

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](#)
 - 1.3 Setting national water policy [7](#)
 - 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 [8](#)
 - 1.8 Developing and utilizing well-trained water sector professionals [9](#), [10](#)
- 2. Planning strategically**
 - 2.1 Collecting, managing, storing and utilizing water-relevant data [11](#), [12](#)
 - 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 [13](#)
- 3. Allocating water**
 - 3.1 Awarding and recording water rights and corollary responsibilities [14](#), [15](#)
 - 3.2 Establishing water and water rights transfer mechanisms [16](#)
 - 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 [17](#)
 - 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)
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 - 5.5 Monitoring and enforcing water service standards

B. GOVERNANCE PROCESS CHARACTERISTICS

- 1. Transparency.** 19
- 2. Participation.** 20
- 3. Accountability and Integrity.** 21
- 4. Rule of law.** 22, 23, 24, 25
- 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) 26, 27, 28, 29, 30, 31, 32

2. Water Uses

- 2.1 Irrigation 33, 34, 35, 36
- 2.2 Municipal 37
- 2.3 Industrial 38, 39
- 2.4 Environmental
- 2.5 Hydropower
- 2.6 Fisheries, navigation, recreation
- 2.7 Other uses (including social, esthetic, and religious uses)

Decree no. 2-97-875 of 6 Chaoual 1418 (4 February 1998) regarding wastewater use ²⁶

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 57 and 84; ²²

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

Decrees:

Chapter 1: Authorizations of wastewater use

Article 1. - In compliance with the provisions of article 57 of the above-cited Law no. 10-95, the authorization of wastewater use is issued by the director of the hydrological basin agency concerned, with the exception of the internal water reclamations that are not prohibited by article 3 below. ^{1, 23, 27}

Article 2. – No wastewater may be used that has not previously been identified as treated subject to the provisions of article 15 below. ²⁸

Article 3. - In no case may even treated wastewaters be used for drinking nor for the preparation, packaging or preservation of food products or foodstuffs. ^{29, 37, 38}

The use of treated wastewaters cannot be authorized for washing or cooling containers and other objects intended to contain food products or foodstuffs, or to be used in their preparation, packaging or preservation.

Article 4. – The application for authorization cited in article 1 above is submitted to the director of the hydrological basin agency. It must include, among other elements: ^{11, 13}

- 1 – the applicant's identity and, if applicable, the identity of all the other persons who are duly authorized to represent the applicant,
- 2 – the origin of the treated wastewaters whose use is envisaged, as well as their annual volume and modulation,
- 3 – the planned use of the treated wastewaters,
- 4 – the term of the authorization.

The authorization application must be accompanied by a dossier containing:

- a) a deed giving proof of having the right of free disposal of the land to be irrigated with the treated wastewaters or of the facilities for which these wastewaters are to be used; ³³
- b) a technical study indicating the quality of the wastewaters to be used and justifying the project;
- c) cadastral maps of the land or lands to be irrigated; ³⁴
- d) a drawing of the system to be used to collect the treated wastewaters;

- e) a drawing of the system to be used to treat the wastewaters, when the wastewater user is responsible for their treatment;
- f) drawings of the drainage system in case of irrigation; 35
- g) water distribution systems to be used in case of urban use;
- h) a drawing of the waste system that will carry the treated wastewaters in case of industrial use; 39
- i) a study of the impact of the project on public hygiene and community sanitation, and on the preservation of the quality of the hydrological public domain waters.

The applications for authorization of wastewater use must be submitted by double registered mail or hand delivered against receipt to the hydrological basin agency concerned. However, they may be submitted or hand delivered under the same terms to the competent water departments due to the location of the proposed use. The said water departments shall be responsible for transmitting the application to the hydrological basin agency concerned.

