

EXTENDED ABSTRACT

WATER POLICIES IN SPAIN: BASES FOR A BALANCED TOURISM DEVELOPMENT, IN THE CONTEXT OF DEGLOBLIZATION

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In the moments in which it seems that we are approaching an era that will be marked by the so-called “deglobalization”, hand in hand, no doubt by enormous structural adjustments in the world economy, in general, and in the Spanish, in particular, tourism activities from a macroeconomic perspective, and their businesses from a microeconomic perspective will be affected by huge costs, direct consequence of the adjustments that have already begun to be made (we must take into account examples such as the Laws that modify the Water Law, the approval of the so-called “Water Plan”, or the subsequent suppression of the National Hydrological Plan, would give a good account of the normative milestones that have been overlapping in the different laws, and that have often had consequences of a social, economic and political nature of great relevance). We must not forget that the water resource is a limiting factor when it comes to dealing with the development of tourism activities. From this perspective, sanitation and water purification are of considerable interest, for the correct development of economic activities, in general, and tourism activities in particular.

And, in our territory, a series of systems have been generated that have been shaping what at the present time has been commonly referred to as “water purification”, especially important in tourism-related activities. The process that involves the purification of water resources has been conceptualized as a procedure defined by a series of its own characteristics, which range from the collection of waters affected by residual agents, until their integration into their original natural environments is achieved, which makes it necessary to properly develop a series of infrastructures, that facilities destined for such purposes be

properly exploited, and that residual treatments oriented among other things are properly carried out, towards those components generated in these processes (such as biogas or different types of sludge), that may, subsequently, become useful. These interventions constitute “sanitation”, which in turn would encompass the meaning of purification of water resources affected by residual substances, as a collection of methods and techniques ordered to promote within the community, the most innovative and beneficial hygienic conditions for citizens, in general, and tourism, in particular(system that to a greater extent includes both sewage and purification processes, infrastructures all responsible for collecting, storing, transporting, and treating water resources).

Sanitation is understood as “the removal of the pollutant load contained in a liquid effluent”, trying to avoid with this process, alterations in water quality, which in these cases would be the continental ones”, similarly, to say that the sanitation procedure generally refers to the “set of activities that aim to dispose of wastewater, preliminary to its discharge into public channels, of its contaminating content”. These two interpretations include a set of systems, which include the collection, storage, transfer of wastewater through sewerage infrastructure and network of collectors intended for this purpose, which direct them directly to the treatment plants, as well as their subsequent discharge. All this without forgetting that the availability of water has acted as a conditioning factor for the tourist “functionalization” processes of the territory, favoring the take-off and configuration of the tourist destination areas. Water is a foundation of the new orientations of the tourism model, arising from the motivations of the tourist-consumer, that justify the creation of products such as golf, the main claim of the new promotions of holiday homes; in fact, the supply to the tourist areas, as part of the supply to populations, is almost decisive in the orientation of the different tourist products.

On the other hand, it should be noted that in the process of “sanitation” two distinct stages can be distinguished: 1) In which the wastewater, which is derived from multiple spills, is collected and, subsequently, conducted, through the complex system of sewer and collector networks, to a series of facilities dedicated to purification. This first phase is known as “sewage or sanitation down” (the waters are collected through sewers and collectors until they are taken to the treatment plants); 2) at this stage, the aforementioned residual waters are treated so that their quality is increased, prior to their return to the bodies of water, this being a phase that is known as “purification, and treatment or sanitation at discharge ” (in which the aforementioned water resources, are supported through the purification facilities to a very complex treatment, which converts them, or rather incorporates them into standards- required by current legislation- of quality, prior to being discharged to the public hydraulic domain). In the first of the cases, the phase of “sewerage or sanitation in low”, they are distinguished referring to the facilities that are composed, on the one hand the constructions or sewage network, of the collectors themselves, on the other. As for the sewerage facilities, these are in turn constituted by a very complete network of canals, which collect the waters from their places of origin (housing, or industries), to the general collectors. However, with respect to the collector systems, they differ in that they are the ones in charge of moving the mentioned waters, directly to the treatment stations. The relevance of this differentiation between sewerage and collector systems, lies in the distribution of competences attributed to each local entity

or Autonomous Community, depending on whether we talk about sewer infrastructure, whose competence corresponds to the Local Entities, of the facilities or system of collectors, in which the competences will correspond, if required, the corresponding regional legislation, to the Autonomous Communities. When we refer to all these processes aimed at wastewater sanitation, we are emphasizing that sanitation completely refers to urban wastewater (which includes both those of domestic origin, and those of low-consumption industrial origin, which are the cause of dumping the waste generated to the different and predisposed sewage systems and to the collectors of the municipality in which they are installed. Tourism industries and activities that develop a high level of activity, are equipped with their own purification constructions in which they previously carry out the treatments to the sewage mentioned above, and which in turn, will lead to general urban collectors. Similarly, it is essential to note that all these sanitation techniques for urban wastewater, strictly exclude sectors, and water related to agricultural activities (despite its high pollution records, which usually present in this agricultural area, mainly, those concerned with the use of the products used-fertilizers, etc.-for the improvement of their production rates), which shows one (if not the greatest) of the problems that our country has to face, that is, the one linked to the lack of effective treatment of wastewater of agricultural origin). The influence of the normative provisions of community law, on the "sanitation" procedures (and related matters) can be seen in the numerous Directives in charge of promoting the existing ordination on these matters, in our country (fundamental questions, in our opinion, to when dealing with tourist activities).

