



SEARCH FOR COMMON GROUND: PERCEPTIONS OF MEDIATION & ADR II EVALUATION

**Findings from qualitative & quantitative research
conducted in May 2007**

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EXECUTIVE SUMMARY

The "Strengthening Morocco's Judicial and Administrative Reforms" program was launched in October of 2003 by Search for Common Ground (hereinafter "SFCG") and the British Embassy. In keeping with SFCG's overarching objective of transforming the way the world deals with conflict - away from adversarial approaches and towards collaborative problem solving, this program aims at introducing alternative dispute resolution (hereinafter "ADR") mechanisms in Morocco. The "Strengthening Morocco's Judicial and Administrative Reforms" program is envisioned to assist in the facilitation of constructive relationships between protagonists, alleviate legal procedures, prevent long court delays, and reduce the cost of legal cases. ADR offers alternative mechanisms that could greatly assist judges, barristers and legal experts in expediting legal cases, finding creative legal ways to solve court issues and unclogging of institutional bottlenecks that usually characterize classic legal systems.

By way of background, the "Strengthening Morocco's Judicial and Administrative Reforms" program was initially divided into three general phases. The first phase, completed in October 2005, primarily focused on judges and Ministry of Justice officials, while Phase II, completed in April 2007, concentrated on lawyers and civil society members. Phase III, to be completed in February 2008, is envisioned to satiate Moroccan citizens' awareness needs, insofar as they relate to ADR, and to promote public outreach while simultaneously designing and implementing training for potential mediators and trainers of mediators. In particular, Phase III programmatic outputs include training for mediators, study trips to various well-known ADR institutions, training for 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.

Phase II, which is the focus of this research, had three overarching goals: first, integrating mediation mechanisms into the Moroccan legal and judicial systems, examining the stages that mediation has undergone and crossed, and the results it has achieved thus far; next, assisting the Ministry of Justice and its partners hear, understand and incorporate the perspectives of actors of the civil society, legal community, and private sector, opening dialogue between the Ministry of Justice and key stakeholders, and studying and discussing bill n. 08.05 on arbitration and conventional mediation which is currently being examined by the Moroccan Parliament; and, finally, raising awareness about the effectiveness of ADR methods, including mediation, and highlighting the importance of the role of professionals of law and justice in the success of the project. Programmatic outputs for this segment included six (6) round tables with lawyers and members of civil society organizations, in addition to other workshops, and the development of a mediation guide.

The People's Mirror conducted a program evaluation of Phase II of the "Strengthening Morocco's Judicial and Administrative Reforms" program and an assessment on the perceptions of mediation in Morocco in May 2007. This research combined the traditional techniques of qualitative research with the quantitative device of surveys. The assessment collected information from twelve (12) in-depth interviews on the perceptions of mediation. The in-depth interviews were conducted with ADR Phase II participants and non-participants, lawyers and civil society organization (CSO)

activists. In addition, ADR Phase II participants were invited to complete a survey to quantify the programmatic success of Phase II of the program.

Overall, the interviewees expressed support for the introduction of ADR mechanisms in Morocco and emphasized the importance of judicial reform and conflict resolution in the region. The study was structured to allow for the compilation of data on the induction of ADR into the formal judicial framework of Morocco, conceptually, as well as on the viability of ADR projects based on external factors such as public opinion and culture. Although the assessment was essentially two pronged, in regard to data collection techniques, the primary focus of the study was on the perceptions of ADR which was gathered through qualitative methods; in addition, feedback was collected on programmatic success through the use of an online survey for ADR Phase II participants.

Comprehensive data was collected from twelve (12) interviewees to assess the appreciation of ADR in legal and developmental circles, as well as to gather information on the perceived bolstering factors and barriers to the institutionalization of ADR. Identified challenges were commonly related to general educational obstacles and the availability of information on ADR in both professional circles and to the general public; in addition, limited resistance to ADR mechanisms due to cultural factors and the relative “newness” of this type of mediation in the Moroccan legal landscape were noted. The feedback generated recommendations to improve the acceptance of ADR methods and mechanisms.

Interestingly, interviewees consistently voiced concerns regarding national outreach, the availability of reference materials and lack of sources of information and training on ADR and mediation, all of which are factors accounted for in the design of the remaining segments of the “Strengthening Morocco's Judicial and Administrative Reforms” program.

GENERAL MOOD

A starting point for examining interviewees' perceptions of ADR is an overview of their opinions and primary concerns related to the broader, general topic of judicial reform in Morocco. Throughout the research, interviewees consistently lauded the present air of reform and voiced support for the "Era of Modernization" that the country is currently undergoing. Among the most significant reforms, according to interviewees, are the reforms related to the division of courts, investment, commerce, family law, penal code, employment, anti-corruption and human rights. Nonetheless, interviewees noted that there are still significant gaps in the implementation of such reforms. In addition, many interviewees noted that much of the present and prospective reforms in Morocco are the result of international pressure.

A few interviewees noted a considerable access to knowledge dilemma, noting that professional continuing education is not mandatory and accordingly not readily available, and that the best law books and other resources are in French, among others. While many interviewees noted a marked increase in the outreach efforts of Ministry of Justice, universities and local bar associations, they noted that the corresponding motivation on the side of professionals is negligible. Interviewees from both the legal and development community expressed concern over the quality and quantity of professional information resources in Morocco, noting that they must continually supplement their professional knowledge with resources from abroad, or through international programs that are too few and far between, and not necessarily consistent.

PERCEPTIONS OF MEDIATION

When considering the perceived and potential role of mediation within the legal construct, interviewees were generally optimistic and expressed a strong support for its incorporation. Nonetheless, some concern was expressed regarding the ultimate framework for the incorporation of mediation into the legal construct, and the proposed roles of various stakeholders in this paradigm. For instance, interviewees strongly suggested that mediation regulations be promulgated and a draft proposal of such be circulated within the legal and developmental communities to clarify grey areas and to secure this sectors' buy-in to the institutionalization of mediation. In addition, interviewees provided a unique cultural perspective into potential threats to the successful incorporation of mediation into the legal system, while also challenging western justifications for mediation and providing a uniquely Moroccan perspective on the issues surrounding mediation.

Initially, when asked about their perceptions of mediation, a significant number of interviewees were quick to begin with their impression that the introduction of ADR mechanisms would strengthen Morocco, as a country, and the judiciary. Interviewees across the board felt that many positive factors, such as providing relief to an overburdened court system and offering a less time consuming way to solve conflicts, would herald the ultimate success of mediation in Morocco. In addition, a "climate of change" in Morocco has created an environment that welcomes reform, and would embrace ADR/mediation if presented correctly to all stakeholders and the public, say interviewees.

"ADR is a plus because it's time and cost-effective. It will increase the effectiveness and the quality of the judicial system in Morocco." (Participant Lawyer, Oujda, Male)

"With this ADR, the burden will be less on the courts, and less expenses for clients." (Non-Participant Lawyer, Rabat, Male)

"The Moroccan legislation brought ADR to lessen the burden on courts and facilitate the legal system." (Non-Participant Lawyer, Rabat, Male)

"ADR is a positive project it will have a positive impact on lawyers." (Non-Participant Lawyer, Rabat, Male)

"Mediation is time effective and cost-effective." (Participant Lawyer, Casablanca, Male)

"Mediation is a new thing; it's the talk of the town." (Participant Lawyer, Casablanca, Male)

"Only parasites and corrupted people will oppose mediation. On the opposite, lawyers have a lot to benefit from mediation because it is the future." (Participant Lawyer, Casablanca, Male)

"Courts will be relieved from a big burden." (Non-Participant CSO, Rabat, Female)

"ADR reform is the most important one and it will make a huge change in the judicial system in Morocco." (Non-Participant Lawyer, Casablanca, Female)

"Mediation will reduce the amount of cases and files mounted up on the Moroccan courts and courts employees will better use their time." (Participant CSO, Casablanca, Female)

"There's a positive climate in Morocco that welcomes reforms in general. Even the Moroccan people are changing and the culture is changing we really need this mediation, people need to be educated about mediation, including the future generation." (Participant CSO, Casablanca, Female)

"I think it's very positive that the judiciary system is thinking of such approaches to resolve conflicts before they get to the court." (Participant CSO, Rabat, Female)

"The problem we have in the Moroccan judiciary system has to do with the number of lawsuits that the court has to handle." (Non-Participant, Oujda, Male)

"The concept of mediation in Morocco started because the court by itself can't deal with all lawsuits." (Non-Participant, Oujda, Male)

"I think ADR is the wave of the future." (Non-Participant, Casablanca, Male)

Moreover, interviewees applauded Morocco's commitment to aligning Moroccan legal and judicial standards to international norms. Interviewees felt that current reforms demonstrate Morocco's dedication to progress. In addition, interviewees note that globalization has made it necessary for Morocco to engage in these reforms to be competitive in the global market, as well as to encourage foreign investment.

