

El Tribunal de las Aguas

El Tribunal de les Aigües • The Water Court • Le Tribunal des Eaux



AJUNTAMENT DE VALENCIA



FUNDACIÓN VALENCIA III MILENIO



The Water Court governing Valencia's fertile lowlands is a millenarian institution in charge of what for this region is an essential issue; keeping the peace among water users and ensuring a just distribution, use and sharing of rewards. This Valencian institution has survived centuries of political trends and changes, and serves as a vehicle for projecting that peculiar nature typical of Valencians, which here takes the shape of the administration of the common good with respect to a precious resource such as water.

Our aim is to promote a wider understanding of our Water Court and approach its singular structure as a model to use when facing the great challenges of today's world. We are also working towards the creation of an International Water Court within the framework of the Valencia Third Millennium-UNESCO Project. In the following pages we wish to offer a clear overview of the main aspects of such a remarkable legal institution.

A better understanding of the Water Court will no doubt help to increase the relevance of a Valencian institution which has been praised in the most prestigious international fora, as demonstrated by the Director General of UNESCO, Federico Mayor Zaragoza, who expressed in September 1997, in the presence of their Majesties the King and Queen of Spain, his aspirations to elevate our Water Court to international status.

With this proposal to make our institution known to the world, and in the proud hope that it may contribute to solidarity among the different peoples of Earth, we pay our tribute today to its shining example.

Rita Barberá Nolla
Mayoress of Valencia

an essential
stitution has
icians, which

when facing
e framework
pects of such

ich has been
ragoza, who
Water Court

y among the



.....
El Presidente del Tribunal, don Miguel Moreno Roca, impone el blusón de huertano a S.A.R. Don Felipe de Borbón, Príncipe de Asturias.

.....
El President del Tribunal, en Miguel Moreno Roca, imposa el blusó d'hortelà a S.A.R. En Felipe de Borbón, Príncep d'Astúries.

.....
The Chief Justice of the Court, Miguel Moreno Roca, bestows upon HRH Felipe de Borbón, Prince of Asturias, the yeoman's smock.

.....
Le Président du Tribunal, don Miguel Moreno Roca, remet la blouse de maraicher à S.A.R. Don Felipe de Bourbon, Prince des Asturies.



The Water Court

The "Tribunal de las Aguas de la Vega de Valencia", better known by its shorter name of "Tribunal de las Aguas" (Water Court) is without a doubt the most ancient of existing European institutions of justice. Its weekly meeting, held every Thursday of the year on the right-hand side of Valencia Cathedral's Gothic Door of the Apostles is a must for tourist agencies, school outings or simple passers-by, who gather round waiting for the nearby bells of the "Micalet de la Seu" tower to strike twelve, in order to watch just how the court proceeds. This should not lead us to the mistaken idea that this is some useless piece of folklore passed down by tradition, for behind this simple procedure, with no complicated protocols and legal formulae, there lies a model of justice that Valencian countrymen have always respected, in the form of a thousand year-old institution which has survived all legislative reforms and is still appreciated for its singularity and perfect functioning. The water court is today, without a shadow of a doubt, one of the most highly valued assets of Valencian cultural heritage.

Its age and survival

Right back in Roman times there could have been a body which settled water conflicts in Valencia, as history illustrates in the age of Hannibal and the second Punic war; but in the form that this legal institution has come down to us, we owe its organisation to Islam and more specifically to the times of the Cordoba Caliphate with 'Abd er-Rahman III and Al-Hakem II. It is actually found with utmost historical certainty and in its full form in times of King Jaime I the Conqueror, who, after conquering the city in 1238, confirmed in charter item XXXV all the privileges enjoyed by its irrigated land in Arab times ("... *segons que antigament es e fo establít e acostumat en temps de serralhins*" - as has been established since long ago and was customary in the time of the Saracens"). Two details are enough to take back its beginnings to Arab Valencia. The first is the custom of meeting at the door of the Cathedral, which had previously been the great mosque. This was because the many Moslems who were still farming the land in Valencia were not allowed to go inside, which meant having to take the Court outside, though it had before been held inside the mosque. The other detail which indicates its Arab origin is the fact of the court proceedings being held on Thursdays, the Sabbath of the Moslem religious calendar, along with

that of meeting at twelve noon, a time at which the sun at its zenith means the change of the day for Mohammedans.

To demonstrate the extent of its jurisdictional power we could mention the fact that after Pedro I of Valencia appointed an irrigation channel administrator who prevented freely exercising this, it was agreed at the request of the estates to abolish said post and let the *acequeros* (irrigation canal users or farmers) use their own administration "*as done since ancient times*". Furthermore when in 1318 the Justice of Valencia assumed powers that he did not in fact have, and ordered the irrigation canal farmers to surrender any fines exacted to him, the Jurors and General Council went to complain to Jaime II and were restored to their exclusive authority, as is testified to, in a similar case, by charter privilege CXXX granted by said king.

In spite of the abolition of Charter privileges in 1707 neither Felipe V, who unified Spanish legislation, nor his successors, tampered with this body, which contributed to such a great extent to the flourishing progress of the rich Valencian farmlands, and the Royal Council ordered the irrigation communities to go on exercising their jurisdiction in full. The French, in Napoleon Bonaparte's times, did not make any changes to this either.

