

# TERRITORY AND PROTECTED AREAS IN SPAIN AND PORTUGAL: TWO INTERVENTION MODELS IN A SHARED GEOGRAPHY

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## I. INTRODUCTION: OBJECTIVES AND WORKING HYPOTHESIS

Over the last three decades, the Iberian Peninsula has experienced an unprecedented expansion of its protected areas, with extraordinary ecological, territorial and socioeconomic consequences. This paper examines the way in which Spain and Portugal have developed such protective intervention, in response to the objective and criteria used in the choice, planning and managing of those. In our view, the study of the Iberian case provides insight into the processes of configuration and management of the network of protected areas in Bordering States of the European Union, as well as the existing contrasts between them and the need to achieve a greater interterritorial harmonization.

With regard to the exhibition structure, the lack of background information on the issue has led us to include an initial section of contextualizing and introductory character, in which we present the guidelines that Portugal and Spain have incorporated in recent years to their respective legal systems in order to harness the recent protective expansion. Then, in a second paragraph, the results and conclusions drawn from: the documentary analysis, the fieldwork and the evaluation of the management of protected areas that has been carried out are synthetically set out. Our initial hypothesis argues that, after an apparent programmatic convergence, in practice each country is applying a different protective strategy, leading to two different models of organization and management of such areas at the Peninsula.

For methodological purposes it should be clarified that this article deals with the own initiatives of the states -without considering the international commitments and conventions to each one it is linked- and, naturally, only in terms of the territorial scope, because of the territorial continuity and that “shared geography” that is the main point of our research; the incorporation of the different archipelagos would invalidate this perspective, mainly because of the atypical situation of Azores and Madeira.

## II. THE NEW ASSUMPTIONS IN PROTECTIVE ISSUES AND ITS IMPLEMENT IN THE PENINSULA

To the analysis of the recent protective policies taken in Spain and Portugal follows that both States have proceeded to this renewal in parallel and matching in regard to the legal update undertaken since the late '80s, the transformation of the competent authorities of such policies, and, finally, the establishment of new guidelines of intervention, such as:

- The need that the territorial heritage –the one distinguished by designating protected areas or other types of categories–, to be classified and managed from political criteria, in order to improve their functionality.
- The review of the concept of protected area, justified by the extraordinary expansion of the protected territory in many countries, its allocation to new functions and tasks, or the delimitation of extensive parks covering entire regions with absolute predominance of privately owned lands.
- The search for new forms of participation of: municipalities, private sector, organizations and civil society entities in the management of protected networks increasingly more extensive and complex. It is aimed to strengthen the presence of the social fabric and reduce the prominence of the administrations and vertical intervention that have existed for decades, so that protected areas are better socially valued and come to be perceived by local communities as an important heritage asset.

## III. THE CONFLUENCE OF TWO MODELS OF PROTECTION IN THE IBERIAN PENINSULA: EXPLANATORY KEYS

In any case, what is truly relevant in this comparative analysis of the Iberian protective systems is that the programmatic renovation carried out by Spain and Portugal - synchronous and coincident in its theoretical statements, as we just stated-, it is being developed in practice through strategies, instruments and different figures from side to side of the border, giving way to a paradoxical situation, from the moment that it collides with essential expositions of the prevailing protective paradigm. The main elements of disparity are in the following aspects:

a) *The territorial design of the protection.* This is, no doubt, the first and more important differentiating element between the strategies of protection implemented by the Iberian states. The Portuguese protective system relies in a structure integrating, hierarchic and centralized, formalized in the so-called Fundamental Network of Conservation of Nature (RFCN), composed in turn by two great sets of patrimonial elements: *the National System of Classified Areas (SNAC)* and the *Areas of Continuity*. On the contrary, the present Spanish territorial model –formed from the last '80s<sup>1</sup>– is based on a structure of juxtaposed regional networks, giving rise to a heterogeneous and extraordinarily complex protective architecture.

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1 Though, please note that the declaration of the first protected areas Spanish dates back to the beginning of the last century, so, the remote outposts of the present protective system precede the first Portuguese initiatives in more than half century.

b) *Protective dynamic and protection figures.* The evolutionary analysis of the protective networks of Spain and Portugal between 1980 and 2016 shows that the important recent growth experienced by both states has had very different rates and results: Spain has passed from 184.270 to almost 6.6 million hectares, while Portugal went from 329.168 to 792.220 hectares, and equally clear it is the difference in the number of declarations obtained, with 1.662 protected areas Spanish that contrast with the 46 Portuguesees'.

It definitely stands out, among the explanatory causes of such disparity, the different political-territorial organization of each state and its competitive regime. It is clear that the Spanish protective expansion must be directly tied to the Constitution of 1978 and to the decentralization of powers arisen from it, which granted the regions the ability to legislate, to select and to declare protected areas in their respective territories. On the contrary, the permanence of a structure very centralized in the case of Portugal appears like the fundamental factor - although not the only one - at the time of explaining its modest present catalogue.

