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Mediation in Morocco: Current Uses and Future Possibilities

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**Mediation in Morocco:
Current Uses and Future Possibilities**
A Case Study and Feasibility Report

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SIT Morocco, Spring 2006
Independent Study Project

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Abstract

As the world is searching for more effective methods and implementation of conflict resolution, it becomes increasingly important to consider the traditional uses of mediation and current efforts at training in communities, organizations, and the government. The purpose of this case study is to describe the role of mediation as a form of conflict resolution for several groups in Morocco as well as to analyze the prospect for more effective formal mediation in the future through training mechanisms from observations and interviews with current and future leaders throughout Morocco.

Acknowledgements

This case study would not have been possible without the generosity and enthusiasm of those interviewed and the committed efforts of several individuals and organizations including Amine Ghouli, Saad Boukhni, Search for Common Ground in Morocco, Professor Nabil Eddahar, and my advisor, Nadia Motii. I owe a great deal to these people as well as my friends in the communities where I lived for showing me what it means to participate in different areas of Moroccan society today.

Biographical Qualifications

Rachel Markowitz is a student of political science independently researching mediation while studying in Morocco through the School for International Training. She was trained in mediation and facilitation by the Bartos Institute for the Constructive Engagement of Conflict at the United World College of the American West from 2002-04. Her work there included on-campus training, intervention in local high schools, events with Peace Jam, and assistance in the implementation of a similar program at the United World College of the Adriatic in Duino, Italy. Rachel has furthered her study of CR as an undergraduate at the University of Texas at Dallas through courses including Negotiation and Conflict Resolution, and she plans to continue incorporating CR in her study of government and law.

Introduction

“Although the world is overly polarized and violence is much too prevalent, we remain essentially optimistic. Our view is that, on the whole, history is moving in positive directions. Although some of the conflicts we are currently dealing with may seem intractable, there are successful examples of cooperative conflict resolution that we can look to for inspiration”¹

We live in a conflicted world. In every discipline, the need is increasing for more effective forms of conflict resolution to meet the demands of a highly interdependent global society as well as the many smaller communities of which it is comprised. Conflict resolution (see Appendix-Definitions) refers to the process of resolving disputes through dialogue and a genuine attempt to meet both ones’ own needs and those of the opposing side in a way that is cohesive to everyone’s interests. It aims to anticipate and prevent conflicts and includes deliberate social tools within organizations and between individuals. CR encompasses the processes of mediation, arbitration, conciliation and litigation as well, with mediation at the forefront of current CR training and theory in terms of satisfaction and effectiveness. Mediation (see Appendix-Definitions) is the use of a neutral third party in bringing together two voluntary parties to make a mutual decision with the guidance of a mediator, but without imposition. In modern, transitional societies, the tools of alternative dispute resolution (see Appendix-Definitions) are imperative elements of successful progress.

As each community tries to find its place within the discipline of conflict resolution, Morocco is emerging as an interesting case study of the implementation process. The government has been instituting reforms with vigor and is now turning to the international CR community to assist in the facilitation and training of local groups. Training could possibly be effective in many conflicts in Morocco, such as border disputes, cultural pluralism, gender rights, Islamic fundamentalism, environmental sustainability, employment, and various development projects. Currently, the information gathered on the implementation of formal CR is insufficient. Anthropological studies illustrate the many ways that conflict resolution has existed in

¹ www.sfcg.org. Search for Common Ground website. Accessed on March 14 and April 27, 2006.

Morocco for centuries yet are rarely coupled with evaluations of current uses of conflict resolution in the government, organizations, and local communities.

It is essential to broaden the scope of evaluative studies in order to present a full and accurate picture of the topic. This research focuses primarily on the use of mediation. Due to time limitations and other restrictions, this study provides only an initial evaluation of the current situation. The results are paired with past studies in order to provide a future oriented account. Mediation can be one of the most effective forms of CR but often requires training and sensitivity. If it is necessary for the world to delve further into the possibilities of alternative dispute resolution mechanisms, than the need is even more pronounced in Morocco. It is here that multiple corners of the world meet in one culture and change is not only imminent but is occurring in every aspect of life. Formal mediation training, if handled appropriately, could be the door to many possible developments in Morocco.

Purpose: From theory to reality

To evaluate the potential for mediation training, we have to start with the basics. Although Moroccans have used mediation techniques traditionally for centuries, they now live in a world that is increasingly dynamic, under a government that is instituting reform after reform. So where does mediation fit in today and how does a Western tradition of formal mediation and CR training pair with a history rich in communal problem solving? How do Moroccan communities and organizations currently use mediation as a form of dispute resolution and what role might formal mediation play between the government, NGOs, and citizens in the future?

