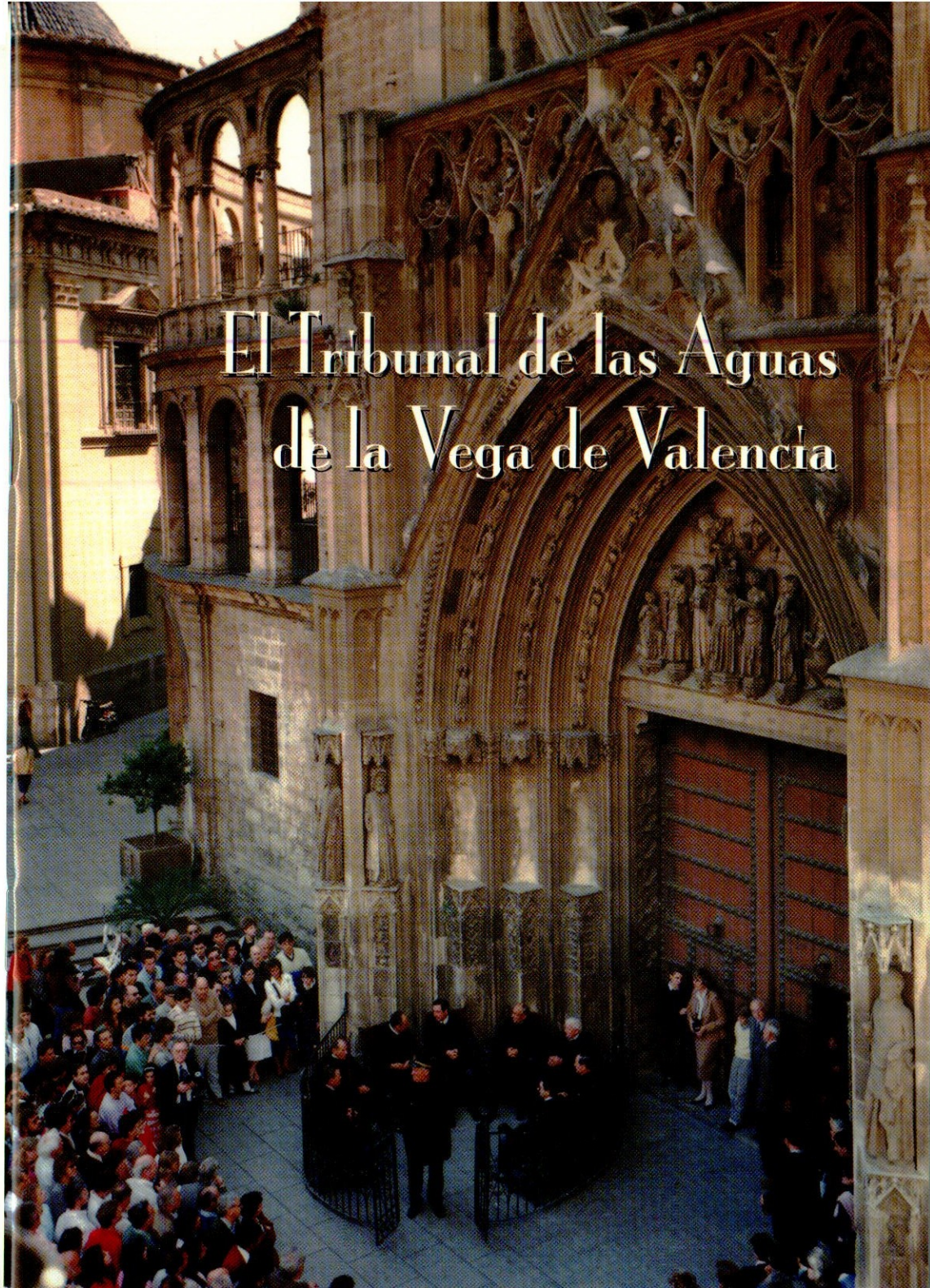
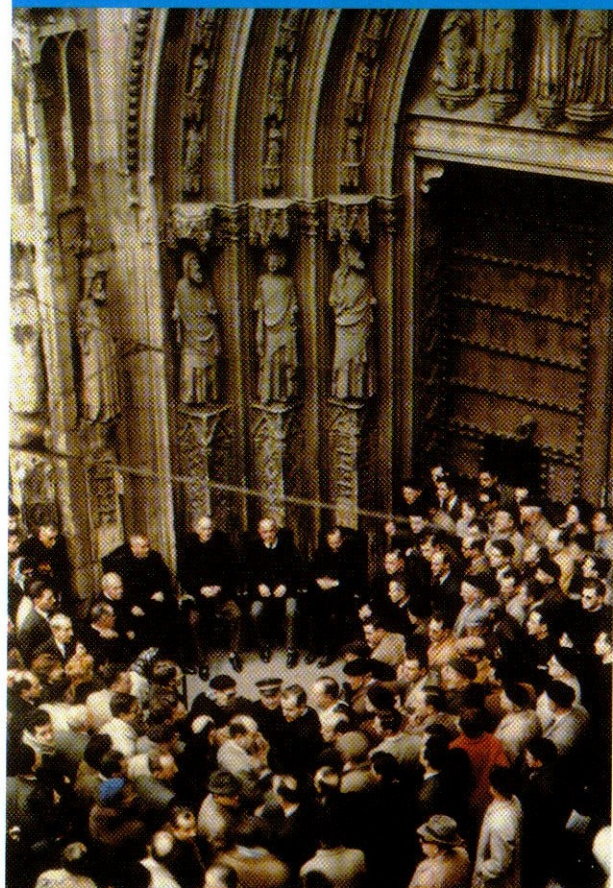