While noting that the implementation of such reforms may be lacking, interviewees acknowledge that the fact that these reforms exist is a testament that Morocco is heading in the right direction. One interviewee very astutely observed the direct correlation between good governance practices and utilizing conflict resolution techniques. The interviewees overwhelmingly seemed to support the evolution of the Moroccan legal profession, at least at a theoretical level; while they did voice some concerns, overall they were interested and supportive of innovations and new methods they could utilize in their practices.

"Definitely lawyers should get involved in ADR since it's a new way of solving cases, plus it's cost and time effective, and because of globalization, we should be up to date with the international judicial systems." (Participant Lawyer, Oujda, Male)

"We watch a real change since these reforms are in accordance with international laws and respect international conventions. Maybe we can argue

to what extent these reforms are applied, but the main thing is that there are reforms and this is a huge step." (Participant Lawyer, Casablanca, Male)

"We can't separate what happens in Morocco from what happens in the world, so all these reforms are somehow a result of outside's pressures." (Participant CSO, Casablanca, Female)

"The Moroccan Judiciary system is being a subject to main changes and reforms that will help the development of the country." (Participant CSO, Rabat, Female)

"Good governance includes tools of conflict resolution among which is mediation." (Participant CSO, Casablanca, Female)

"It helps in different ways; financially, logistically and it also solves different 'problems that are still in the cradle'." (Participant CSO, Rabat, Female)

"ADR is great for foreign investors, and they need and want it badly." (Non-Participant, Casablanca, Male)

Interviewees opined that Moroccans are critical of the time consuming and complicated procedures which are the hallmarks of the Moroccan judiciary. The average Moroccan does not have open access to the courts because the system is too complex, say interviewees. It appears that many participants, mostly from the CSO community, felt that without the aid of an attorney which many Moroccans cannot afford, judicial redress is effectively barred. Several interviewees, again predominately from the CSO community, opined that court procedures should be simplified to create equal access, or that other alternatives, such as mediation, be available.

Moroccans are also discontented with the amount of time it takes the court system to resolve a case. Unreasonably lengthy timeframes for resolving cases has had a significant adverse effect on the lives of many Moroccans. Additionally, interviewees opined that even simple cases become complicated over time. Thus, the longer the delay in hearing a case, the more difficult that case becomes to resolve, according to interviewees; mediation centers could provide a palatable solution for redressing these issues they say.

"The trick is to simplify the law and make it accessible to the average Moroccan. Once they will understand it the right way I don't think they will oppose it." (Non-Participant CSO, Rabat, Female)

"Moreover, mediation shortens the time these cases take. It might take a day, a week, a month even for your case to be solved through mediation but not several years, which actually is the period needed for a case to be solved through courts." (Non-Participant Lawyer, Casablanca, Female)

"Clients will definitely prefer mediation as a judicial form since it will decrease the expenses and the period in which their cases are solved." (Non-Participant Lawyer, Casablanca, Female)

"Mediation will be welcomed because people are fed up. They have enough of the long time and the complicated procedures courts take." (Participant CSO, Casablanca, Female)

"One of the positive things about mediation: it always takes less time to solve a problem when using mediation. And the second thing is the cost, mediation is less costly than hiring a lawyer. For example here in the association we don't charge anything, we offer our mediation services for free." (Participant CSO, Oujda, Female)

"One of the big problems that face the Moroccan judicial system is the corruption and the complexity of the system. Procedures should be simplified." (Non-Participant, Oujda, Male)

In addition, interviewees applaud the cooperative nature of mediation, and point out that it is a win-win situation for clients. Rather than having to endure an antagonistic court proceeding, clients can have an opportunity with mediation to resolve their conflicts calmly, and both parties are able to go home satisfied, with no one party dejected. Moreover, Morocco has a long history of using conciliation, which will make the leap to utilizing mediation less strenuous opine interviewees.

"This project can go far because there is a strong will behind it from lawyers and activists in the civil society. As Moroccans, and if you go back in history, we always tended to go to reconciliation through tribal mediation. They would assign a wise person to mediate between the two sides." (Non-Participant Lawyer, Rabat, Male)

"With mediation, the timeline is clear, the procedure is clear, the mediator has a clear role and both parties are getting a clear win-win solution." (Participant Lawyer, Casablanca, Male)

"Trust me; the Moroccan culture favors reconciliation over conflict. Moreover, courts take years to solve a case, and the client wants the problems to be solved ASAP." (Participant Lawyer, Casablanca, Male)

"Actually I usually discuss with my colleagues that there should be alternative dispute resolution, and solve conflicts without going to courts." (Non-Participant CSO, Rabat, Female)

"Mediation offers a win-win solution." (Non-Participant Lawyer, Casablanca, Female)

"This [mediation] we already have in our culture." (Participant CSO, Casablanca, Female)

"Concerning Morocco, mediation has been used for a long time but without being codified." (Participant CSO, Oujda, Female)

"Mediation existed and has been used for a long time. It was mainly the responsibility of the "sheikh" head of the tribe." (Participant CSO, Oujda, Female)

"In most cases, when people stand before the court you have one loser and one winner. However, when you use mediation to solve a problem, you end up having both parties pleased and satisfied with the final verdict." (Participant CSO, Oujda, Female)

Another attractive draw to mediation, say interviewees, is that it is theoretically untainted by fraud or corruption. Interviewees point out that while Moroccans may initially be timid toward this "new" legal mechanism, they will eventually embrace it as a viable alternative to what they see as a corrupt and unjust court system. While distrust of the unfamiliar may keep some Moroccans away from mediation in the beginning, their compound disillusionment with the court system, for various reasons including corruption, will eventually lead Moroccans to turn to mediation.

Interviewees perceive ADR and mediation as important alternatives to traditional judicial measures. Interviewees cite the peoples' lack of faith in the judiciary, due to various issues including corruption, poor motivation and qualifications of court staff, and backlogs, as a strong reason why Moroccan citizens would welcome institutionalized mediation.

"Concerning ADR, and mediation especially, it is an important tool that lawyers and judges should embrace. Lawyers need to be trained to be equipped with these tools since the Moroccan citizen lost faith in the judicial system and courts." (Participant Lawyer, Casablanca, Male)

"Just the thought that someone more qualified than the average public judge and more motivated – can be very, very effective – if I have the opportunity to take my client to nice building, clean area, make an appointment, find our place & to be treated fairly and nicely that would be good." (Non-Participant, Casablanca, Male)

"I think globally speaking, the fear of corruption, would disappear (as ADR becomes more used)." (Non-Participant, Casablanca, Male)

"Client resistance [to mediation] is not necessarily a product of trust in the judiciary, but rather lack of knowledge of mediation, and anger toward the other party." (Non-Participant, Casablanca, Male)

"One of the big challenges is to make the citizens feel that there is a will for change and that the change is in process, in order to well communicate with them and gain their trust." (Non-Participant, Oujda, Male)

"And again, the arbiter/mediator is privately appointed and privately paid, and therefore not tainted by corruption, less susceptible to corruption." (Non-Participant, Casablanca, Male)

"The fact that people accept mediation means that they trust you." (Participant CSO, Oujda, Female)

Interviewees see mediation as a mechanism which can be useful for many different types of cases, great and small, such as large commercial disputes, smaller commercial conflicts, family cases,

employment cases, and even landlord/tenant cases. Interviewees believe that many Moroccans would welcome the induction of mediation centers in Morocco for the following reason alone: mediation services are confidential; and Moroccans prize their privacy above all.

"Another important characteristic is confidentiality. There are some people that dislike the idea of going to court because it's public and their personal situation will be known by everybody." (Participant CSO, Oujda, Female)

In contrast, western justifications regarding the viability of ADR/mediation may not hold water in Morocco, say interviewees. While utilizing ADR mechanisms may provide relief to an overtaxed judicial system, and may be a less time consuming option, it is not necessarily a cost effective alternative for the average citizen opine interviewees. Institutionalized mediation may very well save *the state* a significant amount of money which is normally spent in trying to support an already overburdened judicial system, and therefore may be cost effective for *the state*; yet, interviewees aptly point out that in Morocco, where the cost of litigation is comparatively quite low, there maybe a question of whether quality mediation services can be competitively provided. Interviewees state that this contingency may lead to the underutilization of mediation services or, in the worst case scenario, exposing these fledgling institutions to the same factors which have lead to corruption in other institutions.

"Morocco needs this mediation because of its cost effectiveness. Morocco doesn't have the budget for courts nor the infrastructure to take the burden of all the cases." (Non-Participant Lawyer, Casablanca, Female)

"Some lawyers are very inexpensive, so you maybe paying 100 euros for having an arbiter/mediator for a few hours as opposed to a lawyer for a year." (Non-Participant, Casablanca, Male)

Although in-depth interviews participants acknowledged the cultural and structural difficulties facing the successful assimilation of mediation into the legal construct, most concluded that mediation was the "wave of the future". Interestingly, interviewees felt that mediation related activities could create a unique opportunity to invest in the future generation of Moroccans; by crafting comprehensive mediation training, without the telltale gaps which are characteristic of current Moroccan educational programs, institutionalized mediation could give birth to a new market for young, ambitious Moroccans.

