

**EVALUATION OF SEARCH FOR COMMON GROUND  
SUPPORT TO THE FORMATIVE STAGES OF  
MEDIATION IN MOROCCO**

**ADR 1**

**APPENDICES TO THE REPORT**

**November 2005**

## CONTENTS PAGE

APPENDIX 1: TERMS OF REFERENCE .....	3
BACKGROUND.....	3
1.1 Search for Common Ground .....	3
1.2 Programme Summary.....	3
THE EVALUATION .....	3
2.1 Organisational Goal:.....	3
2.2 Evaluation Questions:.....	4
2.3 Audience:.....	4
SCOPE OF WORK .....	4
3.1 Location:.....	4
3.2 Deliverables:.....	4
THE EVALUATION TEAM.....	5
APPENDIX 2: ADR PROGRAMME LOGRAME.....	6
GOAL.....	6
OVERALL OUTCOMES .....	6
INTERMEDIATE .....	8
OUTCOMES ADR 1.....	8
INTERMEDIATE .....	11
OUTCOMES ADR 2.....	11
INTERMEDIATE .....	14
OUTCOMES ADR 3.....	14
APPENDIX 3: EXAMPLE INTERVIEW PROTOCOL.....	20

## APPENDIX 1: TERMS OF REFERENCE

### DURATION

The duration of the evaluation will be a total period of 40 days. Envisaged days are as follows: 3 days preparation, 7 days in country, 30 days draft revision and final report preparation.

### BACKGROUND

#### *1.1 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. Our philosophy is to “understand the differences,” but “act on the commonalities.” SFCG is engaged in a long-term process of incremental transformation, so we make long-term commitments. We seek cross-cultural integration of indigenous and international concepts of conflict prevention. We work 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.

#### *1.2 Programme Summary*

Morocco is undergoing a reform process within the Judicial Branch, leading toward a stronger system of transparency, good governance and rule of law. One area in need of reform is a need for faster and more efficient legal proceedings and a resilient court system equipped and able to handle the increasing number of civil cases each year. According to the Ministry of Justice (MoJ) around 60% of the court cases filed could be dealt with using alternative mechanisms outside the court - hence the need for Alternative Dispute Resolution (ADR) tools.

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 procedures and also creating a team of ADR 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.

### THE EVALUATION

#### *2.1 Organisational Goal:*

This evaluation will be completed after the first 2 years of the project. It is being undertaken primarily to meet the needs of the SFCG programme team in Morocco; to provide information for reflecting on the progress of SFCG support to mediation in

Morocco and to provide information and analysis to be used in the design of future phases in the ADR programme.

### **2.2 Evaluation Questions:**

The following evaluation questions were developed in conjunction with the SFCG-M programme team:

Questions relating to the implementation of the project to date included:

- *Which activities were well received by participants and which not?*
- *How effective was the implementation of the project?*
- *How well has the phased approach worked to date?*
- *How well has Phase 1 of the ADR programme met the needs of different stakeholder groups in Morocco?*
- *How relevant was the design of the ADR1 project to the context in Morocco?*

Questions relating to the outcomes of the ADR1 project to date included:

- *To what extent have different stakeholders in the project changed their knowledge and attitudes towards mediation, and the degree to which any change was as a result of the ADR1 project?*
- *What aspects of the ADR1 project to date have led to change?*
- *Have there been any negative effects as a result of the ADR1 project?*

Questions relating to the future needs of the ADR programme included:

- *What are the knowledge and attitudes of different stakeholder groups and how should the future phases address these needs?*
- *What are the other needs, challenges and opportunities that SFCG-M should address to reach the overall objectives?*
- *What are the specific recommendations for future phases of the ADR programme?*

### **2.3 Audience:**

The primary audience of this evaluation is SFCG in Morocco and SFCG offices elsewhere in the world. The result will be used for organizational learning, improvement of the program, and possibly for fundraising and public information.

## **SCOPE OF WORK**

### **3.1 Location:**

This evaluation will take place Rabat, Morocco.

### **3.2 Deliverables:**

In accordance with the attached evaluation expectations, the deliverables must coherently outline the evidence for conclusions and recommendations.

