

**National Democratic  
Institute/ People's Mirror  
Evaluation of ADR III Project  
For Search for Common  
Ground/ Morocco**

**Findings from qualitative &  
quantitative research  
conducted in July 2008**

11/3/2008

# TABLE OF CONTENTS

---

<b>EXECUTIVE SUMMARY</b> .....	3
<b>INTRODUCTION</b> .....	11
<b>GENERAL FINDINGS</b> .....	14
<b>ASSESSMENT OF ADR III BY CATEGORY</b> .....	25
<b>Lawyers</b> .....	25
<b>Ministry of Justice</b> .....	32
<b>Media</b> .....	33
<b>Judges</b> .....	37
<b>Business Leaders</b> .....	40
<b>Labor Unions</b> .....	42
<b>Civil Society Organizations</b> .....	44
<b>General Public—Focus Group Results</b> .....	48
<b>RECOMMENDATIONS</b> .....	53
<b>METHODOLOGY</b> .....	55
<b>KEY QUOTES</b> .....	64

# EXECUTIVE SUMMARY

---

Within the “Strengthening Morocco's Judicial and Administrative Reforms” program and following the success of Alternative Dispute Resolution (ADR) II, the present report presents the evaluation of ADR III. This program was launched in October of 2003 by Search for Common Ground / Morocco, and was funded by the British Embassy. The program was created out of the need to offer new mechanisms to solve conflicts between the disputants, to prevent courts delays, to preserve relationships between the litigants, to enhance inexpensive methods of problem solving and to relieve the courts of congestion. However, the use of ADR requires the professional skills and the qualification to understand and to use effectively the different processes it offers. Accordingly, phase III was meant to meet the program needs in this respect by offering trainings for mediators, study trips to various well-known ADR institutions, training of trainers, a mediation manual for both mediators and trainers, and a comic book on mediation for awareness-raising purposes, as well as audiovisual and pedagogical material.

SFCG-Morocco’s program to support for Morocco's judicial and administrative reform system is two-fold. SFCG is helping to create a national ADR agency in Morocco, training Moroccans in ADR mechanisms, namely, mediation and also creating a team of mediation trainers to continue the process. SFCG is also working on finding ways to increase confidence and trust in the system in both citizens and foreign investors.

SFCG’s ADR program was carried on three phases:

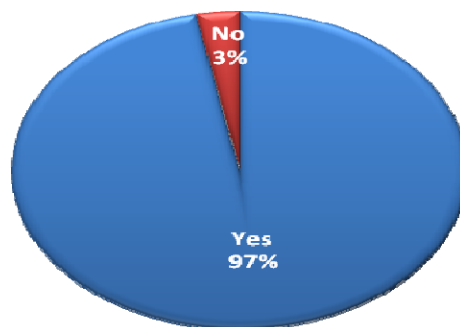
- The first phase (October 2003- January 2005) has aimed at securing the buy-in from the Ministry of Justice regarding the introduction of ADR within the judicial system, as well as building the capacity and sharpening the knowledge of Moroccan judges in Mediation through the organisation of several training workshops (in Morocco and abroad) and outreach events.
- The second phase (January 2005- March 2007) was oriented towards Civil Society Organizations (CSO) and Lawyers and was meant to provide these groups with adequate training in Mediation techniques and mechanisms. Another strategic objective was the promotion of a constructive dialogue between all stakeholders, namely the judges, Lawyers, and CSOs.

- The third phase (January 2007-October 2008) intended to strengthening the capacity of mediators and trainers of mediators and enhancing mediators' knowledge of important practices in mediation in addition to raising the public's awareness about mediation and its usage.

The People's Mirror was charged with assessing the relevance of ADR III with a particular focus on mediation and making recommendations for policy development:

- **Relevance of the program:** assess the relevance of ADR to the Moroccan judicial system and if the objectives of the program are relevant to the national context

Provided Statistics reveal that most of the interviewees namely participants of ADR phase III and non participants, view ADR as a new mechanism that will improve the judicial system in Morocco and will offer new alternates to disputes and disputants. The interviewees welcomed and embraced the use of ADR in Morocco and encouraged the institutionalisation of this practice.



Do you think that the Moroccan judicial system is in need of ADR, Mediation?  
 The figure above shows that ADR with a particular focus on mediation will be a successful tool to resolve litigation in the Moroccan judiciary. 97% of the interviewees are convinced that the Moroccan system is in need for faster and effective legal procedures to alleviate the judicial system from congestion and to assist judges to solve critical cases. The reforms include the need for faster and more efficient legal proceedings and a resilient court system able to effectively handle the increasing number of civil cases.

- **Phase III evaluation:** evaluate how ADR III activities helped in achieving the overall objectives of the program;

According to the indicators of success, the objectives of the program were achieved<sup>1</sup>.

---

<sup>1</sup> See indicators of success, page

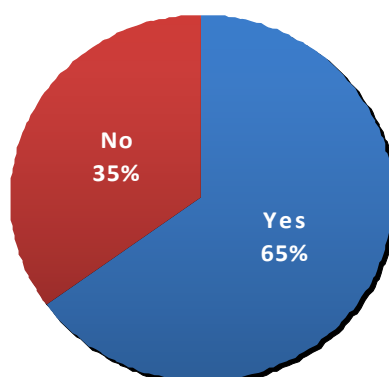
- **Level of understanding:** assess the level of understanding of partners, participants and other stakeholders of the overall program goals and objectives.

This study is a combination of the traditional techniques of qualitative research and the quantitative method of surveys. The data was collected from sixty (60) in-depth interviews, four (4) focus groups and forty (40) phone surveys<sup>2</sup>. These techniques allowed collection of data that is relevant to the evaluation objectives described above. The in-depth interviews were conducted with the participants of ADR phase III, i.e., participants to workshops and study missions, and non-participants of ADR III. Research targets included lawyers, judges, MOJ members, business people, media experts, labour union activists and civil society leaders. The focus groups were held with representatives of the average male and female urban citizens.

This report describes the results of a two (2) month study and outlines the general outcomes below. These findings focus primarily on the impact of phase III of the program in these areas.

- Knowledge about ADR, literacy and limitation;
- The relevance of Mediation, positive and negative effect on courts, disputants and the general public as a whole;
- ADR, Mediation in the Moroccan context;
- Media and mediation.

Overall, the interviewees expressed a strong support for the implementation of ADR mechanisms in Morocco though their level of knowledge was low. In fact, 65% of the participants are familiar with the current reforms related to the alternative processes of resolving conflicts and disputes in Morocco. This means, that more than a third of the participants were not familiar with the current reforms namely ADR.



---

<sup>2</sup> See methodology section, page 56

Are you familiar with the implementation of ADR in Morocco?

However, they emphasise that the Moroccan judicial system is in need of such alternates to litigation to enhance the functioning of justice. Knowing that most civil cases that are filed in the courts can be solved through amicable processes rather than trial appeals, the interviewees concluded that ADR is the key to improve the performance of judges and lawyers on serious cases and to alleviate the pressure on courts. However, the interviewees for whom the process of ADR was new took note of the lack of resources on ADR. They put the blame on the stakeholders and mass media. According to them, not knowing ADR is not a result of mere legal illiteracy; it is rather a result of the absence of media coverage on this matter. They observed that there is a difference between the reform of the new family code and the media hype it generated, and this new reform. They hope that their proposals and suggestions will be adopted to raise awareness among the general public and to enhance public perception of this reform.

This report investigates the relevance of ADR with a particular focus on mediation. As far as mediation is concerned, interviewees expressed their satisfaction that Morocco is adopting this alternative form of litigation within the framework of improving the efficiency of the Moroccan judicial system. Even when asked about the relevance of mediation, they listed potential advantages of the use of mediation. Here are some of the frequent advantages stated by interviewees.

- Alleviate the pressure on courts
- Increase satisfaction between the litigants
- Win win solution
- Preserve relationships
- Save time/avoid court delays
- Inexpensive method of problem solving
- Ensuring good performance of judges and lawyers

Convinced of the need to use mediation because of the potential benefits it generates, some interviewees (especially lawyers) remained reticent and expressed great worries in this regard. They concluded that mediation is a successful competitor that can

threaten their source of revenue. However, they believed that the task of mediator can only be allotted to them.<sup>3</sup>

In the same context, some interviewees shared another kind of grievance; they indicated that instead of launching reforms to enhance the judicial system, there should be first a reform on the judicial system in itself before seeking alternative options for problem solving. They believe that mediation should be implemented in a clean system not in a corrupted one.

For the most part, evidences suggest that although the concept is unknown to some participants, the use of mediation is far from being new. Interviewees noted that the use of mediation in the Moroccan culture is always preferable than trials. They mentioned that Moroccans resort to the head of the tribe to seek solutions for their problems.

At the end, the interviewees who benefited from SFCG trainings expressed their gratitude to the NGO for having organized trainings and roundtables on ADR reform, which had enabled them to learn about ADR and mediation techniques and benefited from foreign experts. Convinced of the need to carry out this program, participants noted that more professional trainings and study trips are needed to contribute effectively to the promotion of mediation.

In the same context, non-participants in ADR III who welcomed the implementation of mediation in Morocco recognized the importance of holding public forums and regular meetings on the issue of mediation to raise public awareness. Accordingly, the interviewees expressed their interest in attending SFCG activities and indicated their interest in knowing more about mediation. They observed, similarly, that it is necessary for better outreach to develop these trainings and to extend them to target the whole society in order to enhance the induction and to ensure the sustainability of ADR in Morocco.

Interestingly, interviewees expressed the need regarding national outreach. They put the blame on media for being derelict in its duty and they suggested more communication between the stakeholders and media.

## **The General Findings**

### **In depth interviews**

---

<sup>3</sup> Most of the non participants of ADR III, especially lawyers who voiced their worries, noted that it would be preferable for them to be the only people able to mediate.

### *Lawyers*

Among the interviewees, non-participants in ADR possessed a minimal knowledge of mediation. When asked about mediation as an alternative dispute mechanism, many lawyers from that category expressed apprehension, seeing it as a challenge or a threat to their practice and/or business. However, participants in ADRIII seemed comfortable with the process of mediation and convinced of its value, although many expressed a desire for more professional trainings. Some also complained about seeing the same trainees over and over again and saw in that a form of favoritism, unaware of the need to build up skills through sustaining the same pool of trainees for long-term training projects. Despite their endorsement of mediation, very few could actually cite cases where they used mediation and/or seen a contract with a mediation clause. Lawyers did comment that they used informal forms of mediation frequently; though without the formal design of an ADR process (this response was common for many of the primary target groups). Finally, a limited number of lawyers remained skeptical of mediation as a reform, seeing it as a cosmetic clause imposed on Morocco through Free Trade Agreements signed with western countries, and unlikely to be spread widely among on the population.

### *Labor Unions*

While non-participants referred to labor laws (noting that there were clauses in these laws similar to mediation), participants viewed mediation primarily as a set of skills to improve communication and conflict resolution. Although favorable to mediation, many still referred to labor laws for solving disputes. Due to the perceived legitimacy of reformed labor laws, mediation seemed almost irrelevant to the majority of interviewees.

### *Business people*

For the most part, non-participants had no idea what mediation was, though they positively reacted to the possibility of finding an alternative to courts for commercial litigations, and a step forward to enhancing the functioning of justice in Morocco. Participants, on the other hand, were both aware and enthusiastic about mediation, demonstrating a high level of acceptability while demanding a stronger knowledge of mediation practices. Nonetheless, they were unable to come up with concrete instances of the use of mediation in the business world. Business leaders also expressed a poor view of the court system as a whole and the need for more reform.



## *Civil Society*

Non-participants and participants shared similar views on mediation, with the former possessing a much lower level of knowledge and awareness. Civil society activists demonstrated a high level of acceptability, embracing mediation's potential to help their communities avoid the costs and inconveniences of going to court. As with lawyers, civil society activists already used types of informal mediation on the ground to solve problems, although without protocol. Just like labor union activists, civil society tended to view mediation trainings more as an exercise in skill building, rather than a step towards codifying a process that is already being used. It is worth noting that skill-building is an inherent objective to ADR III.

## *Judges*

Judges were strong supporters of mediation, seeing it as a vehicle for keeping petty conflicts out of the courts and relieving them of congestion. Judges suggested greater publicity of mediation in order to make it an option for more citizens.

## *Ministry of Justice*

The MOJ spoke very highly of mediation and of the SFCG ADR program, citing it as a win-win reform. They were highly supportive of additional information campaigns to reach out to the average citizen about the advantages of mediation.