The purpose of this case study is to describe the role of mediation as a form of conflict resolution for the government, organizations, and the people of Morocco as well as to speculate on the prospect of more effective formal mediation in the future through training mechanisms. At this stage, a mediator will be defined as anyone who assists in the dispute process by working between parties and remaining as neutral as possible given the situation. A dispute is defined as an unresolved issue which requires action between two or more parties.

Methods: A specific process with a broad range

The topic can be broken down into three categories under study: government officials, organizations, and citizens. Each group and its setting determined the methods used in data collection.

With government officials, individual and group interviews were conducted in addition to literature review. It was difficult to arrange meetings with national governmental officials, so the data provided originates in discussions with local popularly elected and government appointed leaders. Higher-level officials are included to some extent through evaluations from previous training sessions and the media.

Studying organizations allows for a variety of techniques including participant observation of events, interviews, and discussions. The main organization under review is Search for Common Ground in Morocco (see Appendix-Definitions), the primary source for conflict resolution materials and training in Morocco. Data comes from various events hosted by this organization and discussions with the staff. Interviews were also conducted with the current director, facilitators, trainees, and one of the founding members. Information provided by the SFCG Morocco website is also used.

The majority of the data from citizens originates in daily occurrences, so participant observation is utilized. There are also several interviews and a short survey for university students to ease the flow of information (see Appendix-Survey). Experiences with a host family in the old medina of Rabat as well as in a rural village are presented along with observations from university classes and interactions or meetings with a variety of individuals. Given the time constraints of the project, citizens are narrowed down into three areas of study: city families and communities, rural families and communities, and the university setting. Markets are specifically included because:

“A Moroccan *Suk* is a space of vivid activity and commercial exchange but it is above all a space of encounter. It is the place where the local ‘others’ meet but it is also a favourite space for the foreign other, a space where the alien culture is encountered as a mass and as a multitude.”²

The university community may initially appear to be an arbitrary group to review, yet they are essential to mediation reforms. The professors interviewed are influential in

² Laamiri, Mohamed. “Urban Space in Travel Literature in Morocco”. P. 159.

politics and education, and they have interest in the future of conflict resolution training. Formal mediation training is a new concept in Morocco- and in most of the world- and university students are the professionals and government officials of the future that will be the responsible for carrying out any reforms made now. As stated in the text of one major source of reform in Morocco:

“Fundamentally, tomorrow’s gages are those of the Moroccan youth. They will help bring about the country’s renewal and development. They are the ones who will dream of Morocco’s future and build it. Young men and women must affirm themselves as principle actors and as a primary target for public policies. Today, Moroccans must have confidence in their country’s future and their won ability to contribute to progress and development for Morocco’s favored dream to realize itself.”³

For this reason, efforts are focused on how university students conceptualize mediation and what they want out of mediation training.

Bias and Ethics: Some roadblocks to research

It should be noted when processing this study that mediation training is by nature a very Western concept. SFCG-M’s main counterparts are in the U.S. and Belgium and many reforms taking place in Morocco currently have some level of Western influence. It is difficult to determine to what degree, with an American female researcher, the participants were biased in their responses. Even using participant observation, the events that unfolded could have been tainted and the perspective is likely to be highly Western. The biases of a researcher who has been trained as a small group facilitator for conflict resolution mechanisms and is a student of political science who believes in the process of mediation are attempted to be overcome by allowing discussions to flow without constant leading questions. Strong relationships were also developed with many of the people and organizations in the hopes of surpassing some of the false pretenses. Along those lines, however, it should be made clear that everyone involved was aware of the role of the researcher and the nature of the topic.

Language is another barrier to be noted, as all of the research was done in English or with the help of a translator. All of the participants were either educated in English or

³ “50 Years of Human Development: Perspectives to 2025”, report made in Morocco 2005. Accompanied by lecture by Dr. Ahmed Herzenni, rural sociologist and member of the board for the report delivered on the report on March 24, 2006. Center for Cross-Cultural Learning, Rabat. P.30.

were responding with the assistance of someone who was. So how does one validate research on a presumably Western topic using a Western language conducted by a Westerner within the Moroccan context? The research is not compromised for several reasons: because of the multiple and interdependent cultures present in Morocco that create a population that is a combination of several cultural identities, because not all of the English speakers studied were indeed supporters of Westernization or mediation training in general, because the translators attempted to be neutral in their opinions about the topic, and because as much local dialect and classical Arabic as possible was used in the discussions and surveys. The combination of these factors gives validity to the study as devoid of a Western bias to as great an extent as possible.

Review of Literature: Setting the Scene for CR

Morocco is ripe for change. Transition is a fundamental element of the Moroccan atmosphere today, and that must be fully reviewed and understood prior to any discussion of reforms. It is clear that:

“Morocco is at a crossroads. The country is facing a historical situation with both grand choices and grand plans that will lead to two fundamental but varied options. On the one hand, the country can resolutely engage a virtuous renewal and development dynamic by seizing opportunities that present themselves and making the reform process a permanent and structural process. On the other hand, resolving future impediments to development could not be addressed” (50 Years, p.24).

