

## 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](#)
- 1.2 Assigning roles and responsibilities [9](#), [10](#), [11](#), [12](#), [13](#), [14](#), [15](#), [16](#), [17](#), [18](#), [19](#), [20](#)
- 1.3 Setting national water policy [21](#), [22](#)
- 1.4 Establishing linkages among sub-sectors, levels, and national sub-regions [23](#), [24](#)
- 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 [25](#), [26](#), [27](#)
- 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 an demand and dealing with shortfalls (including drought mitigation strategies)
- 2.4 Developing planning and management tools to support decision making [28](#), [29](#)

#### **3. Allocating water**

- 3.1 Awarding and recording water rights and corollary responsibilities [30](#), [31](#), [32](#), [33](#)
- 3.2 Establishing water and water rights transfer mechanisms [34](#), [35](#)
- 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 [36](#)
- 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 [37](#), [38](#)
- 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.** 39
2. **Participation.** 40, 41, 42
3. **Accountability and Integrity.** 43, 44, 45
4. **Rule of law.** 46, 47, 48
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 49
  - 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)

## GENERAL TEXTS

**Dahir (Royal Decree) no. 1-87-12 of 3 Jomada II 1411 (21 December 1990)  
promulgating law no. 02-84 relative to the associations of agricultural water users. 49**

PRAISE BE TO THE ONE GOD!

*(Great Seal of His Majesty Hassan II)*

Let it be known – may God elevate and fortify its essence!

That Our Sharifian Majesty,

In view of the Constitution, and particularly its article 26,

HAS DECIDED AS FOLLOWS:

Law no. 02-84 relative to the associations of agricultural water users, adopted by the House of Representatives on 25 Safar 1407 (30 October 1986) is promulgated and will be published in the Official state gazette. 21, 39

*Rabat, 3 Jomada II 1411 (21 December 1990)*

By countersignature:

The Prime Minister

Dr. Azzedine LABAKI

**Law no. 02-84  
relative to the associations of agricultural water users**

**Chapter I**  
*General Provisions*

Article 1 1, 23, 34, 37

In the zones where the State has created, creates or develops facilities for the utilization of waters for agricultural use, associations of agricultural water users may be formed in order to enable the people concerned to carry out works programs and to manage and preserve constructed facilities for water use.

## Article 2 9, 46

The associations of agricultural water users are governed by Royal Decree no. 1-58-376 of 3 Joumada I 1378 (15 November 1958) regulating the right of association in its provisions that are not contrary to those of this law.

## Article 3 10, 30

The associations of agricultural water users have the legal status and legal capacity accorded to recognized public interest associations by virtue of the above-cited Royal Decree no. 1-58-376 of 3 Joumada I 1378 (15 November 1958).

## **Chapter II** *Establishment 2*

## Article 4 3,31,36,40

Associations of agricultural water users are established either on the initiative of the administration or at the request of two thirds of the operators, whether they are owners or not, of the lands involved in the facilities construction works defined in article 1 above.

## Article 5 11, 22, 24, 41

When an association is created on the initiative of the administration, the administration will ask the Chairman of the Agricultural Council or the Chairman or Chairmen of the Municipal Councils concerned to convene the statutory meeting of the association, which shall be composed of all the operators of lands included in the zone of State intervention.

## Article 6 12, 25, 38

To the statutory meeting the administration proposes the program of works to be executed in the zone, defines its financial and technical contribution as well as the times for completion of the program. The administration also specifies the association's responsibilities, in include the financial royalties due for the use of the water, the investments to be made, and the maintenance and operation of the constructed facilities for the utilization of the water.

## Article 7 28, 43

The association is legitimately established after the agreement of the statutory meeting on the program proposed by the administration.

The said meeting may not deliberate except in the presence of at least two thirds of the operators concerned. If this quorum is not reached on the first call, a second session of the statutory meeting is convened under the same conditions. If the required quorum is not achieved on the second call, the statutory meeting is convened a third time. The meeting may then deliberate legitimately no matter how many members are present, provided that its decisions are made by a majority of at least half of the members present, who must represent half of the surface area of the zone concerned.

Article 8 4, 13, 29

When the association is established on the initiative of two thirds of the operators of the lands included in an agricultural zone, the statutory meeting proposes to the administration, through the Chairman of the Agricultural Council concerned or the Chairman or Chairmen of the Municipal Councils concerned, the program of works that it plans to execute and the contributions that it wishes to obtain from the administration.

Article 9 5, 32

The association is not definitively established until the administration has agreed to the delimitation of the zone proposed and the program to be carried out.

**Chapter III**

*Purpose of the Association*

Article 10 44

The association can have no other purpose than the execution, under a not-for-profit regime, of the program of works and the fulfillment of the services approved by the statutory assembly and the administration.

**Chapter IV**

*Administration and Management* 14

Article 11 6, 15

The association is administered by a council elected by all of the association's members, according to the rules established by model by-laws decreed by the administration.

Article 12 16, 45, 47

The council elects, among its members, a chairman who is invested with all the powers required for the accomplishment of the association's missions according to the decisions made by the general meeting of the association's members and, as appropriate, by the council. A representative of the administration is a member by law of the council, in which he takes part with the right to participate in discussions and to vote. He makes sure that the association's executive instruments comply with the laws and regulations that are applicable to them, particularly this law and the texts taken for its application.

He informs the administration of any irregularities in the functioning of the association, particularly in the use of the financial aids granted by the State. 26

**Chapter V**

*Privileges*

Article 13 48

Only the associations whose establishment, organizational and operational rules comply with this law and with the texts taken for its application may cite the provisions of this law, and particularly the provisions of this chapter.

#### Article 14

The associations of agricultural water users are exempted from all existing or future taxes or levies of any nature owed by reason of their establishment, operation or the accomplishment of their purpose.

#### Article 15 17

The associations of agricultural water users may receive delegation from the administration in order to expropriate, in the public interest, the rights necessary for the accomplishment of their tasks.

#### Article 16 18, 35, 42

Membership in the association, and the rights and obligations that are attached to it, do not terminate except when the member's land is sold, or when the land owner or operator dies.

In the event of sale of the land, the purchaser is a member by law of the association. He is bound by the obligations contracted by the seller, and by any obligations the former owner has not settled. In the event of the the owne's death, the heir or heirs of the deceased who acquire the property are members by law of the association.

#### Article 17 19, 27

The payment of dues is obligatory. The association member must pay, apart from his participation in the expenses of the association, the amount of the taxes and fees whose collection from the members, on behalf of the State, is entrusted to the association.

#### *Special Provisions*

#### Article 18

The farm labor unions created by virtue of the Royal Decree of 12 Kaada 1342 (15 June 1924) relative to agricultural labor unions, whose purpose concerns the use of waters for agricultural purposes, are transformed into associations of agricultural water users and henceforth governed by the provisions of this law. 7, 33

For this purpose, and on the administration's initiative, the members of the farm labor union shall be convened in a statutory meeting to approve the by-laws of the association, the transfer to its holdings of the rights and obligations of the former labor union, and the election of the council of the said association. 8, 20

#### Article 19

The Royal Decree of 12 Kaada 1342 (15 June 1924) on agricultural labor unions is hereby repealed.