#### **Report:**

- Table of contents
- Research finding: evidence collected, analysis and associated data presented.
- Conclusions
- Recommendations or implications for future action

**Appendices:** which include TOR, Project Logframe, and Interview protocol

### **3.3 SFCG Programme Team**

This evaluation will be managed by the Institutional Learning and Research division of SFCG, represented by Alice Rowley, DME Specialist.

### **THE EVALUATION TEAM**

The evaluation will be conducted by one or two people. The evaluators will be expected to travel to the location cited above to conduct this work. The final writing of the deliverables can be conducted externally to the area.

## APPENDIX 2: ADR PROGRAMME LOGRAME

The logframe below includes both the desired outcomes from ADR 1 and sets a baseline for ADR 2 and 3.

		Indicators – Means of Verification	Source of Verification	Assumptions / risks
<b>GOAL</b>	Improved justice administration in Morocco			
<b>OVERALL OUTCOMES</b>  3 - 5 years	I/ Court-connected mediation becomes part of the Moroccan legal system	<p>Number of mediation centres increases</p> <p>Number of mediators who have reached a specific benchmark of expertise on mediation increases</p> <p>Number of cases brought to mediation increases</p>	<p>Court statistics</p> <p>Evaluation of mediators</p> <p>Surveys</p>	Assumption that the law is developed and approved and that mediation become court-connected.
	II/ Enhanced citizen confidence in the legal system	<p>Number of people presenting cases for court-connected mediation voluntarily increases</p> <p>Percentage of parties' demonstrating satisfaction with the process and outcomes, including the quality of the mediator</p>	<p>Court statistics / Survey</p> <p>Survey</p> <p>Court statistics / Survey</p>	Risk that Moroccan citizens, even though addressed by the ADR programme in Morocco, will be resistant to court-connected mediation.

**Evaluation of SFCG-Ms Support to the Formative Stages of Mediation in Morocco**  
**APPENDICES TO THE REPORT**

		<p>increases</p> <p>The length of disputes resolved through mediation is significantly less than through traditional court mechanisms</p>		
	<p>III/ Enhanced culture of mediation in Morocco</p>	<p>Percentage of citizens who believe that mediation is an effective way to resolve conflicts increases</p> <p>Percentage of civil society organisations (women, family and consumers) offering mediation increases</p>	<p>Focus groups with general public Survey (follow up to baseline)</p>	<p>Assumption that mediation will become a well-known way to resolve conflicts through court connected mediation centres.</p>

<p><b>INTERMEDIATE</b></p> <p><b>OUTCOMES</b></p> <p><b>ADR 1</b></p> <p><b>24 months</b> <b>(October 2003 – October 2005)</b></p>	<p>I/ Buy-in of the Ministry of Justice for ADR is ensured</p>	<p>Percentage of people interviewed who feel more competent (due to increased knowledge) regarding ADR increases</p> <p>Percentage of people interviewed who feel more confident with the process of ADR/ mediation institutionalisation increases</p>	<p>Face to face interviews with Working Group</p> <p>Face to face interviews with Working Group</p>	<p>Assumption that the Working group at the Ministry of Justice plays a key role in the decision-making process within the Ministry and keeps the Minister closely informed about the process of ADR institutionalisation.</p>
	<p>II/ Increased awareness, knowledge, and understanding of ADR among judges</p>	<p>Percentage of the interviewed judges who feel more confident with the mediation theory increases</p> <p>Percentage of the interviewed judges who feel more motivated about acting as a mediator increases</p>	<p>Face to face interviews with participant judges</p> <p>Face to face interviews with participant judges</p>	<p>Assumption that Judges will act as mediators once the court-connected mediation becomes part of the Moroccan legal system</p>
	<p>III/ Increased awareness, knowledge and understanding of ADR among Civil Society Organisations – CSO</p>	<p>Percentage of civil society's representatives who are aware of the principles of ADR/mediation increases</p>	<p>Interviews with CSO/ Participants at the outreach day</p> <p>Interviews with CSO non-</p>	<p>Assumption that CSO will raise awareness on mediation among citizens and promote its use.</p>