Article 5. – The application for authorization and the accompanying documents are subject to the opinion of a committee composed, under the chairmanship of the hydrological basin agency director, of the representatives of the departments of the ministries responsible for the environment and of the prefectorial or provincial departments concerned of the ministries responsible for infrastructure and public health, and of the ministry whose competence extends to the treated wastewater user sector. 9, 20

In view of the committee's opinion, the director of the hydrological basin agency decides on the action to take in response to the application. All refusals of authorizations must state the reasons. 2, 21

Article 6. - The director of the hydrological basin agency issues, if appropriate, the authorization, which must contain: 3, 14

- the beneficiary's identity;
- the term of validity of the authorization, which must not exceed ten (10) years, and is renewable;
- the use to be made of the treated wastewaters;
- the volume of the treated wastewaters to be used;
- the measures to be taken to protect the natural surroundings; 18
- the terms governing the use of the treated wastewaters; 7
- the terms of renewal of the authorization;
- the terms regulating the monitoring, testing and technical assistance by the basin agency;
- the categories of the crops to be irrigated and the authorized uses; 36
- the conditions relative to the treatment of the wastewaters.

Article 7. – The authorization to use treated wastewaters is revoked without compensation if: 15, 30

- the terms and conditions stated in the authorization are not complied with;
- the authorization is assigned or transferred without the basin agency's approval; 16
- the waters are used for other than the authorized purpose.

Article 8. – When the user of the treated wastewaters is the first user of the water, only one authorization is issued which defines both the conditions of withdrawal and the conditions of use of the treated wastewaters. 31

Article 9. - Certified true copies of the declarations received and of the authorizations granted, as well as of their modification, revocation, withdrawal or transfer are transmitted by the director of the hydrological basin agency to the prefectorial or provincial departments concerned of the ministry responsible for infrastructures.

Chapter II: Financial aid

Article 10. – The financial aid provided for in the second subparagraph of article 57 of the above-cited Law no. 10-95 is granted to the basin agency according to the terms stated below and after consultation with the committee mentioned in article 13 below: **8, 24**

a) the basin agency, within the limits of the funds available for this purpose in its budget, and subject to a ceiling set by order of the minister responsible for infrastructures and the minister responsible for finance, may grant its financial assistance for making investments in wastewater treatment and, as applicable, in their pumping and / or conveyance to the place of use, provided that these waters do not come directly from the natural environment;

b) the use of treated wastewaters must make it possible:

- to economize water, on the one hand;
- and, on the other hand, to prevent the wastewaters for use that are discharged into the hydrological public domain from modifying the characteristics of public domain waters.

The terms governing the application of this article and the implementation criteria in subparagraph *b* above shall be set by joint order of the government authorities responsible for finance, infrastructures and the environment. **4**

Article 11. – The financial aid may, if appropriate, be granted according to the terms set by this Decree, for the uses of treated wastewaters by their first user.

Article 12. – The application for financial aid can be submitted by double registered mail or hand delivered against receipt to the hydrological basin agency concerned.

It must indicate the amounts and types of the proposed investments and include the elements constituting and accompanying the application for authorization as stated in article 4 above.

Article 13. – The committee cited in article 10 above is composed of:

- the basin agency representative, secretary;
- the representative of the government authority responsible for finance;
- the representative of the government authority responsible for infrastructures;
- the representative of the government authority responsible for the environment;
- the representative of the government authority whose competence extends to the treated wastewater user sector.

Chapter III: Miscellaneous and transitional provisions

Article 14. – Any person who is appointed by the minister responsible for infrastructures or the hydrological basin agency may access the treatment and / or pumping facilities, the conveyance works, and the utilization sites in order to conduct the tests required for the conservation of public hygiene and community sanitation. **10, 12, 17**

Article 15. – Wastewater users on the date of publication of this Decree have five (5) years to comply with the provisions of this Decree. 32

Article 16. - However, pursuant to the provisions of article 99 of the above-cited law no. 10-95, and until each hydrological basin agency is created, the responsibilities and roles accorded by this Decree to the said agencies are exercised by the ministry responsible for infrastructures. 5, 25

Article 17. – 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. 6, 19