

## 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, 2, 3, 4](#)
  - 1.2 Assigning roles and responsibilities [5, 6, 7, 8](#)
  - 1.3 Setting national water policy
  - 1.4 Establishing linkages among sub-sectors, levels, and national sub-regions [9](#)
  - 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 [10, 11](#)
- 2. Planning strategically**
  - 2.1 Collecting, managing, storing and utilizing water-relevant data
  - 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
  - 3.2 Establishing water and water rights transfer mechanisms
  - 3.3 Adjudicating disputes
  - 3.4 Assessing and managing third party impacts of water and water rights transactions
- 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.** 12, 13
- 2. Participation.** 14, 15
- 3. Accountability and Integrity.** 16, 17, 18
- 4. Rule of law.** 19, 20, 21, 22, 23
- 5. Coherency and Integration.**
- 6. Responsiveness.**

## **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. 2-00-475 of 17 Chaabane 1421 (14 November 2000) regarding  
the Moulouya Hydrological Basin Agency  
Official state gazette no. 4854 of 10 Ramadan 1421 (21 December 2000) <sup>12</sup>**

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**Chapter 1: Action area - Supervision**

**Article 1:** Pursuant to the last subparagraph of article 20 of the above-cited Law no. 10-95, the area of action of the Moulouya Hydrological Basin Agency is hereby constituted by the Moulouya Hydrological Basin Agency as delimited by a red border drawn on the map appended to the original of this Decree. <sup>19</sup>  
The Agency's headquarters are hereby established at Oujda.

**Article 2:** The State supervision of the Moulouya Hydrological Basin Agency is provided by the Minister of Infrastructures, subject to the powers and trusts vested in the Minister of the Economy and Finance by the laws and regulations applicable to public authorities. <sup>5</sup>

**Chapter II: Administrative and management bodies <sup>1</sup>**

**Article 3:** The board of directors of the Moulouya Hydrological Basin Agency is chaired by the Minister of Infrastructures, and also includes the following members: <sup>2, 9, 10, 14, 16</sup>

- one (1) representative of the Minister of the Interior;
- one (1) representative of the minister responsible for finance;
- one (1) representative of the Minister of Agriculture, Rural Development, Water and Forests;
- one (1) representative of the Minister of Infrastructures;
- one (1) representative of the Minister of Industry, Commerce, Energy and Mines;
- one (1) representative of the minister responsible for marine fishery;
- one (1) representative of the Minister of Health;
- one (1) representative of the minister responsible for economic forecasting and the plan;
- one (1) representative of the minister responsible for land use planning, the environment, urban development and habitation;
- one (1) representative of the minister responsible for crafts;
- one (1) representative of the national defense administration;
- two (2) representatives of the National Office of Drinking Water, appointed by the Minister of Infrastructures;
- two (2) representatives of the National Office of Electricity, appointed by the minister responsible for energy and mines;
- two (2) representatives of the Moulouya and Tafilalet Regional Offices of Agricultural Reclamation, appointed by the minister responsible for agriculture;
- three (3) representatives of the Nador, Oujda and Taza autonomous state-owned companies for the distribution of water and electricity, designated by the Minister of the Interior;
- three (3) representatives of the of the agricultural councils of Bou Arfa, Boulmane, Khenifra, Nador, Oujda and Taza, elected by an electoral college composed of the members of the bureaus of the said councils;
- three (3) representatives of the of the councils of commerce and industry of Khenifra, Nador, Oujda and Taza, elected by an electoral college composed of the members of the bureaus of the said councils;
- six (6) representatives of the prefectorial and provincial legislatures of Berkane, Figuig, Jerada, Khenifra, Nador, Oujda-Angad, Taourirt and Taza, appointed by the Minister of the Interior;
- one (1) representative of the ethnic groups in the agency's area of action, appointed by the Minister of the Interior;

- two (2) representatives of the agricultural water users associations governed by Law no. 2-84 relative to agricultural water users associations by Dahir (Royal Decree) no. 1-87-12 of 3 Joumada II 1411 (21 December 1990), elected by and from among the presidents of the associations covered by the agency's area of action. 20

The representatives of the ministers must have at least the rank of central administration director.

The representatives of the offices and public corporations must have the rank of director.

The agency director shall attend the meetings of the board of directors in an advisory capacity. 6

Any qualified personnel may be called by the chairman to sit on the board in an advisory capacity. 11

**Article 4:** The board of directors meets, when it is convened by its chairman, as often as the agency's needs require and at least two times during each year of account: 3, 17

- to approve the fiscal year financial statements closed no later than the 30<sup>th</sup> of June following the date of its closure;
- and to approve the budget for the following fiscal year, before the 15<sup>th</sup> of October preceding the date of the beginning of the said fiscal year.

**Article 5:** The board of directors exercises the powers and trusts vested in it by article 21 of the previously cited Law no. 10-95, and deliberates legitimately when at least half of its members are present. It makes its decisions by majority vote; in the event of a tie, the chairman has the casting vote. 15, 18, 21

**Article 6:** The agency director is appointed in accordance with the rules in effect.

He executes the decisions of the board of directors and, if need be, of any committee or committees that the board may create. 4, 7

He manages the agency and acts on its behalf.

He performs or authorizes all the acts and transactions relative to the purpose of the agency.

He grants authorizations to use hydrological public domain waters, concludes agreements and contracts and notifies them to the grantees after approval by the board of directors.

He represents the agency in legal actions and is entitled to act in its name; he must, however, immediately notify the board of directors of any such actions.

He is responsible for the technical preparation and secretaryship of the board of directors meetings.

He has the power to authorize and administer revenues and expenditures and, as such, he incurs expenditures by deed, contract or agreement, has the accounts of expenses incurred kept, settles and verifies the agency's income and expenses and gives the accountant payment orders and the corresponding income certificates.

The director may delegate, under his responsibility, part of his powers and responsibilities to the agency management personnel.

### **Chapter III: Miscellaneous provisions**

**Article 7:** Pursuant to subparagraph 1 of article 24 of the previously cited Law no. 10-95, the hydrological public domain assets required by the agency to carry out the missions entrusted to it are placed at its disposal by joint order of the Minister of Infrastructures and the Minister of Finance. 22

The terms of placement at disposal of these assets, particularly those relative to their management, maintenance, repair, monitoring and preservation, are set by order of the Minister of Infrastructures.

**Article 8:** Pursuant to subparagraph 2 of article 24 of the above-cited Law no. 10-95, the movable and immovable properties that fall under the private ownership of the State, required by the agency to carry out its missions and transferred to the said agency, are subjected to an inventory approved by joint order of the Minister of Infrastructures and the minister responsible for finance. **23**

**Article 9:** The Ministers of the Economy, Finance, Privatization and Tourism, and the Minister of Infrastructures are responsible, each in his own domain, for the execution of this Decree, which shall be published in the Official state gazette. **8, 13**

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