

## Water Governance Benchmarking Criteria

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### **A. GOVERNANCE FUNCTIONS**

- 1. Organizing and building capacity in the water sector**
  - 1.1 Creating and modifying an organizational structure [1](#)
  - 1.2 Assigning roles and responsibilities [2, 3, 4, 5](#)
  - 1.3 Setting national water policy
  - 1.4 Establishing linkages among sub-sectors, levels, and national sub-regions
  - 1.5 Establishing linkages with neighboring riparian countries
  - 1.6 Building public and political awareness of water sector issues
  - 1.7 Securing and allocating funding for the sector
  - 1.8 Developing and utilizing well-trained water sector professionals [6](#)
- 2. Planning strategically**
  - 2.1 Collecting, managing, storing and utilizing water-relevant data [7](#)
  - 2.2 Projecting future supply and demand for water
  - 2.3 Designing strategies for matching expected long-term water supply an demand and dealing with shortfalls (including drought mitigation strategies)
  - 2.4 Developing planning and management tools to support decision making
- 3. Allocating water**
  - 3.1 Awarding and recording water rights and corollary responsibilities [8](#)
  - 3.2 Establishing water and water rights transfer mechanisms [9](#)
  - 3.3 Adjudicating disputes
  - 3.4 Assessing and managing third party impacts of water and water rights transactions [10](#)
- 4. Developing and managing water resources**
  - 4.1 Constructing public infrastructure and authorizing private infrastructure development
  - 4.2 Forecasting seasonal supply and demand and matching the two
  - 4.3 Operating and maintaining public infrastructure according to established plans and strategic priorities
  - 4.4 Applying incentives and sanctions to achieve long and short term supply/demand matching (including water pricing)
  - 4.5 Forecasting and managing floods and flood impacts
- 5. Regulating water resources and services**
  - 5.1 Issuing and monitoring operating concessions to water service providers
  - 5.2 Enforcing withdrawal limits associated with water rights
  - 5.3 Regulating water quality in waterways, water bodies, and aquifers (including enforcement)
  - 5.4 Protecting aquatic ecosystems
  - 5.5 Monitoring and enforcing water service standards

## **B. GOVERNANCE PROCESS CHARACTERISTICS**

- 1. Transparency.** 11, 12, 13, 14, 15
- 2. Participation.** 16, 17, 18
- 3. Accountability and Integrity.** 19, 20
- 4. Rule of law.** 21
- 5. Coherency and Integration.**
- 6. Responsiveness.** 22, 23

## **C. CROSS CUTTING CATEGORIES**

- 1. Water Sources**
  - 1.1 Surface water
  - 1.2 Groundwater
  - 1.3 Derivative water (reclaimed, reused, desalinated)
- 2. Water Uses**
  - 2.1 Irrigation
  - 2.2 Municipal
  - 2.3 Industrial
  - 2.4 Environmental
  - 2.5 Hydropower
  - 2.6 Fisheries, navigation, recreation
  - 2.7 Other uses (including social, esthetic, and religious uses)

**Decree no. 2-00-474 of 17 Chaabane 1421 (14 November 2000)  
establishing the procedure for recognizing acquired rights over the  
hydrological public domain**

**The Prime Minister,**

In view of Law no. 10-95 regarding water promulgated by Dahir (Royal Decree) no. 1-95-154 of 18 Rabii I 1416 (16 August 1995), and in particular its articles 6 and 7; **21**

After examination by the Council of Ministers meeting on 21 Rejeb 1421 (19 October 2000),

**Decrees:**

**Article 1:** Acquired rights over the hydraulic public domain are recognized, after a public inquiry conducted through the good offices of the Minister of Infrastructures, either at the Minister's behest or at the interested parties' request, after considering the opinion of the Minister of the Interior. **16**

**Article 2:** The public inquiry is entrusted to a committee composed of: **1**

- the governor or his authorized representative, by reason of the location of the portion of the hydrological public domain where the recognition of rights is requested, chairman;
- the representative of the prefectorial or provincial departments of the Ministry of Infrastructures, secretary;
- the representative of the prefectorial or provincial departments of the ministry responsible for agriculture;
- the representative of the Agricultural Council;
- the representative of the chairman of the communal council concerned;
- the representative of the hydrological basin agency concerned.

