



## THE WATER TRIBUNAL OF THE PLAIN OF VALENCIA



*The Plain of Valencia*

The Water Tribunal of the plain of Valencia, recognized as Intangible Cultural Heritage of Humanity since the thirtieth of September, 2009, is the oldest institution of Justice in Europe. The Tribunal of Waters of Valencia's Watered Land holds its sessions every Thursday at noon, at the Apostles' Gate of the Valencia Cathedral. The simplicity of operation, is a model of justice that peoples of the plain have professed since time immemorial.

The Valencian people without a doubt hold this most Valencian of ancient institutions in high esteem. In The Water Tribunal we have a valuable legacy that the Valencian people have been able to safeguard, over the centuries, as an integral part of the rich, varied and undisputed Valencian personality.

It is a model of Justice, recognized by all cultures and people as making up an integral part the Valencian personality. It has withstood the passage of time, neither the Bourbon



*Turia's Fountain in the Virgen's square*

centralism nor the Cortes of Cadiz of 1812 were able to abolish this court. It is recognized in the Spanish Constitution of 1978, the Statute of Autonomy of the Valencian Community, by UNESCO and other international organizations.

Researchers of law of all world have found in this institution the legal model that has remained present in many forums and international associations when dealing with water-related matters.

Since ancient times, the fertile plain of Valencia has needed a wise, fair and equitable distribution of water that should reach the irrigated lands, through a complex system of canals taking water from the River Turia. To achieve the Organization's irrigation emerged this institution, based on the observance of the rules which the wisdom and experience of man from the plain was giving them.

Its jurisdiction is restricted to Valencia's Watered Land



*Tormos irrigation dam*

district. Specifically, it extends over the lands irrigated by eight great *acequias* (irrigation canals) on the right bank: Quart, Benàger-Faitanar, Mislata-Xirivella, Favara and Rovella and on the left bank, Tormos, Mestalla, and Rascanya. They are in charge of distributing water from the existing flow through 138 *filas* (an equal division of available water), ensuring that it gets to the last canal. Currently, with the construction of the new course of the River Turia, the system of dams has changed, the *Azud del Repartiment* (the *Cassola*) [irrigation dam for distribution] from which the *acequias* of Rascanya, Rovella and Favara, in addition to the *acequia del Oro* take water.

The Tribunal of Waters is the traditional justice-imparting body within the irrigating communities in Valencia's watered lands (the *Vega de Valencia*). Their members are farmers elected on an autonomous, democratic basis by the users of irrigation canals. The court decide on irrigation



*Mestalla irrigation canal*

disputes orally, promptly, economically, publicly, and impartially. Their verdicts are generally conformed to by reason of the authority and respect credited to this court, based on the transparent equity of its procedures and on the farmer-judges being acknowledged by their peers as equitable persons with expert knowledge of usage and custom in traditional irrigating agriculture and of its underlying natural surroundings. Its efficient contribution to maintenance of the vast, complex watering systems of Valencia, built in the Andalusi era (IX<sup>th</sup> to XIII<sup>th</sup> centuries AD) by irrigating communities ruled —as they are today— by principles of autonomy, cooperation, transparency, mutual help and respect, shared access, sound management and sustainable usage of a scarce common resource, water, account for its millenary survival and its integration in the Spanish judicial system with equal guarantee and juridical validity to those of any other civil court.



*Syndics' benches*

Oral transmission of watered lands' customs, eventually collected in written ordinances, and of the knowledge necessary for traditional irrigation farming has been the survival ground for the cultural landscape of Valencia's watered lands over the centuries, articulated by complex canal systems managed by irrigating communities in an autonomous manner. The presence of Arab terms in Valencia's traditional watering systems, such as *acequia* (canal), *azarbe* (drain waters channel), *alguacil* (minor rank executive officer), *tanda* (a kind of turn-system for irrigation), and so on, aptly illustrates the fact that, in mid XIII century AD, oral transmission occurred of Andalusian usages and customs to the newly settled Christians. A completely oral process, a main feature of the Valencia's Tribunal of Waters' procedures, accounts for the efficiency of this court, since it ensures prompt solution to irrigators' disputes. The oral character of the procedure also explains the fact that from the eighteenth to the twentieth century, Valencia's Tribunal



*Collection of chufa in the Huerta at the beginning of the 20<sup>th</sup> century*

of Waters was the only local court that imparted justice in the Valencian language. The Tribunal of Waters of Valencia's Watered Land is made up of eight syndics or representatives democratically elected by the members of the irrigating communities of the Quart, Benàger-Faitanar, Tormos, Mislata, Mestalla, Favara, Rascanya and Rovella canals, which take their waters from the river Turia. Two of them, elected through polls by the body of syndics, hold the offices of President and Vice-president for a two-year term. These syndics can be substituted in their office functions by deputy syndics, called Vice-syndics, also elected by the irrigators' communities. For fairness sake, custom so rules that when the President belongs to a canal on the left bank of the river, the Vice-president must belong to a right bank canal and vice versa, because the President must abstain from directing the trial or pronouncing a verdict when the party denounced belongs to an irrigators' community of the same river bank as he.



*Favara's irrigation canal*

Furthermore, the syndic of the irrigators' community to which the accused party belongs must abstain from dealing with the case and from voting a verdict, and must limit himself to answering questions from the President or Vice-president. When the Tribunal deals with a case concerning Xirivella Canal, a major arm branching off Mislata Canal, which has an irrigating community of its own, the Mislata syndic leaves his corporate seat on the Court to that of Xirivella. The latter is, in addition, fully entitled to take part in the election of the President and the Vice-president of the Tribunal, and in the Syndics' Board, executive and administrative in character, following the public trial session. The Tribunal, acting as executive body, cares for equitable distribution of water among the nine communities and defends the common interests versus third parties. According to Professor V. Fairén Guillén, Professor of procedural law at the University of Valencia the most relevant characteristics of the Tribunal de las Aguas, studied by



*The Water Tribunal session in 1930*

are a model to follow in the field of procedural law around the world: CONCENTRATION, because the syndics have all the necessary elements for the procedural instruction of the facts, to take legal action and resolve without delays. ORALITY, because the trial process is oral, since the complaint, which is presented by the guard or the complainant to the judges is also done so orally, through the investigation, explaining or justifying of the facts with the intervention of the President and syndics cross-examining the parties orally. PROMPTNESS, perhaps the feature that has most influenced the survival of the Court, it meets every Thursday and judges the infractions committed since the last Thursday. ECONOMY, since the trials do not have any expense of a procedural type; the trustees do not receive a salary or any economic compensation, because serving as a judge is one of his duties as a Trustee. The accused only has to pay the travel costs of the guard or the bailiff of the Court.



AJUNTAMENT DE VALÈNCIA

