

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
 - 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
- 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
- 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 **2**
 - 5.5 Monitoring and enforcing water service standards

B. GOVERNANCE PROCESS CHARACTERISTICS

- 1. Transparency.** 3
- 2. Participation.**
- 3. Accountability and Integrity.**
- 4. Rule of law.**
- 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. 2-93-1011 of 18 Chaabane 1415 (20 January 1995) regarding the reorganization of the organizations responsible for the protection and improvement of the environment (Official state gazette no. 4294 of 15 Ramadan 1415 (15 February 1995) 1, 3

The Prime Minister,

In view of article 62 of the Constitution;

At the instigation of the Minister of State for the Interior;

After examination by the Council of Ministers during its meeting of 24 Rejeb 1415 (27 December 1994).

Decrees:

Article 1: A National Environmental Council and Regional Environmental Councils are hereby created.

An environmental council is also created at the level of each wilaya or, where no wilaya is established, at the level of each province.

Title I: The National Environmental Council (NEC)

Chapter 1: Role of the National Environmental Council

Article 2: The mission of the National Environmental Council is to work for the protection and improvement of the environment by pursuing the following objectives:

- to preserve the ecological balance of the natural surroundings, to include waters, soil, air, fauna, flora and landscape; 2
- to prevent, combat and reduce pollution and nuisances of all types;
- to improve living conditions and the living environment.

The National Environmental Council also seeks to ensure the integration of environmental concerns in the economic and social development process with a view to achieving the objectives of sustainable development.

Sustainable development is understood to mean a development process that responds to the needs of present generations without compromising those of future generations.

To this end, the National Environmental Council contributes to the definition of government policy in this field, and is authorized to:

- orient, lead and coordinate all activities related to the protection, improvement and management of the environment and the promotion of sustainable development. For this purpose, the various ministerial departments submit to the NEC, for its opinion, all the studies and legislative or regulatory drafts having to do with the environment, as well as the drafts and programs of large-scale development that are likely to have impacts on the environment. The NEC has three months to give the opinions provided for above.
- to prompt the conduct of studies by various ministries and agencies;
- to study and propose to the government all means that are likely to contribute to protecting and improving the environment;

- to propose the preparation of appropriate legislative bills and draft regulations;
- to provide monitoring and coordination of research in the environmental field and to contribute to its development;
- to ensure the spread of all information regarding the environment;
- to ensure that the population is informed and sensitized to environmental issues, and to promote the people's participation, particularly through the creation of associations;
- to give the directives needed to orient the activity of the councils created at the regional, wilaya and provincial levels;
- to conduct studies concerning international conventions relative to environmental problems and their impacts on the national level, and to spread information regarding these conventions among the various sectors of the national economy.

The National Environmental Council participates in the Kingdom's international activities in the environmental and sustainable development fields.

The National Environmental Council submits an annual report to the government on the state of the environment in our country, which is sent through the good offices of the Council chairman.

Chapter II: Organization of the National Environmental Council

Article 3: The National Environmental Council is chaired by the government authority responsible for the environment, and its membership includes the representatives of the government authorities responsible for:

- foreign affairs;
- international cooperation;
- the interior;
- information;
- justice;
- public health;
- finance;
- national education;
- marine fisheries and the merchant marine;
- public works;
- training for managers;
- transportation;
- postal and telecommunications services;
- agriculture;
- youth and sports;
- commerce;
- industry;
- *habous* (Islamic property laws) and Islamic affairs;
- employment;
- social affairs;
- energy and mines;
- cultural affairs;
- habitation;
- foreign trade and investment;
- crafts;
- tourism;
- the general secretariat of the government;
- human rights;
- privatization;
- stimulating the economy;
- national defense;

- the environment.

The National Environmental Council can engage, in an advisory capacity, representatives of professional associations, private organizations, associations specializing in environmental and sustainable development matters, scientific institutions and qualified individuals.

Article 4: The representatives of government authorities among the members of the National Environmental Council are appointed by joint order of the government authority responsible for the environment and concerned ministers. As a minimum requirement, they must have central administration director status.

Article 5: The National Environmental Council has its own permanent general secretariat.

Article 6: The Secretary-General of the National Environmental Council is appointed by order of the government authority responsible for the environment.

Chapter III: Functioning of the National Environmental Council

Article 7: The National Environmental Council meets twice a year in plenary session. It can meet as often as necessary, either when convened by the Chairman acting on his own initiative or at the request of a member government authority.

Article 8: The Secretary-General prepares the meetings of the NEC and ensures that its decisions are applied. For this purpose, he is required to collect all the documents that are useful to the work of the Council, to include the reports and recommendations prepared by specialized committees created by the regional councils, and by the provincial councils and wilayas, as well as the reports of the activities of the ministerial departments in the environmental domain.

Article 9: The Secretary-General prepares an annual report of the activity of the National Environmental Council as well as an annual report of the state of the environment in the country.

Article 10: The National Environmental Council organizes, among its members, the following five specialized committees:

- 1 – The Human Settlement Committee;
- 2 – The Committee for the Prevention of and Fight against Pollution and Nuisances;
- 3 – The Committee for the Protection of Nature and Natural Resources, and for Natural Disasters;
- 4 – The Committee on Culture, Information, Communication and Education;
- 5 – The Legal and International Affairs Committee.

Each committee is composed of: a chairman, the interested Council members, a reporter and any qualified persons invited to participate by the committee chairman.

The chairmen and reporters are chosen by the National Environmental Council from among its members.

The secretariat of the committees is provided by the permanent general secretariat of the Council.