When the matter of reorganising the courts was brought up at the Cádiz Assembly in 1812, the abolition of any exclusive privileges of any kind was put forward. The Valencian Francisco Javier Borrull then made a passionate elegy and defence of our Court at the session of 31 July 1813, supporting the *acequeros* of the city's farmland in their right to continue to try matters to do with the waters of the channels, their irrigation procedures and so on. This matter went on to the Commission for reorganisation of the courts, and in spite of all the goodwill seen in this respect, the Assembly was closed before the report was submitted. The famous Decree of 4 May 1814, which reestablished the Old Regime, thus left the Court holding its full functions and made no alterations to the way it exercised these.

Coming back to the present day, our King, Juan Carlos I, has four times confirmed with his signature the existence of the Water Courts of Valencia; in article 125 of the 1978 Spanish constitution, where it alludes to Courts of custom or usage,

clearly referring to the
Autonomy Statute
of 1st July 1985;
August 1985, with
"Water Court").

The system

Just as the River
to the rich lands
waters the fertile
Valencia was found
the iconography
of Dos Aguas, per
in a superb symbol
farmland and eco

Since the earliest
surprised by the

- "Valencia is located in a fertile region, with its gardens, headwaters and all directions..." (Claudio)
- "Tender eyes look down on the vegetated farmland..." (Claudio)
- "Valencian farmland produces fruits which are excellent..." (Jerónimo Münzer)
- "The City of Valencia is a region..." (Claudio)
- "... the most beautiful trees form the border..." (Cardinal de Retz)
- "Here nature serves the country in a w..."

clearly referring to Valencia's Water Court; in the Valencian Community's Autonomy Statutes in 1982; in section 19 of the General Act on Legal Powers of 1st July 1985; finally, in the preamble of the Water Law, number 29, dated 2 August 1985, where it is cited as a model ("... of which an example is Valencia's Water Court").

The system used for irrigating Valencia's fertile region

Just as the River Júcar, to the south of the province of Valencia, brings fertility to the rich lands of La Ribera, the Turia, the second big river in this Community, waters the fertile silt of the coastal plain on which the Roman settlement of Valentia was founded. Both the Júcar and Turia are beautifully represented in the iconography of the baroque door of the Palace once owned by the Marquis of Dos Aguas, personified in two huge telamons who pour out water plentifully in a superb symbolic expression of what these rivers mean for the Valencian farmland and economy.

Since the earliest times, everyone who has visited the city of Valencia has been surprised by the beauty and fertility of its lands:

- "Valencia is located in one of the most beautiful places, surrounded by rivers and gardens, hearing only the murmur of waters which branch out and extend in all directions..." (Abulfeda. "Descripción de España". 13 century).
- "Tender eyes look out everywhere on Valencia. Looking at the vast and thickly vegetated farmland..." ("Poema del Mio Cid", anonymous, 12 century).
- "Valencian farmland is extremely fertile, for it produces an immense variety of fruits which are exported to other countries..." (Jerónimo Münzer, "Viaje por España y Porgugal, 1494 - 1495").
- "The City of Valencia. This is located on a delightful plain, in a very hot fertile region..." (Claude de Bronseval, "Peregrinatio Hispanica". 1532).
- "... the most beautiful garden in the world. Pomegranate, orange and lemon trees form the borders of its roads. The loveliest and clearest waters in the world serve it in the form of canals..." (Cardinal de Retz, "Memorias: viaje por España", 1654).
- "Here nature seems to have handed out its gifts with all lavishness, and this country is in a word richer than the most fertile lands of Lombardy... They take



Portada barroca del Palacio del Marqués de Dos Aguas. Ignacio Vergara representó el Turia y el Júcar influido claramente por la obra de Miguel Ángel.

Portada barroca del Palau del Marqués de Dos Aguas. Ignacio Vergara representà el Túria i el Xúquer influït clarament per l'obra de Miquel Àngel.

Baroque portal of the "Marqués de Dos Aguas" Palace. Ignacio Vergara represented the Turia and Júcar rivers under the unmistakable influence of Michelangelo.

Porte baroque du Palais du Marquis de "Dos Aguas". La représentation des fleuves Turia et Júcar par Ignacio Vergara, marque une nette influence de l'oeuvre de Michel Ange.

ta terra
e canvis
a preuat

peculiar
Tribunal
sintètica

la en els
97, qui,

entre els



.....
El Presidente del Tribunal da la bienvenida a SS.MM. Don Juan Carlos I y D.^a Sofia

.....
El President del Tribunal dóna la benvinguda a SS.MM. Don Juan Carlos I i D.^a Sofia

.....
The Chief Justice of the Court welcomes HM Juan Carlos I and Lady Sofia

.....
Le Président du Tribunal souhaite la bienvenue à Leurs Majestés don Juan Carlos I et doña Sofia



the water for its maintenance from this same river... the greenness of this wide-spreading plain, with a multitude of villages dotted over it, forms a beautiful counterpoint with the sea, and all contributes to make a view that poets could never imagine". (Antonio Ponz, "Viaje por España, 18 century).

• "Around the city on all sides there are farmed fields, which would be taken to be delightful gardens anywhere else... The frequent murmur of the waters which flow through countless irrigation channels; the variety of flowers, fruits and vegetables"

(Antonio José Cavanilles, "Observaciones del Reyno de Valencia", 1795 - 1797).

