

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](#), [5](#), [6](#), [7](#), [8](#), [9](#), [10](#), [11](#), [12](#), [13](#)
- 1.2 Assigning roles and responsibilities [14](#), [15](#), [16](#), [17](#), [18](#), [19](#), [20](#), [21](#), [22](#), [23](#), [24](#), [25](#)
- 1.3 Setting national water policy
- 1.4 Establishing linkages among sub-sectors, levels, and national sub-regions [26](#)
- 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 [27](#), [28](#), [29](#), [30](#), [31](#), [32](#), [33](#), [34](#)
- 1.8 Developing and utilizing well-trained water sector professionals

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 and demand and dealing with shortfalls (including drought mitigation strategies)
- 2.4 Developing planning and management tools to support decision making [35](#)

3. Allocating water

- 3.1 Awarding and recording water rights and corollary responsibilities [36](#)
- 3.2 Establishing water and water rights transfer mechanisms [37](#), [38](#)
- 3.3 Adjudicating disputes [39](#)
- 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 [40](#)
- 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 [41](#), [42](#), [43](#)
- 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.** 44, 45, 46
- 2. Participation.** 47, 48
- 3. Accountability and Integrity.** 49
- 4. Rule of law.** 50, 51, 52
- 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 53, 54, 55, 56, 57, 58
 - 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. 2-84-106 of 10 Kaada 1412 (13 May 1992) setting the methods and procedures for agreement between the administration and the association of agricultural water users and approving the model by-laws of the said associations 1, 47, 53

The Prime Minister,

In the light of Law no. 2-84 relative to the associations of agricultural water users promulgated by Dahir (Royal Decree) no. [1-87-12](#) of 3 Jomada II 1411 (21 December 1990), and particularly its articles 7, 9 and 11;

After examination by the Council of Ministers, which deliberated on the bill of the above-cited law,

Decrees:

Article 1

The prerogatives reserved to the public administration by the provisions of the above-cited law no. 2-84 shall be exercised by the Minister of Agriculture and Land Reform and the Minister of Finance.

Article 2

The program of development works in the irrigation zone in preparation for the use of agricultural waters is the subject of an agreement between the public administration, represented by the Minister of Agriculture and Land Reform or his deputy, and the association of agricultural water users, represented by its Council Chairman. This agreement is approved by the Minister of Finance or his deputy. [2, 26, 54](#)

Article 3

The agreement cited in article 2 above must expressly mention: [14](#)

1. the delimitation of the association's irrigation zone; [55](#)
2. the different types of work to be done within the zone and the plan of studies relating to it;
3. the sum total of the investments required to execute all of the works included in the program, as well as their annual breakdown;
4. the financing method for the work to be performed; [27](#)
5. the percentage of the respective financial contributions to be made by the State and the association for the performance of the work; [28](#)

6. the association's commitment to obtain the loans needed to cover all of the expenses entailed in managing the association, in distributing the water and maintaining and preserving the construction work done to enable the waters to be used; 29, 41
7. the obligation to regularly perform all the care and maintenance tasks to keep the constructed facilities enabling the use of the waters in good operating condition. 42

Article 4

The agreements concluded between the public administration and the associations shall be drawn up in three copies, and one copy shall be kept by each of the parties concerned.

Article 5

The model by-laws of the associations of agricultural water users are hereby approved as appended to this Decree. 3

Article 6

The Minister of Agriculture and Land Reform and the Minister of Finance are responsible, each one in the domain that concerns him, for the execution of this Decree, which shall be published in the Bulletin Officiel (Official state gazette). 15, 45

In Rabat, 10 Kaada II 1412 (13 May 1992)

D^r AZEDDINE LARAKI

By countersignature:

The Minister of Agriculture,
and Land Reform

Othmane Demnati

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* *

Model By-laws of the Associations of Agricultural Water Users 4, 56

Title I

Name, registered office, purpose

Article 1

In accordance with the provisions of Law no. 2-84 relative to associations of agricultural water users, promulgated by Royal Decree no. [1-87-12](#) of 3 Jomada II 1411 (21 December 1990), an association of agricultural water users is hereby created on [date], for a term of, among the farmers whose names appear on the attached list. The said association is governed by Royal Decree no. [1-58-376](#) of 3 Jomada I 1378 (15 November 1958) regulating the right of association, as modified by the Royal Decree promulgating law no. [1-73-283](#) of 6 Rebia I 1393 (10 April 1973), in its provisions that are not contrary to those of the above-cited law. **5, 36, 50**

The name of said association shall be

Article 2

The association pursues its activities within the irrigation zone designated, as it was delimited and approved in the attached letter, by the Minister of Agriculture and Land Reform. **16**

Article 3

The registered office of the association is established at

It may be transferred to any other place by the decision of the general meeting of its members.

