

MASS MEETING IN MOJACAR BETWEEN ECOLOGISTS AND BRITISH CITIZENS 30th May 2008

AUAN Press Release,

This Saturday a large meeting took place in Mojacar organized by the association campaigning against urban abuses known as "Abusos Urbanísticos Almeriense Levante - No!" (AULAN). The Auken report (which harshly criticised urban and environmental abuse affecting the province of Almeria and other parts of Spain) was discussed in a roundtable meeting between the environmentalists and associations of affected foreigners. Some 500 people from the different municipalities of Almeria attended, including those from the Valle del Almanzora and Levante Almeriense.

Special guest was David Hammerstein Green Party MEP and member of the Petitions Committee of the European Parliament, known for his interventions in Europe in favour of an investigation into urban and environmental issues in Spain. The Auken report was prepared and approved by the aforementioned committee, and was subsequently approved by the European Parliament by an overwhelming majority, despite opposition from the MEP of the PSOE and the PP. The report was harshly critical of Spanish urban planning and even proposed the freezing of structural funds for Spain.

At the roundtable were representatives of Ecologists in Action; the AUAN, an association known for their efforts in support of urban regularisation in the Almanzora Valley; AUN from Valencia, represented by Jacqui Cotteril, a member of Parcent town council; Levante Sostenible from Bedar and the AULAN.

In the audience there were also representative from groups in Almeria: Cantoria Residents Association; AVEP from Bedar; SOHA and Citizens Advocacy from Malaga and Camposol Residents Association from Murcia.

Sean O'Curneen Cañas, European election candidate and head of the list for the Centro Democrático Liberal (CDL) spoke at the end of the meeting.

After an Exchange of views the participants were in broad agreement on the following points, based to a large part on the Auken report:

1. COMMISSION OF INVESTIGATION: A national commission of investigation be established, with representatives of the administration 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.

2. ARBITRATION: The creation of a special administrative commission that includes 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, available to affected parties free of charge.

3. RESPONSIBILITY: The liability of developers, the administration and pertinent third parties, for having given rise to the grave planning and environmental problems which exist, must be made enforceable and real. 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, and these must include the opportune measures so that those who caused the irregularities compensate for the damage caused.

4. PRINCIPLES TO BE TAKEN INTO ACCOUNT: The following principles should be recognized and reflected in urban law.

In urban development priority must be given to the true needs of the cities and towns affected, sustainability from an environmental point of view and the need to preserve the historical and cultural identity of the affected areas.

The need for full compliance with community law and fundamental rights, including the European Convention for the Protection of Human Rights and Fundamental Freedoms and case law of the European Court of Human Rights.

In the case of demolition of property acquired in good faith by citizens real, effective and prior compensation must be guaranteed. Such compensation must be made prior to any loss and at proper rates and conforming to the case law of the Court of Justice and the European Court of Human Rights.

The legitimate right of purchasers to property acquired legally must be recognised and criteria established for the application of Art. 33 of the Spanish Constitution with respect to public and social interest in order to prevent and prohibit the infringement of people's property rights by decisions of local and regional authorities;

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. The possibility of electronic access (Internet) to planning and environmental documents in the process of being approved or approved be ensured. Information in the Cadastral and Land Registry must coincide, and the Land Registry must include graphical information. It must be ensured that the information on the land registry includes information about the status of the property with respect to urban regulations as well as environmental and cultural restrictions or similar.

6. **JUDICIAL SYSTEM:** There is an urgent need to reform the judicial system to avoid the lack of effective rights before the courts; shortening of the real length of proceedings; computerizing and providing adequate resources.

7. **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.

8. **PROMOTERS & CONSTRUCTORS:** These must be subject to bonds, guarantees or insurance to cover possible liabilities to third parties (including to buyers), and to the administration; for possible planning or environmental breaches or infractions; and proof that such guarantees are in place must be a pre-requisite to present and manage any planning instrument.

9. **PROTOCOL:** An obligatory protocol for the buying and selling of real estate should be established for the benefit of the consumer, setting out the precise steps and standardised procedures, similar to those in other EU member states (for example the United Kingdom).

They (the participants) agreed to establish a working group, to establish the final version of a Decalogue of measures required to solve the problems that have occurred and to ensure that they do not happen again.

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