Mediation as a part of every sector in Morocco

These sentiments are palpable in nearly every corner of Moroccan society. During the reforms and reflection process, conflict resolution mechanisms are applicable in every sector of the population and culture, including development, religion, and even art. In fact, Morocco has been a case study for CR for years. In a work highly referenced within the field of CR, Lawrence Rosen developed several theories on human interaction through Moroccan society. In statements such as:

“Although the world of human interaction is perilous and unpredictable, it takes a certain form and regularity through words and deeds- through the principles by which relations are forged and the concepts by which contexts are understood.”⁴,

the role of Moroccan society is notable in the development of formal CR theories.

Development is a prominent topic in Morocco, and all of the recent reform efforts confirm the transitional atmosphere and insinuate that CR partnerships would be beneficial. The 2020 Rural Development Strategy (RDS) and the National Initiative for Human Development (NIHD) exemplify this idea. Within RDS, a major objective is to upgrade and improve education and training of rural inhabitants, and participation and facilitation of actors is stressed. NIHD mirrors that focus and adds the objectives of social integration and cohesion along with supporting and reinforcing local governance. NIHD and RDS are complementary and the implementers are attempting to collaborate not only with one another but also with NGOs and civil society in the hopes of developing and improving international cooperation at the same time.⁵ Each of these objectives is within the domain of CR and mediation has proven effective in these types of development strategies in many contexts.

Within aesthetic fields, the challenges behind this idea of formalizing a tradition are also reflected, and may be analogous to the idea of introducing mediation training. As one expert on Gnawa music claims, “When words are written down, they become social facts, they have a material power, a power to affect things, a power of contagion even.”⁶ Clearly, this is a country contemplating the power of possessing a traditional element through documentation and formalization. A leading author on Islamic architecture confirms the challenge posed by contemporary ideas in Morocco by writing:

⁴ Rosen, Lawrence. *Bargaining for Reality: The Construction of Social Relations in a Muslim Community*. University of Chicago Press, 1984. Chicago. P. 165-6.

⁵ Jaouad, Dr. Mohamed. Advisor to the Minister of Agriculture and Rural Development, Lecture delivered on “Poverty in Morocco” on March 17, 2006. Center for Cross-Cultural Learning, Rabat.

⁶ Kapchan, Deborah. “Possessing Gnawa Culture: Displaying Sound, Creating History in Dar Gnawa, Tangier”. *Prologues: Le Maghreb dans les débats anthropologiques*. Edited by Edmond Doutte, Robert Montagne, Jacques Berque, Clifford Geertz, Pierre Bourdieu, and Ernest Gellner. Trimesterly, No. 32, Winter 2005. p. 80.

“The crisis of values in contemporary society poses a profound challenge to all thinking people and to the societies that they aspire to create and be part of. To rise to that challenge, they will have to reaffirm our common humanity.”⁷

In the field of art, modernization and development are having an affect and professionals are discussing issues for which mediation training may be influential.

Many authors have also written on the aspect of dialogue and mediation within Islam and the Qur’an, noting the meditative role of imams and other spiritual leaders throughout history. One book even describes the history of mediation between Christians and Muslims as inherent through the role of Mary as the link or “pontifex, the function of priestly mediation and bridge-building” and claiming that:

“there has probably been no symbol or concept in Christendom that has carried out this ‘pontifical’ vocation of mediation with more success and more amplitude than Mary”⁸.

One thing is clear, mediation and CR techniques are present in Islam and most Muslims consider the prophet Mohammed to be a highly effective problem solver.

The monarchy’s model: The arbitrator/mediator ambiguity

Although mediation as a form of communal participation has existed in Morocco for centuries, the role of the monarchy only partially complements that notion. The king is an arbiter and has the power to make legal decisions based on dialogues. Many would in fact refer to the Moroccan government as authoritarian, claiming that the king’s role as arbiter:

“serves to reinforce the theory of a direct relationship between the king and his subjects; at the same time, the king’s role as arbiter puts him above private interests and partisan squabbles. The ambiguous image of the king as arbiter is much more difficult to analyze than the other foundations of power invoked by Alawist ideologues. On the one hand it draws its significance from an old and well-established ideology; on the other hand it is verified to a certain degree in common practices, both old and new.”⁹

⁷ Arkoun, Mohamed. *Spirituality and Architecture*. In Cynthia Davidson and Ismael Serageldine, Eds. *Architecture beyond Architecture, Creativity and Social Transformations in Islamic Culture*. The Agakhan Award for Architecture Academy Editions, 1995. p. 11.

⁸ Pelikan, Jaroslav. *Mary Through the Centuries: Her Place in the History of Culture*. Yale University Press, New Haven, 1996. p. 68-79.