		Percentage of the civil society associations who have addressed ADR issues in community/outreach/media programmes increases	participant CSO – Participant Interviews CSO Non-participant Interviews	
	IV/ Increased awareness, knowledge and understanding of ADR among Lawyers	Percentage of the interviewed lawyers who are aware about the ADR reform increases.  Percentage of the interviewed Lawyers (those aware of the reform) who support the process of ADR institutionalisation increases.	Interviews with Ordre des avocats du Maroc (selected randomly from the list of Lawyers)  Interviews with Ordre des avocats du Maroc (selected randomly from the list of Lawyers)	Assumption that the buy-in of the Lawyers' community will facilitate the process of ADR institutionalisation.
<b>OUTPUTS</b>	A group of 8 key decision-making people (at the Ministry of Justice) participated in a study trip in London and benefited from the British experience in mediation and ADR.  A group of 40			

	<p>people (most of them judges) are trained in mediation and ADR (basic and advanced): 2 workshops.</p> <p>A group of 6 key decision-making people (Ministry of Justice) took part in a strategic planning session aimed at identifying the necessary steps to institutionalise mediation in Morocco.</p> <p>Almost 200 people attended the outreach day aimed at sensitising the citizens (civil society, consumers) and the lawyers.</p>			
<p><b>ACTIVITIES</b></p>	<p>Signature of a Memorandum of Understanding between the MoJ and SFCG.</p> <p>1 two-day training workshops on ADR and mediation (in Tit Melil and in Rabat)</p> <p>1 Study trip in London.</p> <p>1 two-day strategic planning session in Rabat.</p> <p>1 Outreach</p>			

**Evaluation of SFCG-Ms Support to the Formative Stages of Mediation in Morocco  
APPENDICES TO THE REPORT**

	<p>conference in Rabat.</p> <p>Regular meetings.</p> <p>Regular meetings with local associations and academics.</p>			
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<p><b>INTERMEDIATE OUTCOMES ADR 2</b></p> <p><b>15 months (Nov 2005 – Feb 2007)</b></p>	<p>I/ Increased awareness, knowledge and understanding of ADR among CSO</p>	<p><b>Percentage</b> of civil society's representatives who feel more confident with the mediation theory and practice increases.</p> <p>Percentage of the civil society associations who have addressed ADR issues in community/out reach/ media programmes increases.</p> <p>Percentage of civil society's representatives who are aware of the principles of ADR/mediation increases</p> <p>Number of CSOs who have attended ADR/mediation events increases</p>	<p>CSO – Participant Interviews</p> <p>CSO – Participant Interviews</p> <p>CSO Non-participant Interviews</p> <p>CSO Non-participant Interviews</p>	<p>Assumption that CSO will raise awareness on mediation among citizens and promote its use.</p> <p>Risk that the CSO, even though addressed by the ADR programme in Morocco, will be resistant to court-connected mediation.</p>
	II/ Increased	Number of	Interviews	Assumption that a

**Evaluation of SFCG-Ms Support to the Formative Stages of Mediation in Morocco**  
**APPENDICES TO THE REPORT**

	<p>communication between the Ministry of Justice and the other stakeholders (CSO and Lawyers)</p>	<p>formal joint meetings between the Ministry of Justice and other stakeholders increases</p> <p>Percentage of stakeholders (Ministry of Justice, CSO and lawyers) who consider the communication to be effective increases</p>	<p>with CSO/Lawyers/MoJ officials -- participants</p>	<p>consensus-building approach between all stakeholders will favour the institutionalisation of mediation in Morocco.</p> <p>Risk that the Ministry of Justice, even though addressed by the ADR programme in Morocco, will be resistant to the consensus-building approach encouraged by SFCG.</p>
	<p>III/ Reduced resistance to the ADR mechanism amongst lawyers.</p>	<p>Number of lawyers who have attended activities on mediation and ADR increases</p> <p>Percentage of the interviewed Lawyers who are supportive to the process of ADR/mediation institutionalisation increases</p> <p>Percentage of the interviewed Lawyers who feel more confident with the mediation theory and practice increases</p>	<p>Interviews with Lawyers who attended our workshops</p> <p>Interviews with Lawyers who attended our workshops</p> <p>Interviews with non participants</p> <p>Interviews with Lawyers who attended our workshops</p> <p>Interviews with Lawyers</p>	<p>Assumption that Lawyers will be allowed to act as mediators once the court-connected mediation is experienced and validated as part of the Moroccan legal system (further stage).</p> <p>Risk that Moroccan Lawyers, even though addressed by the ADR programme in Morocco, will be resistant to court-connected mediation.</p>