"I don't think the ADR will take over the job of the lawyer, on the contrary it will add him another role." (Non-Participant Lawyer, Rabat, Male)

"Youth have the will to reach their objectives and goals. So we may want to rely on the new generation, for example it is law students who prepared that workshop on ADR with the partnership of the British NGO." (Non-Participant Lawyer, Rabat, Male)

"We need to teach the youth as well ... it's better to teach them from the beginning that problems and conflicts can be and are better solved through

mediation not through courts. It's a culture that needs to be inculcated to children and youth." (Participant CSO, Casablanca, Female)

"Mediation in itself represents a career for graduate unemployed people. They can have the opportunity be good freelance mediators, like a judicial assistant." (Participant CSO, Oujda, Female)

In addition, interviewees were hopeful that the Ministry of Justice, and other key donors to the Mediation Project of Law, would in this endeavor create a new way of doing things in Morocco. Interviewees noted that the Ministry of Justice has been, during this project and in the recent years, more active in incorporating the opinions of key stakeholders, as well as being more transparent. While interviews acknowledge that the Ministry of Justice has a long way to go and there is significant room for improvement, they applaud their efforts to be more active and to engage in outreach and communication with the legal and developmental communities. Interviewees were adamant that reforms are more acceptable and successful when people know about them in advance and are able to offer their input.

"In general, the Ministry of Justice has done an enormous job in different sectors." (Participant Lawyer, Oujda, Male)

"More workshops and conferences are offered to judges and lawyers. The Ministry of Justice is organizing more conferences and round tables than before, to keep lawyers and judges updated, and that's what we call 'recycling'" (Non-Participant Lawyer, Rabat, Male)

"When there's a new law, the Ministry of Justice is now discussing it with the involved syndicate, there is a concertation/consultation between the Ministry of Justice and commissions from the syndicate involved in the new law. They concert/consult with the commissions involved before and after presenting a new law." (Non-Participant Lawyer, Rabat, Male)

"You can tell that people in the Ministry of Justice are working hard, I am not sure they are doing the right thing but I know that they are working hard." (Non-Participant Lawyer, Casablanca, Female)

"Laws are well accepted when people know about it in advance, and are part of it. There should be a consultation between the Ministry lawyers and CSOs." (Participant CSO, Casablanca, Female)

"At least they are making this huge effort, this is it, there is some sort of access to information that exists, that did not before [surrounding ADR]." (Non-Participant, Casablanca, Male)

"In general, the communication between the Ministry of Justice and lawyers depends on how active is the lawyer bar association. But recently, the Ministry is organizing plenty of events and training about mediation. They are very active." (Participant Lawyer, Casablanca, Male)

Though interviewees were quite sure that mediation and ADR would eventually take hold in Morocco, they felt that there are several factors which threaten the successful implementation of mediation into the legal system of Morocco. Included in those potential threats are the lack of lawyer involvement in the Mediation Project of Law and the absence of a rules and regulations to clearly delineate the proposed parameters of institutionalized mediation.

This uncertainty and lack of a comprehensive plan on how mediation in Morocco will be structured is a cause for concern, stated several interviewees. Interviewees strongly felt that comprehensive regulations to determine and clearly delineate who will be able, legally, to fill the shoes of a moderator are essential, and those regulations should be vetted by the legal community. This is integral to attaining the support of the legal community in particular, who on some level feel threatened economically by mediation reform say interviewees. Interviewees suggest that in addition to creating rules and regulations for professional mediator, that this work be reserved for the legal community and that the distribution of cases be monitored.

"Now our concern as lawyers and legal workers we hope that mediation should be the job of the lawyer." (Non-Participant Lawyer, Casablanca, Female)

"The discouraging factor can be who the mediators are. Once they decide who the mediators are, I don't think there will be any obstacles to mediation." (Non-Participant Lawyer, Casablanca, Female)

"Lawyers might feel threatened by mediation if others are to play the role of the mediator. Think about it, 70% of UK cases are solved through mediation, so lawyers are going to be left out. If the Ministry of Justice sets the rules, who the mediators will be, then lawyers won't feel threatened." (Non-Participant Lawyer, Casablanca, Female)

"Lots of people will choose mediation as an alternative for conflict resolution, but before that, the norms of the mediator and mediation should be identified and framed." (Non-Participant, Oujda, Male)

"I don't think there will be parasites who will take over lawyers work because of ADR. But that's why these new lawyers think they won't have much work as before." (Non-Participant Lawyer, Rabat, Male)

"The question remains are we lawyers going to have equal rights to be mediators and handle mediation cases? People in charge should think about this as well." (Participant Lawyer, Casablanca, Male)

"Lawyers have families to support and taxes to pay so they need to think about their futures as mediators. It's unthinkable that I have only one mediation file and another lawyer has 100. That might be the problem. Nowadays, we suffer from unequal distribution of cases on lawyers. We don't want that the same happens with mediation files." (Participant Lawyer, Casablanca, Male)

Likewise, interviewees opine that lawyer involvement, and to a lesser extent CSO involvement, in the Mediation Project of Law is inadequate, and their buy-in is essential to the successful implementation of mediation into the legal system of Morocco. Clearly, the legal and developmental

communities are anxious for the Ministry of Justice to extend an invitation for their input and to incorporate their input into the vetting system interviewees proclaim. Moreover, the legal and developmental communities are distraught, declare interviewees, over the perception that the Ministry of Justice only takes into consideration the input of the elite or those with personal relationships with Ministry officials. This dilemma is compounded by the fact that communication between the Ministry of Justice and the legal community is weak to not existent, say interviewees; the resulting effect is that the legal community is nervous, and therefore reluctant to offer their buy-in.

"Lawyers' involvement is really weak for the moment." (Participant Lawyer, Oujda, Male)

"Communication between lawyers and Ministry of Justice is weak. We heard that they are organizing an event in Casablanca but not all lawyers were invited. And the results of this conference wasn't communicated to us or to the public." (Participant Lawyer, Oujda, Male)

"[The point of view considered by the Ministry is] only those with whom they have close and privileged relationships, which it's not enough at all." (Participant CSO, Rabat, Female)

"Lawyers should definitely be involved in this project ... they will have a valuable input in this matter." (Non-Participant CSO, Rabat, Female)

"CSO's should be involved as well, they should be playing more than a horizontal role in laws that concerns citizens." (Non-Participant CSO, Rabat, Female)

"It's our duty and our right to get involved in this project, and our views should be taken into consideration. Even the citizen should be involved in this law; else he or she won't trust mediation as a judicial tool that can solve his or her problems." (Non-Participant Lawyer, Casablanca, Female)

Notwithstanding, some interviewees also point out that most members of the legal community do not themselves initiate or overtly demand communication with the Ministry of Justice. In addition, the legal community in Morocco is very reluctant to actively express their positions and complaints directly to the Ministry of Justice; they merely accept things the way they are.

"We see problems and we experience them, but very few of us actually bring these problems to the attention of the Ministry of Justice; that is write letters, make complaints." (Non-Participant, Casablanca, Male)

"For the [other] 2900 [lawyers in Casablanca], that just they way it is; there is no point in trying to change it—they are resigned to accept things the way they are." (Non-Participant, Casablanca, Male)

"They don't offer their input, nor is it considered." (Non-Participant, Casablanca, Male)

Another significant threat to the success of mediation in Morocco is the lack of public awareness on the topic. Interviewees insist that for mediation to gain acceptance in Morocco, public awareness must be raised. Interviewees aptly point out that the people, the prospective consumers of mediation services, are the one that must be courted. If there is no public outreach, potential consumers will not know about mediation services, they will not want mediation services and they will not demand mediation services. Currently, say interviewees, ADR/mediation is not well-known by the average Moroccan, and this lack of information on mediation is a significant handicap to its acceptance and implementation. Interviewees note that lack of information is a significant obstacle to the smooth assimilation of ADR and mediation mechanism into the legal construct of Morocco.