El Tribunal de las Aguas de la Vega de Valencia



THE WATER COURT

OF VALENCIA (SPAIN)



Valencia is one of the most ancient cities of the Mediterranean coast and received the title of «civitas» —capital— as early as 138 B.C.

It was more than two thousand years ago then, that Decimus Junius Brutus chose this beautiful city as a centre to rule over the whole of the great area which lies on the south of the Ebro between Tarragona and Cartagena.

The remains of the Roman wall give us an idea of its importance, which grew from year to year.

Great characters of History have lived within its walls: Hannibal the Great, Julius Caesar, Pompey, the Scipiones... Saint Paul, the Martyr Saint Vincent, Saint Valero, Saint Hermenegildo... Tarik (the soldier who gave his name to Gibraltar, since it was originally known as Gibraltarik) Muza, Aben-al-Abar, el Cid, Alfonso VI, Jaime I el Conquistador, the Catholic Monarchs, and all the Kings and Queens of Spain from 1238 up to the present day.

It is not surprising, then, that together with the lifeless remains and ruins, we should still have something full of life and movement: the network of irrigation canals which for two millennia have watered our land and our «Huerta» (a



One of the irrigation canals, which for two millennia, have watered our huerta.

region of high-density market-gardening surrounding Valencia), giving life to the city.

The great poet Claudian describes Valencia and our river Turia in these lines:

*«Floribus et roseis formosus
Turia ripis*

*Fructibus et plantis semper
pulcherrimis vundis»*

The recent discovery of five «Tabus» confirms that in the second century Valencia had mastered the techniques of irrigation, because these pieces of pottery were specifically designed to interrupt the flow of water in canals and ditches and divert it to other canals or to the fields according to the

needs of irrigation or the wishes of the farmers.

At the Door of the Apostles of Valencia Cathedral, which faces out into the Plaza de la Virgen, the Water Court of the Plain of Valencia meets every Thursday just as the bells toll the twelve strokes of noon.

The Court consists of eight workers, who still wear the typical black shirt of the people of the «Huerta», and who are elected democratically every two years by the other water-users of the «Huerta». As they sit in a circle on their XVII century chairs made of wood and leather one can see that they are invested with a serious authority.

At that moment, every Thursday at noon, this group of eight men exercise supreme authority in matters of irrigation in the world-famous «Huerta» of Valencia. They are the Deputies of the eight canals which supply it with water and as a group they constitute the famous Water Court of the Plain of Valencia.

THE COMMUNITIES OF WATER-USERS

The entire «Huerta» is irrigated by large canals, which by means of an interminable complex of secondary channels, distribute the

water of the river Turia to every single field of the 17,000 hectares under irrigation. All these principal canals were built by the Romans two thousand years ago and their names are: Quart, Mislata, Favara and Rovella on the right of the river and Tormos, Mestalla and Rascanya on the left.

The owners of the fields watered by a principal canal, or several secondary ones, form a community of water-users which takes the same as the main canal.

All the members of the community are called «comuneros» because they own a common property, the water, which belongs to each and every one, not individually, but communally and collectively. They can use it for irrigation in proportion to the surface area of the land they own. In this way, if a lot of water is available, everyone has a right to use it liberally to irrigate all their land. But if water is scarce, everyone distributes the short supply in proportion to the surface area of their fields. This is so that everyone should receive sufficient water, by the common right to it which they all possess.

