Of Red Fruits and Social Conflict

How the Doñana National Park Sits in the Middle of Social, Political and Environmental Tensions

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These days of electoral campaign in Spain, as usual, water is among the current issues. Recently, a controversial proposal by the conservative parties of the Andalusian Parliament aims to re-grant the status of agricultural land to certain land in the vicinity of the Doñana National Park (Huelva, Spain). Doñana suffers a long social conflict triggered by several decisions adopted to protect this singular place. As we will see, this is a clear example of the political use of the tension generated by environmental protection and socio-economic interests, especially in times of elections.

Doñana: A unique space of high environmental value

The Doñana National Park is a World Heritage Site. As a Biosphere Reserve, it is included in the Ramsar Convention and belongs to the Natura 2000. Its uniqueness is due to its variety of ecosystems and biodiversity. The marshes are a place of passage, breeding and wintering for thousands of European and African birds. Unique and endangered species live in the lagoons: native plants, amphibians and Galapagos, the imperial eagle and the Iberian lynx. Its beaches, mobile dunes, the mountain with junipers, cork oaks and pine forests, called "cotos" and the marsh, which is characterized by its changing appearance, give rise to a great diversity of landscapes, with numerous lagoons scattered among the vegetation.

However, the pressures that this Protected Natural Area has been enduring are very important and make it a very vulnerable place. Scientific studies on this space show the deterioration it has suffered for several decades. The CSIC reveals that more than half of the 3,000 lagoons in Doñana have disappeared and that only 10% are in good condition. This situation is not going to improve because, although drought is recurrent in Mediterranean areas, reality is showing that the current extreme drought will tend to generalize.

The origin of the social conflict in Doñana dates back to the 1980s. The high profitability of the intensive red fruit farming in the surroundings of this ark made the greenhouses grow larger and larger, increasing the pressure on the aquifers for irrigation. In 2003, the Socialist Government of Andalusia approved a Land Management Plan for the Doñana Area (POTAD) to curb the overexploitation that was beginning to considerably damage the lagoons. This plan was developed in 2014 (ten years later!) by the Special Plan for Northern Irrigation Zones of the Doñana Forest Crown (PEOCFD). It made a zoning of its territorial scope based on the values of the territory to be protected (zones A, B, C), transforming agricultural land into forest and prohibiting its cultivation. The aim was to make the agricultural and tourist development of these areas compatible with the protection of the exceptional natural values of Doñana and the rational use of water. In this way, the extraction of water from the subsoil would be controlled and intensive exploitations need to be authorized. The Special Plan retroactively affected some 650 farms with roughly 1,600 cultivated hectares, the majority of which were family farms returning to forestry. According to data from the controversial legislative initiative, the economic impact exceeded 100 million euros (p. 26).

Obviously, this Plan was highly controversial: more than 3,000 allegations were presented during its processing, it was submitted to public information up to three times, more than 160 judicial appeals were presented... The farmers who felt their rights had been violated have not stopped to try to recover their situa-

tion prior to the Special Plan and claim it individually or as groups in the County Farmers Association (AACO) and in the Platform in Defense of County Irrigation (the Platform brings together different social agents, more than 1,500 farmers, municipalities and associations).

Ultimately, this 2014 Special Plan is the one that will be modified with the proposed Law presented by the Popular de Andalucía and Vox parliamentary groups in the Andalusian Parliament on March 9, 2023.

The blade of confrontation: the Andalusian Law Proposal

Framing it in terms of "social and material justice" (pp. 23 and 33), the Law proposal aims to solve the "legal problem" in which the farmers affected by the Special Plan of 2014 find themselves. According to the initiative, this plan "did not respond to the entire population and caused an effect contrary to that intended" (p. 20). In addition, its execution was frustrated due to lack of budget to comply with (p. 25). According to the normative text, the proposed modifications will not put more pressure on water resources because it is a territorial planning plan that classifies the land in protection zones B and C as "irrigable land with surface water" (SARAS). However, and this is very important, it does not automatically confer the right to use surface water (pp. 28 and 29). Indeed, in Spain, the rights to use the water are granted by a different administration, in this case, the Guadalquivir Hydrographic Confederation, which depends organically on the National Government. The waters with which these reclassified agricultural lands can again be irrigated will come from a new transfer from the Tinto, Odiel and Piedras rivers. Paradoxically, this infrastructure has not yet been built (pp. 31 and 32). As if these delays were not enough, converting these lands back into agricultural land will not be immediate. Each one will be studied on a case-by-case basis by the Plan Monitoring Office (First Additional Provision). But this Office has not yet been created, which will mean further delays.

This is the "trap" of the controversial legislative proposal, which has agitated even the European Commission. Without the water right to irrigate the land – which the bill cannot grant because it is not an autonomous competence – it does not matter if the plots are once again considered irrigated or not. This has been stated by jurisprudence of the TSJ of Andalusia and the TS over the last few years. In the face of affected farmers, the Andalusian government has done everything in its power. But it leaves what is decisive so that farmers can irrigate their lands on the roof of another Administration. This aggravates the existing social conflict again.

Consequently, this Andalusian proposition does not really solve the underlying problem. It may actually have a pernicious effect, if it is finally approved: it will encourage land holders to claim water for irrigation at a bad time, in the worst drought of the last decades. This will further punish the delicate situation of the aquifers around Doñana.

Could the central government intervene?

Huelva is a very sensitive area on the Andalusian political map, so it is difficult not to connect the legislative initiative described with the Spanish electoral reality. Local and regional elections will be held in May 2023. At the end of the year, there will be the general elections. Perhaps for this reason it is being dealt with under the urgent procedure, and presumably it could be approved in July.

If the bill is finally approved, the central government may appeal it to the Constitutional Court. You may also request the precautionary suspension of its effects. This requires the support of fifty deputies, which Pedro Sánchez will not find difficult to obtain. However, it remains to be seen how this controversial legislative initiative will go. Recently, the Andalusian President, Juan Manuel Moreno, has stated that he is willing to hold meetings with the central government to seek "imaginative alternatives" to regularize irrigation in the Doñana National Park. It has been proposed to exchange land outside the Park for affected irrigators so that they can continue with their agricultural activity. We will also have to see what happens after the May elections. Perhaps the parliamentary groups

will withdraw the rule before concluding the parliamentary process.

As Doñana shows, climate change and social conflicts are intrinsically linked and increasingly the topic of electoral debate. The recent Dutch elections, which a conservative farmers party won surprisingly, is just another evidence of the possible evolution of this problem.

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