"You can't impose this ADR on people. They need to know more about it." (Non-Participant Lawyer, Rabat, Male)

"It's a culture, we might impose it as a procedure in the city hall, but the client has the choice, it's better for him, but he has to be convinced that it's a better way than going to court." (Non-Participant Lawyer, Rabat, Male)

"No I don't know about the mediation law project; I saw nothing in the newspapers." (Non-Participant CSO, Rabat, Female)

"One thing that can discourage this mediation project is the lack of communication from the part of the Ministry. Seriously, they don't do a good job informing the Moroccan citizen about what's going on. They don't reach the average Moroccan, they target a specific minority." (Non-Participant CSO, Rabat, Female)

"We need awareness campaigns in order to diffuse mediation as a conflict resolution means among lawyers, but also among clients." (Non-Participant Lawyer, Casablanca, Female)

"If people don't know much about mediation it's because they don't hear of it." (Participant CSO, Casablanca, Female)

"We need to do an extensive work in order to sensitize people about the concept and the importance of mediation." (Participant CSO, Oujda, Female)

"We always read newspapers and magazines, but we have never heard about mediation and people know nothing about it." (Participant CSO, Rabat, Female)

"Citizens should know and be aware of what's going on, it should be covered by the media." (Participant CSO, Rabat, Female)

"Lack of information is an important handicap." (Participant CSO, Rabat, Female)

"I think it's a matter of communication and a matter of gaining confidence and procedures' put into practice." (Non-Participant, Oujda, Male)

"Mediation services in Morocco are not readily accessible or well publicized." (Non-Participant, Casablanca, Male)

Accordingly, an extensive public outreach campaign is essential, say interviewees, to the success and swift incorporation and acceptance of ADR and mediation by the Moroccan public. Interviewees across the board were vehemently insistent that this is one of the most, if not absolutely the most, significant initiative that must be implemented to ensure the swift acceptance and success of mediation in Morocco. In fact, a few interviewees shared the results their organization's mediation awareness campaigns and highlighted the impressive success of their endeavors.

"ADR can be encouraged through mass media. The average Moroccan should know about this law project and be informed through TV, radio, newspapers and campaigns." (Non-Participant CSO, Rabat, Female)

"For a better communication, the Ministry of Justice should organize open doors, trainings, campaigns and educational days for all the citizens, and target the average citizen not only the elite." (Non-Participant CSO, Rabat, Female)

"All these laws and reforms this are important but we need to know how the Moroccan population will react to it, because we have a different culture and different perspectives, so it needs awareness and a whole pedagogic training so people takes in the information and understand the new reforms." (Participant CSO, Casablanca, Female)

"Last year we had he opportunity to organize two awareness days concerning mediation. We distributed brochures and we explained the concept and the importance of mediation in conflict resolution. Since that day, we had a lot of people seeking to solve their problems using mediation. This means that the concept is being accepted by citizens; however, there is still a lot to do to make people aware about the importance of mediation. And it can be done through conferences, documentaries, ads, TV, Radio, etc." (Participant CSO, Oujda, Female)

"People now ask to solve their problems without going to courts." (Participant CSO, Rabat, Female)

Correspondingly, according to in-depth interview participants, culturally Moroccans are weary and suspicious of "things" that are unfamiliar, new or unknown. Interestingly, interviewees point out that the Moroccan public does not necessarily have an unwavering trust in the courts, but would, at this juncture, reject mediation because of familiarity with the court system and a lack of comfort with a mechanism they do not understand. Another significant obstacle, which is difficult to reconcile with the Moroccan history of conciliation, is the cultural attitude of getting justice through the courts, annihilating the enemy, going to battle to attain justice. Interviewees suggest that a broad outreach and communication campaign geared towards professionals and the public would help alleviate this problem.

"I don't think there's going to be any resistance to mediation. Maybe people will question the new law because people tend to question new things. But it won't constitute a resistance because it's a positive thing, it just need to be explained to people." (Participant CSO, Casablanca, Female)

"Culturally the people are less prone to settle [lawsuits] than in other cultures."
(Non-Participant, Casablanca, Male)

"One cultural factor to consider is - by the time people sue, they want justice ... they want blood, not just to settle, they want to win, to beat the other side, to prove that they were right and the other side is wrong, they would rather go to court, not because they trust it, but because they want to go to battle—it's an emotional situation." (Non-Participant, Casablanca, Male)

"A big awareness campaign concerning mediation is needed. Now citizens are used to the court system, and won't easily trust a way /solution that doesn't belong to courts." (Participant CSO, Casablanca, Female)

Similarly, interviewees noted a need to rigorously supplement the Moroccan resources and training currently available. Weak resources from *Moroccan* sources, say some interviewees, force most professionals to turn to French sources, international NGOs and the internet to get their information. Both the quality and quantity of Moroccan mediation resources is minimal, insufficient and sub-par, according to a number of interviewees. A few interviewees felt that it is necessary for development and sustainability in Morocco for *Moroccan* professional organizations to build an infrastructure which supports and promotes professional development and incorporates continuing professional education, for *Moroccans* by *Moroccans*.

Interestingly, interviewees both bemoaned and applauded the fact that a significant source of information and training on various topics, including mediation, comes from international sources. Many interviewees acknowledged and appreciated the resources made available to Moroccan professionals through the international community while simultaneously lamenting the lack of Moroccan resources and infrastructure, and noting, quite profoundly, that a strong, robust Moroccan infrastructure relating to professional training and education is essential to long-term success and sustainability of reform and development initiatives in the Kingdom.

"ADR trainings offered in Morocco [by Moroccan sources] are weak."
(Participant Lawyer, Oujda, Male)

"My sole source would be the internet if I want to know more about ADR."
(Participant Lawyer, Oujda, Male)

"To be informed about ADR you have access to internet and if you are really interested in this subject as a lawyer you will go and look for information about ADR." (Non-Participant Lawyer, Rabat, Male)

"We definitely need more training, conferences and debates on this topic."
(Participant Lawyer, Casablanca, Male)

"More conferences, debates, ads on TV and newspapers, booklets should be offered to lawyers and civil society activists so these ones take on the information to the Moroccan citizen." (Participant CSO, Casablanca, Female)

"I have been learning through my contact mediator in France, from different personal research I did, the experience I'm having within the association

president who has a PhD in sociology, and some other personal contacts that work for international NGOs, mainly SFCG.” (Participant CSO, Oujda, Female)

“I’m planning a trip on my fees to get training in France about mediation.” (Participant CSO, Rabat, Female)

“Not enough [trainings and workshops] are available.” (Participant CSO, Rabat, Female)

“And in this context, the Ministry of Justice has the doors closed, and they do nothing to bring such capabilities to the country in order to gain the expertise and learn mediation techniques.” (Participant CSO, Rabat, Female)

“Unavailable, not from Moroccan sources.” (Non-Participant, Casablanca, Male)

“For instance, the precedence from the courts, they’re not published anywhere, no West Law or Lexus, we are in the dark.” (Non-Participant, Casablanca, Male)

In addition, say interviewees, a minority of legal professionals are versed in mediation law and techniques; thus, even though there is an interest in mediation there are not, necessarily, an already skilled network of mediators to begin mediation services once the legislation is passed. Several interviewees bemoan the fact that their practical knowledge of mediation is weak; they proclaim that the resources that are available do not include training on applied mediation techniques and procedures. To aid in rectifying this situation, Phase III of the SFCG ADR program is designed to address this gap in the resources on mediation which are currently available in Morocco. Included in this segment are: trainings for mediators; trainings for trainers; ADR/mediation study missions; and, the creation and distribution of mediation materials.

“I attended conferences and debates about mediation, and read books about mediation but never had the chance to practice it.” (Participant Lawyer, Casablanca, Male)

“When I did the training¹ there were no precise techniques or procedures presented.” (Participant CSO, Rabat, Female)

“I would really love to have a real training to learn more mediation techniques.” (Participant CSO, Rabat, Female)

However, there is a split in opinion insofar as the availability and quality of continuing professional education and training is concerned. Several lawyers commended their local bars and universities, and stated that there is an abundance of professional training resources available. These interviewees believed that the quality and quantity of professional training resources available are more than sufficient.

¹ While participants occasionally referred to the roundtables provided by SFCG as “trainings” in actuality these assemblies were strictly informational, and did not include a traditional “training” component.

"The Casablanca Bar is really active and offers many conferences on ADR." (Participant Lawyer, Oujda, Male)

"I am part of Casablanca's lawyers bar association, and they are actually doing a good job. They offer lots of round tables, conferences and trainings around the theme of mediation." (Non-Participant Lawyer, Casablanca, Female)

"I learn about mediation through the activity reports that are available after at the union." (Non-Participant Lawyer, Casablanca, Female)

"The bar in Casablanca is really active, so I consider myself lucky because we have access to all this information, lectures and round tables." (Non-Participant Lawyer, Casablanca, Female)

"There are a lot activities organized especially in the law school, different national and international conferences concerning judicial work, public freedom, etc." (Non-Participant, Oujda, Male)

Moreover, concerning continuing education for legal professionals, as it is not mandatory, a bulk of the legal profession is victim to a marked lack of motivation when it comes to pursuing supplementary education. This is also a reason why Moroccan legal resources are scarce and of poor quality say interviewees. In addition, most, if not all, training events and conferences are conducted with limited or no advance notice to the invitees. This, they say, is another cause for low turnout to national and international training events. According to interviewees, the hectic schedules of many attorneys in Morocco compound these factors as it translates into the attorney's inability to attend professional or educational conferences of interest, unless it could dramatically affect their bottom line.

