

WATER TRIBUNAL OF VALENCIA – JAVIER PASTOR MADALENA



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Javier, where does the need for a specific court on irrigation waters stem from?

To understand how it came about, we must highlight that, throughout the Mediterranean arc, irrigation communities have traditionally been organised through the figure of the *Síndico* or Water Judge, who had all the power over the community, including the capacity to impart justice therein. This is a position which, even during the Middle Ages, was appointed by the king. Seven intakes existed in the final stretch of the Turia river; each of them formed a community of irrigators —which we call *acequias* [irrigation ditches or channels] around here— whose *Síndico* was designated by the irrigators themselves.

It should also be borne in mind that rainfall in Valencia is very irregular throughout the year. In order to reduce its dependence on rain and to make lands more fertile, farmers created a complex system of irrigation channels to take water from the Turia river centuries ago. The area in which the *Tribunal de las Aguas* operates is the last stretch of the river, where the city of Valencia finds itself too. When not enough water came down the river, farmers went to the city and requested its protection and help to force upstream users to respect their privileges regarding water use. This obliged those users to establish ordinary turns of waters that allowed farmers to irrigate all the ditches, up to the last one which took water, the *Acequia de Robella* —the one that supplied the city with its right to water for sanitation and fire prevention.

Finally, it is worth stressing that all *Síndicos* had to appear periodically, on a weekly basis, to inform farmers about the latest irrigation news, and they did so on Thursdays (market day) where they all met in the same place, and it was easy for matters of justice to be discussed between them until the *Tribunal* as we know it today was finally set up.

What is the structure and control of the irrigation network in the Valencia orchard?

The Turia river's waters are channelled through each main irrigation channel (*Acequia Madre*) which distributes them among other smaller ones. The intakes are located on both river banks. So that the water can be distributed proportionally and its use optimised, each bank is entitled to three and a half days' irrigation per week; the water left unconsumed by one irrigation ditch goes on to the next, where it can be used. In turn, the different irrigation communities set shifts that supply 7,000 hectares of irrigated land. So as to exercise control, a number of ordinances exist which were passed down orally until they began to be written down in the early 15th century. Each community democratically elects one of its members as the president or trustee who will be responsible for overseeing the fulfilment of obligations: irrigation shifts, cleaning of canals, payment of fees... With its non-directive governing board, but the function of Judge is assumed by the *Síndico* on a personal basis.

How does the Tribunal work?

The Water Tribunal is formed by the trustees of all eight irrigation communities, who have no legal training, although they are well aware of their community's ordinances. Ever since medieval times, legal experts have given advice to the community and its governing or ruling board, albeit not taking part in the trials. A president and a vice-president who must belong to different margins are elected among the eight *síndicos*. When disputes arise, the *síndico* of the *acequia* acts as a mediator to reach an agreement and avoid the resentment likely to be generated by a sanction. If the dispute is unsolvable, the alleged offender and the complainant must appear in court the following Thursday. The simple way of questioning and conducting the trial has meant that phrases such as "*calle vosté*" [be quiet!]; "*parle vosté*" [speak!] or "*vosté ho ha fet?*" [did you do it?] have become part of the Valencian people's vernacular language. Seeking to ensure impartiality, the process is managed and resolved by members of the margin opposite the one to which the parties involved belong. The rulings are always oral, respected and obeyed.

How many complaints does this court settle every year?

Farmers know that compliance with the rules is necessary for the good of the community. Moreover, the fact that the trial is held in such a popular place as the *Puerta de los Apóstoles* [Door of the Apostles] of Valencia Cathedral has a deterrent effect: the people involved prefer to reach an agreement and be exempted from the public appearance. Fortunately, the number of complaints is low, not exceeding 15 or 20 a year, especially in spring and autumn.

Why has the Water Tribunal been maintained over time?

This is an example of a customary or traditional court focused on the self-management of a society, based on an authority democratically elected by farmers, and not imposed by a higher authority. Likewise, the speed and firmness of its rulings have demonstrated that its moral authority remains valid despite the centuries elapsed. This has earned it the recognition and respect of irrigation community members and its inclusion on UNESCO's list of Intangible Cultural Heritage since 2009.