		<p>Percentage of the interviewed Lawyers who feel more motivated about acting as a mediator increases</p> <p>Percentage of the interviewed lawyers who are aware of the ADR/mediation reform increases</p>	<p>who attended our workshops</p> <p>Interviews with non participants</p>	
<b>OUTPUTS</b>	<p>100 Judges, legal experts and civil society representatives trained on ADR mechanism through 10 one-day workshops.</p> <p>Pamphlets and print materials on ADR printed and distributed to ADR stakeholders.</p> <p>Final Evaluation report (including lessons learned)</p>			
<b>ACTIVITY</b>	<p>Organization of a series of 10 one-day workshops for 100 judges, legal experts and civil society representatives on ADR mechanism.</p> <p>Design and dissemination of pamphlets and</p>			

**Evaluation of SFCG-Ms Support to the Formative Stages of Mediation in Morocco  
APPENDICES TO THE REPORT**

	<p>other print materials to make them available and accessible at the MOJ headquarters, in regional courts, and in regional bar associations.</p> <p>Compiling of the lessons learnt to make them available and accessible at the MOJ headquarters.</p> <p>Evaluation of the project results and sustained impact on legal experts and the public at large.</p>			
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<p><b>INTERMEDIATE</b></p> <p><b>OUTCOMES</b></p> <p><b>ADR 3</b></p> <p><b>20 months (Jun 2006 – Jan 2008)</b></p>	<p>I/ A pool of mediators in court-connected mediation have reached a specific quality benchmark</p>	<p>Percentage of the interviewed judges/Lawyers who feel more confident about acting as a mediator increases</p> <p>Number of judges/Lawyers who have completed the course of training increases</p> <p>Number of mediation cases filled and concluded by the participants/mediators increases.</p>	<p>Training workshop reviews and informal discussions</p> <p>Project monitoring reports</p> <p>Final evaluation</p> <p>Court statistics</p>	<p>Assumption that the mediation Law is passed, thus allowing the judges and Lawyers to act as mediators.</p> <p>Assumption that the trained judges and Lawyers will be committed to acting as mediators.</p>
	<p>II/ A pool of trainers</p>	<p>Percentage of the interviewed</p>	<p>Training workshop</p>	<p>Assumption that the trained mediators</p>

**Evaluation of SFCG-Ms Support to the Formative Stages of Mediation in Morocco  
APPENDICES TO THE REPORT**

	<p>of mediators in court-connected mediation have reached a specific quality benchmark</p>	<p>judges/Lawyers who feel more confident about training other mediators increases</p> <p>Number of individuals trained by the trainers of trainers increases</p> <p>Number of judges/Lawyers who have completed the course of training increases</p>	<p>reviews and informal discussions</p> <p>Project monitoring reports</p> <p>Final evaluation</p> <p>Court statistics</p>	<p>(judges/Lawyers) will respect their commitment to training other mediators.</p>
<p><b>OUTPUTS</b></p>	<p>30 judges are intensively trained in advanced mediation skills (mediation practice)</p> <p>30 Lawyers are intensively trained in advanced mediation skills (mediation practice)</p> <p>A group of 10 judges participated in a study tour in Paris and got a practical experience of mediation.</p> <p>A group of 10 Lawyers participated in a</p>			

	<p>study tour in Paris and got a practical experience of mediation.</p> <p>A group of 10 judges and 10 Lawyers have benefited from an intensive training workshop on training of mediators.</p> <p>A training manual for Moroccan mediators is developed and tested.</p> <p>A pedagogical video for the use of the trainers of mediators is produced.</p> <p>The training manual and the pedagogical video are made available and accessible at the MOJ headquarters, in regional courts, and</p>			
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	<p>in regional bar associations.</p> <p>A two-day National outreach conference on mediation is organised.</p> <p>Project monitoring reports</p> <p>Structured, external evaluation report on the overall process of ADR 1,2 and 3</p>			
<p><b>ACTIVITY</b></p>	<p>Organization of a 4-day training workshop for 30 judges on advanced mediation skills (mediation practice).</p> <p>Organization of a 4-day training workshop for 30 Lawyers on advanced mediation skills (mediation practice):</p>			