"There were previous trainings, but I never attend them." (Participant Lawyer, Oujda, Male)

"There are associations who organize this kind of debates and workshops but there is no interest in them. I noticed that attendance to these conferences is really low." (Non-Participant Lawyer, Rabat, Male)

"But people are not interested in this kind of stuff, maybe because it's due to the lack of communication. Lawyers are not informed in advance." (Non-Participant Lawyer, Rabat, Male)

"But then, there's an important question to ask. Even if these lawyers attend certain trainings, how and what will they benefit from it? There should be an aim for these events and a follow-up. Why would a lawyer leave his office and practice and go to a conference and training if later on he won't have any mediation cases?" (Participant Lawyer, Casablanca, Male)

"I've been invited three times to attend round tables organized by lawyers' syndicate but couldn't make it." (Non-Participant Lawyer, Casablanca, Female)

"First, attendance to these round tables is not obligatory hence only lawyers who are really interested would attend it." (Non-Participant Lawyer, Casablanca, Female)

"This is the problem...within the university we can say that people attend in a way or another, even if sometimes we force students to attend and write a report about the conference. However, for activities organized outside the university context, NGO or associations..., people barely show interest and attend." (Non-Participant, Oujda, Male)

"We don't have continuing legal education which is mandatory for lawyers, and this is a problem-every now and again they have some training in Arabic, but, if you sign up, the quality and quality are not good." (Non-Participant, Casablanca, Male)

SFCG'S PERFORMANCE DURING ADR II

While SFCG activity participants were supportive of the overall concept and purpose of the ADR II program, they also offered some feedback and recommendations to make the program better and more effective. The participants' prime suggestions included designing a training series, as one session was not enough for most participants, and creating different sections to accommodate various levels of experience.

This section of the assessment is divided into three main segments. The first segment discusses the sources of information that SFCG participants have access to and the quality of those resources. The second section evaluates the feedback on ADR II activities from SFCG ADR II participants, while the final section looks at program outcomes. The assessment of SFCG's ADR II program was compiled from both survey responses and in-depth interview responses.

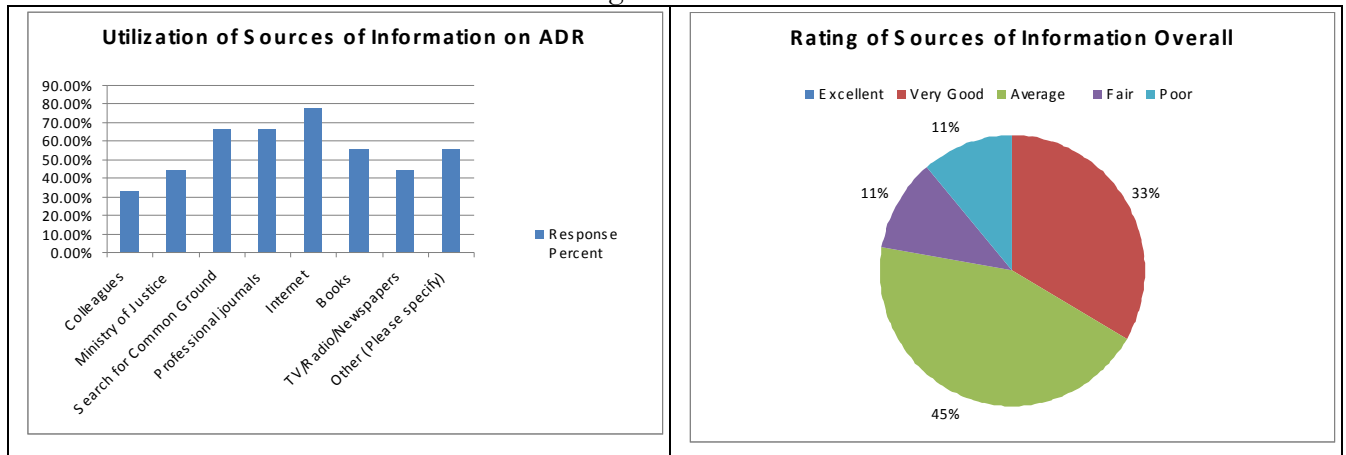
Sources of Information on ADR

By far both survey participants and in-depth interview participants listed the internet as their primary source of information for ADR/mediation issues. Several in-depth interview participants noted that they were forced to seek out mediation training in France to supplement their knowledge. Interviewees also mentioned international organizations, including SFCG, as resources for information on mediation techniques and methods. Survey results also support this paradigm, with data revealing that the internet is the primary source of information on ADR. Notwithstanding, international organizations and professional journals are also heavily referenced in relation to ADR research. However, unlike in-depth interview participants, most survey participants found the available resources on mediation in Morocco to be average to very good.

While IDI and survey results appear to diverge on the question of quality of resources, that assessment is misleading. The basis for this anomaly is the fact that several IDI participants focused on their opinion of "Moroccan" sources of information, and even then there was a definite split on the quality and quantity of resources available. In the survey, participants were asked to evaluate all available sources of information, and when taking into account both the internet and international sources, end-users were quite satisfied with the information they were able to attain. This variance demonstrates many interviewees belief that it is of significant importance for Morocco to development it own professional resources.

In Figure 1.1, below, are the results gleaned from survey responses. Survey respondents were asked to rate the available sources of information on ADR/mediation overall, and to record all of the sources of information on ADR that they have utilized. Other sources of information on ADR included laws and codes used in the field, universities, and professional associations.

Figure 1.1



SFCG Activity Evaluation

With few dissenters, the overall feedback from SFCG activity participants who were interviewed was positive. Participant interviewees appreciated the quality and organization of the roundtables presented by SFCG.

"Good organization." (Participant Lawyer, Casablanca, Male)

"Very practical workshops." (Participant Lawyer, Casablanca, Male)

"I attended SFCG's conference. It was very interesting and important." (Participant CSO, Casablanca, Female)

"The conference was really excellent, well organized it went smoothly which I appreciated." (Participant CSO, Casablanca, Female)

Survey respondents were asked to evaluate the SFCG activity they attended, as can be seen in Figure 2.1, below. Respondents rated the SFCG activity very good overall, but while 44.4% agreed that the activity they attended very good, more than any other single response choice, 22.2% rated the activity as poor overall which translates into room for improvement in the listed categories. For instance, methods and organization also received fair to poor marks from respondents. Interestingly, organization also received the highest percentage of excellent responses.

Figure 2.1

Search for Common Ground Activity Evaluation						
	Excellent	Very Good	Good	Fair	Poor	Response Count
Overall	11.1% (1)	44.4% (4)	22.2% (2)	0.0% (0)	22.2% (2)	9
Audio-visual aids	22.2% (2)	11.1% (1)	33.3% (3)	22.2% (2)	11.1% (1)	9
Content	11.1% (1)	33.3% (3)	33.3% (3)	11.1% (1)	11.1% (1)	9
Methods	11.1% (1)	22.2% (2)	33.3% (3)	11.1% (1)	22.2% (2)	9
Organization	33.3% (3)	22.2% (2)	11.1% (1)	33.3% (3)	0.0% (0)	9
<i>answered question</i>						9
<i>skipped question</i>						2

Notwithstanding, feedback was provided on areas which could be improved. For instance, interviewees suggested that handouts or other instructional documents be provided in advance to activity attendees; interviewees stated that written materials could assist program participants in following the presentation more closely and be more engaged, as well as serving as reference material. Interviewees also suggested that SFCG create a training series, as most interviewees felt that one session was not enough, and that SFCG make additional efforts to keep prospective participants informed. Included in interviewee complaints were that a follow-up was promised,² yet former SFCG activity participants have heard nothing from the organization, and that even for the activity that they attended the notice was minimal. Additionally, interviewees suggest that more practical trainings be provided.

"We never get handouts or documents about the subject covered." (Participant CSO, Rabat, Female)

"The conference was really good and interesting but it left me on my hunger, they said they would organize another conference³ but they didn't." (Participant CSO, Casablanca, Female)

"When I did the training there were no precise techniques or procedures presented." (Participant CSO, Rabat, Female)

Figure 2.2, below, represents survey responses on the performance of SFCG activity facilitators. Activity facilitators received an average rating of good to very good in all categories except pace, for which SFCG facilitators received a high fair average. Notwithstanding, SFCG facilitators received,

² While some participants noted that a follow-up was promised yet not delivered by SFCG, all scheduled program activities for this component were completed by SFCG. These participants may have confused notice of future activities associated with Phase III as a promise for follow-up on the roundtables; however, this was an unintended outcome.

³ Ibid.

