

DEMONSTRATION IN ALMERIA 9 JAN 2009

DECALOGUE OF DEMANDS

We, the demonstrators, are asking for:

1. **COMMISSION OF INVESTIGATION:** To be established, with representatives from the government and citizens' groups (including those for the protection of homeowners' rights and the ecologists):

- To investigate the existing grave planning and environmental problems, to draw up a report on the causes of said problems and their possible solutions, as well as recommendations for the future.

- To follow up any measures adopted to resolve said problems, as a consulting body, giving maximum publicity of and transparency to these measures.

- In both the investigation and follow-up, the following principles will especially be taken into account: 1) The necessity of full adherence to EU community law and of human rights, including those covered by the European Convention on Human Rights as well as the case law of the European Court of Human Rights; 2) The true needs of the cities and towns affected; 3) Sustainability from an environmental point of view and the need to preserve the historical and cultural identity of the affected areas; 4) That developers, the administration and other third parties responsible for these problems should rectify the damages caused in a real and effective manner; 5) The threat of demolition of property acquired in good faith by home owners should only occur in exceptional cases and in such a case, effective, real and prior compensation must be guaranteed; 6) The legitimate right of purchasers to property acquired legally must be recognised and criteria established according to Art. 33 of the Spanish Constitution with respect to public and social interest in order to prevent and forbid the abuse of people's property rights by decisions of local and regional authorities; 7) Where compensation is required for the loss of property such compensation should be made prior to such loss, and at proper rates which conform to the case law of the European Court of Justice and the European Court of Human Rights; 8) Any process of regularisation should, as far as possible, include binding agreements (including adequate guarantees) between those who have caused the irregularities and the administration. *The above follows recommendations made by the European Parliament in its Resolution dated 21 June 2007 based on results collected during their fact-finding visit to the Autonomous Communities of Andalucia, Valencia and Madrid conducted on behalf of the Committee of Petitions.*

2. **ARBITRATION:** A special administrative commission composed in a similar fashion as the Commission of Investigation and guided by the same principles, should be created. This commission should include a provincial public ombudsman, advised by independent investigation services including representatives from the administration and from citizens' groups (including those for the defence of individual property owners and ecology groups), and with arbitration powers in relation to disputes concerning these problems. The commission should be available to affected parties free of charge (*point 12 of above Resolution*).

3. **MORATORIUM:** A moratorium on any pending proceedings which could result in the demolition of houses should be put into effect while the Commission of Investigation carries out its work.

4. **ELECTRICITY AND WATER:** As a matter of priority and on humanitarian grounds, any house which has been occupied in the past three years should be temporarily permitted electricity and water services until the regularisation process has been concluded. *(In conformity with Art. 11 of the International Covenant on Economic, Social and Cultural Rights of the United Nations of 16 Dec 1966).*

5. **TRANSPARENCY AND PARTICIPATION:** Notice of any planning or environmental proceedings should be communicated individually to all those affected, directly or indirectly, as well as publicised widely; publication in the relevant Bulletins not being sufficient *(point 10 of above Resolution).*

6. **PROTOCOL:** An obligatory protocol should be established setting out the precise steps and standardised procedures concerning the purchase and sales of real estate to individual homeowners, similar to those in other EU member states such as the UK, which should include:

- Binding Certificates which must be issued by the relevant administrative body relating to: 1) Planning; 2) Environmental regulations; 3) Catastral and Land Registry
- Standardised sales contracts and deeds (*escrituras*)
- Obligatory time periods

7. **CATASTRAL & LAND REGISTRY:** Information in these two registries must coincide, with the Land Registry including graphical information.

8. **ESTATE AGENTS:** Should 1) be licensed or have passed an examination of sufficient knowledge and capacity; 2) have adequate insurance to cover all civil liabilities; 3) be clearly regulated in their activities.

9. **PROMOTERS & CONSTRUCTORS:** These must be subject to bonds, guarantees or insurance to cover possible liabilities to third parties (including to buyers), and the administration; for planning or environmental breaches or infractions, etc. To present and manage any planning instrument, proof that such guarantees are in force should be required.

10. **PRIOR FAMILY:** As a matter of highest urgency, the Junta de Andalucia should immediately compensate the Prior family, seeking to recover subsequently from such third parties which it deems necessary, without the Priors having to undertake any legal action in order to obtain such compensation. *(In conformity with Art. 8 of the European Convention of Human Rights and Art. 1 of Protocol 1 of said Convention).*