Article 4

Within its irrigation zone, the association's purpose shall be: **57**

- To execute all the developmental and improvement works linked with the use of the agricultural waters; **40**
- To ensure the proper preservation and good management of the constructed water use facilities; **43**
- To organize the distribution of the irrigation waters; **37**
- To collect, among its members, all the taxes and fees whose collection is entrusted to the association by the state. **30**

Title II:

Members' Rights, Contributions and Dues **6, 17**

Article 5

Upon the creation of the association, a summary is hereby established of the respective rights of each member within the irrigation zone. **7, 18**

The rights and obligations arising from setting up the association are attached to the buildings included within the irrigation zone and follow them in whatever hands they may pass into until the dissolution of the association. 38

Article 6

Each member is required to pay into the association's working fund: 19, 31

- a special foundation contribution in the amount of DH
- an annual contribution (dues), which shall be paid yearly until the dissolution of the association, including the member's financial participation in the expenses associated with the development and construction work required for the use of the irrigation waters, the management and preservation of the constructed irrigation and drainage facilities;
- possible fees and taxes that the association is directed to collect, on behalf of the State, from the members.

Article 7

The dues are set for each member in proportion to his rights within the association's irrigation zone. 8, 20, 32

Their bases of assessment shall be set annually by the general meeting of the members.

Article 8

The payment of the contributions and annual dues is compulsory. 9, 21, 33

The annual and permanent dues are payable no later than

Title III:

The Members 10, 22

Article 9

To be a member of the association, the user must be the owner or operator of agricultural land located inside the association's irrigation zone. 58

Article 10

Joining the association entails the commitment to comply not only with these by-laws, but also with all internal regulations and standard procedures that may be established, and with the deliberations of the general members' meeting. 51

Article 11

Subject to the provisions of paragraph 2 of article 16 of the above-cited Law no. 2-84 relative to associations of agricultural water users, a new member is admitted only by virtue of a decision of the Association Council approved by the general members' meeting.

Title IV

Administration of the Association

I. General Members' Meeting 11, 35

Article 12

The general members' meeting is composed of all the members of the association. Each member has one vote and may not have, in addition to his vote, more than one additional vote as proxy for another member.

No one may represent a member if he is not a member himself.

The decisions of the general meeting are compulsory for all, even for absent members.

Article 13

The following non-members may attend, solely for consultative purposes, the general members' meetings: 46, 48

- A representative of the Minister of Agriculture and Land Reform;
- A representative of the Minister of Finance;
- A representative of the local authority;
- A representative of the agricultural council concerned;
- A representative or representatives of the municipal government or governments concerned.

Article 14

The general members' meeting must meet annually in an ordinary meeting during the first two weeks of the month of

The meeting may be convened extraordinarily when the Association Council deems such a meeting necessary on the request of at least half of the members of the association.

Article 15

The ordinary or extraordinary general meetings are convened by letter addressed to all the members two weeks before the scheduled date of the meeting.

The convening letters must state the date, time, the place and the agenda for the meeting.

Article 16

To deliberate legitimately and to make valid decisions, the general meeting must be composed of a number of attending members or members' representatives equal to half plus one of the total number of members as of the convocation date.

If the general meeting gathered on the first call does not reach the required quorum, a second session is convened; the second general meeting deliberates legitimately regardless of the number of members or representatives present.

Article 17

Decisions are made by absolute majority of the votes cast. However, when an election is held, a relative majority is sufficient on the second vote.

In the event of a tie, unless the vote is by secret ballot, the chairman has the casting vote.

The deliberations and decisions of the general members' meeting are recorded as minutes in special records and signed by the chairman.