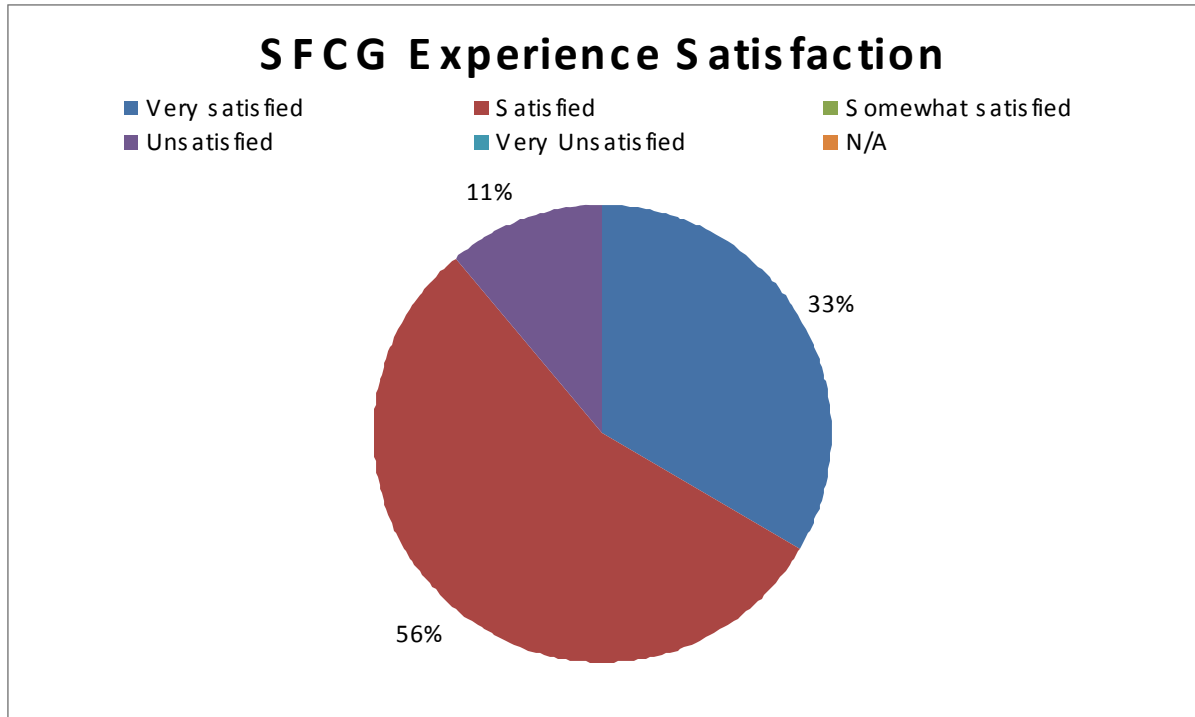
on average, the highest marks in clarity, and mastery of content and effectiveness, respectively. Interestingly, the “maintaining participant interest” category at once received the most excellent response, while also tying with the “pace” category for receiving the most fair responses. In addition, while in the “overall” category facilitators received one “poor” rating, facilitators did not receive any poor rating in any other category.

Figure 2.2

Evaluation of Activity Facilitators							
	Excellent	Very Good	Good	Fair	Poor	Rating Average	Response Count
Overall	0.0% (0)	50.0% (4)	25.0% (2)	12.5% (1)	12.5% (1)	3.13	8
Mastery of content	12.5% (1)	37.5% (3)	25.0% (2)	25.0% (2)	0.0% (0)	3.38	8
Effectiveness	25.0% (2)	25.0% (2)	12.5% (1)	37.5% (3)	0.0% (0)	3.38	8
Maintaining participant interest/attention	37.5% (3)	0.0% (0)	12.5% (1)	50.0% (4)	0.0% (0)	3.25	8
Pace	0.0% (0)	25.0% (2)	25.0% (2)	50.0% (4)	0.0% (0)	2.75	8
Clarity	12.5% (1)	37.5% (3)	37.5% (3)	12.5% (1)	0.0% (0)	3.5	8
<i>answered question</i>							8
<i>skipped question</i>							3

Insofar as total experience was quantified, 56% of respondents were satisfied with their experience with SFCG and 33% were very satisfied with their experience. Only 11% of respondents, or one participant, were unsatisfied with their experience with SFCG.

Figure 2.3



Nonetheless, survey respondents did have suggestions on ways to improve the workshop. For instance, survey respondent suggestions included: focus on specific topics in each training, and give priority to role playing in the workshop trainings⁴; enlarge the circle of participants by bringing more participants and a more interesting variety of people, especially business-men; and, interact with the situations and conditions surrounding the activist in the matter.

Additionally, interviewees suggested that training levels should be established, to cater more closely to the participants' needs. A few interviewees were frustrated that advanced mediation training is not available in Morocco. These interviewees found the ADR II activities unchallenging.

"I think that I have learned much more things about mediation during my personal research; we have now in the association much more information than what SFCG was presenting. We have gained a lot of experience and we learned a lot from our contact in France." (Participant CSO, Oujda, Female)

⁴ While this is primarily prospective advice for future SFCG activities, it is noteworthy to mention that mediation "training" was not, *per se*, a component for these roundtables. However, some of the roundtables did include a one-day initiation training and illustration workshop in some cities.

"All the things presented in the training, we already know them and use them while doing mediation." (Participant CSO, Oujda, Female)

Yet, most interviewees are eagerly awaiting the next SFCG activity regarding mediation. As previously noted, interviewees would welcome a training series; they felt that one session was not enough, and that series of advanced trainings are needed to help develop an expert class in Morocco. In addition, interviewees were under the impression that SFCG would conduct follow-up trainings, yet former SFCG activity participants have heard nothing from the organization.

"I really praise the work SFCG did, I am not flattering them, but they should offer more training and do a follow-up." (Participant CSO, Casablanca, Female)

"Hopefully they will offer more training for us to be experts in mediation." (Participant Lawyer, Casablanca, Male)

"The training was like an introduction to mediation, so I am still waiting for another conference to get more information and more training on this topic." (Participant CSO, Casablanca, Female)

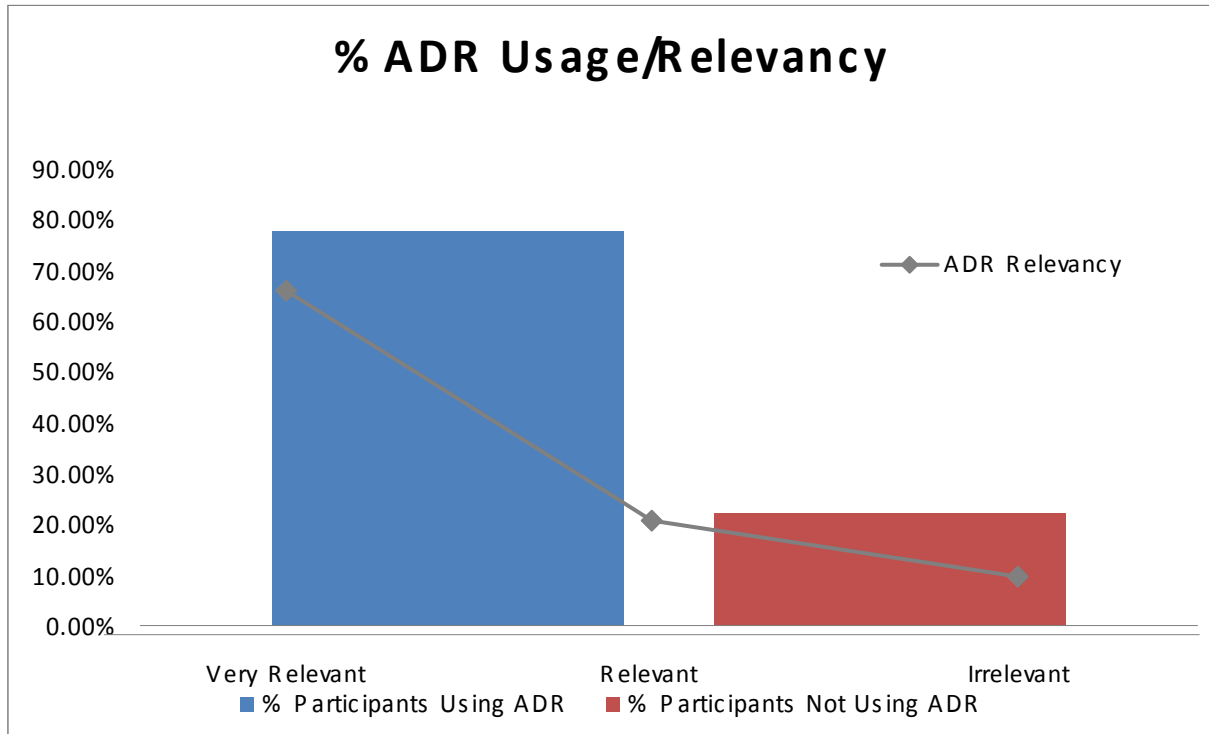
"SFCG conference organized training for a group of people; they said they will organize another conference, but they didn't."⁵ (Participant CSO, Casablanca, Female)

⁵ See *fn.* 2.