Article 11: The committees meet either at the request of the Chairman of the National Environmental Council, or at the committee chairman's request, and as frequently as needed.

The committees are informed of all the problems submitted by the National Environmental Council, to which they present the results of their work as well as the annual report of their activities.

Title II: The Regional Environmental Councils (REC)

Chapter 1: Role of the Regional Environmental Councils

Article 12: Within the territorial boundaries established by Dahir (Royal Decree) no. 1-71-77 of 22 Rabii II 1391 (16 June 1971) enacting the creation of the regions, the Regional Environmental Councils have the following mission:

1 – to draft a list of the region's environmental problems, including those related to legislation and regulation, and to enlighten the National Environmental Council on this subject;

2 – to promote any and all actions likely to contribute to the protection and improvement of the environment in the region;

3 – to implement the directives and recommendations of the National Environmental Council.

Article 13: The position of chairman of the Regional Environmental Council is filled as follows:

- For the North-Central economic region:
the governor appointed in his capacity as wali (local governor) of Fez;

- For the South-Central economic region:
the governor appointed in his capacity as wali (local governor) of Meknès;

- For the Northwest economic region:
the governor appointed in his capacity as wali of Rabat-Salé;

- For the Tensift economic region:
the governor appointed in his capacity as wali of Marrakesh;

- For the Central economic region:
the governor appointed in his capacity as wali of Grand Casablanca;

- for the Eastern economic region:
the governor appointed in his capacity as wali of Oujda;

- For the Southern economic region:
the governor appointed in his capacity as wali of Agadir.

The Regional Environmental Council comprehends:

- the presidents of the provincial or prefectorial legislatures or their representatives;
- the representatives of the ministries who are members of the National Environmental Council represented in the wilayas or provinces;
- the presidents of the communes interested in or affected by the agenda.

The Regional Environmental Council can engage, in an advisory capacity, representatives of scientific institutions, public agencies, professional associations, private organizations, associations specializing in environmental and sustainable development matters, and qualified individuals.

Chapter II: Functioning of the Regional Environmental Councils

Article 14: The representative of the government authority responsible for the environment performs the duties of reporter to the Regional Environmental Council. He is also responsible for providing the services of the permanent secretariat of the Regional Environmental Council and for leading the latter's working groups.

Article 15: The Regional Environmental Council organizes, among its members, the following five specialized committees:

1 – The Human Settlement Committee;

2 – The Committee for the Prevention of and Fight against Pollution and Nuisances;

3 – The Committee for the Protection of Nature and Natural Resources, and for Natural Disasters;

- 4 – The Committee on Culture, Information and Education;
- 5 – The Legal and International Affairs Committee.

Each committee is composed of: a chairman, the interested Council members, a reporter and any qualified persons invited to participate by the committee chairman.

The chairmen and reporters are chosen by the Regional Environmental Council from among its members.

Article 16: The representatives of government authorities among the members of the Regional Environmental Council are appointed by joint order of the government authority responsible for the environment and concerned ministers.

Article 17: The Regional Environmental Council meets twice a year in plenary sessions on the initiative of its chairman; apart from these sessions, the Council can be convened as often as necessary. It meets either at the request of the National Environmental Council Chairman or at the request of a ministerial department.

The Regional Environmental Council is required to submit, after each of its meetings, a report and any useful documents and information, as well as an annual report, to the National Environmental Council.

Title III: The environmental councils of the wilayas and provinces

Chapter 1: Role of the wilaya or provincial environmental council

Article 18: Within their territorial boundaries (cited in article 1 above), the wilaya or provincial councils pursue the following mission:

- to draft a list of the environmental problems at the provincial and wilaya levels, and to enlighten the National Environmental Council and the Regional Environmental Councils in this regard;
- to promote any and all actions likely to contribute to the protection and improvement of the environment in the wilaya or province;
- to submit an annual report of the state of the environment in the wilaya or province;
- to implement the directives and recommendations of the National Environmental Council and the Regional Environmental Councils.

Chapter II: Organization of the wilaya or provincial councils

Article 19: The wilaya or provincial council is presided, as applicable, by the governor appointed in his capacity as wali (local governor) or the governor, and its membership includes:

- the members of the provincial legislature or the urban community;
- the representatives of the various ministerial departments at the wilaya or provincial level;
- the presidents of the communes interested in or affected by the agenda;
- the wilaya or provincial council can engage, in an advisory capacity, representatives of scientific institutions, public agencies, professional associations, private organizations, associations specializing in environmental and sustainable development matters, and qualified individuals.

Chapter III: Functioning of the wilaya or provincial councils

Article 20: The representative of the government authority responsible for the environment performs the duties of reporter to the wilaya or provincial environmental council. He also manages the permanent secretariat of the wilaya or provincial council and coordinates the activity of these councils' working groups.

Article 21: The wilaya or provincial council meets on the initiative of its chairman twice a year and as frequently as needed. It meets either at the request of the National Environmental Council Chairman or at the request of a ministerial department whose representative is a member.

The wilaya or provincial council submits, after each of its meetings, a report and any useful and pertinent documents and information to the National Environmental Council.

The wilaya or provincial council is required to submit an annual report on the state of the environment in the wilaya or province to the National Environmental Council.

Article 22: Decree no. 2-79-247 of 26 Joumada II 1400 (12 May 1980) relative to the reorganization of the agencies responsible for the protection and improvement of the environment is hereby repealed.

Article 23: The Minister of State for the Interior and Information is responsible for the execution of this Decree, which will be published in the Official state gazette.

In Rabat, 18 Chaabane 1415 (20 January 1995)

Abdellatif Filali

By countersignature:

The Minister of State for the Interior,
Driss Basri