• "... Valencia's farmland caught my whole attention. I did not journey on. I simply strolled about a green plain split up by clear brooks, which spilled out their freshness"

(E.F. Lantier, "Viaje por España del Caballero S. Gervasio", 18 century).

• "Valencia is located on a plain known as "La Huerta" (fertile or irrigated land) in the midst of gardens and crops, where constant watering maintains a freshness hard to find in Spain". (Teófilo Gautier, "Viaje por España". 1840).

• "... in this kingdom irrigation is an essential question of administration. In the capital there is a court in charge of having the laws connected with watering executed, and their infringement punished. It holds its sessions in the Cathedral atrium, and in spite of the rustic simplicity of its members, of all them farmers, they are well aware how to make themselves respected". (Barón de Bourgoing, "Un paseo por España durante la Revolución Francesa". 1777 - 1795).

• "The court ("cort") of the irrigation canal farmers consists of the Chief officials of the 7 channels which water Valencia farmland, excluding the Moncada Official, because the latter community is governed by diverse laws and is fully subject to the "Baile General del Patrimonio"(Minister of the Royal Estate)... Here one can find no soldiers needed to protect the court, no porters, no lawyers or attorneys to defend the parties; they form a circle around the benches and a profound silence announces that justice can make itself respected without any need for force..." (Jaubert de Passa "Canales de riego de Cataluña y Reyno de Valencia...". 1844).

• "To pass judgement on irrigation questions the Water Court was established, eight centuries ago. This curious court is said to have been set up by Al-Hakem Al-Monstansir-Bilah, around 920... it has been kept in its primitive form with great oriental simplicity right up to the present day ... There are no soldiers or gendarmes around, no officials to call the cases, no lawyers or attorneys to

represent the parties: the judges or officials are simple peasant farmers elected by other peasant farmers..."(Charles Davillier, "Viaje por España". 1862).

These texts are just a sample of the many admiring testimonies that Valencia's fertile region draws from those who visit it and who describe it as being furrowed by a number of main canals, like mothers, extending their arms, "sequiols", and "sequiolets" like offspring, which "... so marvellously take the water for irrigation down to the last field, just as the interminable system of arteries and veins distributes and collects the invigorating sap of the blood all through the human body", as it was put by Vicente Giner Boira, the Water Court's legal consultant and undoubtedly the person best informed about this matter.

There are eight main canals: on the right-hand bank of the river Turia five canals take their water: Quart, Benacher y Faitanar, Mislata, Favara and Rovella. On the left-hand bank the canals are named Tormos, Mestalla and Rasaña. Once more, Valencian artistic iconography has personified old Father Turia and his canals in the pretty fountain found right in the heart of Valencia, the ancient forum of Roman Valentia, in the Plaza de la Virgen. This reminds one of other sculptural ensembles of ancient Greece and Rome such as the Nile or the Tiber, rivers beside which the most important cultures of the western world sprang up. Our Turia is represented by a reclining giant, surrounded by maidens who pour out the crystal-clear waters from their jars into the fountain.

How the canals are organised and governed

For the distribution of water, King Jaime laid down a simple and efficient formula: all the farmers watering from a channel are the common owners of the water provided; but the water is granted in proportion to the land owned; the water is tied to the land, and cannot be separated from this; whoever sells his land sells the water involved at the same time, these being inseparable.

All the land supplied with the water from a main canal through the system of smaller channels forms what is known as an Association of Irrigators; its members are the owners of the volume of water provided to the channel. Since the flow of water in the River Turia is very low and the extension of farmland is very

great (17.000 Ha.) to order for this to reach the existence of large reservoirs. The solution to the problem with scarcity of the first canals could be a variable volumetric Arab work "fil-lah", of the flow available

The "fila" is not a flow of the river. W first of the canals st "filas", assigned their water rights. "large" filas if the r the most valuable a

The Canal Associa down orally by the century, when Felip

Simplicity and a r authority for admin of the rules is super or 3 years.

The head of this the Irrigators' Assoc a size that must be reputation as an "h over this, and one The remaining me Members, also farm irrigators; they mu divided, that is, fro

ant farmers elected
ña". 1862).

ies that Valencia's
t as being furrowed
ns, "sequiols", and
water for irrigation
arteries and veins
through the human
s legal consultant

ne river Turia five
avara and Rovella.
and Rasaña. Once
ther Turia and his
encia, the ancient
inds one of other
Nile or the Tiber,
tern world sprang
d by maidens who
tain.

governed

ple and efficient
non owners of the
e land owned; the
whoever sells his
separable.

ugh the system of
ators; its members
el. Since the flow
farmland is very

great (17.000 Ha.) there has to be an exemplary administration of the water in order for this to reach all the land and thus save the crops. Today, with the existence of large reservoirs which regulate the river's flow of water, there is no problem with scarcity at drier times, but at one time, in periods of little flow, the first canals could take all the water and leave the ones behind without any. The solution to the problem of water distribution came through the creation of a variable volumetric unit, called a "fila" (whose etymology comes from the Arab work "fil-lah", a part taken from a whole) which enabled a wise distribution of the flow available.