And it is that, the water supply as part of the public services has been configured throughout history, forming a fundamental part of this evolution, the changes originated for these water resources supply services, during the corresponding periods with the XIX, XX and first decades of the XXI century.

In relation to this matter, the nineteenth century, with the changes it brought in terms of social aspects as significant as the modification of health customs, uncontrolled urban developments, and increases in demands of all kinds, meant a significant transformation regarding the technological, sanitary and administrative advances experienced by these services. So much so, that the modern supply services, dedicated to the provision of water resources for human consumption (drinking water), were identified by a series of characteristics that would distinguish them singularly, highlighting among these particularities such significant issues as the setting in progress of tariff regimes, or the use of networked home systems. All these circumstances would favor to conceptualize the services related to the supply of water resources destined for human consumption as part of a series of benefits included as "first necessity". In connection with this socio-cultural interpretation, the multiple population settlements, represented by their corresponding municipalities, would be forced (as a result of their inability to face from the technical, administrative and economic points of view, all the challenges presented by the new events) to grant the private initiative the management of these services (a priori, public). This situation would continue - even increasing the interventions of private companies - until the social changes developed with the advent of the last century, would cause these dynamics to be reverted significantly, leaving the prominence again at the hands of the municipalities, which, little by little, but progressively, they saw how they were returned -better said,

they would recover- again, the powers to directly manage these water supply services, which, as previously mentioned, were considered as “services of first necessity” and, therefore, “public services”.

We can conclude that the purpose of hydraulic policies has focused on ensuring the quality of water, this being the main reason why hydraulic administrations have taken care to protect, conserve and guarantee water resources, both because of their essential need for life, as because the availability (either in quantity, as in quality) of these resources, it has traditionally been considered as an essential aspect for the proper functioning and progress of an advanced society (always in line with the sustainability objectives) including for this within the legal systems, a whole series of regulatory conglomerates incardinated to the achievement of these ambitions. In consideration of these standards, both the regulatory situation of this matter at European level has been highlighted in these lines, with Directive 91/271 / EEC on urban wastewater treatment, which I would reiterate before 2005, the collection and connection in adequate purification systems of wastewater from urban agglomerations.

In the same way, the European policy would favor in this sense the approval in 1995 of the National Purification Plan, as well as the application of the Water Framework Directive, and of the National Water Quality Plan (2007-2015), among others. In the case of the Spanish hydraulic policy, this would be incardinated in improving the quality of the waters (and especially when the Water Law of 1985, would introduce this concept among its articles). For this, in addition to the rules (which, because they are not repeated, will not be mentioned again) set forth in the previous lines, they would be complemented by the provisions regulated both in the Hydrological Plans of Cuenca, and in the Nation Hydrological Plan. And we cannot forget that the provision of the water supply service by the aforementioned powers (including the different ways that public authorities -especially municipal entities- have been using to organize) must adapt to a series of requirements for its proper establishment, standing out among others: the material means, among which are each and every one of the infrastructures destined to capture, conduct and deposit the water resources so that later they are dedicated to supplying all the populations to which they are directed; financial means, which would support, among other things, the realization in the most optimal conditions of the aforementioned services, and, human resources, which are understood as essential for the execution of these water resources benefits to homes, all of them fundamental adjuvants for the implementation of the above-mentioned tourist activities. Likewise, the provision of these services (which, as stated in the previous lines, are considered mandatory), they must be understood jointly within what has been referred to as the “integral water cycle” (which includes the actions to supply drinking water resources, as well as sanitation and purification of wastewater) and in consequence relating it and coordinating it with the activities related to sanitation and evacuation (all of them regulated by its specific regulations to use). On the other hand, we can conclude that despite all the complications or socio-economic and political circumstances in which a certain State is found, it becomes a priority of the same (of its legal system, especially when in the case of ours it is established on the constitutional basis of a “social, and democratic state of law”), to be able to adequately lend to the whole of its citizenship, those “vital minimums” that are most essential, such as water resources in this case, even

more so when within the international context and context, aspects related to “quality in the public service” and the improvement in the recognition of certain rights, considered as “social”, and in which “sufficient quality” in both qualitative and quantitative terms are being preached with increasing determination, they have become, together with the activities related to the monitoring, supervision and control of water resources, as essential for the proper functioning of society as a whole, implementing activities such as those related to the scarcity of the water resource of desalination plants. In fact, our study concludes that in the absence of express mention of any of the techniques of desalination of “marine” waters, a convincing legal situation is found, which, however, can be subsumed, in a series of constitutional recognitions.