## *Media*

The media, for the most part, lacked an advanced knowledge of mediation. Media representatives who were familiar with mediation mentioned that they were informed by the government (MOJ) and not SCFG efforts. It is worth noting, though, that most MOJ outreach activities were funded and conducted by SFCG under the MOJ banner. SFCG organized all the activities in partnership with the MOJ. Therefore the media coverage of the MOJ explains the low level of visibility and exposure of the organization despite the number and scale of activities conducted to reach out to the media.

## Focus groups results

Focus Group results showed a very low overall awareness and understanding of mediation. In general, men demonstrated a stronger knowledge than women and participants in Casablanca tended to have a greater understanding of mediation than

those in Rabat. Focus Group results also showed that, despite a low level of knowledge, participants demonstrated a high level of acceptance of mediation. Due to the pervasive mistrust of the judiciary, mediation held potential among participants to the focus groups, provided they felt confidence in the qualifications and neutrality of the mediator.

# INTRODUCTION

---

The Moroccan judicial system is undergoing a new phase of reform with the implementation of new projects facing the challenges of development towards a transparent system where both good governance and rule of law converge.

## COUNTRY BACKGROUND

Since King Mohammed VI ascended the throne in July 1999, he has effectively pursued multifaceted economic, social and political reforms. Multiple incentives have been deployed to ease efforts of democratization and to set the basis of a solid state of law and respect of human rights, without ignoring the attraction of new international investors. These efforts were concretized in a number of reforms at the legal/legislative front and also at the procedural level. In this regard, Morocco has promulgated an arsenal of laws aiming to make the country a hostile environment for investment and put safeguards for the democratization process in place.

In an attempt to promote good governance and improve the judicial administration effectiveness, Morocco was among the first Arab states, after Jordan, to promulgate a mediation law in 2005 and was ratified by the parliament in 2007. This bill came to introduce a modern mechanism to the Moroccan judicial system, and release the Moroccan judges from the huge number of cases put before them regularly. The insertion of the mediation in the Moroccan legal system will allow several significant projections. Mediation proposes innovative mechanisms to the professionals of justice more particularly to treat the litigations. It offers an opportunity to the citizens (families, consumers, tenants, owners...) and to the companies to privilege a negotiated resolution of the litigations in the best interest of all the parties.

## BACKGROUND OF SFCG MOROCCO

### *Search for Common Ground*

Since 1982, Search for Common Ground (SFCG), an international non-governmental organization, has been working to transform the way the world deals with conflict: away from adversarial confrontation, toward cooperative solutions. SFCG's philosophy is to "understand the differences," but "act on the commonalities." SFCG is engaged in a long-term process of incremental transformation, to make long-term commitments. SFCG seeks cross-cultural integration of indigenous and international

concepts of conflict prevention and works with partners on the ground to strengthen local capacity to deal with conflict. SFCG currently works in or with fifteen countries: Angola, Belgium, Burundi, D.R. Congo, Greece, Indonesia, Iran, Liberia, Macedonia, Middle East (with offices in Jerusalem and Amman), Morocco, Sierra Leone, Turkey, Ukraine, and the USA. Our “toolbox” includes mediation/facilitation training, community organizing, radio/TV, journalism, sports, drama, and music.

### ***Programme Summary***

SFCG-Morocco is working to strengthen Morocco's judicial and administrative reform system. Its program has two main foci. One is to help create a national ADR agency in Morocco, training Moroccans in ADR mechanisms, namely, mediation and also creating a team of mediation trainers to continue the process. The second focus is aimed more broadly at the public's perception of the judicial system, finding ways to increase confidence and trust in the system in both citizens and foreign investors.

Morocco is undergoing a fast-paced reform process leading toward a stronger system of good governance and rule of law. A particular attention is being paid to the judicial branch of government as one independent and empowered arm for Justice. The reforms include the need for faster and more efficient legal proceedings and a resilient court system able to effectively handle the increasing number of civil cases. On these issues, SFCG works with the Ministry of Justice to conduct the groundwork for the institutionalisation of mediation in Morocco.

## **BACKGROUND OF ADR IN MOROCCO**

Search for Common Ground has initiated a three-phase project called the ADR Programme:

The ADR programme follows SFCG's past efforts in the country and responds to a pressing need for the modernization of the Moroccan legal system. The overall goal of the ADR programme is to improve justice administration in Morocco. The phases of ADR programme aim to build the capacity and sharpen the knowledge of Moroccan judges on ADR and mediation. In addition, to offer trainings in mediation and ADR techniques and mechanisms to different groups, another overall objective of the ADR programme is to promote dialogue and communication among the different stakeholders: the Civil Society Organizations (CSOs), the lawyers, the judges, and the Ministry of Justice (MOJ).

The first phase (October 2003- January 2005) has aimed at securing the buy-in from the Ministry of Justice regarding the introduction of ADR within the judicial system, as well as building the capacity and sharpening the knowledge of Moroccan judges in Mediation through the organisation of several training workshops (in Morocco and abroad) and outreach events.

The second phase (January 2005- March 2007) was oriented towards Civil Society Organizations (CSO) and Lawyers and was meant to provide these groups with adequate training in Mediation techniques and mechanisms. Another strategic objective was the promotion of a constructive dialogue between all stakeholders, namely the judges, Lawyers, and CSOs.

The third phase (January 2007-October 2008) intended to strengthening the capacity of mediators and trainers of mediators and enhancing mediators' knowledge of important practices in mediation in addition to raising the public's awareness about mediation and its usage.

By way of background, ADR 3 was conducted from January 2007 to October 2008. This phase worked to reinforce the capacity of lawyers, civil society representatives, university lecturers, certified public accountants and public notaries in mediation and increased the understand of mediation with the public at large. To achieve the objectives of the ADR 3 phase, the project focused on several dynamic activities to build capacity: training workshops in advanced mediation skills with a pool of 60 trained mediators and 20 trainers of mediators; a study tour to the Centre for Effective Dispute Resolution in London and another study tour to CMAP (Centre de Médiation et d'Arbitrage de Paris) for 20 Moroccan mediators; a training manual for Moroccan mediators was developed to be used by trainers and trained mediators and distributed to courts, bar associations, and civil society associations was published; an educational documentary to support the national awareness raising campaign promoting mediation through TV broadcast was produced; mediation audio-visual simulations were prepared by L'Institut Spécialisé du Cinéma et de l'Audiovisuel (ISCA) students with real life conflict situations and solutions with mediation techniques for future training; a comic book titled "Yad Al Wassit" (the hand of the Mediator) was produced in easy Arabic and with clear, simple terminology and provides readers with original stories of people who resolve their conflicts via mediation; a press conference, a national outreach conference, and 6 regional outreach days were held to raise public awareness on mediation; a Mediation Guide was published in Arabic and French, and distributed to different stakeholders such as lawyers, NGOs, labour unions, courts, and private sector.

# GENERAL FINDINGS

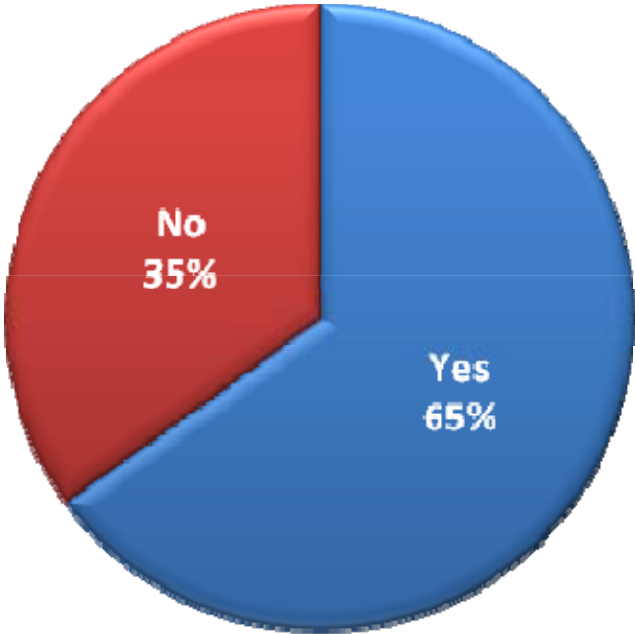
---

This part of the report summarizes the general findings concerning the appreciation of ADR and mediation and outlines the conclusions and the recommendations of the interviewees for the purpose of enlarging the outreach of the program.

## Phone survey

The discussion of the judicial reforms was essentially two-pronged. Some interviewees related the judicial reforms to the New Family Code, while other participants of the phone survey, related the judicial reforms to the law of arbitration and mediation. According to the data, the level of knowledge of ADR was low. When asked about ADR as a concept, more than fifty percent of the interviewees; (50% were participants of ADR III, and 50 % were not participants of ADR III) were not aware of ADR.

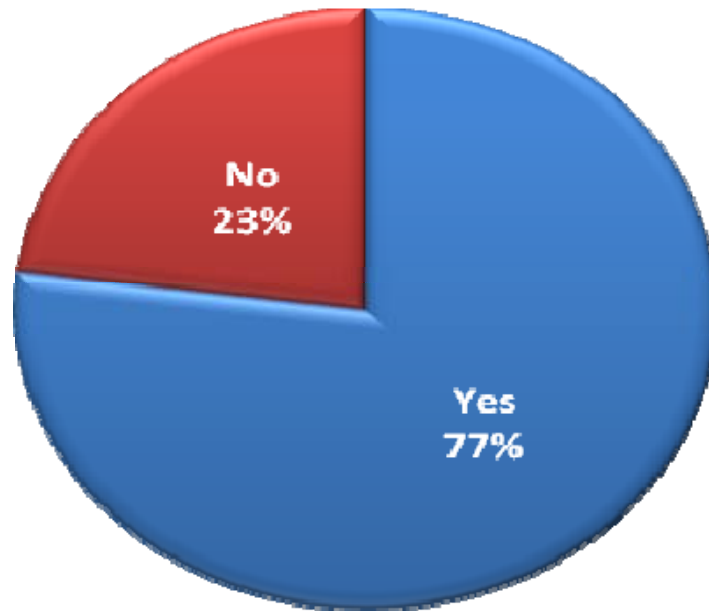
Are you familiar with the current reforms related to the alternative processes of resolving conflicts and disputes in Morocco?



65% of the participants are familiar with the current reforms related to the alternative processes of resolving conflicts and disputes in Morocco. This means, that more than a third of the participants were not familiar with the current reforms. Surprisingly, when asked about mediation, more than seventy percent of the respondents knew

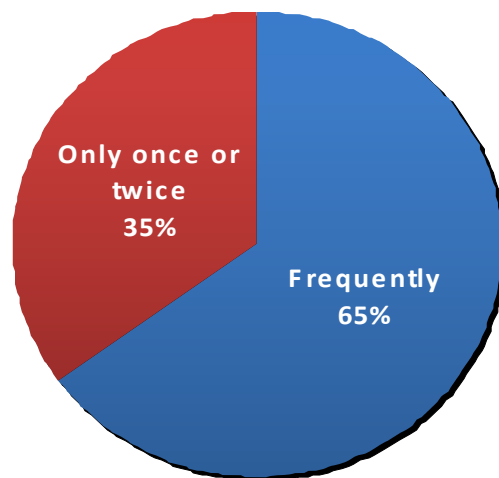
mediation but ignored that mediation is part of ADR. The statistics reveal that interviewees are aware of mediation, but they are unaware of the alternative dispute resolution.

Are you familiar with mediation in Morocco?

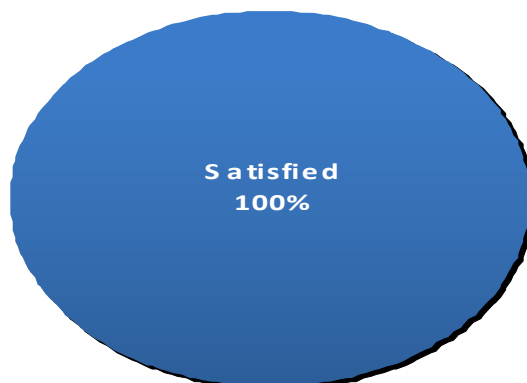


From the participants, 77% was familiar with mediation as a means of resolving conflicts. However, 23% was not. The respondents expressed a good level of knowledge about mediation, though the sources of information are very rare if not any, according to them. It is worth noting, though, that the survey was conducted before SFCG launched the comic books designed to promote mediation to a wider range of stakeholders.

When participants had to indicate how often they had used mediation as a way to resolve conflicts, 35% percent answered that they have used it once or twice. 65% of the participants stated that they used it more often; however this use was in an informal way.