Outcomes

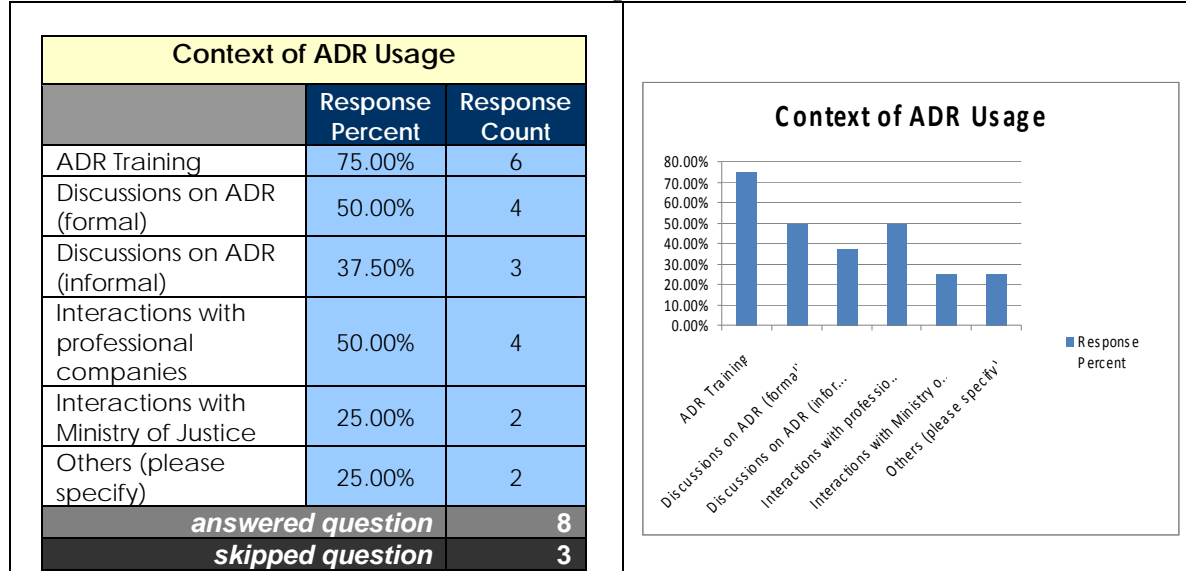
As may be expected, survey results reveal a direct correlation between participant usage of ADR mechanisms and the perceived relevance of ADR mechanisms within this population, as can be seen in Figure 3.1, below.

Figure 3.1



Under the survey construct, respondents were also asked to identify the types of usage engaged in their professions; findings revealed that most respondents were involved with ADR training, as well as formal discussions about ADR with stakeholders and interaction with professional organizations. Other manners of mediation usage noted by survey respondents included solving family and personal conflicts, interacting with citizens to solve their problems peacefully and using mediation and conflict resolution alternatives in solving commercial conflicts.

Figure 3.2



Survey respondents were further asked to rank usage justifications for ADR/mediation. Not surprisingly, privacy in resolving disputes was among the top two selections chosen for the most important reason for using ADR/Mediation. Interestingly, cost efficiency ranking only in the median range, rather than being a top priority. In addition, survey respondents by and large chose improved relationships as being a low priority reason for utilizing ADR/mediation mechanisms.

Figure 3.3

Ranking of Usage Justifications for ADR/Mediation							
Scale: 1, Most Important, to 6, Least Important	1	2	3	4	5	6	Response Count
Cost Efficiency	0.0% (0)	11.1% (1)	33.3% (3)	33.3% (3)	0.0% (0)	22.2% (2)	9
Privacy in Resolving Disputes	37.5% (3)	25.0% (2)	0.0% (0)	0.0% (0)	25.0% (2)	12.5% (1)	8
Time Saving	12.5% (1)	37.5% (3)	25.0% (2)	25.0% (2)	0.0% (0)	0.0% (0)	8
Non-Adversarial Way to Resolve Conflicts	0.0% (0)	25.0% (2)	37.5% (3)	25.0% (2)	12.5% (1)	0.0% (0)	8
Allows Courts to Focus on Criminal Prosecutions	33.3% (3)	0.0% (0)	11.1% (1)	0.0% (0)	11.1% (1)	44.4% (4)	9
Improved relationships	11.1% (1)	0.0% (0)	0.0% (0)	11.1% (1)	55.6% (5)	22.2% (2)	9

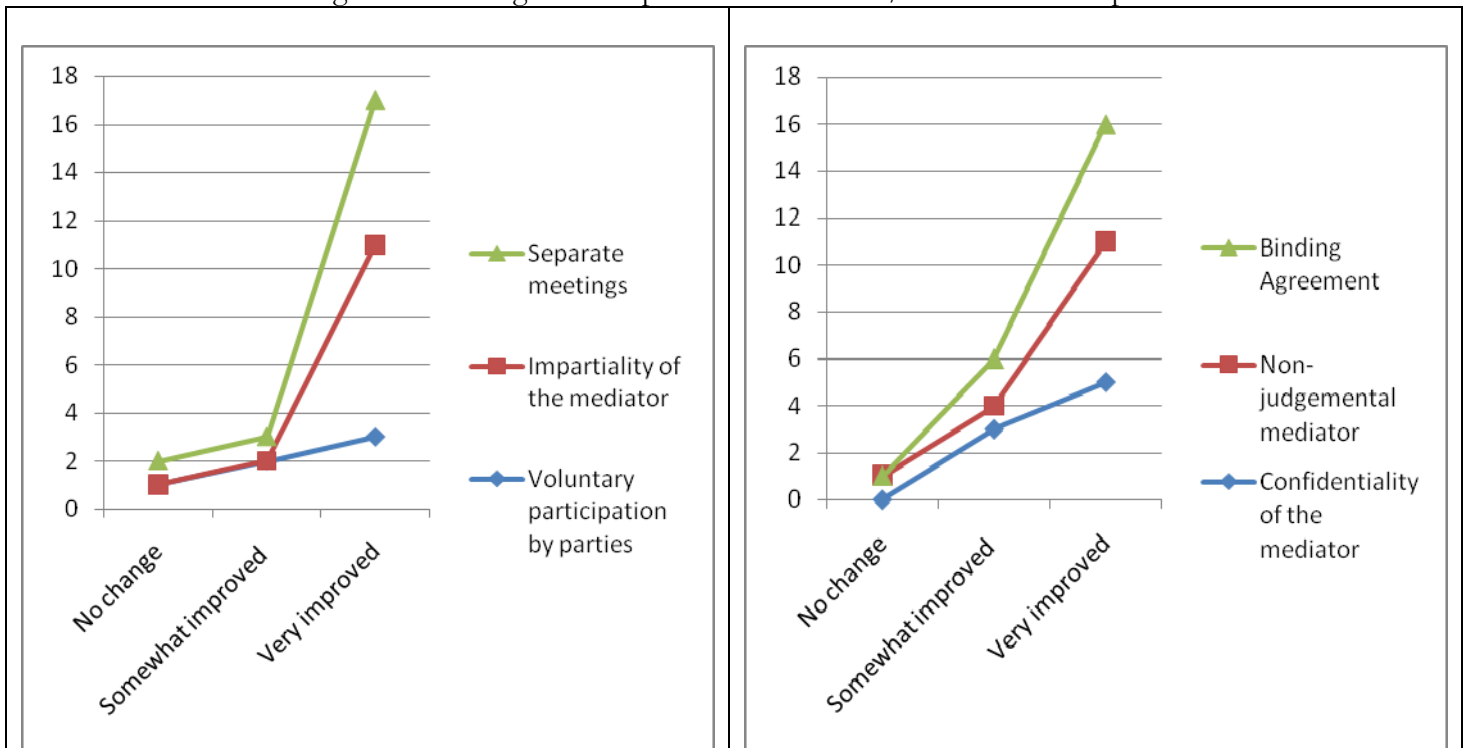
Both survey respondents and in-depth interview participants were asked to rate their knowledge insofar as mediation principles are concerned. However, attorney interviewees were largely uncomfortable with these types of rating questions and would often steer the interview away from these types of questions, rush through the questions, and/or change subject. Perhaps attorneys, because of the nature of their profession, where the attorney is usually the inquisitor, are unreceptive to situations where they then become the object of the inquisition. While attorney interviewees appeared to avoid the rating question, they also felt the need to be prepared in advance for the in-depth interview; in fact many interviewees wanted the questions before hand and had to be convinced that for the study to yield solid results their answers should be spontaneous. Considering comprehension of mediation principles, most survey respondents were comfortable with their level of comprehension, and rated themselves with good or excellent knowledge of the listed principles, see Figure 3.4, below. No respondent rated themselves in the poor or low comprehension categories for any of the principles listed.

Figure 3.4

Table 1.1: Comprehension of Mediation Principles						
	Poor	Low	Average	Good	Excellent	Response Count
Confidentiality of the Mediator	0	0	0	4	5	9
Impartiality of the Mediator	0	0	0	5	4	9
Equal Treatment by the Mediator	0	0	1	4	3	8
Separate meetings	0	0	1	4	3	8
Voluntary participation by parties	0	0	1	4	4	9
Non-judgmental Mediator	0	0	0	3	5	8
Binding agreement	0	0	1	4	4	9
Decision by parties	0	0	3	4	2	9
<i>answered question</i>						9
<i>skipped question</i>						2

Additionally, many respondents attributed their level of knowledge with the training they received from SFCG, see Figure 3.5, below.