The "fila" is not a fixed volume of water, but a variable that depends on the flow of the river. When the waters of the river Turia reach the place where the first of the canals starts, it is thus split into 138 equal parts, which were called "filas", assigned thereafter to the different canals, so that these are guaranteed their water rights. These rights vary according to the total river flow, being "large" filas if the river has a larger flow, or "little" filas, if this is scantier; but the most valuable asset, the water, will always be fairly shared out.

The Canal Associations are governed by ancient Ordinances which were passed down orally by the Arabs, and later on kept in written form until the early 18 century, when Felipe V ratified these.

Simplicity and a realistic distribution of the water are essential, as is a necessary authority for administering the water fairly in times of scarcity. Strict observance of the rules is supervised by an administration board which is renewed every 2 or 3 years.

The head of this board, called the Official, is elected from all the members of the Irrigators' Association, and must directly work and farm his own lands, of a size that must be enough to be able to live from these, and also have a good reputation as an "honest man". As president of the canal, he has executive power over this, and one of his tasks is that of being a member of the water Court. The remaining members of the Administration board for the canal, Elected Members, also farmers, are also democratically elected by all the Association's irrigators; they must belong to the different sections into which the canal is divided, that is, from the first sections, the ones in the middle, and the ones at



Retrato de D. Jaime el Conquistador procedente de la Galería Iconográfica del Antiguo Palacio Real de Valencia. Hoy en el Salón de Reyes del Palau de la Generalitat Valenciana.

Retrat d'en Jaume I el Conqueridor procedent de la Galeria Iconogràfica de l'Antic Palau Reial de València. Hui al Saló de Reis del Palau de la Generalitat valenciana.

Portrait of the Conquistador Jaime the First, originally from the Portrait Gallery of the Old Royal Palace of Valencia. Now in the King's Stateroom at the Palace of the Valencian "Generalitat".

Portrait of Jaime I le Conquérant provenant de la Galerie Iconographique de l'Ancien Palais Royal de Valencia. Actuellement dans le Salon des Rois du Palais de la "Generalitat" valencienne.



the end of the same, in order for the interests of the farmers from the whole canal to be defended, as these are owners of equal shares of the volume of its water. Official and members are assisted in their work by the Channel Wardens, employees whose task it is to make sure the water reaches everyone, in turn and as laid down in watering periods, with a dual role; on one hand they have to protect the irrigator's right to the water belonging to him and on the other hand keep the Official and members informed as to how the watering process goes and about any blockages or infringements committed, in order for these to be reported to the Water Court.

The Water Court

This is the body that the Irrigators' Associations from the canals of Valencia's fertile plain set up and gradually improved over time for governing and sharing the water used for irrigation fairly.

The Court is made up of the eight canal officials (there was a time when there were seven of these, until Benager-Faitanar canal split from Quart and thus led to a total of eight officials). But it might be of interest to look at a number of details explaining its smooth running and the reason for its survival over the years. First of all, the Court not only holds sway over a particular irrigation canal, but also over the ensemble of these. Secondly, its officials are democratically elected from the irrigating members of their respective association, meaning that this is not some higher authority imposed by judges, but instead the rank and file members who choose the judge whose task it is to judge them, so that the members most honest and fair in the fulfilment of their duty are always sought after. Finally, as V. Giner Boira points out, their members are not ignorant of the law, since though they may well not have any legal training, they are not unfamiliar with the law that they have to apply. This is based on Ordinances in which they are expert and that constitute the corpus juris governing each of the Canal Associations (their watering turns, obligations as regards cleaning irrigation canals and channels, payment of contributions for the Association's overheads, and so on).

All this explains its moral authority, its survival over time, the respect in which its sentences are held, these always being obeyed to such an extent that it has

never been necessary to go to ordinary courts to have these complied with. There has even been a case of an official member of the court being accused, this person quite naturally taking off the peasant blouse worn with such great dignity, like a magistrate's toga, and going to stand in the defendant's place to wait for deliberation and sentence, then returning to his place on the court to continue with the agenda.

How the Court works

This is extremely simple. The person accused is summonsed by the Channel Warden for the following Thursday. If he does not appear he is summonsed up to two further times and if he still fails to appear the accusation is admitted and he is sentenced in contempt of court. It has never yet been necessary to ask for any public authority's assistance in making someone appear.

The officials sit down in the chairs assigned to each of their respective canals. The Court bailiff, formerly the chief guard or "standard bearer" entrusted with supplying the water and lifting the sluice gates or penstocks, carrier of a standard of a rather inappropriate staff of gilded brass, with two points, one of these curved, this formerly being the instrument used for separating and bringing together the boards in the slots of the boxes. The bailiff asks the President's permission to start the calls and hails for all to hear: "*All those accused from the Séquia de Quart*" and, if there are any, the defendants come forward accompanied by the Channel warden. The summonses are heard in the same order in which the canals take the river water, starting with Quart, which is the first, and ending with Rovella, the last.

