

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 Assigning roles and responsibilities [1](#), [2](#), [3](#), [4](#), [5](#), [6](#), [7](#), [8](#), [9](#), [10](#)
 - 1.3 Setting national water policy [11](#)
 - 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 [12](#), [13](#), [14](#), [15](#), [16](#), [17](#), [18](#), [19](#)
 - 1.8 Developing and utilizing well-trained water sector professionals
- 2. Planning strategically**
 - 2.1 Collecting, managing, storing and utilizing water-relevant data [20](#)
 - 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 [21](#)
 - 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 [22](#), [23](#), [24](#), [25](#), [26](#), [27](#)
 - 4.4 Applying incentives and sanctions to achieve long and short term supply/demand matching (including water pricing) [28](#), [29](#), [30](#)
 - 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 [31](#), [32](#), [33](#)
 - 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.** 34
- 2. Participation.**
- 3. Accountability and Integrity.**
- 4. Rule of law.** 35, 36, 37, 38
- 5. Coherency and Integration.**
- 6. Responsiveness.** 39, 40, 41

C. CROSS CUTTING CATEGORIES

1. Water Sources

- 1.1 Surface water 42, 43, 44
- 1.2 Groundwater 45, 46, 47
- 1.3 Derivative water (reclaimed, reused, desalinated)

2. Water Uses

- 2.1 Irrigation
- 2.2 Municipal 48, 49, 50, 51, 52
- 2.3 Industrial
- 2.4 Environmental
- 2.5 Hydropower 53, 54
- 2.6 Fisheries, navigation, recreation
- 2.7 Other uses (including social, esthetic, and religious uses) 55

Decree no. 2-97-414 of 6 Chaoual 1418 (4 February 1998) regarding the methods and procedures for setting and collecting the user fee for the use of public domain water 11, 12, 48

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 37, 39, 42 and 45; 35

After examination by the Council of Ministers meeting on 18 Ramadan 1418 (17 January 1998),

Decrees:

Article 1: The user fee for the use of water abstracted from the hydrological public domain stipulated in article 37 of the above-cited Law no. 10-95 is calculated according to the volume of water withdrawn, expressed in cubic meters, or according to the effective hydroelectric power produced, expressed in kilowatt hours, in accordance with the provisions of this Decree. 36, 53

Article 2. – The user fee rate cited in article 1 above is set by an order issued by the government authorities responsible for finances and infrastructures, and of the minister whose jurisdiction includes the user sector. 1

This rate is modified by a regulation coefficient set by the order cited in the previous paragraph, taking into account the use and the origin of the surface water or groundwater. 42, 45

Surface water is understood to mean all water abstracted from, among other sources, a river, dam, canal, lake or pond; groundwater is understood to mean all water withdrawn from a well, borehole or tunnel; the collection of water from a spring is a particular case of abstraction of groundwater. 43, 46

Article 3. – When the water used is groundwater or surface water requiring discharge, the user fee is calculated according to the a formula established in the order cited in article 2 above. 13, 44, 47

Article 4. – The user fee is a flat rate or lump sum: 14, 28

- when the volume of water is abstracted directly from the natural environment, is supplied for domestic use, and is less than 10 cubic meters per day; 49
- when the volume of water is withdrawn directly from the natural environment, serves rural populations grouped by their drinking water supply and is less than 200 cubic meters per day; 50
- when the installed capacity of hydroelectric facilities is less than 300 kW; 54
- when the water in question is pit water in mines. 55

The user fee for the above-cited uses may not exceed 250 dirhams per year and per abstraction point; the rate of this user fee may not exceed one tenth (1/10) of the ordinary rate. 15, 31

Article 5. – Within two (2) years of their creation date, hydrological basin agencies may propose to

the government authority responsible for infrastructures the increase, for their areas of action, of the regulation coefficient cited in article 2 above, taking into account, among other factors, their action programs, the nature and the use of the water utilized. 39

The new coefficient is set in the same way and according to the same terms as indicated in article 2 above.