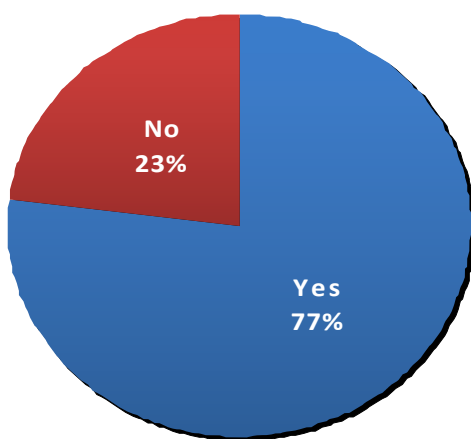


Provided statistics reveal that mediation is a successful tool to resolve conflicts, when asked “are you satisfied with the results you achieved by using mediation? All of the participants (100%) were satisfied with the results and encouraged the use of mediation especially when it comes to family cases.

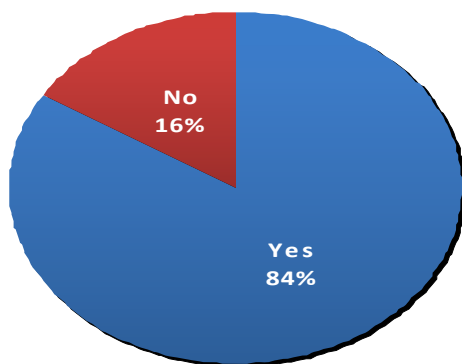




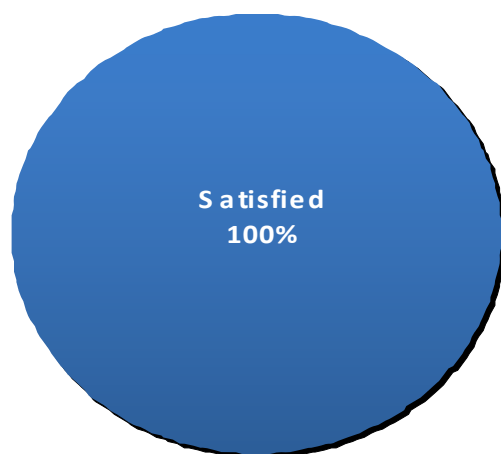
77% of the participants indicated that they have some educational/pedagogical material on mediation, for example booklets, DVDs or guides. Almost a quarter of the participants (23%) said they have not such materials because they didn't participate in SFCG trainings.



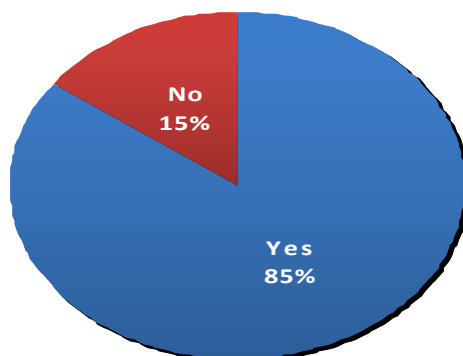
By far most of the participants (84%) completed the training. Only 16 % did not complete the training. They claim that it was due to personal matters and the timing of the training was not suitable.



All the participants (100%) were satisfied by the training they received. They congratulate SFCCG for the efforts deployed and for the quality of work and experts. However, they wished to see more training launched in different regions of Morocco and they wanted to see different profiles.

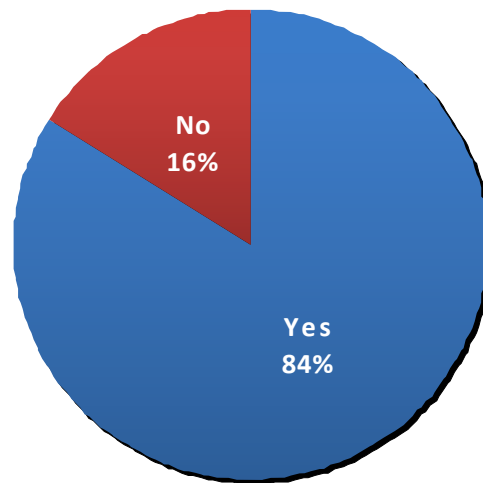


When participants were asked about their knowledge skills and ethical understandings required to practice mediation, 85% of the participants indicated that they believe they have these skills/knowledge and ethical understanding. However, 15% of the participants do not believe they have these skills. They think that 5 days of trainings are not enough to acquire the needed skills to mediate appropriately and to effectively handle cases.



84% of the participants said they have acted as a mediator before. In Morocco the use of mediation has been noticed a long time ago, and anyone who can handle a conflict between two disputants considers himself a mediator. Therefore, the interviewees are

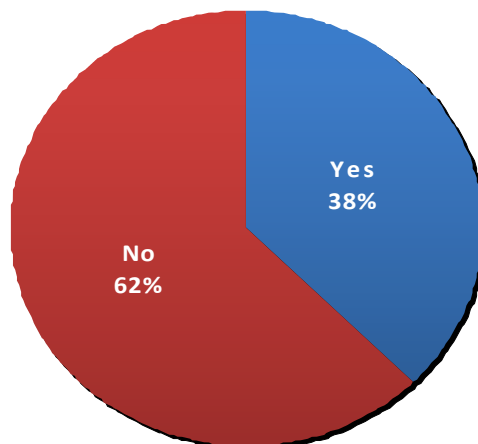
familiar with the use of mediation, though it is still used in an informal way. 16% said they have never been a mediator.



All of the participants (100%) support the institutionalization of the program of mediation in Morocco. The interviewees believe that mediation should be institutionalized and should be a normative procedure in the legal system. They see in the institutionalization of ADR a regulation of the legal system.

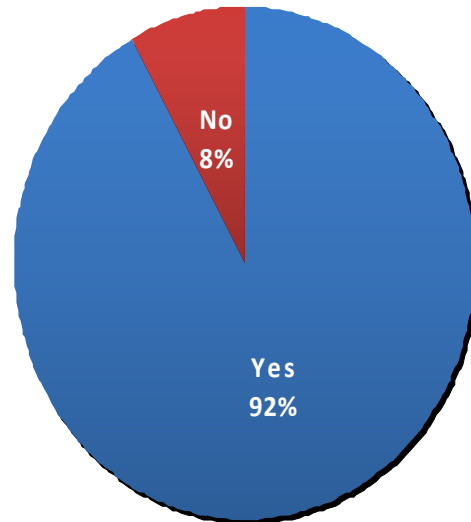


Participants were asked if they have ever heard about mediation on the media. 62% of the participants had never heard about mediation on the media. However, 38% did hear about mediation in the media. Yet, these interviewees were unable to give names of newspapers where they have seen mediation. Only two interviewees stated that they have watched a document in the Moroccan channel about mediation.



92% of the participants would use mediation when they would have a conflict as an alternative dispute resolution instead of resorting to the court. 8% of the participants indicated they would not use mediation. These participants who refuse to use

mediation argued that mediation is a new tool that should be implemented in an honest and a transparent legal environment. They added that the Moroccan legal system is characterized by corruption and interventionism, two facts that will hinder the right implementation of ADR and Mediation in particular.

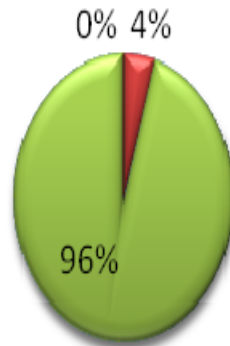


Almost all of the participants (97%) wanted to learn more about mediation. This means only 3% of the participants indicated they did not want to learn more. Those who refused to learn about mediation claimed that their field of expertise will never be exposed to mediation proceedings. Recognizing the importance of mediation, most of the respondents are willing to learn more about mediation. Accordingly, they expressed their interest in knowing more about SFCG activities. The figure below represents survey response on who wants to know more about mediation.

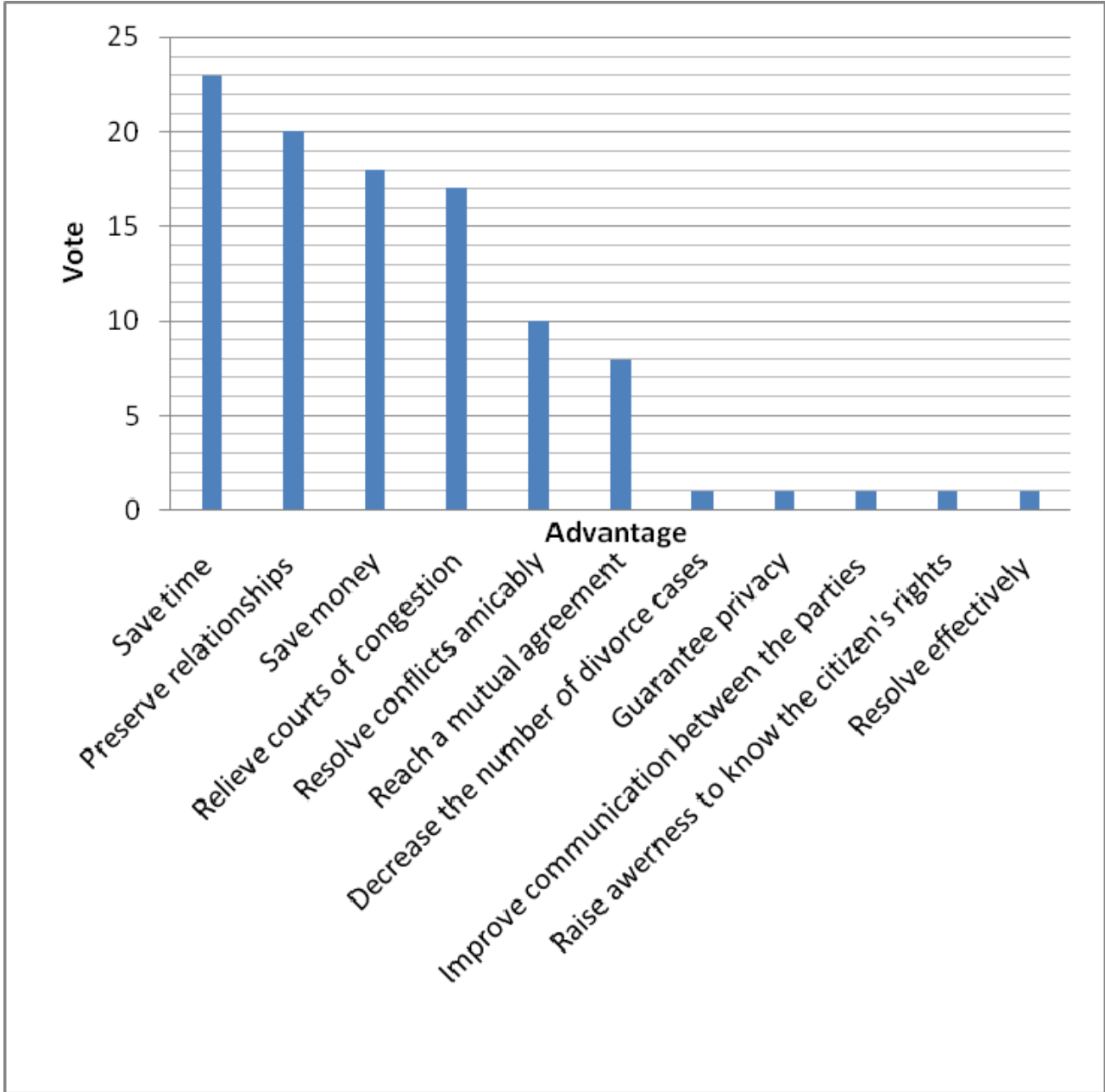


## sources on mediation

Very Good Average Poor

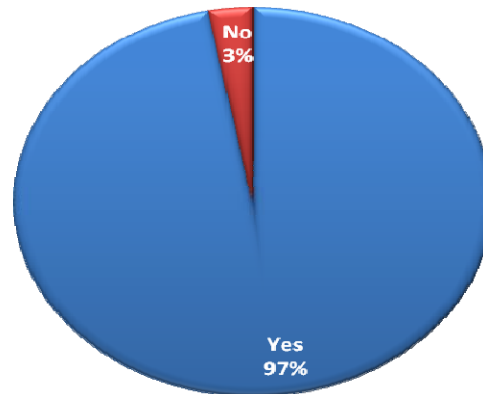


Despite the few sources of information on mediation, in the press and in the Moroccan channel, the interviewees still believed that mediation has positive effects on both courts and general public. The respondents listed the advantages of mediation and indicated that mediation is the most appropriate alternative to litigation especially in a country like Morocco, where the practice of mediation has been used for decades. The figure below represents survey responses of the major advantages of mediation among respondents who had even a minimal knowledge on mediation.