The committee chairman may, after hearing the committee's opinion, invite, in an advisory capacity, any corporate bodies or natural persons who may be able to help the inquiry committee in its investigations. **6, 17**

**Article 3:** The public inquiry provided for in article 1 above, which must not last longer than sixty (60) days is prescribed, after considering the option of the Minister of the Interior, by an order from the Minister of Infrastructures establishing: **7, 11, 18, 19**

- the dates on which the inquiry operations are to be opened and closed;
- the list of the inquiry committee members;
- the place of the inquiry;
- the location of the portion of the hydrological public domain concerned by the request for recognition;
- the nature of the right whose recognition is requested;
- the place where the inquiry dossier is deposited as well as the record whose purpose is to collect

the interested parties' comments. This record remains at the public's disposal during the entire duration of the inquiry.

**Article 4:** The inquiry opening order is published through the good offices of the Minister of Infrastructures in the Official state gazette (edition devoted to legal, judiciary and administrative announcements) and / or inserted in at least two journals of legal announcements and made known to the public through the good offices of the local administrative authority, the governor or his representative, by all means it considers appropriate. **12**

It is also displayed in the premises of the provincial government and in the offices of the commune concerned. This display is verified, at the end of the inquiry, by certificates placed in the survey dossier by the governor and the chairman of the communal council concerned.

The publicity operations shall take place at least sixty (60) days before the date on which the inquiry opens.

**Article 5:** Throughout the inquiry, the communal council chairman shall place at the public's disposal, in the offices of the commune concerned, a record of comments, numbered and initialed through his good offices, intended to receive the remarks and possible claims of third parties. **2, 10, 13, 20**

This record is accompanied by the inquiry dossier including the application submitted by the applicant or applicants, when the recognition is granted at the latter's request, and a technical report drawn up by the Minister of Infrastructures, relative to the lot or regime of the watercourse or of the spring that is the subject of the recognition. **3**

**Article 6:** When the public inquiry has been completed, the committee, meeting at the behest of its chairman, shall examine the remarks and claims added to the comment record and, if the committee deems it useful, shall proceed to the site to verify the remarks made. The committee shall then draw up a report within ten (10) days of the date of its meeting. **4, 22**

The report must be signed by all the committee members and contain its reasoned opinion.

The survey dossier, accompanied by the report, is conveyed by the governor or his representative to the minister responsible for infrastructures within fifteen (15) days of the drafting of the said report.

**Article 7:** All applications for the recognition of acquired rights over the hydrological public domain must be accompanied by all the deeds or documents submitted in proof of these rights.

**Article 8:** The recognition of acquired rights over the hydrological public domain is enacted by a decree issued at the proposition of the Minister of Infrastructures, after endorsement by the Minister of the Interior. This Decree is published in the Official state gazette. **8, 14**

**Article 9:** The provisions of the Order of 11 Moharrem 1344 (1 August 1925) relative to the application of the Dahir (Royal Decree) of 11 Moharrem 1344 (1 August 1925) regarding the water regime are repealed as regards the rights of ownership, use or usufruct of the hydrological public domain. **23**

However, the recognitions of the above-cited rights, regarding which the publication of the order to conduct an inquiry antedates the publication of this Decree, continue to be governed by the provisions of the above-cited Order of 11 Moharrem 1344 (1 August 1925). **9**

**Article 10:** The Ministers of the Interior and Infrastructures are responsible, each in his own

domain, for the execution of this Decree, which shall be published in the Official state gazette. **5, 15**

*In Rabat, 17 Chaabane 1421 (14 November 2000)*

**Abderrahman Youssoufi**

By countersignature:

The Minister of the Interior,  
**Ahmed El Midaoui**

The Minister of Infrastructures,  
**Bouamor Taghouan**