The Warden puts forward the case or presents the accuser, if there is a private accuser. He ends with the ritual phrase: "*Es quant tenia que dir*" (that is all he has to say). The president enquires: "*Que té que dir l'acusat?*" (what has the accused to say?) and the accused goes on to state his defence. The famous "*calle vosté i parle vosté*" (you - be silent and you - speak") has now fallen into disuse, as has the Arab tradition of pointing with the foot to show who was being given permission to speak. The procedures are all oral. The trial proceedings is all held in the Valencian language. Everyone intervenes on his own behalf, without counsel or written documents; they can propose witnesses and even a visual

inspection (known as *inspecció*) to ask any questions necessary. The Court considers its verdict in the presence of the interested parties.

In order to guarantee that the verdict belongs does not interfere with the right bank of the river or viceversa. If the sentence is not a ritual phrase "*Este arreglo a Ordenances*" (this arrangement according to Ordinances) costs and damages, according to the canals lay down the penalties as the sentence is its own. The court only examines the

As for the reasons for the sentence of scarcity, breakage of the neighbouring fields, the watering turns by the penstock, therefore prevent the "parada" penstock without asking for a

The canal employ for their proceeding the officials themselves extends to persons of damage to the water their own free will to not to appear, they to bring a civil suit to condemnatory verdict

The trial proceeding after the first Water

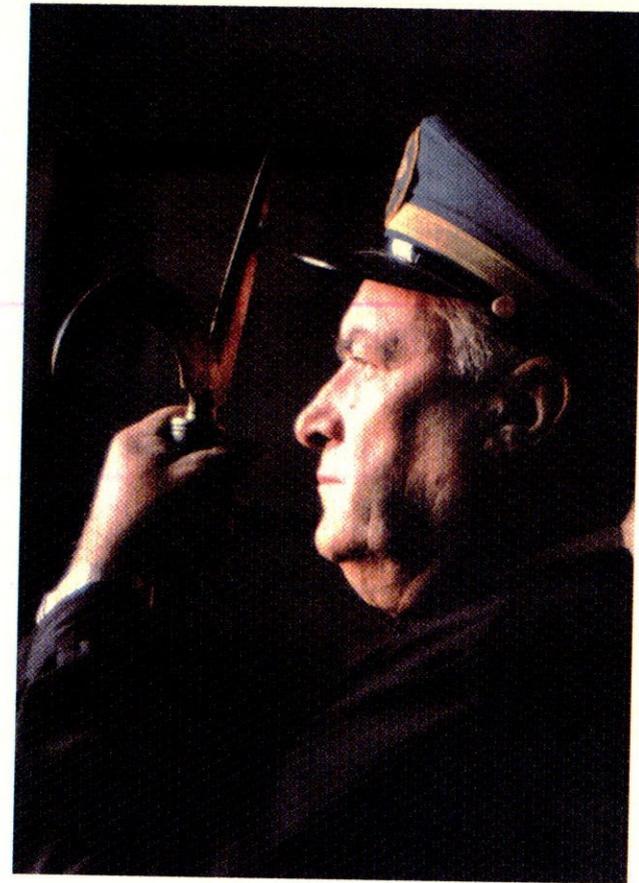
inspection (known as a "visura"). The President and members of the Court can ask any questions necessary for greater information about the case, and then the Court considers its verdict and passes sentence with no further proceedings, in the interested parties' presence.

In order to guarantee impartiality, the Official for the canal to which the parties belong does not intervene. It is also a rule that if an accused belongs to a canal on the right bank of the river, the sentence is passed by the officials of the left, or viceversa. If the sentence is a conviction, the President states this with the ritual phrase "*Este Tribunal li condena a pena i costes, danys i perjuins, en arreglo a Ordenances*". (This court hereby convicts you and orders you to pay costs and damages, according to the Ordinances.) The Ordinances of the respective canals lay down the penalties for the different offences. No appeals can be made, as the sentence is itself executive: the Channel Official is in charge of this. The court only examines and determines if the accused is guilty or innocent.

As for the reasons for accusations, these are above all theft of water in times of scarcity, breakage of channels or walls; "*sorregar*" i.e. pouring water into neighbouring fields, thus damaging the crops through too much water; altering the watering turns by taking water on the wrong day; keeping irrigation ditches dirty, therefore preventing the water from getting through freely and lifting the "*parada*" penstock when someone is using water on his due turn, or watering without asking for a turn.

The canal employees can also be tried, both in their status as irrigators and for their proceedings as regards other Irrigation Associations, and so can even the officials themselves, as has already been mentioned. The jurisdiction also extends to persons outside the Irrigators' Associations who have caused some damage to the watering system, since their behaviour means they have through their own free will gone into the sphere of competency of the Court. If they were not to appear, they are sentenced just the same, then going to ordinary courts to bring a civil suit for damages, part of the evidence there produced being the condemnatory verdict of the Water Court.

The trial proceedings, as has already been stated, are totally verbal. Nevertheless, after the first Water Law was passed, the need to have something recorded led



El Alguacil del Tribunal, Francisco Roca, portando el gancho emblema de la Institución.

L'Agutzil del Tribunal, Francisco Roca, portant el ganxo emblema de la Institució.

The Magistrate of the Court, Francisco Roca, holding the emblematic staff of the Institution.

Le Magistrat du Tribunal, Francisco Roca, portant la crose emblématique de l'Institution.



to a Registration book being kept, in which certain data on each trial is kept such as the accused's name, channel, reason for the accusation and date.