The above contrast also manifests itself in the *figures* or *protective categories* used: Facing to the Portuguese criteria of simplification, there's the Spanish bet on a diversification that has gotten to be overwhelming (more than forty effective figures in the country). Nevertheless, it is precise to indicate that, despite the above, the networks of both countries essentially articulate around the figure of *Natural Park* (58% of the protected surface in Spain and 79% in Portugal), that has acquired a considerable territorial weight; without a doubt, their ample and flexible objectives have made possible its good adaptation to the new one and more opened to conception of *protected area* that has prevailed lately.

c) *Competences and strategies of management.* In the field of management we found another clear exponent of the current coexistence of two different ways of understanding the protection in the Iberian Peninsula. The protected areas that integrate the Portuguese network - with the exception of the National Park - can be of national/local rank, and alongside them, private regime areas are recognized. However, actually they are the protected areas of national scope and centralized management those absolutely dominant in the set of the RNPA of the continental Portugal.

Across the border the panorama is completely opposite, because in the Spanish model the management of the natural spaces corresponds to the regional administrations. A partial exception to such disposition can be found in the National Parks, that conform a network differentiated and regulated by a specific law. On the other hand, unlike Portugal, in Spain the municipalities lack capacity to directly manage protected areas - with some very precise exceptions-, although they participate indirectly through their representation in Patronages and Trustees. Finally, neither the Spanish framework legislation contemplates a figure similar to the *protected area under private statute* existing in the neighboring country, although it is true that some autonomies have created similar categories, in the line of the *Concerted Natural Reserves* of Andalusia.

d) *Planning of protected areas and arrangement of the territory.* As for the planning of the protected areas, Portugal has established a very interesting model in the theoretical plane when betting on two attributes so little common in the present time like the tendency to the simplification of instruments and the harmonization between environmental and territorial planning. However, such model demonstrates some important weaknesses like, for example,

the extraordinary accumulated delay in the approval of the plans of territorial arrangement, or the nonexistence of specific planning for the protected areas of local or regional scope.

On the other hand, the Spanish model moves substantially away from the scheme applied in Portugal. Firstly, the Spanish Planner architecture relies on two essential instruments: *the Plan of Management of Natural Resources* (PORN) and the *Master Plan for Use and Management* (PRUG). With them, some autonomous communities have created other complementary tools of normative status (Rules of Management, Standards of Protection, Plan of Protection, among others), or even without this but with much importance in its daily management, as is the case of the Annual Management Programs in Catalonia. Either way, PORN is the true benchmark of the Spanish planning system, for three main reasons: because it is mandatory to Parks and Reserves, because it is equipped with a legal force unprecedented in the Spanish legislation in this area, and because it has overcome the traditional concept of plan drawn up *a posteriori*, and must be prior to the Declaration of the protected area.

e) *The uneven emphasis placed on protected areas as a vehicle for economic and social development.* Since the formulation of the concept of Biosphere Reserve by the UNESCO, a school of thought in favor of the idea that protected areas have a greater role in the economic and social revitalization of the municipalities they settle has become well established. This way the limitations and prohibitions that the protection necessarily entails would be offset, achieving, also, a greater social involvement in the conservation policies. However, such approaches do not seem to have been settled with sufficient force in Portugal, where the Declaration of most of the protected areas has obeyed objectives eminently naturalists and conservationists without a clear commitment on the socio-economic dimension. In Spain, although the state law doesn't recognize specific instruments aimed at this type of socio-economic revitalization, some autonomous laws do, so that at least thirty and five Spanish parks have provided of a plan of development or similar tool. Andalusia is the outstanding community in this regard, since the whole of their natural parks has a Sustainable Development Plan (PDS), whose beneficiaries are the set of municipalities that integrate the called *area of socio-economic influence*.

f) *The new formulas for sharing in the management and financing of protected areas.* From another perspective, the aspiration to a greater social involvement in the operation of protected areas also manifests itself in the open debate on the relevance of incorporating new formulas that allow a public-private partnership in its management. As a result of the same, the Portuguese legislation has incorporated various measures to enable local autarchies, the private sector, the representative of civil society organizations and other public entities, to participate in the management of the territories that make up the National System of Classified Areas (SNAC); a public-private partnership that seems to be inspired by the approaches of the Habitat Directive. In this matter, although the last Spanish law has also incorporated formulas for public-private collaboration, the chosen tools have been different and more focused in the strict conservation of the natural heritage and the biodiversity it is key, for example, the *custody of the territory*, under which the General Administration of the State may establish agreements with the so-called *entities of custody* for the assignment of territory-managing located in natural areas, always not-for-profit and through agreements of assignment that shall provide the system of funding for its development.

#### **IV. CONCLUSIONS**

The intensity of the recent protective cycle is releasing territorial, ecological and socio-economic consequences of the first magnitude in the Iberian Peninsula. In that respect, Spain and Portugal have channeled the extraordinary extension of their networks of protected areas by means of the parallel renovation of their norm and instruments of intervention, starting on programmatic objectives quite similar in theoretical terms. So it seems to indicate it their bet on a holistic management of the natural patrimony heritage, on the extension of the functions entrusted to the protected areas, or on the convenience of fortifying the social participation and improving the implication of the local populations in the protective policies.

Nevertheless, when analyzing the praxis of each country is evidenced that, despite the apparent similarities, both are implementing in their respective territories very different formulas, and even opposed in some aspects, giving way to the coexistence of two different protective models on a peninsular geography first of all characterized by the continuity and wealth of its natural patrimony. Which would be considered a normal procedure some decades ago, today collides with the prevailing paradigm in the international scene, that bets on fortifying the homogeneity in the selection criteria of protected areas, to guarantee the interterritorial connection of the protective networks (whether regional, state or continental), and to harmonize the objectives, planning and management of them.