This communal system for water has made it possible to maintain order in the «Huerta» down the

ages, despite the periods of drought which the River Turia suffered before the Embalse del Generalísimo was built.

This dam has now solved the perpetual problem of summer drought.

Each community is governed by its own statutes which are more than seven hundred years old. When a farmer violates one of the statutes of his canal, he must be judged and the Water Court is responsible for this. The Watchman of the canal calls the offender to appear before the court on the following Thursday. The Watchman himself formulates the charge and acts as a prosecutor and advocate on behalf of the community.

The Court examines the case to decide if the accused is guilty or not and whether he must be punished.

The whole trial is verbal and thus nothing at all is written; down not the charge, nor the acquittal, nor the proof. Even the sentence is pronounced by the President at the very moment the trial finishes, after consulting with the other members of the court.

The decisions of the court are absolute and there is no right of appeal.

It is interesting that the trials of water-users from the left bank are conducted by the President, who comes from a canal on the right bank; and equally, the Vice-President who is a Deputy from a canal on the left bank, conducts the trials of water-users from canals on the right bank.

This is to prevent any suspicion of partiality.

The Deputies of the court, and even the President, being water-users themselves, are liable to be accused, judged, and condemned, just as any other user.

The trials are conducted in the Valencian language, which is spoken by the people who live in the «Huer-



The water, which belongs to each and every one.

ta». Yet more unusual is the fact that sentences which involve fines are imposed in «lliures valencianes», which was the mediaeval currency of the Kingdom of Valencia.

HISTORY

The Court has functioned without interruption for more than a thousand years. Investigators estimate that it was originally founded in about 960 A.D. in the reign of the Caliph of Cordoba, Abderraman III, known as the Great. King Jaime I confirmed the irrigation customs of the Saracens in Charter XXXV. Kings Pedro III, Jaime II, Pedro IV, Fernando el Catolico, Emperor Carlos V, King Felipe II, and also the Monarchs of the House of Bourbon continued to accord privileges to the canals and their communities, and to confirm the system of administration of the irrigation water, which has thus come down to the present day with no changes whatsoever.

DEVELOPMENT IS SPANISH AMERICA

King Alfonso XII promulgated the Water Law in 1879, drafted by Antonio Rodriguez de Cepeda, Professor of the University of Valencia, and which confirmed

the existence and privileges of the court.

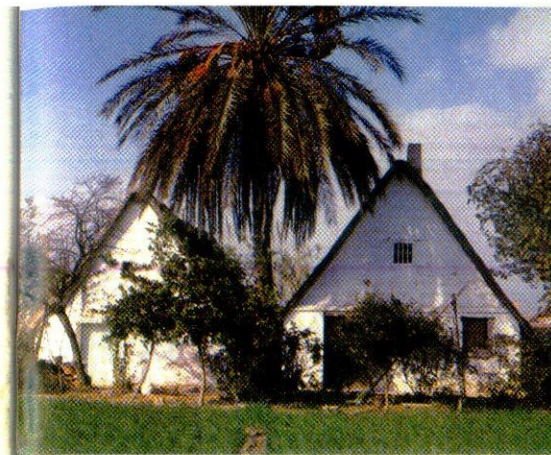
Still more importantly, it codified its organisation as a model for the Water Courts of every irrigation community in Spain.

Later, the nations of Spanish America —except Chile— copied all the Spanish Water Laws (the ones of 1866 and 1879), and also adopted this highly democratic model of Water Court.

Thus we can say that by means of this Spanish law, the Water Court of the Plain of Valencia is the original model which has inspired all similar courts in every Spanish-speaking country. The Water



«Tabus», piece of pottery designed to interrupt the flow of water.



The «barraca» country men's house in the huerta.

Courts or Tribunals therefore have their origin and legal and histori-

cal antecedent in Valencia, in the court which meets every Thursday at noon outside the Door of the Apostles of its Cathedral, under a canopy of gothic stone arches; a court which administers in full view of everyone the transparent justice of these «eight good men and true», farmers of the Valencian «Huerta», exercising in their black shirts the authority of popular judges as deputies of each canal, and whose hard work and careful watch over the waters of these canals make the «Huerta» of Valencia a garden of flowers; and with their thousand-year-old justice, they govern it in peace.