The major advantages of mediation

Do you believe that the Moroccan judicial system is in need of mediation?



In response to the question “Do you believe that the Moroccan judicial system is in need of mediation?” 97% of the participants answered yes. 3% of the participants did not agree. These people believe that mediation can not be effectively implemented in a corrupted system. However those who believe that mediation is highly needed in the Moroccan judicial system believe that it is a new mechanism that will beyond any doubt improve the legal system and alleviate the legal cases that are increasing day after day outnumbering the judges and even the lawyers.

At the close of the survey, respondents were asked to identify the type of additional information they need. For the most part, respondents wanted to know everything related to mediation be it the new judicial reform to litigation. They are eager to know anything related to mediation.



# ASSESSMENT OF ADR III BY CATEGORY

---

## Lawyers

### *Knowledge of Judicial Reforms*

Lawyers shared mixed opinions of judicial reforms. Several lawyers saw them as a positive step, while others took a more cynical stance, doubting the depth of reforms and bemoaning that they do not “touch the core problem” which is the lack of independence of the judiciary. Another lawyer pointed out that people cannot know the extent of judicial reforms unless they experience their positive effects—“live them on a daily basis”.

- “We can not know the last reform that the Moroccan judicial system witnessed unless we live that on a daily basis”(Participant, Lawyer, Meknes, Male)

### *Knowledge of ADR and Mediation*

The majority of lawyers interviewed especially who participated in ADR III possessed a very strong knowledge of ADR and have been in contact with SCFG, as well as with other development organizations. Likewise, nearly all lawyers mentioned using various forms of informal mediation in their work. One even served as the Secretary General of the National Center for Mediation in Tangiers. Some participants also differentiated between Anglo-Saxon schools of mediation and other forms, displaying an advanced knowledge of mediation. However, even the best-informed interviewed lawyers (including a lawyer who is finalizing his doctorate thesis on mediation) are skeptical about the implementation of ADR, as they see it as a reform imposed on Morocco through Free Trade Agreements.

- “The judiciary witnessed a serious reform, which is establishing new alternatives for dispute resolution that will help Moroccans and foreigners living in Morocco to solve their disputes quickly and more efficiently and at a lower cost” (Participant, Lawyer ,Tangier ,Male)

- “It is a very interesting experience and there are some countries in the Middle East like Jordan that have been through the same reform, and it is very good to reduce the burden the judiciary and also to save time, because the cases in courts take a long time to be solved” (Participant, Lawyer, Tangier, Male)
- “For me, mediation is an art of solving and administrating disputes without having to go to courts. This art involves negotiations, aspects of human psychology, and the ability to push people to find solutions for their disputes. Mediation is the only solution that can be applied in reality to help the judiciary.”(Participant, Lawyer , Rabat, Male)
- “I think that ADR is a new process brought by foreign policy, it will shake the source of revenue of many lawyers”(Non-participant, Lawyer, Tangier, Male)
- “I think that Moroccans are not willing to embrace or adhere to this new concept if is imported, and I am inclined to think that mediation is a result of many FTAs for the benefit of the foreign investor. I am skeptical even about these new centers that are created”( Participant, Lawyer ,Casablanca, Male)

### ***Advantages: Mediation as “win-win”***

Participants to ADR III, namely lawyers demonstrated an overwhelmingly strong confidence in mediation. In fact, when discussing the advantages of mediation, the phrase “win-win” was a leitmotiv in most of the interviews. Lawyers argued that using mediation was ultimately preferred to going to court (except for penal cases) because it enabled both sides to agree on a resolution. Unlike arbitration or courts, where a “solution is imposed” and there “is always a winner and a loser,” mediation allows “both sides to come out as winners.” Lawyers who work on Family Law cases noted the potential of mediation to “preserve relationships” between citizens and within families.

- “Mediation saves the disputed parts a lot of time, because when they go to the judiciary, their cases take of time. In addition to that, in courts, there is always a loser and a winner, unlike mediation where all the parties are winners.”(Participant, Lawyer, Tangier, Male)

- “I think mediation is relevant to the Moroccan system, because it will relieve the court of congestions, and cases will be resolved quickly. Moreover, mediation will preserve relationships between citizens, because when citizens go to the court there is always a winner and a loser”(Participant, Lawyer, Meknes, Male)
- “I think that the fact that two parties can choose the mediator is an advantage of mediation because it is 50% of the solution, and the two parties are winners”( Participant, Lawyer , Meknes, Male)
- “Through mediation, relationships are preserved and there is no loser and winner. Both parties are winners”( Participant, Lawyer , Tangier, Male)
- “It is a win-win solution”( Participant, Lawyer, Casablanca, Male)
- “Mediation is the only solution where both parties are winners”( Participant, Lawyer, Rabat, Male)
- “It is beneficial for the parties in conflict, because they stay friends, so it preserves relationships, and this is the most important thing in life, because in courts, we have, on a daily basis, divorce cases, and once the couple is out of court you can see through their eyes that they wish if they could kill each other. I think that through court, conflicts take a bigger aspect and it is always not beneficial” (Participant, Lawyer, Casablanca, Male)

Lawyers also cited the recurrent reasons in support of mediation listed by other stakeholders, such as saving time and money and relieving the courts of congestion.

- “it is very beneficial to reduce the burden put on the judiciary and also to save time” (Participant, Lawyer, Rabat , Male)
- “The advantages outnumber the disadvantages of mediation, if there are any. I believe that mediation will relieve the court of congestion, and it will save time and money for the litigants”( Non participant, Lawyer , Tangier, Male)

Several lawyers were so enthusiastic about mediation that they were hard-pressed to find any disadvantages.

- “I do not think that mediation has disadvantages because the mediator does not impose solutions on the disputed parties and it is up to them who find the solution, so all the cases that use mediation are concluded with a solution that please all the parties” ( Non participant, Lawyer, Tangier , Male)
- “Social disputes, family disputes, neighbors disputes, commercial disputes, all of these can be solved through mediation” (Participant, Lawyer, Casablanca, Male)
- “I don’t see any negative aspects, because mediation is a choice, so the parties can abide by the resolution or the agreement or they can just let down the resolution if they don’t agree. Furthermore, the mediator doesn’t force the parties to accept the resolution, he or she helps them find a solution or reach a mutually acceptable resolution” (Participant, Lawyer, Meknes, Male)

### *Disadvantages: Suspicions abound*

Despite all of the advantages listed, several participants still had reservations. Two lawyers expressed their cynicism and suspicion as to the true motives of mediation and the cultural readiness of Morocco for the practice.

- “I think we need to upgrade the society so that it can absorb mediation, especially since the citizen has lost trust in state institutions” (Non participant, Lawyer, Rabat, Male)

The same lawyer raised concerns over the intentions of lawyers who would like to act as mediators:

“I am afraid that mediation will be used by some people to reach some personal objectives. As of now, people are just trying to get to mediation to make more money and ensure clientele. I do not see any initiative that is serious to push forward

mediation as a dispute resolution tool.” (Non participant, Lawyer, Rabat, Male)

Another issue raised was the pressure of foreign interests imposing mediation on Morocco.

- “The law was not a product of the societal need, but as a response to some other outside calls”(Participant, Lawyer, Rabat, Male)
- “Morocco follows what globalization dictates and cannot choose its own way” (Participant, Lawyer, Tangier, Male)

### *Training Sessions*

Overall, lawyers who participated in SFCG trainings were “very satisfied” and found the skills too be “very practical.” In addition to trainings through SFCG with the cooperation of the MOJ and British Embassy, participants also mention trainings with the World Bank and USAID, as well as study missions to England and France.

- “We came out with skills that changed our point of view on conflicts and dispute resolution. Before, we brought the disputed parties together to one place and this was very confrontational. I think that we learned many positive things ” ( Participant, Lawyer, Rabat, Male)
- “Yes, I received material during the training about mediation. I think SFCG has a very serious team that does a great job, I think that the MOJ also provided the landscape for the organization to do its job and they have done a great job” (Participant, Lawyer, Tangier, Male)

In addition to the positive comments, some people also offered constructive criticism that the trainings could have gone in deeper and benefited from follow-up.

- “The gain is something, but training is something else. The training introduces you to the concept, but the trainee should follow up with what he was exposed

to in the training” (Participant, Lawyer, Meknes, Male)

Another participant was critical of those who participated with him in the trainings, doubting their integrity and intentions:

- “I think that the best person to mediate between the people is the one who is interested in reform and mediation in itself and not something else. Also, if a person is interested in mediating between the disputed parties and he believes in that, he would be the best mediator. And there are people in our field and in society who would fit the profile, but unfortunately, most people who attended the trainings are not people who fit this profile. You find only people who are interested in making more money through mediation” (Participant, Lawyer, Rabat, Male)

One participant also commented that the MOJ participation and support of the training was a positive aspect as initiatives that have support of the government are more likely to succeed.

### *Availability of Information*

Despite the high level of knowledge of mediation and ADR exhibited by lawyers, most still expressed the desire to see greater awareness campaigns undertaken to inform the public of changes to the law. In fact, raising awareness of mediation appeared to be one of the top priorities by those currently practicing mediation in mediation centers throughout the country.

Another lawyer called for simplifying writings explaining the law in order to make it more accessible to the average Moroccan citizen.

- “I think that there must be an awareness-raising campaign of the new law 08-05 because it is a legislative gain for the Ministry of Justice and a financial gain for the citizens”( Participant, Lawyer, Meknes, Male)
- “I think that this is a duty of the state, political parties and civil society. I think that mediation and reconciliation are part of our culture and society, but we need to introduce them now as an institutional tool and as an alternative

dispute resolution technique”( Participant, Lawyer, Tangier, Male)

- “If these foreign institutions did not introduce us to mediation, we would have never heard of it. Yes, we had mediation in our society, but it was informally done, except in Amazigh tribes, where there is a mediation institution (Azragh) that solves disputes among people”( Participant, Lawyer, Rabat, Male)
- “I think we need more professional trainings, “des formations renforcées”, I think we need civil society and NGOs to organize awareness campaigns”(Participant, Lawyer, Meknes, Male)
- “I think we need more awareness campaigns to promote mediation, we need what we call “le tapage médiatique” a media hype”(Participant, Lawyer, Casablanca, Male)

Others stressed the need to get civil society involved in order to get the word out:

- “The first rounds of training were done in coordination with the MOJ, but this partnership should also include civil society because it can raise public awareness about the use of mediation through a number of centers in the field” (Participant, Lawyer, Rabat, Male)

### ***Mediation in Practice: Awareness Initiatives***

Many of the lawyers interviewed had not only participated in trainings but have also acted as informal mediators themselves several times. Those directly involved in mediation devoted time to initiatives aimed at raising awareness. One lawyer from the mediation center in Tangier held activities and trainings for different stakeholders.

- “Our mandate in the center is training and raising awareness about mediation. We think that mediation can only evolve if we manage to convince Moroccans of its usage.”( Participant, Lawyer, Tangier, Male)

One lawyer even organized a conference with other young lawyers to familiarize them with mediation and arbitration techniques and which situations to use them in. Finally,

in Meknes, one lawyer organized a study day to introduce the concept to the general public. Overall, they expressed a strong commitment to the endorsement of mediation.

## **Ministry of Justice**

### ***Future of Mediation in Morocco***

The official interviewed for the Ministry of Justice (MOJ) proclaimed a strong “governmental orientation” towards mediation, citing that it received the support of both King Mohammed VI and the Minister of the Interior. The sources of support for mediation come from its ability to “open dialogue” and “reinforce cohabitation” between disputing parties. Both of these have long been cultural priorities, as exhibited by the process of consensus used to reform the family and penal codes.

- “I think that mediation in Morocco is taking ground, and mediation is very beneficial. It is a governmental orientation. Actually, His Majesty is supporting the enforcement of this law in Morocco. He is favorable to mediation as an alternative dispute resolution. Also, in the speech of the Minister of Interior, the later insisted upon the need to find and to adhere to the law of mediation as an alternative dispute resolution. Especially when it comes to resolve the conflicts between the litigants, but also to open dialogue between the parties, because among the positive aspect of mediation is to open dialogue, to save time and to relieve the courts of congestion. I think that we are in the right track to manage critical disputes now. You know, in mediation, we have a win-win solution, so nobody loses, so here we can preserve relationships.’(MOJ, Rabat, Male)
- ‘Culturally speaking, the end of mediation is to reinforce cohabitation and dialogue. I think this is the case even in the new family code, and in the penal code. What we do is to propose mediation as a solution, and this will certainly preserve the social relationships.’ (MOJ, Rabat, Male)



## *Profile of Mediators*

Concerning the question of a lawyer becoming a mediator, the MOJ official did not rule it out but stressed the need for the lawyer to have a good reputation and be respected by both parties. This is consistent with the responses by both the general public and other stakeholders in ADR.