The Court has a dual, judicial and administrative, role. Normally, the name of Tribunal de los Acequeros de la Vega de Valencia is used to refer to the two roles jointly, whilst the name of Tribunal de las Aguas is reserved for the actual legal functions. These are actually two different bodies but ones that perform on the same day in the same place, made up of the same persons (the official is at the same time juror and irrigation canal farmer) or with slight variations (the Rovella channel has one juror-official and one irrigation canal farmer-official). When the cases arising have been tried in front of the Apostles Door they go into the nearby "Casa-Vestuario" to deal with common matters and in this case there are nine officials, as a representative of Xirivella is present. The main problem to be dealt with is the situation of the river water. Depending on its volume, it is decided to open the irrigation channel sluice gates more or less, and where applicable, to request water from the Moncada canal (the former Real or Puzol channel) as allowed by ancient privileges granted by Jaime II in 1321. On this administrative side, the Court is subject to the Water Commissioner, as a higher body, which has to settle the matters set before the Water Court and the Chief Irrigation canal farmer of Moncada. At present the main subject of the meetings is to do with the outlet of water from Benageber Reservoir. For both functions, legal and administrative, the Tribunal de las Aguas de la Vega de Valencia has the assessment of a lawyer who settles enquiries made on Ordinances, comes before ordinary courts, submits appeals in defence of the farming area, and so on.

Characteristics of the Water Court

A recent study by professor Vicente Fairén Guillém (*El Tribunal de las Aguas de Valencia y su proceso (Oralidad, concentración, rapidez, economía) Valencia, 1975*) gives special emphasis to the most characteristic traits of our court, which are in fact the greatest doctrinal aspirations in the field of procedural law the world over:

- CONCENTRATION, because the officials have before them what we could call the investigation stage of the proceedings in order to proceed legally and

settle the matter with no delay; the Warden or injured party is present, as is the accused, and both can put forward their case and bring evidence and witnesses.

- THE ORAL NATURE, because the whole trial is oral, from the accusation, which is submitted by the Warden or the accuser, up to the sentence, also oral, going through the enquiries made to clear up, explain or justify the facts with the intervention of the President and officials who verbally question the parties.

- THE SPEED, perhaps the characteristic which has had most influence on the survival of the Court. This meets once a week, and deals with the infringements committed since the previous Thursday. Matters can only be postponed for at most 21 days, and this only when due to failure to appear by the accused.

- ECONOMY, because the trials do not involve any type of procedural cost: the Officials do not receive any salary or expenses as judging is one of their obligations as canal officials. The accused only has to pay the amount of the travelling expenses of the wardens or Court bailiff. The payment of any economic liabilities due for damage done by the accused is not a procedural expense.

Foreign scope of the Water Court

The Water Court has been of interest to many concerns and persons from abroad. One example is Thomas E. Glick, from Harvard University, who came here to study our institutions on a visit which resulted in his work "*Irrigation and Society in Medieval Valencia*" (Harvard University Press, 1970) of which there is an edition in Spanish edited by the publishing house *Del Cenia al Segura*, (Valencia, 1988).

After a world convention under the title of "Water for Peace" was held in Washington in 1967, the steps taken by Water Court lawyer, Mr. Vicente Giner Boira, led to the creation of the *International Association for Water Law*. On 25 March 1968 this body brought three subsecretaries of the Spanish government, and personalities from the United States, Argentine, Italy, Mexico, Ecuador, Holland and France, all together at the Apostles' door of Valencia cathedral.

The next year the governmental Consu...
been created by the S...

In September 197...
over the World to...
representatives of th...
reached were adap...
programme or roug...
Nations itself in M...
thousand represent...
the "*Magna Carta*...

... ..
Graba...
... ..
Grav...
... ..
Engr...
... ..
Grav...

is present, as is the
ence and witnesses.

om the accusation,
sentence, also oral,
stify the facts with
uestion the parties.

ost influence on the
n the infringements
be postponed for at
y the accused.

procedural cost: the
of their obligations
t of the travelling
economic liabilities
nse.

and persons from
iversity, who came
is work "Irrigation
(1970) of which
Del Cenia al Segura,

peace" was held in
Mr. Vicente Giner
Water Law. On 25
anish government,
Mexico, Ecuador,
Valencia cathedral.

The next year the United Nations gave this official recognition as "Non-governmental Consultancy Body" being the only United Nations body to have been created by the Spanish.

In September 1975, the *International Conference on Water Law Systems over the World* took place in Valencia, in the presence of two hundred representatives of thirty-six countries from all five continents. The conclusions reached were adapted and confirmed in 1976, in Caracas, and acted as a programme or rough draft for the meeting that was convened by the United Nations itself in March 1977, in Mar del Plata, Argentine, attended by six thousand representatives from 138 countries, and at which what we could call the "*Magna Carta of Water in the World*" was passed.

Documents compiled by DANIEL SALA, historian and ethnologist.

.....
Grabado del Tribunal de las Aguas del artista valenciano Arturo Ballester.

.....
Gravat del Tribunal de les Aigües de l'artista valencià Arturo Ballester.

.....
Engraving of the Water Court by the Valencian artist Arturo Ballester.

.....
Gravure du Tribunal des Eaux par l'artiste valencien Arturo Ballester.