Figure 3.5: Change in Comprehension of ADR/Mediation Principles



At the close of the online survey, respondents were asked to provide information on how their organization utilized the information they received at the SFCG activity they attended. Respondents offered interesting insight into on the practical usage of the SFCG training they received.

"I have been using mediation in my personal work and inside the feminist association I belong to. For example we tried as much as possible to leave the choice to the parties in conflict to choose an alternative way, which is mediation, making sure to respect impartiality. We also help the parties to find a joint solution without making them feel that it's the one and only solution that exist. Make sure to get these results through separate meetings." (Online Respondent)

"Daily practice of problem solving." (Online Respondent)

"Playing the role of mediator between consumers and retailers, producers and administrations." (Online Respondent)

"I tried to use this technique in solving family conflicts especially divorce." (Online Respondent)

In addition, respondents were asked to provide any additional comments. Not surprisingly, many of the additional comments revolved around an increase in training, and a broader outreach and informational campaign.

"I have assisted to the Meknes training on November 2006. And I would like that the activities be partially conducted in the French language." (Online Respondent)

"Try to urge the integration of mediation as a conflict resolution alternative, and amplify the efforts to form qualified people able to contribute in the success of the experience through continuous trainings to this category of people that already showed an interest in the subject." (Online Respondent)

"The importance of keeping up the efforts that have been done in this matter and organize training of trainers." (Online Respondent)

"I hope that the coming activities will be more related to the reality of the Moroccan society. Also focus in taking different point of views not just lawyers that can sometimes be harmed by the ADR." (Online Respondent)

On a final note, all non-participant interviewees were asked if they would like to attend ADR/mediation training session held by SFCG; these interviewees were unanimous in their response that they would be interested in attending a SFCG activity.

"I have heard of Search for Common Ground, but was not aware of any ADR training program." (Non-Participant, Casablanca, Male)

"If I was invited, or knew of it, I would DEFINITELY attend." (Non-Participant, Casablanca, Male)

RECOMMENDATIONS

Throughout the in-depth interview discussions, interviewees voiced concerns, such as the lack of Moroccan resources on mediation and the lack of public awareness of mediation, and either explicitly or implicitly recommended various measures to promote the induction of ADR in Morocco. The recommendations included:

- Conducting a broad outreach and communication campaign geared towards professionals and the public.
- Promulgating rules for mediation so that the roles of various stakeholders are clear.
- In addition to creating rules and regulations for professional mediator, attorney interviewees believe that this work should be reserved for the legal community and that the distribution of cases should be monitored. One possible solution is the requirement of certification for mediators and the use of a rotary system.
- Interviewees felt that it was necessary for development and sustainability in Morocco for *Moroccan* professional organizations to build an infrastructure which supports and promotes professional development and incorporates continuing professional education, for *Moroccans* by *Moroccans*.

To increase programmatic success, survey respondents also offered constructive feedback. Included in their suggestions are the following:

- Offering more advanced trainings for mediators, with levels for different competency groups. Survey respondents and interviewee participants also suggested a training series, as they felt that one session would not be sufficient.⁶
- Providing handouts, or other instructional documents, to activity participants to assist them in following the presentation more closely, as well as serving as a reference document for attendees.
- Keep activity attendees informed about upcoming events, and better publicize events.
- Focus on a specific topic in each training, instead of covering too much in one session, and give priority to role playing in the workshop trainings.
- Enlarge the circle of participants by bringing more participants and a more interesting variety of people, especially businessmen.⁷

⁶ Phase III of the SFCG ADR program is designed to address this gap in the resources on mediation which are currently available in Morocco. Included in this segment are: trainings for mediators; trainings for trainers; ADR/mediation study missions; and, the creation and distribution of mediation materials.

⁷ The choice of participants for Phase II of the SFCG ADR program was deliberately limited to 30-40 participants. These participants were carefully selected to fulfill a number of criteria set by SFCG, and in cooperation with the Moroccan Ministry of Justice.

METHODOLOGY

Methodology

This report is based on twelve (12) in-depth interviews and one online survey conducted April 27 – May 26, 2007. Participants for the online survey were legal professionals and CSO leaders who had previously attended a SFCG ADR II activity; participants for the in-depth interviews were legal professionals and CSO leaders who were either SFCG ADR II activity participants or non-participants from Rabat, Casablanca and Oujda. Where appropriate, gender balance was taken into consideration in the design and implementation of the research project.

One-on-One Interviews

The target profile for the in-depth interview segment of this project was male and female Moroccan legal professionals and CSO leaders who were either SFCG ADR II activity participants or non-participants from Rabat, Casablanca and Oujda, respectively. The table below illustrates the In-Depth Interview Specifications for the interviews conducted:

Table I: In-Depth Interview Specifications

Location	Profession	Designation	Qty	Gender
Rabat	Attorney	Non-Participants	2	Male
Rabat	CSO leader	1 Participant/1 NP	2	Female
Oujda	Attorney	1 Participant/1 NP ⁸	2	Male
Oujda	CSO leader	1 Participant/1 NP	2	1 Female/1 Male
Casablanca	Attorney	2 Participant/2 NP	4	3 Male/1 Female
Casablanca	CSO leader	Participant	1	Female

With members of a professional community such as journalists, lawyers, or elected officials, one-on-one interviews are often used in lieu of focus groups. The rationale is similar to that of a focus group: to encourage frankness and allow the interviewer flexibility to probe into certain areas during the discussion. Professionals tend to speak more freely when they are not surrounded by their peers, particularly concerning sensitive topics. The People's Mirror randomly selected individuals from within the CSO and legal professions in Rabat, Casablanca and Oujda, respectively, to compile the SFCG ADR II non-participant group, and utilized SFCG registration lists to compile the SFCG ADR II participant group; however, all interviews were conducted using the same set of discussion guides for each interviewee.

Online Survey

The target profile for the online survey segment of this project was male and female Moroccan legal professionals and CSO leaders who were SFCG ADR II activity participants. The survey was sent by

⁸ This interview failed to yield any usable results, and was, therefore, stricken from the data analysis.

e-mail to SFCG ADR II activity participants on May 15, 2007, and was resent to participants on May 22, 2007.⁹ The initial mailing was of seventy-one (71) surveys, of which zero (0) were returned as undeliverable. Of the approximately seventy-one (71) surveys delivered, eleven (11) responses were received and these were used to compile the report, for a response rate of 15.5 percent. Notwithstanding the number of respondents, the results from this survey do provide an indication of the beliefs and feelings about ADR and the SFCG ADR II activities. The table, statistics, and graph below illustrate the specifications for the online survey conducted:

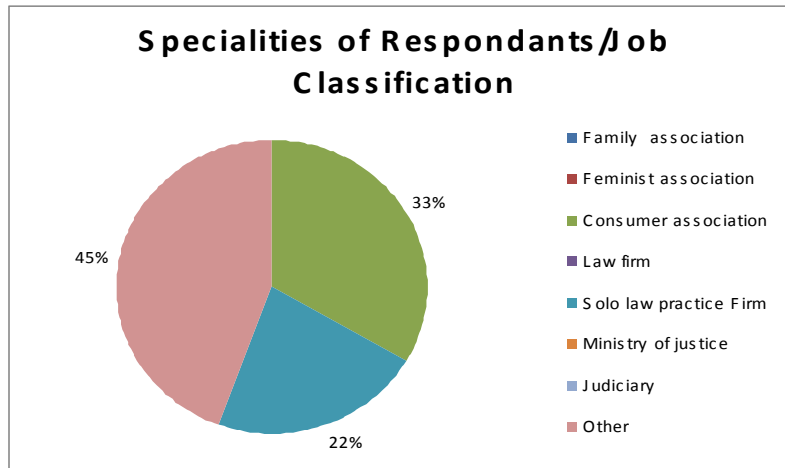
Table II: Survey Distribution and Response

Total Sent:	71
Responded (Partial/Complete):	11 (0 / 11)
Unresponded:	53
Opted Out:	7

Table III: Gender Distribution

Male	70%
Female	30%

Table IV: Job Classification



⁹ To encourage spontaneity, survey respondents were assured their names would not be a part of the report.

ABOUT THE PEOPLE'S MIRROR

The People's Mirror is one of the first centers of its kind in the Arab world, specializing in public opinion research on social and political issues. As a social enterprise, the People's Mirror works to establish a link between decision-makers and citizens and to enable clients to run successful, cost-effective projects.

Using focus groups and in-depth interviews, the People's Mirror reflects citizens' priorities and perceptions on a variety of important projects that are as diversified as its clients. Its wide-ranging experience includes helping clients to evaluate concepts, policies and messages; develop campaigns; conduct needs assessments; test website concept and usability; and plan for or supplement quantitative research. The People's Mirror works closely with clients to translate research findings into concrete action and cost-saving measures.

The People's Mirror has the capacity and expertise to conduct qualitative research in its fully-equipped center in Rabat and, using state-of-the-art portable equipment, throughout urban and rural regions in the Middle East and Africa. Its services are provided in several languages, including Arabic, Amazighe, French and English.