- ‘I think that even lawyers can be mediators, of course we need lawyers who have a good reputation, because now again we need to clarify that we are going to chose of course well.’(MOJ, Rabat, Male)

## *Publicity*

With regards to the need for publicity, the official stressed the importance of having an awareness-raising campaign. The best way to inculcate the value of mediation is for people to witness actual cases where it is used.

- ‘I think that we need awareness-raising campaigns, but what we need are real cases, we need success stories about mediation, people need to witness practical cases and I believe that theoretically speaking people know about mediation but they will learn more about it if they have direct contact with mediation and with cases where mediation was relevant and a case where people resorted to mediation. So I think we need cases, practical ones.’( MOJ, Rabat, Male)

## Media

### *Knowledge about Judicial Reform*

Several journalists interviewed took a negative stance towards judicial reforms and the nature of laws concerning the press in Morocco. Such views expressed a high degree of suspicion concerning the application of laws. Some participants closely associated judicial reforms with political reforms and bemoaned the absence of special courts to deal with the media like those that exist for trade or civic disputes.

- “Also interesting is what we call the separation of courts. We have today a court for trade conflict, a penal court, and a court for social conflicts and an

administrative court. We also have a civic judiciary, penal judiciary, trade judiciary, administrative judiciary and the latest is the new family code. What we miss is for instance a specialized judiciary of the press. I think we need to reach this level, because this is what I call judicial reforms; we need a code in every sector.’(Media, Casablanca, Male)

- “I think that if we are talking about judicial reforms we need to talk first about the political judicial reforms. I believe there is a law, but there is no real implementation and application of the law”( Media, Rabat, Male)
- “The laws in Morocco are not applicable. They are promulgated to be violated and not respected. The problem in Morocco is not in the law; it is more about the application of the laws.’(Media, Rabat, Male)

### ***Knowledge of ADR and Mediation***

Several interviewees had a prior knowledge of ADR because they had either covered ADR activities/trainings or had heard about it through other means of publicity. Not a single journalist, however, possessed any knowledge on mediation centers.

Most respondents could identify mediation as a form of conflict resolution and cited examples of its day-to-day use, as something ingrained in Moroccan culture (such as the Head of the Tribe). One interviewee even said people would support it just because it has appeal as “something not imported from abroad.”

- “I know that ADR aims at reducing the number of cases in courts because there are so many, this burden has negative effect on the functioning of the judiciary.”(Media, Casablanca, Female)
- ‘I think that this exists in our culture. As Moroccans we all know that if there is a conflict in a family, people will interfere to resolve the problem. Or they will seek the help of the Head of the Tribe. I think this role is still alive in Morocco.(Media, Casablanca, Male)
- “In a tribe if there is a problem or a conflict between two people, they will always resort to the Cheikh, the Head of the Tribe, and this man tries to conciliate between them.( Media, Casablanca, Male)

### *Receptivity to Mediation*

Journalists cited the same reasons in favor of mediation as respondents from other professions, namely the speed and convenience of not having to deal with courts. As one interviewee put it, going to court damages relationships, but through mediation, “both sides are winners.”

Several interviewees also expressed the potential of mediation in the sector of media. One journalist suggested that SFCG should work on mediation between the judiciary and the media, especially considering the press-related cases in court. Another participant lauded the inclusion of mediation in the media sector in UAE and advocated for the same thing in Morocco.

- “...believe me, we are so slow, and honestly the press doesn’t talk much about mediation. There, they are using mediation so not to fall in the trap of the blind judiciary, and they created a corps of mediators specialized in media. These mediators receive the problems and all kinds of conflicts, then their mission is to sieve through the cases where the judge should interfere.” (Media, Casablanca, Male)

Finally, some of the participants spoke about the need to “formalize” mediation and “render its judgments obligatory.”

- “I think that mediation is a positive step, it will relieve courts of congestion. It is a procedure to save time, money and increase satisfaction between the parties and of course to resolve effectively and fairly. what is needed is the institutionalization of this program, in order to ensure honest use’(Media, Casablanca, Male)
- “I think mediation will be very beneficial under one condition; good use. Here we need to apply mediation in an appropriate way, so that people can trust mediation. We need to formalize this sector”( Media, Casablanca, Female)

### *Communication and Publicity of Mediation*

People from the media sector were unanimous in their calls for better communication of the benefits and practices of mediation in order to instill trust in the average Moroccan citizen and to establish mediation as a widely accepted practice.

- “I think that mediation in Morocco is perceived differently as far as our culture is concerned. It is perceived as “coup-de-piston”, patronage. But when you explain to them that the mediator is a person who will be able to help them resolve conflicts, the Moroccan citizen won’t be confused. We need to publish information about mediation in this context so that Moroccans won’t understand it differently.” (Media, Casablanca, Male)

### *Media and mediation*

The mediatization of mediation is a determining factor for its success and to ensure that this new tool is used by the people. A review of the literature shows that there is a quite good amount of attention that mediation has attracted in the mass media, especially the newspapers. Coverage of the SFCG trainings and conferences, analysis articles about the judicial reform, or definition articles for mediation and ADR were published in a number of papers, in an attempt to get the normal Moroccan citizen introduced to these techniques.

The coverage of mediation was done only to inform the public about different activities held on the topic, but not in an awareness raising approach that would allow Moroccans to improve their level of knowledge about ADR tools used in Morocco. Therefore, despite these efforts to mediatize, ADR in general and mediation in particular still needs some massive mass media campaign that will allow more visibility of the benefits that mediation can bring to the judicial system and to the Moroccan citizen.

Through the interviews conducted as part of the ADR evaluation with media representatives, it is still obvious that even the journalists do not master mediation and the provisions of the new mediation law. The journalists are still not involved in mediation and do not have enough information that would let them participate in the public awareness about ADR.

On another token, journalists were open to mediation as a tool to solve their disputes among them and with the state. They suggested that mediation can be beneficial to solve the different press cases that are usually before the Moroccan courts in an

attempt to respect freedom of speech and stop the arrest of journalists for opinion articles.

## Judges

### *Knowledge of ADR and Mediation*

The majority of judges interviewed possessed a strong knowledge of ADR. They could all explain the way in which mediation works and clarify the goal of mediation. In addition, nearly all of the judges explained that mediation can be used to reach a mutually acceptable solution. Interestingly, they mentioned that mediation is a part of Moroccan culture and that this practice has been used for decades.

Most of the judges also mentioned that they know about arbitration as another device of ADR.

- “When a conflict occurs between two parties, these parties have the right to choose a third person who is called the mediator. He tries to reach a mutually acceptable solution between the parties and they reach is a win-win solution.”(Participant, Judge, Rabat, Male)
- “Mediation is a choice that the parties in conflict can resort to in order to reach a mutually acceptable resolution.’ (Participant, Judge, Casablanca, Male)
- “I think that mediation exists in our culture. There are many regions in Morocco where conflicts are resolved through mediation; it is part of the Moroccan culture.’ (Participant, Judge, Casablanca, Male)
- “In Morocco, we have what we call ‘la mediation conventionnelle’, informal mediation, and this is not new, because this is in our culture.’(Participant, Judge, Rabat, Male)

### *Advantages of Mediation*

The interviewed judges all agreed on the potential benefits mediation has. They particularly mentioned the time and the money mediation can save. They emphasized that mediation is a beneficial practice because of the huge number of cases judges

have to deal with every year. To their opinion, mediation can relieve court congestion. Moreover, some judges pointed out that mediation is the best means to preserve relationships and that it guarantees confidentiality and privacy. Other benefits were identified by the interviewed; the parties who use a mediator to resolve conflict are free to accept or to reject the resolution, in addition to the win-win solution.

One judge pointed out that in many other countries mediation is an obligatory process before going to the court and that mediation resolved more than 90% of the conflicts.

- “I think we should use mediation in Morocco for so many reasons. Through mediation the parties can save time and save money.... The mediator will try to find a common ground and then the parties are free whether to accept and abide by the resolution or to reject it. They are free, and this is very important I think.” (Participant, Judge, Casablanca, Male)
- “The number of cases in Morocco is so huge, so we definitely need mediation. Besides you know that through mediation we will save time and save money.” (Participant, Judge, Rabat, Male)
- “Personally I prefer mediation, because it is a means to solve conflicts between parties themselves without the interference of the court or the judge.” (Non participant, Judge, Rabat, Male)
- “I think mediation is a positive step in the legal system, because it will relieve the court of congestion. People then can resolve their conflicts and they can save time and save money. I think this is very important when it comes to resolution of conflicts.” (Participant, Judge, Casablanca, female)
- “I think that mediation is the best means to preserve relationships. Mediation is a process that will guarantee confidentiality and privacy; and it is also a process that will make the parties save time and money.” (Participant, Judge, Rabat, Male)
- “What is amazing about mediation is that it is not an obligatory choice.” (Participant, Judge, Male)

### *Communication and Publicity of Mediation*

Nearly all of the judges stated that, though they know about mediation, most of the people they deal with have a limited knowledge about mediation and its benefits. Some judges propose that mediation should be called ‘conciliation’, because it is called in Morocco this way. Furthermore, most judges suggest that there should be awareness campaigns through mass media, because of the lack of knowledge people have regarding mediation.

- “I think that; though mediation is very important; no one knows about it today, because honestly there was no mass communication about it. Have you ever seen something about it in the Moroccan channel or in the newspapers? I think it is high time to inform people about the importance of mediation through mass media.”( Non participant, Judge, Rabat, Male)
- “I think this is all about awareness. I think we need a push from the press. I think media can do this job.”(Non participant, Judge, Casablanca, Male)

### *Disadvantages of Mediation*

One judge took note of some disadvantages of mediation regarding the profession of the mediator.

- “If you want to create a profession like a mediator you need to find a way so that a lawyer will still maintain his profession. The use of mediation will let the people resort to it, because it is less formal and less expensive, this will definitely threaten the lawyer’s future.” (Participant, Judge, Casablanca, Male)

### *Training sessions*

Those who attended a training of SFCG were enthusiastic about it and are asking for more.

- ‘As far as the training of SFCG is concerned; I think they did a good job. It was a professional training, but we need more training.’ (Participant, Judge, Rabat, Male)
- “Thanks to SFCG, we are initiated to mediation, through the trainings and the meetings SFCG held on a regular basis”( Participant, Judge, Casablanca, Male)

## **Business Leaders**

### ***Knowledge of ADR and mediation***

Non-participants demonstrated very low awareness of mediation, while those who have participated in trainings on mediation possessed a strong knowledge of mediation. Participants generally had positive things to say about their trainings, although one person confounded mediation training with USAID training on “improving business climate in Morocco.” Yet, this same person identified himself as a certified mediator in the Customs Office, mediating between importers and exporters.

- “I think we have many alternative dispute resolutions. For instance, we have mediation, arbitration... As for arbitration; today we have a center of arbitration in Rabat.’( Participant, Business, Casablanca, Male)
- “I believe that mediation existed in our culture even before the law, but now there is an institution. Mediation exists in our traditions.’( Participant, Business, Casablanca, Male)
- I think the training was relevant because we had experts from the USA, and actually an American expert was here and he was brought under the auspices of USAID.’(Participant, Business, Casablanca, Male)

### ***Relevance and Receptivity to Mediation***

Everyone interviewed saw mediation as a beneficial process capable of streamlining legal and business disputes, seeing it as a way to save both time and money. As with



people interviewed from other sectors, businessmen put value in mediation as a way to bypass the unpredictability and unreliability of the judicial system. One non-participant suggested that hastening conflict resolution would also improve relations between business partners. In the domain of business and investing, any process that could expedite transactions would garner interest.

Another participant stressed how mediation could be used to address minor conflicts, leaving more urgent matters for the tribunals and keeping petty disputes out of the courts. Several businessmen also mentioned that mediation has long existed in Moroccan culture. One businessman even proclaimed that, “Mediation is involved in all levels of business.” The fact that several internal investment and trade firms already had mediators signified a welcome reception for ADR, according to many interviewees.