Bibliography of the "Water Court"

This ancient body, such a special gem in Valencia's cultural heritage, has on many occasions been a subject for study by scholars and historians. It has been devoted much time and many pages in books and specialised magazines, even with all the great difficulties involved by research in a field with hardly any written documentation, given its quality of oral expression, one of the predominant characteristics in the Water Court's proceedings. Nevertheless, in this bibliographical appendix it is only fair to highlight a number of painstaking and valuable works undertaken by researchers who gave a large part of their time and their lives to providing greater knowledge about this body. Indeed every Thursday just as vital and fresh as the first day it was convened, the court continues to gather crowds of passers-by, tourists and the curious in general and Valencians value and appreciate this to such an extent that only His Majesty Juan Carlos, his Royal Highness the Prince of Asturias, the Honourable President of our Autonomous Community Authority, or other persons of great rank and dignity have been allowed to preside over it through the courtesy of the Water Court and its Official - president.

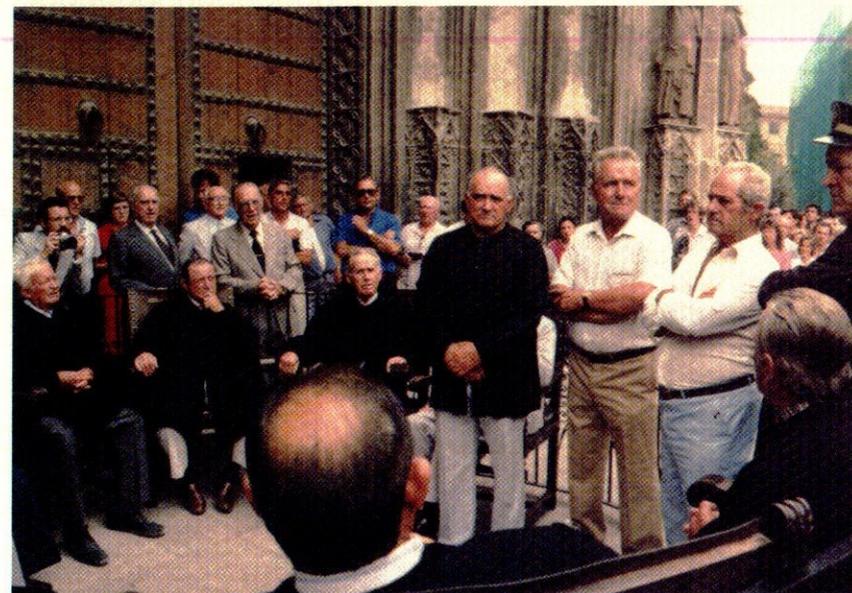
Apart from the doctoral thesis by Antonio Guillén Rodríguez de Cepeda, the result of which was a short but enlightening book entitled "*El Tribunal de las Aguas de Valencia, Los modernos jurados de riego*" edited by Tip. Doménech in 1920, we should mention the enthusiastic defence of the institution made in the Cadiz Assembly by the great Valencian Francisco Javier Borrull y Vilanova in an extraordinary speech, and model of oratory, that Benito Monfort printers published and reprinted on several occasions. A little later on, in 1831, the same printers published the "*Tratado de la distribución de las aguas del río Turia, y del Tribunal de los Acequeros de la Huerta de Valencia*" by the same author, with a beautiful engraving by Tomás Rocafort, reproduced herein. More incidental looks at the court were made by Botanist A. J. Cavanilles, in his "*Observaciones sobre la historia natural, geografía, agricultura...*" in 1795, by V. Boix, in his guidebooks, and above all, in the "*Guía urbana de Valencia antigua y moderna*" by the Marquis de Cruilles, who devoted a lengthy chapter to the Water Court. In 1970, a North American from Harvard University, Thomas F. Glick, took an interest in our institutions and wrote his "*Irrigation and Society in Medieval Valencia*" a new work tackling the matter seriously from a foreign viewpoint after the monumental study made last century by French Jaubert de Passa. Recently, in 1975, professor V. Fairén Guillén, senior lecturer in Procedural Law of Valencia Law Faculty, published an outstanding work on the matter, the fullest since Borrull's times, highlighting the characteristics of the Court as a model for procedural law.

But, someone who undoubtedly devoted his long life to studying and serving the Water Court was the recently deceased Vicente Giner Boira, who carried on the tradition at the family office which specialised in Water Law for three generations, and who was right up to his death the Legal counsel for the Tribunal de las Aguas de la Vega de Valencia and the Sindicato de Regulación del Río Turia. His enthusiasm for all things Valencian led him to the foundation of the International Society for Water Law. Vicente Giner wrote the most recent works on the Water Court, which is perpetually indebted, like Valencia itself, to this Valencian so utterly devoted to our land, to our history, and such a faithful defender of our unquestionable Valencian personality.