	<p>Study tour in Paris for 10 judges to get practical experience of mediation.</p> <p>Study tour in Paris for 10 Lawyers to get practical experience of mediation.</p> <p>Organisation of a 5-day training workshop for 10 judges and 10 Lawyers on Training of mediators.</p> <p>Development of a Training manual for Moroccan mediators.</p> <p>Production of a pedagogical video supporting the ADR training programme.</p> <p>Organisation of a two-day National outreach</p>			
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	conference on mediation: Lawyers, judges, academics , and civil society.  External evaluation on the overall process of ADR 1,2 and 3.			
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## APPENDIX 3: EXAMPLE INTERVIEW PROTOCOL

### Questionnaire B – Participant Civil Society Organisations

#### Face-to-Face Structured Interview

#### INSTRUCTIONS:

- Introduce yourself, the interview and evaluation. It is to learn about the outcomes of the first phase of the ADR project. Explain that we're interested in talking to them to get their perspective on ADR generally, as well as some feedback on the ADR project.
- Explain that the information they provide will be treated confidentially (i.e. the sources of information will not be attributed).
- Complete this form during the interview. Carefully note answers to open questions and circle the response for closed questions.

<p><b><u>Interview:</u></b>                  Interviewer Name:                  Date:                  Interviewee Name:                  Type of GSO:                  Location:</p> <p><b><u>Circle correct answers below:</u></b></p> <p>Face-to-face / Telephone interview                  Male / Female                  Rural / Urban                  North / South</p>
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#	Question	Response	COD E
1	What is your area of speciality?	- Family association - Feminist association - Consumers association - Other:	
2	In what way is ADR relevant		

	to the work that you do?		
3	Was the outreach conference your first contact with ADR?		
	<i>If yes</i> Why did you participate in this ADR conference?		
4	On a scale of 1 for poor to 5 for excellent, how would you rate the general organisation of the ADR outreach conference in Rabat in September 2005?	1: Poor 2: Not good 3: Average 4: Good 5: Excellent	
	Why?		
5	On a scale of 1 for poor to 5 for excellent, how would you rate the quality of debate at the ADR outreach conference in Rabat in September 2005?  Relevance = level of interest	1: Poor 2: Not good 3: Average 4: Good 5: Excellent	
	Why?		
6	On a scale of 1 for no understanding to 5 for complete understanding, how would you rate your comprehension of mediation theory?	1 – no understanding 2 – poor understanding 3 – average understanding 4 – good understanding 5 – excellent understanding (circle number)	
7	What aspects of ADR/mediation would you like more information on?		
8	Considering your knowledge and understanding of ADR before the outreach conference and now, please rate the degree of change in a scale from 1 for no change to 5 for a complete change	(no change) 1 2 3 4 5 (complete change)	
	Why?		
9	What are the principles of mediation? (please list all that you know)	<ul style="list-style-type: none"> <li>- Confidentiality of mediator</li> <li>- impartiality of mediator</li> <li>- equal treatment by mediator</li> <li>- separate meetings</li> <li>- voluntary participation by parties</li> <li>- non-judgemental mediator</li> <li>- Binding agreement</li> <li>- Decision by parties</li> </ul> Other:	

10	To what degree was the outreach conference relevant to your work?	(no link) 1 2 3 4 5 (direct link)	
<i>Why?</i>			
11	Apart from SFCG activities what other sources of information have you used?	Tick all: - Professional journals - TV/radio/newspapers - Internet - Books - Colleagues - Ministry of Justice - Other	
12	Do you think the widespread use of ADR would have a beneficial impact on Morocco?	Yes / No (circle)	
<u>If yes</u> From the following list, please rank from 1 or the most important to 7 for the least, what you think are the reasons for doing ADR:		<ul style="list-style-type: none"> <li>- Improved relationships</li> <li>- To save time</li> <li>- To let the courts focus on criminal prosecutions</li> <li>- To save money</li> <li>- To reduce conflict from disputes</li> <li>- To give people privacy to resolve their disputes</li> </ul>	
Are there any other reasons for institutionalising ADR?			
<u>If no</u> what are the reasons for not institutionalising ADR?			
13	What do you think are the general issues affecting the development of ADR in Morocco?		
14	What types of support to the ADR process in Morocco do you think are required?		
15	Would you like to participate in future SFCG training workshops on ADR?	Yes / No	

Any other comments?