Finally, another theme that repeatedly came up in the interviews was the integrity and honesty of the mediator. More specifically, businessmen spoke of the mediator’s reputation, saying that they had to have to be “noteworthy and trustworthy” in order to inspire the respect of both parties. The more the moderator inspires trust, the greater the sacrifice and efforts both sides will make to come to an agreement, according to many. In this regard, one participant suggested that it would be best to exclude lawyers from mediation because of their perceived susceptibility to partiality.

- “I believe mediation is a good means at the level of costs, time and at the same time the relations between traders.’(Participant, Business, Casablanca, Male)
- “The mediator should be qualified. He needs as well a certain reputation, like a helpful reputation. Also he needs to respect the ethics of the profession.’ (Non participant, Business, Rabat, Male)
- “I believe that mediation can be used for minor conflicts so that the judges will take good care of more urgent and critical cases”(Non participant, Business, Rabat, Female)

### ***Publicity and Communication***

Regardless of whether they have participated in mediation trainings or not, all interviewed business leaders believed strongly that mediation was in serious need of a publicity campaign. Given the welcome reception for mediation in business, business

leaders were eager to see organized measures taken to inform people on the specific details of mediation and ensure that unofficial mediation practices become formalized. Participants expressed the need for a targeted media campaign to instill a degree of familiarity and credibility in order to make mediation a trusted and common practice. One businessman suggested targeting other businesses and mentioned that the state must play its role. One business woman bemoaned the state for being negligent regarding the promotion of mediation.

- “If it’s a law, we must be made aware about it ...it was not publicized, neither by the press nor by associations. I am aware of [mediation] just by coincidence and if you ask anyone else, they will not know that it’s a project in the process of being discussed”(Non participant, Business, Rabat, Female)
- “I think that the source of information about mediation is poor. I think that mediation is very relevant, because the mediator tries to resolve the problem, he doesn’t impose on you anything.”(Participant, Business, Casablanca, Male)

## **Labor Unions**

### ***Knowledge about Judicial Reforms***

Labor Union workers had an overall skeptical view on judicial reforms. While some activists interviewed cited positive changes made, such as the creation of new courts to treat specific disputes (i.e. family), others bemoaned that such reforms “did not change anything.” Although reforms are important, some touched on the deeper problems of making the judiciary independent through constitutional changes. One participant was even more cynical, stating, “I think that there are some lobbies inside the judiciary that block any kind of development”

### ***Knowledge about ADR and Mediation***

Knowledge of ADR among labor union workers was mixed. One person interviewed had participated to ADR trainings, while others had never heard of it. The majority of the responses seemed to equate ADR with mediation practices already in place whether in society at large, business, or in the domain of labor disputes. In this respect, strong support and knowledge for the practice of mediation in general does not translate into awareness or support for ADR in practice.

Many participants spoke of forms of mediation available to workers and their employees. Those interviewed cited numerous centers tasked with mediation: the committee for reconciliations, the regional labor committee, Diwan al Madhalim, the arbitration committee, and the Moroccan Center for Arbitration and Mediation. One respondent even described his union's efforts to create a "social judiciary" which would solve social issues outside of the courtroom. What all of these cases show is that there is already an established practice of mediation, arbitration, and reconciliation for treating labor disputes, according to interviewees. Therefore, mediation as a formal legal process is largely irrelevant, since the labor law already includes similar processes. This conclusion was also borne out of the lack of enthusiasm for ADR as compared with participants from other professions.

### ***Receptivity to ADR and Mediation***

Although labor union workers share many of the same grievances as others concerning the court system, ADR is not seen as the necessary solution. Judicial reform is marked as such a high priority for labor unions, that workers would rather see efforts made to strengthen the judiciary before seeking alternative options. In this sense, efforts to prioritize mediation as part of ADR are seen as distracting from the real battle at hand.

- "I think that mediation will not give results, especially with the current situation of the judiciary. I think that there is a need for a serious judicial reform and mediation can not replace the judiciary. It can help it, but not replace it"(Participant, Labor Union, Rabat, Male)
- "I think that mediation does not serve the judiciary, especially because we are calling for a modernization of the latter. Mediation raises doubts about the effectiveness of the judiciary to solve people's disputes. I think if we legislate for mediation, it will replace the entire legal arsenal that we need so much"(Participant, Labor Union, Casablanca, Male)
- "I think that mediation is linked to the level of awareness and development in society. If the society is still under-developed, I do not think that mediation can solve disputes"(Participant, Labor Union, Casablanca, Male)

In conclusion, support for mediation that did exist among several labor union workers cannot be translated into support for ADR. Mediation initiatives are welcome by labor unions because they have always been a form of dispute resolution. Adding to the layers of mediation, arbitration, and reconciliation already in place—through ADR—was seen, therefore, as both superfluous and compromising of labor unions’ larger goals.

### ***More Information***

Many of the labor union workers interviewed cited a poor publicity job and an overt need for better information. One person interviewed received direct ADR training from a fellow unionist trained at a workshop in Geneva and with the Frederic Ebert Foundation. Another participant, who identified himself as a mediator, admitted: “Personally, I do not see how mediation can be beneficial for us. May be there is a need to publicize mediation more so that we can see its benefits”

One participant, who appeared to conflate his use of ADR with that of mediation, also demanded more information, saying, “I think that the people who are in charge of informing us about this issue are not really doing a good job because we do not have much information”

Others expressed the need to expand trainings to maximize the number of people exposed to mediation.

### **Civil Society Organizations**

#### ***Knowledge about Judicial Reform***

Not all the CSO interviewees knew about judicial reforms, and those who did know about the judicial reform tended to be negative about it. They either stated that there are problems with the implementation of laws and that the judiciary is not independent; or that the judiciary has no value in the system and that it’s not mentioned as an authority.

- “The judiciary knew a lot of changes since the nomination of the new government. There were many laws promulgated since then to strengthen the judiciary, but the problem remains in the implementation of these laws. The other problem is that the judiciary is not independent.”( P, CSO, Casablanca, Male)

- “I think that the judiciary only occupies about 4 articles of the constitution; which means it has no value in the system. It is not even mentioned as an authority, like the legislative and executive branch so why should we reform it’(NP, Participant, Casablanca, Male)

### ***Knowledge of ADR and Mediation***

Not all of the CSO activists possessed knowledge about mediation, but some of them have been trained by SFCG as well as by the Ministry of Justice. The CSO interviewees who did know about mediation were explaining the goal of mediation. They emphasized that the use of mediation is done on a daily basis but informally. They stated that mediation should be used to resolve problems between two parties without going to court.

- “Mediation solves the conflict between people without going to court. Mediation happens when there is a conflict between two parties and these parties agree on a third party to come up with a solution or to facilitate the process of finding a solution”( Non participant, CSO, Rabat, Female)
- “My knowledge about mediation is very weak. I just learned from you that there is a mediation law in Morocco.’(Non participant, CSO, Tangier , Male)
- “No, I have never heard of mediation.’(Non participant, CSO, Meknes, Male)
- “Mediation is a procedure between disputed persons who agree to reach a solution through a mediator.’(Participant, CSO, Casablanca, Male)
- “I think my knowledge about mediation is good. I did so many trainings on mediation and I was part of the first group to create a network of mediators in Morocco.’( Participant, CSO, Casablanca, Male)

### ***Advantages of Mediation***

Many interviewees stated that mediation is very beneficial for the judicial system, because of the enormous amounts of cases judges have to cope with on a daily basis.

Furthermore they pointed out that, by using mediation, people will save time and money. Moreover, one interviewee reported that mediation is crucial because it preserves confidentiality and it preserves relationships.

Finally, another interviewee stated that because some people have lost trust in judiciary, mediation can solve their issues.

- “Of course it is beneficial to the judiciary. At least, it can save them resources given the high number of cases registered in courts.”(Non participant, CSO, Casablanca , Male)
- “Mediation can save a lot of money in case we use it. We never counted how much money and resources are wasted for a dispute to be solved in courts. If we do the calculations, we will find out that mediation is a better option.’( Participant, CSO, Tangier, Male)
- ‘There is no doubt about that. In Morocco; if we ask a judge how many cases he has, he will find out that our judges can not be effective given the number of cases. So mediation can save us time and resources.’( Participant, CSO, Casablanca, Male)
- ‘Mediation preserves relationships; especially when it comes to business people who have mutual interests. It reduces the expenses and is saves time”(Participant, CSO, Meknes, Male)

### *Disadvantages of Mediation*

Interestingly, CSO activists were very positive about mediation. However, they also came up with some disadvantages regarding mediation. One of the interviewees expressed his concern that mediation should remain a clean business without corruption. The more trustworthy mediation is, the more useful it will be.

- “I think that mediation needs to remain a clean business without corruption, so that people can trust it more and use it more.’( Non participant, CSO, Meknes, Male)

### *Training sessions*

The interviewees who participated in the training sessions of SFCG were very positive about the sessions. They believed it is a very good initiative and that they learned many things. Also, one CSO thinks SFCG should continue its actions on mediation with the MOJ.

- “I learned so many things: techniques of negotiation; how one can be accepted as a mediator and other interesting things.”(Participant, CSO, Casablanca, Male)
- “I think that SFCG did a positive job. I think SFCG should continue its endeavors on mediation with the MOJ, especially by making sure that the trained mediators do practice what they have learned.”( Participant, CSO, Rabat, Male)

### *Communication and Publicity of Mediation*

Some of the CSO activists expressed their concern that media should inform people more about mediation and its usage. They claimed that mediation is not a new practice, but it is not institutionalized. People should benefit from already existent form of non-institutionalized mediation.

- “TV should educate people about mediation and its usage.”( Non participant, CSO, Casablanca, Male)
- “Mediation is something that has been practiced here a long time ago.”(Participant, CSO, Tangier, Male)
- “Mediation exists in our society, but we do not have an institutionalized way to do mediation. Mediation has always existed in our culture and we should use this culture to let mediation be more used in our country.”(Non participant, CSO, Rabat, Female)

One CSO activist advised that there should be an advisory office in courts to advice people to use mediation.

- We might have an advisory office in courts who would advice people to go for mediation.’(NP, CSO, Casablanca , Male)

## **General Public—Focus Group Results**

### ***General Perception of the Judiciary (Courts, Lawyers and the Rule of Law)***

Overall, participants demonstrated a low level of trust and confidence in the justice system and the rule of law. Lawyers were perceived very negatively (“corrupt,” “bandits,” and “thieves”) as were Judges. Courts were viewed as places where people take their problems, but not necessarily where they go for justice. Disputes were not settled based on who had the better case, but rather, which side could afford to pay the expected amounts to the appropriate officials, judges included. Furthermore, courts were also portrayed as long and costly, with many participants bemoaning that they have had cases that have taken years and still remain unresolved.

Participants held mixed views of “law” with some describing it as “necessary,” “neutrality,” and “protection,” and others viewing it as merely a set of rules on paper that do not apply to the rich. Overall, women tended to have a lower level of trust in the justice system and rule of law than men. Conflict was also perceived by women to be a recurrent part of their daily lives. Both men and women associated conflict most closely with marriage and domestic disputes.

### ***Awareness of Mediation and ADR***

Participants showed a mixed awareness and knowledge of mediation. Those that were familiar with mediation tended to see it as a form of conflict resolution and perceived it as generally positive. Many, however, had never heard of mediation. Men in Rabat and women in Casablanca displayed the greatest overall general understanding.

There was also a large group of participants who conflated the Arabic word for mediation (wassata) with the Arabic word for middle-man (wasta). This charged mediation with a negative connotation, associating it with nepotism, corruption, abuse of power and patronage.



After watching the video on ADR, most participants remarked that it was the first time they had ever heard of the practice. Despite the familiarity with mediation that some participants held, and the experiences some have had using mediation in various circumstances to solve problems in the past, only a handful of participants were aware that such a practice had been codified as a law—a legal means to solving conflicts outside of the courtroom.

### *Receptivity to ADR*

Although the concept of ADR was largely unknown to participants, the practice of using mediation is neither new nor foreign. One participant mentioned the use of mediators in rural areas.

Overall, participants demonstrated a high degree of receptivity to mediation as a solution to problems and conflicts outside of the court room. In general, anything that could potentially be less costly, quicker, and more equitable than going to court was appealing. Many participants were keen on this opportunity to relieve the courts from congestion.