- **Alcaine, Vicente.** "La Vega de Valencia y el río Turia". Valencia 1867. (Folded map).
- **Borrull y Vilanova, Francisco Javier.** "Discurso sobre la distribución de las aguas del Turia y deber conservarse el Tribunal de los Acequeros de Valencia..." 3ª impresión. Valencia, Benito Monfort, 1828.
- **Borrull y Vilanova, Francisco Javier.** "Tratado de la distribución de las aguas del río Turia, y del Tribunal de los Acequeros de la Huerta de Valencia". Valencia, Benito Monfort, 1831.
- **Branchat, Vicente.** "Noticia histórica de la antigua Legislación valenciana sobre el régimen de las aguas públicas". Valencia, 1851.
- **Catálogo** de la "Exposición bibliográfica y de recuerdos históricos de los riegos en el Reino de Valencia, organised by Lo Rat Penat association on the occasion of the 3 National Congress on Irrigation held in Valencia in 1921". Valencia, 1922.
- **Díaz Nieto, Ignacio y Arrieta Alvarez, Carlos.** "Ensayo de bibliografía en materia de Aguas". Madrid, 1964.
- **Fairén Guillén, Víctor.** "El Tribunal de las Aguas de Valencia y su proceso. (Oralidad, concentración, rapidez, economía)..." Valencia, Artes Gráf. Soler, 1975.
- **Foster, Alice.** "The Geographic Structure of the Vega de Valencia". Chicago, 1936. (Summary of doctoral thesis) (17 maps).
- **Galán, Francisco.** "Tratado de legislación y jurisprudencia sobre aguas y de los Tribunales y Autoridades a quienes compete el conocimiento de las cuestiones que se susciten". Valencia, 1849.
- **Giner Boira, Vicente.** "El Tribunal de las Aguas". Alzira, Graficuatre, 1988. (There is a second updated edition dated 1995).
- **Giner Boira, Vicente.** "Introducción a las Notas sobre la antigüedad de la Agricultura y el regadío en tierras valencianas". Valencia, 1964.
- **Giner Boira, Vicente.** "El Tribunal de las Aguas de la Vega de Valencia". Valencia. Publications by the Chamber of Commerce, Industry and Navigation of Valencia, 1953.
- **Giner Boira, Vicente.** "Ampliación de la competencia de los Jurados de Riegos, para conocer de faltas cometidas por personas ajenas a la Comunidad..." In the First National Congress of Irrigators' Associations, Valencia, 1964.

- **Giner Boira, Vicente.** "Intangibilidad de las Comunidades de Regantes..." In the First National Congress of Irrigators' Communities, Valencia, 1964.
- **Giner Guillot, Vicente.** "Exposición de distintas actuaciones del Tribunal de las Aguas de la Vega de Valencia en defensa de los derechos de las Acequias que lo integran y documentos referentes a todo ello". Valencia. Imp. Guillot Aguilar, 1944.
- **Guillén Rodríguez de Cepeda, Antonio.** "El Tribunal de las Aguas de Valencia. Los modernos Jurados de Riego". (Doctoral Thesis). Valencia. Tip. Doménech, 1920.
- **Guillén y Rodríguez de Cepeda, Antonio.** "Tribunales de aguas: su constitución y su competencia. Sistemas eficaces para la ejecución de sus fallos". Valencia, 1921.
- **Glick, Thomas E.** "Irrigation and Society in Medieval Valencia". The Belknap Press. Harvard University Press. Cambridge, Massachussets, 1970. (There is an edition in Spanish: Valencia, Editorial del Cenia al Segura, 1988).
- **Halpern, L.** "La Huerta de Valencia". In: Anales de Géographie. Paris. 1933. (There is a Spanish translation by V. Fontavella).
- **Jaubert de Passa.** "Canales de Riego de Cataluña y Reino de Valencia, leyes y costumbres que los rigen, reglamentos y ordenanzas de sus principales acequias". (Translated from the French by Juan Fiol). 2 vols. Valencia, Benito Monfort, 1844.
- **Jordana de Pozas, L.** "Ensayo de una bibliografía española de aguas y riegos". In: 3rd National Irrigation Congress, held in Valencia, 1922. Valencia, 1923. (3 t. in 4).
- **Lacreu Sena, José.** "Centenario del fallecimiento de D. Vicente Blanch y Juan, propulsor de la Acequia del Oro", 1864-1964, Alfafar, s.a.
- **Llorca Rodríguez, J.** "Romanidad de los riegos de la huerta valenciana". In Notas sobre la antigüedad de la Agricultura y el regadío en tierras valencianas. Valencia, 1964.
- **Plan** sinóptico de las acequias del río Turia con varias observaciones. Valencia, 1828.
- **Reig y Flores, Juan.** "Tribunal de las Aguas de Valencia." Valencia, 1879.
- **Ripalda, Conde de.** "Memoria sobre la necesidad que regle definitivamente los intereses de los propietarios de aguas." Valencia, 1842.
- **Ripalda, Conde de.** "Cartilla agrícola del labrador de la Huerta de Valencia." Valencia, 1845.

- **San Valero Aparisi, Julián.** "El origen de la agricultura y la cerámica valencianas." Valencia, 1955.
- **San Valero Aparisi, Julián.** "El campesino valenciano y su obra. In: Notas sobre la antigüedad de la Agricultura y el regadío en tierras valencianas." Valencia, 1964.
- **Sociedad Económica de Amigos del País.** "Reglamentos y Ordenanzas de las principales acequias del Reino de Valencia", published by Valencia's Sociedad Económica de Amigos del País. Valencia, 1846.



.....
 Los denunciados ante el Tribunal.

 Els denunciats davant del Tribunal.

 Those accused before the Court.

 Les accusés davant le Tribunal.