Article 18

The general meeting legitimately pronounces and takes action on all the matters concerning the association's activities. 23

It is mandatorily called on to:

- hear the report of the Association Council, which submits its management to the members' judgment and gives them an account of the operations effected during the year, as well as the financial situation;
- approve, correct or reject the annual financial statement;
- set the amount of the dues each year;
- set the basis of dues each year;
- give a ruling on the issuance of loans whose amounts exceed the maximum of those that can be voted on by the Association Council;
- decide on the internal regulations drafted by the Association Council;
- discuss proposals for dissolving the association or modifying provisions of the by-laws that are not established by these model by-laws and, in general, deliberate on all matters in which it is competent under these by-laws. 12

II. Association Council 13

Article 19

The association is administered by a council consisting of seven members:

- six members elected by secret ballot by the general members' meeting;
- One representative of the Minister of Agriculture and Land Reform.

Article 20

To be eligible for Association Council membership, the member must fulfill the following conditions:

- be a member of the association;
- be a Moroccan citizen;
- reside in Morocco;
- not be a member of the Council of another association of agricultural water users.

Article 21

The term of the elected Association Council members is set at two years. They can be reelected. They are not paid for their work on the Council.

One third of the Council's membership is renewed each year.

The outgoing members are designated by drawing lots for the first two years, then by order of seniority.

Each year the Council appoints a chairman, a vice chairman, a treasurer and three assessors chosen from among the members, as well as their alternates. A table is prepared in which the alternates are classified in the order in which they will be called to replace the sitting members as they are needed.

Article 22

The members of the Association Council who die while in office, resign or cease to fulfill the conditions of eligibility which they met at the time of their appointment are provisionally replaced by the alternate members in the order indicated in the table cited in the last paragraph of article 21 above.

They are definitively replaced at the next general meeting.

The terms of the Association Council members who are designated in this way do not extend beyond the remainder of the term of the member they replace.

Article 23

The Association Council meets when convened by its chairman acting on his own initiative when the need is felt, and at least two times a year, or at the request of one third of the Council members.

Article 24

The Council deliberates legitimately when half of its members are present. It makes its decisions by the majority of votes of the members present. In the event of a tie, the chairman has the casting vote.

Article 25 24

The Association Council has all the powers required for the smooth functioning of the association. It is responsible, in particular, for:

- examining and presenting to the general meeting all the matters that must be submitted to the members' consideration;
- drafting the internal regulations;
- preparing the budgets and submitting them to the approval of the general meeting;
- appointing the association's agents and setting their salary;
- and, in general, executing all decisions made by the general meeting and exercising the competences devolved to it by the general meeting.

Article 26

The deliberations and decisions of the Association Council are recorded as minutes in special records and signed by the chairman.

Article 27 25

The chairman of the Association Council convenes and presides over the general members' meetings, sees that the Association Council's decisions are executed, and generally monitors the functioning of the association. He represents the association before the State, before all public or private agencies and all third parties, and brings legal proceedings on the association's behalf.

The chairman has the capacity to take urgent measures intended to stop any abuses within the irrigation zone that may disrupt the functioning of the association.

He prepares the budget, presents the financial statements to the Association Council, settles and orders payment of expenses, pursues the collection of receipts, particularly the association members' dues.

He is replaced, in the event of absence or incapacity to perform his duties, with full responsibilities, by the vice chairman of the Association Council.

Title V
Accounting 34

Article 28

When the association benefits from a subsidy or aid from the State, from a public establishment or regional or local authority, its accounts must be kept according to the rules established in the provisions of the Ministerial Order of 31 January 1959 setting the conditions of financial and accounting organization of associations that are periodically subsidized by a government authority. 49, 52

Title VI
Miscellaneous

Article 29

The association terminates ipso jure upon the expiration of the period for which it was created, that is, on

However, it may, in exceptional cases, be extended at the request of all the members.

The association shall expire before completing its normal term in the event that the water resources in its irrigation zone are completely and definitively exhausted.

Article 30

Any dispute among the association members concerning the association shall be submitted to the Association Council, which may amicably resolve the conflict. 39

In the event that no solution were to be found, the members place themselves under the jurisdiction of the court of