Despite initial support for official mediation, there were still many reservations about the process of ADR and the role and qualifications of the mediator. First and foremost was the need to guarantee the impartiality of the moderator, as well as a salary high enough to decrease the vulnerability of the mediator to be influenced by money. The respect and integrity of the mediator, in this regard, was of utmost importance. Participants in each group were also concerned about the nature and level of training. They thought a mediator should have a strong background that touches not just on justice but religious, social, and economic matters as well.

Another consideration expressed by participants was the price. While responses varied widely on what an acceptable price should be, most agreed that it would need to be cheaper than going to court in order for it to be worth people's time. Others said that it would depend on the case.

Both men and women raised the question of gender in choosing a moderator. One woman from Casablanca said that the moderator should be a woman because they are more "affectionate," and another in the same group stressed that women are more comfortable helping each other resolve their own problems. One male from Casablanca also stressed the importance of having the mediator be the same gender as those involved in the dispute.

Finally, one man from Casablanca recommended that ADR takes place outside of a judicial setting so that it would be easier to build rapport and instill trust.

### ***Seeking More Information***

Most of the participants expressed a desire and curiosity to learn more about ADR. They requested booklets with detailed information on mediation, more information on the profile of mediators, contact information for mediators and mediation centers, what the approximate costs would be, and what types of assurances there would be to the independence of the mediator and validity of the overall process.

In order to publicize ADR and the process of mediation, participants recommended a publicity and awareness campaign like that “which was done with the Moudawana.” Others called for seminars, press conferences, and brochures, as well as add campaigns on television, radio, and in the newspapers.

Of note is that several participants related the difficulty with accessing pertinent information in Morocco. Several participants used the phrase “hidden information,” insinuating that information that news which had a practical value in their lives did not always reach them.

The report was based on the evaluation of the indicators of success stated below:

#### **Indicators of success**

Indicator I: A pool of mediators has reached a specific quality benchmark.

- % of the interviewed trainees who feel more confident about acting as a mediator.

According to the findings of the evaluation,<sup>♦</sup> 84% of the interviewees acted as mediators before. They claim to feel comfortable to help disputants resolve their conflicts without going to court. During their practice, which was more on the informal basis and not on the legal framework of mediation, the mediators have had the pleasure of attempting to use the techniques of mediation they have learned during the trainings conducted by SFCG. They believe that the use of mediation is neither a new nor a foreign practice. However the small percentage of trained mediators who feel uncomfortable acting as mediators argue that the trainings are not

---

<sup>♦</sup> See page 18

enough, and five days did not allow trainees who are new to the field of mediation to act effectively and efficiently as mediators.

- Number of participants who have completed the course of training.

84% of the participants completed the trainings<sup>♦</sup> and only 16% did not complete the training. However, those who completed the training were very satisfied with the quality of the training and the efforts deployed by SFCG to make the trainings very efficient and fruitful.

- Number of mediation cases filled and concluded by the participants/mediators

The participants had to indicate how often they had used mediation as a way to resolve conflicts, 35% percent answered that they have used it once or twice. 65% of the participants stated that they used it more often; however this use was in an informal way. The interviewees were unable to determine the number of cases they have mediated successfully due to the cultural background which embrace the informal use of mediation.

Indicator II: The ADR mechanism successfully introduced in the Moroccan judicial system

- Enhanced culture of mediation in Morocco

Overall, most of the interviewees that represented the primary target of this program evaluation had a good level of knowledge about ADR and mediation in Morocco. The interviewees welcomed it, hoping that it will reduce litigation inside the Moroccan courts and to enhance the functioning of justice. This shows that SFCG has deployed enormous effort of outreach to the primary targets of the program, which represent the core of the judicial system (lawyers, judges, ministry of justice), in addition to the segments of population that have a direct and permanent contact with the court system (business people, trade unions, civil society...etc).

- Enhanced citizen confidence in the legal system

Another level of analysis that can be raised in terms of achieving the program objectives is the quality of the knowledge acquired by the trainees. The quality of the training was measured through direct questions to the participants about their takes on the training organized by SFCG and the extent to which these training satisfied their knowledge thirst. In general, Participants seemed to have a good level of

---

<sup>♦</sup> See page 16

satisfaction about ADR and mediation techniques that they learned via these trainings. Participants were informed on how to use mediation to solve disputes in their communities, but most importantly, they were aware of the benefits that mediation will bring to Morocco and to its judicial system, which is an important part of the success of this program.

On a macro level, SFCG was successful in introducing the mechanism of mediation to the Moroccan legal system. In this regard, one can cite the adoption of a mediation bill by the Moroccan parliament, which is a major step to the institutionalization of mediation in Morocco. This bill would allow mediators to perform their tasks within a clear and well-defined legal framework. Further, some mediation centres were established to better advertise this new technique.

However, it should be noted that the integration of mediation in Morocco is a challenge that is difficult to measure through indicators. The complexity of the Moroccan judicial and political system do not allow for a systematic evaluation of direct results. Participants suggest that SFCG continues its advocacy and technical assistance in the future to ensure the sustainability of mediation.

### Indicator III: The program outreach

On another micro level, SFCG should invest more effort in reaching out to the general public, in partnership with local organisations, for a better public awareness about mediation. The study showed that the general public still lacks knowledge about mediation and ADR tools. Therefore and in order to assure the usage of mediation by the general public, a public awareness campaign should be designed to overcome this lacuna. In this regard, the public, which is the primary user of mediation, need to witness the benefit of mediation and what it can bring to the average Moroccan citizen.

# RECOMMENDATIONS

---

Overall, research respondents from the different target groups expressed recommendations in three different aspects of programmatic value to SFCG:

- Access to information about mediation
- Advanced trainings for mediators
- Establishment and promotion of mediation centers

## **Access to Information**

Virtually all research respondents stressed the importance of providing information about mediation to all stakeholders, whether in civil society, in the world of business, in the legal community or amongst the average citizen. Recommendations include:

- The mediatization and promotion of Success Stories of mediation in mass media to undermine the widespread suspicion of mediation as “just ink on paper”.
- Special information days for business leaders on mediation, especially among smaller and family businesses. Whereas large corporations are aware of legal reforms, aware, family businesses are often not aware of the new law.
- A wide circulation of brochures and comic books, especially in areas where potential mediation clients abound. Recommendations include information booths in commercial and family courts and information centers in Regional Centers of Investment (CRI) (Casablanca’s Regional CRI has expressed his willingness to cooperate in this regard).

### **Advanced training sessions for mediators**

Advanced trainings were a recurrent demand from almost all participants to SFCG activities. Most suggested practical training exercises they can try their newly-acquired skills in.

### **Establishment and promotion of mediation centers**

Most respondents were in favor of the multiplication of mediation centers in different parts of the country. However, most of the recommendations suggested specialized mediators in specific fields. While lawyers suggested that mediation should be limited to the legal practice, business leaders recommended that mediators be members of the business community, so that they have a deeper understanding of the field's specificities. Accordingly, labor unionists were rather protective of the labor sector and preferred that labor-related conflicts be mediated by labor unions mainly, based on the Labor Code.

# METHODOLOGY

---

## Data collection techniques

For the purpose of this evaluation, the analysis was based on data collected through qualitative and quantitative techniques, namely in-depth interviews, focus groups and a phone survey. These techniques allowed for a triangular collection of data that is relevant to the evaluation objectives. Detailed interview protocols/discussion guide were developed in partnership with the SFGC technical team and addressed questions that enabled collection of data in line with indicators of success. Each of these techniques was used with the relevant target group, as described below, depending on the level of involvement in the program.

### *In-depth interviews:*

In-Depth Interviews are semi-structured interviews that proceed according to a careful research design. Participants respond to open-ended questions and statements presented by a trained interviewer. As a flexible form of research, IDIs allow one to probe into issues important to sponsors, while also permitting participants to raise other issues or concerns that might not have occurred to the researchers.

Qualitative research reveals not just *what* people think, but also *why* they think that way, *how* they formulate opinions and *how strongly* these opinions are held. They also help researchers to better understand the various shades of gray – hesitation, enthusiasm, anger or uncertainty. By listening directly to the voices of participants, IDIs and focus groups are valuable tools for understanding the “why” behind the numbers. They can also highlight the similarities and differences between the views of different categories of people (young and old, men and women, etc.).

Through a targeted and meticulous recruiting process, participants for each IDI are selected based on common demographic characteristics or experiences. Unlike a survey, whose claim to reliability is based on the “representativeness” of its sample, qualitative research results are useful because they reflect the views of typical individuals in specific social groups. In other words, the research focuses on understanding attitudes, rather than measuring them. The participants are chosen by researchers in similar fashion to conducting a representative survey to ensure there is no bias in selection within the specified group criteria (age, education, etc.). Because

the number of people who participate in a qualitative research project is much smaller than those reached by a poll, qualitative research results cannot be proportionately extrapolated to the national population. However, the results are particularly useful because they offer far more detail and nuance than a poll on the views of particular groups of interest.

### ***Focus groups:***

Focus groups are semi-structured interviews that proceed according to a careful research design. Focus groups are useful in helping understand the language that people use when they discuss particular ideas or concepts. They are also useful in gaining a deeper appreciation for the motivations, feelings and values behind participants' reactions. It is a flexible form of research that allows one to probe into issues important to the sponsors, while permitting participants to raise other issues or concerns that might not have occurred to the researchers.

As an organized group discussion, it provides a form that enables participants to stimulate each other in an exchange of ideas that may not emerge in individual in-depth interviews or quantitative surveys that rely on one-on-one questionnaires. When done well, they are free flowing, open-ended, and often unpredictable. They are designed to elicit a wide range of ideas, attitudes, experiences and opinions held by a selected small sample of recruited respondents on a defined topic.

Because of the small numbers involved, however, focus group participants cannot be expected to be thoroughly and statistically representative of the larger population from which they are drawn, and findings ought not to be generalized beyond the small number of participants. They offer insight into emerging ideas and popular attitudes on key issues, but it would be unsound to extrapolate to firm conclusions about what all or most Moroccans believe based on such a small sample of individuals.

### ***Surveys:***

Surveys, in an evaluation context, are systematic ways of collecting primary data on a program and its results from persons (or from other sources, such as files) associated with a program. The term survey refers to a planned effort to collect needed data from a sample (or a complete census) of the relevant population. The relevant population is composed of those persons that are from whom the data and information are required. A survey offers an efficient and accurate means of ascertaining the characteristics (physical and psychological) of almost any population of interest. Surveys can be conducted on a face-to-face basis, via internet (email or on



specialized websites using the computer-assisted personal interviewing, CAPI) and through telephone.

Surveys are used extensively in program evaluation because of their versatility. In fact, surveys can be used to gather data on almost any issue. Nevertheless, surveys provide the input data to some other analytic technique. A survey is not an evaluation strategy but rather a data collection tool.

### Target groups

The ADR program involved different stakeholders who were the targets of the present evaluation. These stakeholders were lawyers, labour unions, notaries, businesspeople, civil society leaders, judges, Moroccan Ministry of Justice, the media and the general public. The general public constitutes one of the major and unique targets of ADR III in comparison to the previous ADR programs, which focused mainly on key stakeholders that are directly involved in ADR activities.

The primary target of the evaluation are stakeholders that are directly involved in the ADR programs, namely lawyers, labor unions, businesspeople, civil society leaders, judges, and the ministry of justice officials. On the other hand, the secondary target are stakeholders that are not directly involved in the program, namely the media and the general public.

The general public involvement in the evaluation aims at understanding how the key stakeholders that were directly involved in ADR reached out to the public to inform them and increase their level of knowledge about mediation and its role in dispute resolution. This enabled a better understanding and measurement of how widely mediation is understood and considered as a dispute resolution technique by citizens having registered cases in the Moroccan courts.

### **Data collection tools for each group**

Given the nature of the different stakeholders involved in this program, it is required to distinguish between those directly involved in ADR (primary target) and those indirectly concerned by the program (secondary target).

For the primary target, the data collection tools were semi-structured in-depth interviews and phone surveys. The in-depth interviews focused on measuring the impact of the ADR activities on the level of knowledge of the participants to the evaluation by collecting extensive qualitative data, while the phone surveys focused on the technicalities of the ADR program activities such as: organization, choice of topics, pedagogical material...etc.

For the secondary target, in-depth interviews and focus groups are the most appropriate data collection tools. In-depth interviews were used with the media to extract data related to their level of knowledge about mediation as a dispute resolution technique. Focus groups were used with the general public to explore the perception of the citizens of mediation and how they used this technique to solve their cases in Moroccan courts.

The data collection took into consideration the gender perspective. The primary target population included about 50% of participants to ADR program activities and 50% of non participants to ADR program activities, and a total of 20-25% of women, in line with the percentage provided by SFCG technical staff regarding gender representation during the training sessions. The secondary target sampling included about 50% of women.