Article 6. – The user fee rate cited in article 1 above is revised according to a revision formula that will be specified by a joint order of the government authorities responsible for finances and infrastructures, and of the minister whose jurisdiction includes the user sector. 2, 20

However, this revision may be made only when the application of the escalation formula leads, with respect to the previously applied user fee, to an increase greater than 5%. 16

The new user fee rate is set in the same way and according to the same terms as those indicated in the first subparagraph of this article. It is not applicable until three months after the date of publication of the relevant order.

Article 7. – The volume of water abstracted stated in article 1 above is determined by using a volumetric meter. The user is required to declare to the agency the volume of abstracted water recorded on the meter with a frequency established in the authorizing order or the water abstraction concession contract. 3, 32

However, when the meter cannot be installed due to the abstraction method, the volume of water withdrawn is determined on the basis of the authorized flow rate.

Article 8. – The equipment in the water abstraction facilities using volumetric meters is the responsibility of the water users. These meters must be approved and sealed by the hydrological basin agency. 4, 21

When a meter malfunctions, the basin agency must be informed immediately. The meter shall be repaired or replaced within no more than thirty (30) days by the beneficiary of the authorization. If the beneficiary does not perform this repair or replacement within the time limit specified above, the basin agency shall close the water intake until the meter is restored to good working order or replaced. 5, 22, 40

If the malfunctioning of a meter has been observed by the basin agency, the beneficiary of the authorization is immediately and formally notified by certified mail of the requirement to repair or replace the faulty meter within fifteen (15) days. If this time limit elapses and the beneficiary has not remedied the defect, the basin agency shall have the water intake closed until the meter is restored to proper operating condition or replaced. 6, 23

Article 9. – In the event of a malfunctioning meter, the volume of water serving as a basis for calculating the user fee is determined as follows: 17, 24

a) if the malfunctioning of the meter is pointed out by the interested party, the situation is audited on the date of the declaration on the basis of the meter indication. During the thirty-day (30-day) period that follows, the user fee is calculated on the basis of the authorized volume. 7, 18, 25, 29

At the end of that period, the user fee is calculated on the basis of a volume equal to 1.5 times the authorized volume, except as regards abstractions for agricultural use made during the low irrigation period (from the 1st of December through the 1st of March) for which a volume equal to

the authorized volume is taken into account; 33, 51

b) If the malfunctioning of the meter is identified by control agents and if this malfunction is difficult to detect, the same provisions as in point (a) are applied, the situation being first audited on the date when the malfunction was identified; 26

c) If the malfunctioning is obvious, the user fee is calculated on the basis of a volume equal to 1.5 times the authorized volume, from the date of the last meter reading to the date on which the meter is repaired or replaced. However, for abstractions for agricultural use, a volume equal to the authorized volume is taken into account in the low irrigation period (from the 1st of December through the 1st of March). 19, 27, 30, 52

Article 10. – The water abstraction user fees are collected by the hydrological basin agency through collection orders issued by the agency director. 8

The methods of payment of the user fee, stated in subparagraph 2 of article 39 of the above-cited Law 10-95, are approved by the government authorities responsible for finances and infrastructures. 37

Article 11. – The Order of 15 Rejeb 1344 (30 January 1926) regarding the user fees to be paid to the Treasury by the recipients of water intake concessions or authorizations is hereby repealed. 41

However, pursuant to the provisions of article 99 of the above-cited law no. 10-95, and while awaiting the creation of the basin agencies, the responsibilities and roles assigned by this decree to the said agencies are exercised by the government authority charged with infrastructures. 9, 38

Article 12. – The Minister of Finance, Commerce, Industry and Crafts and the Minister of Agriculture, Infrastructures and the Environment are responsible, each in his own domain, for the execution of this Decree, which shall be published in the Official state gazette. 10, 34