable of jointly managing the Condominium beyond fishing. It is crucial to explore the potential of institutional agreements based on the principle of 'hydrosolidarity' (Lopes, 2012: 266) while simultaneously considering the protection of the places and communities that need to be preserved (Falkenmark and Folke, 2002).

Our analysis seeks to understand the process of fisheries cooperation in the context of the European Union and the northern Spanish-Portuguese border. Power dynamics in the management of fishing resources extend beyond the conventional centrality attributed to States. The emergence of new power scales among participating actors

(NGOs, professional associations, regional and local authorities) means that States function as nodes within multi-scalar flows, rather than hierarchical levels (Akhter, 2015). As a basis for analysing fisheries governance and beyond in the Minho condominium, the framework of hydrohegemony presents certain difficulties in explaining power relations that occur at other non-state scales (e.g. power dynamics between stakeholders in the fishing activity and others in the territory). In this sense, power relations are related to the capacity of fishing stakeholders to locate its objectives in strategies and management agreements in relation to other forces present in the Minho basin.

The most significant developments in hydro-politics in the last decade and a half show an interdisciplinary appeal to transboundary issues and related water politics, including the multidimensional concept of power (coercive, economic, political, cultural and discursive) and the role of non-state actors in shaping water governance outcomes (Furlong, 2006; Warner and Zawahri, 2012). This study aims to advance the analysis of cooperation within legal and institutional contexts that constrain sovereignty and state power, while challenging the traditional role of borders—attributes historically regarded as unquestionable in international relations (Zeitoun and Warner, 2006: 453). The dissolution of the state framework –into some kind of internal borders-, which sometimes function as zones of diffuse boundaries, underlines the importance of how the Minho Condominium represents a cross-border territorial constructive project of strategic soft-planning character. In this sense, it is remarkable how the territory can be socially and politically constructed, and how the Minho Condominium is a cross-border territorial project that has been reinforced in recent years through the activation of a governance process.

7. CONCLUSIONS

The new border scenarios in Europe are based on a new conceptualisation of international borders, which promotes them as spaces of attraction and focal points for development and connects them with the process of territorial integration and the Europeanisation approach (Bukoski, 2011). The political change brought about by cross-borderisation has a direct impact on governance (Perkmann, 2007; Felicidades and Pazos, 2023). Many of the new cross-border socio-territorial structures that are created

(such as EGTCs) have the strategic capacity to reach specific organisational agreements. Some of these spaces are optimally suited to the geographical characteristics of watersheds, which raises important questions about their governance and may even compromise prior governance of transboundary waters. It is a way of questioning the rigid or hard spatial area (Moss, 2012) and how new spatialities are constructed in political ideas and reproduced in political language and practice (Böhme et al., 2004: 1180).

This article explores the role of fishery governance on international watercourses. It examines the evolution of the governance and cooperation process in the TIRM, established since the Lisbon Treaty of 1864, its institutionalisation following the creation of the management body CPIRM (1968), as a mechanism for conflict resolution. The political transition towards democracy in Spain and Portugal was consolidated with the joint accession to the EEC in 1986. This marked the beginning of the restructuring of water governance in and between both countries. Spain decentralised the state, giving the regional level the ability to intervene in the design of water policies, which added greater complexity and tension. In relation to the balance of power in interstate politics, can be observed a gradual transition from the Spanish hydro-hegemonic position to another 'European' hydrohegemony, which arbitrates, interferes and conditions the water policy of the two countries, in the context of the Albufeira Convention (1998) and the EU Water Framework Directive (2000).

The study of shared governance in Spanish and Portuguese waters, based on the case of the so-called Condominium of the Minho River, is singular and novel in the context of cooperation in transboundary waters due to three key components: (i) the research topic (which analyses Spanish-Portuguese fisheries governance and its central role in Iberian treaties and agreements); (ii) the research area, the TIRM (which offers a multilevel perspective on transboundary governance, from the EU to the local level, and incorporates the concept of 'soft space' and mobile border spaces (Walsh et al., 2012; Paasi and Zimmerbauer, 2016); and (iii) the analytical framework (which links studies exploring conflict and cooperation in transboundary water resources from the so-called Hydrohegemony Framework).

The results of this work show, firstly, that the establishment of the Condominium in the Minho since the mid-19th century has reduced conflicts between citizens and has

allowed significant advances towards a peaceful and sustainable exploitation of fisheries in the international stretch of the river, where conflicts in the fishing uses of the river are almost non-existent, as can be seen from the analysis of the interviews carried out. Secondly, the pervasive nature of fishing, which lies at the heart of the local economy, intricately linked to the territory and imbued with a strong sense of identity. As previously highlighted in the text, recent years have witnessed the initiation of processes to designate various structures, techniques, instruments, and landscapes associated with fishing activities as heritage. These processes have fostered the development of cooperation formulas at other levels, which seek to promote job creation, social and territorial cohesion and citizen welfare (Minho River EGTC, 2019).

The use and management of fishing resources in the international stretch of the Minho River reveals a scenario in which there is, on the one hand, a strong military presence and control of fishing, an activity of high socio-territorial impact, and on the other hand, a weak intervention of the Administrations in the river due to the lack of joint management mechanisms with competences to order the uses and protect the ecosystems in this international stretch. There are no institutional mechanisms for the integrated management of water resources beyond fishing, as the Albufeira Convention has allowed the coordination of hydraulic actions but not their integration. In this sense, this study concludes, first and foremost, that greater institutional cooperation across multiple scales is essential to tackle the challenges posed by climate change in the River Minho, an area highly vulnerable both by its very nature and due to the intensity of its usage. Political-administrative decentralisation is perceived as an obstacle to resolving environmental issues (Thiel, 2015). Local actors and specific strategies for cross-border cooperation highlight the need for integrated management of the river and its activities, ensuring the preservation of those deeply rooted in the territory, such as traditional sustainable fishing. In the TIRM, there is a precedent of joint planning and management, initially established to regulate hunting and fishing. Over time, this framework has expanded its competencies—sometimes informally—and continues to make progress toward formalising the governance system it has created. It is therefore crucial that the administrations participating in the CIPRM are equipped with tools to extend the advances achieved by the CIPRM in managing fishing on the river to other areas.

The complexity of this topic allows for multiple avenues of future research at various scales. This includes exploring the role of fishing agreements in fostering cooperation at other European borders, as well as delving into the impact of asymmetrical fragmentation of competencies on cooperation in the border rivers of the Iberian Peninsula. At a local scale, a relational approach could deepen understanding of the interactions between cooperation and culture (Brigg, 2014), particularly between Galicia and northern Portugal, which have historically formed a single territorial unit on multiple occasions. Finally, the opportunities for formalising formal channels of cooperation between Spanish and Portuguese fishermen to strengthen their role both in the planning of fishing agreements and in agreements related to environmental aspects in the river can be analysed.

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None.

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