***Primary target data collection tools:***

<b>Group</b>	<b>Method</b>	<b>City</b>	<b>Quantity</b>
Lawyers	In-depth interviews	Rabat	3
	In-depth interviews	Casablanca	3
	In-depth interviews	Tangier	3
	In-depth interviews	Meknes	3
Labour unions	In-depth interviews	Rabat	4
	In-depth interviews	Casablanca	4
Business people	In-depth interviews	Casablanca	4
	In-depth interviews	Rabat	4
Civil society leaders	In-depth interviews	Casablanca	3
	In-depth interviews	Rabat	3
	In-depth	Tangier	3

	interviews		
	In-depth interviews	Meknes	3
Judges	In-depth interviews	Rabat	3
	In-depth interviews	Casablanca	3
Ministry of Justice	In-depth interviews	Rabat	2
Primary target	Phone survey	N/A	40

*Secondary Target:*

<b>Group</b>	<b>Method</b>	<b>City</b>	<b>Quantity</b>
Media	In-depth interviews	Rabat	6
	In-depth interviews	Casablanca	6
General public	Focus group	Rabat	1
	Focus group	Rabat	1
	Focus group	Casablanca	1
	Focus group	Casablanca	1

## Appendix I

### Indicators of success

<b>Indicators of Success (38)</b>	<b>Source of Information (39)</b>
<p>A pool of mediators has reached a specific quality benchmark.</p> <p><input type="checkbox"/> % of the interviewed trainees who feel more confident about acting as a mediator.</p> <p><input type="checkbox"/> Number of participants who have completed the course of training.</p> <p><input type="checkbox"/> Number of mediation cases filled and concluded by the participants/mediators</p>	<p><input type="checkbox"/> Training workshops reviews and informal discussions.</p> <p><input type="checkbox"/> Project monitoring reports</p> <p><input type="checkbox"/> Final evaluation</p> <p><input type="checkbox"/> Statistics</p>
<p>A pool of trainers of mediators have reached a specific quality benchmark</p> <p><input type="checkbox"/> % of the interviewed trainees who feel more confident about training other mediators.</p> <p><input type="checkbox"/> Number of participants who have completed the course of training.</p> <p><input type="checkbox"/> Number of individuals trained by the trainers of mediators.</p>	<p><input type="checkbox"/> Training workshops reviews and informal discussions.</p> <p><input type="checkbox"/> Project monitoring reports</p> <p><input type="checkbox"/> Final evaluation</p> <p><input type="checkbox"/> Statistics</p>
<p><input type="checkbox"/> The ADR mechanism successfully introduced in the Moroccan judicial system.</p> <p><input type="checkbox"/> Enhanced citizen confidence in the legal system</p> <p><input type="checkbox"/> Enhanced culture of mediation in Morocco</p>	<p><input type="checkbox"/> Mediation Law is passed by parliament</p> <p><input type="checkbox"/> Number of mediation centers increases</p> <p><input type="checkbox"/> Number of mediation cases filled and concluded.</p> <p><input type="checkbox"/> The length of disputes resolved through mediation is significantly less than through traditional court mechanisms</p> <p><input type="checkbox"/> Percentage of parties' demonstrating satisfaction with the process and outcomes increases</p>

Outputs (41)	Indicators of Success (38)	Source of Information (39)
<ul style="list-style-type: none"> <li><input type="checkbox"/> 60 participants are intensively trained in advanced mediation skills (mediation theory and practice): They are to become mediators.</li> <li><input type="checkbox"/> 2 participants participated in 2 study tours in London and Paris and got a practical experience of mediation.</li> <li><input type="checkbox"/> 20 participants have benefited from an intensive training workshop on training of mediators: They are to become trainers of mediators.</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> % of the interviewed trainees who feel more confident about acting as a mediator.</li> <li><input type="checkbox"/> % of the interviewed judges/Lawyers who feel more confident about training other mediators.</li> <li><input type="checkbox"/> Number of trainees who have completed the course of training.</li> <li><input type="checkbox"/> Number of mediation cases filled and concluded by the participants/mediators.</li> <li><input type="checkbox"/> Number of individuals trained by the trainers of mediators.</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Training workshops reviews and informal discussions.</li> <li><input type="checkbox"/> Project monitoring reports</li> <li><input type="checkbox"/> Final evaluation</li> <li><input type="checkbox"/> Court statistics</li> </ul>
<p>A pedagogical audio-visual tool (video) to the use of the trainers of mediators is produced.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Clear, concise, high quality pedagogical video is realized</li> <li><input type="checkbox"/> % of the interviewed trainees and officials who are satisfied with the quality of the pedagogical video</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Developed pedagogical video.</li> <li><input type="checkbox"/> Final evaluation</li> </ul>
<p>An educational audio-visual tool (documentary film) is produced to support the national awareness raising campaign promoting mediation.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> High quality documentary film promoting the use of mediation is produced.</li> <li><input type="checkbox"/> Broadcasting of the documentary film on national TV.</li> <li><input type="checkbox"/> % of the interviewed judges/Lawyers/MOJ officials/CSO who are satisfied with the quality of the documentary film.</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Developed educational video.</li> <li><input type="checkbox"/> Final evaluation</li> </ul>
<p>A booklet on mediation to semi-literate populations is produced</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Original, concise, high quality booklet produced and distributed through the embassy network of</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Developed booklet.</li> <li><input type="checkbox"/> Final evaluation</li> </ul>

	<p>associations.</p> <p><input type="checkbox"/> % of the interviewed CSOs/MOJ officials who are satisfied with the quality of the booklet.</p>	
<p>60 NGO representatives familiarized with and confident in the use of the new mediation booklet through 6 one-day workshops</p>	<p><input type="checkbox"/> % of interviewed local civil society's representatives who are aware of the principles of ADR/mediation</p> <p><input type="checkbox"/> % of the local civil society associations who have addressed ADR issues in community/outreach programmes.</p> <p><input type="checkbox"/> Number of local CSOs who have attended the workshops.</p> <p><input type="checkbox"/> % of the interviewed local CSOs who are aware about the ADR reform.</p>	<p><input type="checkbox"/> Final evaluation</p> <p><input type="checkbox"/> Project monitoring</p>
<p>A one-day national outreach conference on mediation is organized (200 people).</p> <p>(civil society representatives --CSO; magistrates; Lawyers)</p>	<p><input type="checkbox"/> % of interviewed civil society's representatives who are aware of the principles of ADR/mediation</p> <p><input type="checkbox"/> % of the civil society associations who have addressed ADR issues in community/outreach/media programmes.</p> <p><input type="checkbox"/> Number of CSOs, Lawyers, and judges, who have attended the conference.</p> <p><input type="checkbox"/> % of the interviewed lawyers who are aware about the ADR reform.</p> <p><input type="checkbox"/> % of the interviewed Lawyers who are supportive to the process of ADR/mediation institutionalisation</p> <p><input type="checkbox"/> Percentage of stakeholders (Ministry of Justice, CSO and lawyers) who consider the communication between all the groups to be effective.</p>	<p><input type="checkbox"/> Project monitoring reports</p> <p><input type="checkbox"/> Final evaluation</p>
<p>Structured, external evaluation report on the</p>		<p><input type="checkbox"/> Participants' filled assessment notes</p>

overall process of ADR 3 aimed at evaluating the project results and likely sustained impact on legal experts and the public at large.

- Face to face Interviews
- Phone interviews

## Appendix II

# KEY QUOTES

---

Different interviewees and different people working in different areas of expertise voiced similar concerns over the adoption of mediation as an alternative dispute resolution to litigation in Morocco. They expressed a high level of acceptability and support for the implementation of this new law though the level of knowledge was low. Is the media to blame or the stakeholders for being derelict in their duties? Some interviewees blamed the media for the scarcity of information and others think that even the stakeholders should share part of the blame for not fulfilling their responsibilities. These are some concerns among others that are investigated in this report; respectively here some of the quotes that were formulated by interviewees as significant messages addressed to the stakeholders, to the NGOs, to the CSOs, to the policy makers and to the mass media experts.

- ❖ I think that SFCG did a great marketing strategy for mediation in Morocco, however, I think that SFCG should work on mediation and coordinate with the mass media, there is what we call a lack of communication between the two, and we are in deep need of an awareness campaign like the one that was launched during the legislative elections. (Non participant, Media, Casablanca, Man)
- ❖ We are satisfied with the trainings, but we will be fully satisfied if these trainings targeted the whole society so that we have mediation used by the whole society. A hundred beneficiaries is not enough for a country like Morocco, we need more. (Participant, Labour Union, Casablanca, Man)
- ❖ I have never heard of this law, I think that media does not circulate information, what is needed is real mediation advertising, I want to see whenever I watch 2M or RTM advertisements and delivered in Moroccan dialect (darija). (Focus Group, Rabat, Female)
- ❖ I am a member of several foundations and associations, and yet I have heard of mediation accidentally. I believe that a bill which is not publicized by neither the mass media nor by civil society experts is not a bill. (Non



participant, Business, Rabat, Female)

- ❖ I think that Moroccans lost trust in the judiciary, so I think that a Moroccan citizen would opt for mediation as a new alternate to litigation to solve their disputes instead of going to courts under one condition, the Moroccan citizen must know first what mediation is.) (Non Participant, CSO, Meknes, Male)
- ❖ How come we are not aware of this law? Is there any association designed to advocate and communicate this law, like the associations of “ne touche pas à mon enfant”? They have created associations all over Morocco, their messages and their stickers are everywhere in the streets, shows on TV, everybody knows about it. Why this is not the case for mediation? I think it would be very relevant if it reaches out to every Moroccan citizen. (Focus Group, Casablanca, Male)
- ❖ Theoretically speaking, people know about mediation, but they will learn more about it if they have direct contact with cases where mediation was effective as an alternative to litigation, or a case where the litigants resorted to mediation and were satisfied with the results. (Participant, Ministry of Justice, Rabat, Male)
- ❖ Let me tell you that a piece of information in Morocco is likely to be communicated by the ministries or the parliament, if they introduce a bill, only those who introduced it who know about it, we need first to build a bridge between the parliament, the ministries and the Moroccan citizen to let the information like this new law of mediation reach the whole country. (Non participant, Business, Rabat, Female)
- ❖ We need to restore faith in the judiciary through mediation. Our society tends to focus on the financial aspect only and every official tries to make as much money as he can without caring about how he or she gets that, we need honest mediation and we need to formalize it. (Participant, lawyer, Tangier, Male)
- ❖ I don't think that with the trainings I received I am able to practice mediation properly. I have received training, it was a professional one, but three-day training is not enough at all to get introduced to mediation and to practice the techniques of mediation. We need more training. People abroad take professional trainings along the year and yet they remain doubtful about

their proficiency. (Participant, Phone survey, Professor, Fes)

- ❖ I think that Moroccans are not willing to embrace this new law if it is imported and I am inclined to think that mediation is a result of many FTAs for the benefit of the foreign investor. (Participant, Lawyer, Casablanca, Male)
- ❖ As far as the trainings are concerned, I think that SFCG did good job, and I think that mediation can cover all aspects of the law, be it social, civic, administrative..., mediation is relevant to the Moroccan judicial system. I believe that now SFCG needs to expand their program to target different areas of expertise to offer more professional trainings and to launch awareness campaigns all over Morocco. (Participant, Judge, Casablanca, Male)
- ❖ Why are people not aware of this law? Because they have never heard of it. They will know it if we explain it to them. How to target the general public? I think TV and the radio are the best means to fulfil this duty. (Focus Group, Rabat, Male)
- ❖ TV and mass media in general should cover the introduction of this bill, and we should educate the people about mediation and its usage. In addition, there is “face to face” strategy with citizens who resort to the courts. We might have an advisory office in courts that would advise people to go for mediation. (Non participant, CSO, Casablanca, Male)
- ❖ Believe me, we will all resort to mediation instead of the court under one condition, the mediator has to be credible, competent and honest. (Focus group, Rabat, female)
- ❖ It is interesting to know about this bill, but it is pitiful to target only a class of people. I am a lawyer, and I was never invited to roundtables or conferences, if there is any NGO that works on the promotion of this bill, I would suggest that it targets lawyers all over Morocco. (Non participant, Phone Survey, Lawyer, Tata, Male)
- ❖ To generate information on mediation, if you ask me, I will simply say that this is a duty of the state, political parties and civil society. (Participant, Lawyer, Tangier, Male)