⁹ Hammoudi, Abdallah. *Master and Disciple: The cultural foundations of Moroccan authoritarianism*. University of Chicago Press, 1997. Chicago. P. 19

The king is a mediator in that he relates directly to his subjects, yet this semblance of dialogue is called into question by the very nature of his arbitrational decisions, making the role of the monarchy ambiguous in terms of conflict resolution.

This ambiguity is also apparent in local governance as this role of part mediator, part arbitrator is reflected in the structure of many local governmental positions. The monarchy has been a model for mediators because it “carefully avoided identifying with a political group, which can also be seen as a part of its effort to maintain balance” (Hammoudi, p. 19) and people can request the king’s arbitration and receive it. Through time, “the king’s arbitrating role has not only survived but also expanded” (Hammoudi p. 21) and in fact that:

“it seems that everyone wants to believe in it, even when the sovereign’s decisions appear to be guided by the interest of the monarchy and the social categories closest to it. Is this arbitration? It is in the sense that it provides solutions which cannot be rejected by any political protagonists; it has the merit of closing debates and preserving a certain order...we are dealing with a fiction-but a fiction which is accepted by the political actors for a variety of reasons...whatever the specific weight of each of these reasons, the consent of men and women to this form of exercise of power must be attributed to motives which operate on a deep, nonobjective level of awareness and guide their daily behavior” (Hammoudi, p. 23-4).

Professionals are aware of the king’s role as arbiter. His decisions have tremendous weight in reform processes; even when the process is entirely participatory and inclusive, the king makes the final arbitration after mediating throughout. One example is the feminist movement which contributed to a new family code or Mudawana in 2003. After many discussions and struggles using CR mechanisms through campaigns, anti-violence movements, listening and counseling centers, and demonstrations, the king handed the Mudawana down to the government and the people. Ideas are first presented to the king and then he decides alone based on what he hears from all parties. In the Mudawana example, he even added parts that were not requested by the activists. According to some, the king’s decisions have so much weight that positions changes to be agreeable after he makes a statement.¹⁰

¹⁰ Afilal, Dr. Rachida. Of Leadership Feminin, influential in the push for and implementation of the new family code, Lecture delivered on “Leadership Feminin and Moroccan Women’s Struggles for Representation” on March 2, 2006. Center for Cross-Cultural Learning, Rabat.

Does the role of the king filter through society to encourage citizens to seek arbitration rather than working together to solve their conflicts? Perhaps not, but it is important to note how the role of king as arbiter may impact residents' impressions of CR and the structure of local government. The purpose of this study is not to challenge the role of the king or even to attempt to understand it, but rather this information is simply to be kept in mind while contemplating the blend of traditional methods of mediation and current trends, for the modern atmosphere previously described may be struggling with similar combinations of mediation and arbitration methods.

Previous studies

There has been a great deal of literature written on the topic of mediation and conflict resolution in Western societies and other select countries, but published information in Morocco is lacking. While articles have been written for periodicals or journals on the topic of mediation in Morocco, they are primarily brief statements regarding certain organizations like SFCG. For instance, newspapers have occasionally included articles about SFCG's support in a program for judicial reforms in connection with the British Embassy (see Appendix-Morocco News).¹¹ Internet searches rarely reveal any widespread awareness of the activities of these organizations, however, and many libraries don't even acknowledge CR as a topic of study. Some further searching results in articles that touch on the use of mediation, such as the efforts of UNCHS Localizing Agenda 21 Program (LA21) in negotiations in Essaouira (see Appendix-UN Program). In this publication, for example, the writer acknowledges the mediation process by writing:

“Conflicts between these actors were resolved through the development of a vision and joint action planning, underpinned by continuous mediation among actors. A newly created urban action planning center empowered the municipal council to hold broad-based consultations and mediated bilateral negotiations around the buffer zone for the dune forest. Serious communication barriers had to be overcome between government

¹¹“Justice Mediation, Alternative to Court”. Morocco News, September 9, 2005. Accessed online on May 14, 2006.

departments, communities and the private sector, continuously fighting, mistrust and resistance to partnerships.”¹²

Clearly, some professionals are aware of the emerging field of CR in Morocco. Still, the topic has yet to receive much literary attention beyond these types of blurbs, despite a current project before Parliament which may institute mediation as an option in legal matters in the near future.

Mediation in Morocco has been directly addressed in some anthropological works. The two most notable references are Master and Disciple: The Cultural Foundations of Moroccan Authoritarianism (see Hammoudi) and Bargaining for Reality: The Construction of Social Relations in a Muslim Community (see Rosen). Both are somewhat dated at this point, particularly considering the dynamic nature of modern Morocco. Hammoudi’s work touches on the subject of arbitration and mediation, but is mainly historical and doesn’t postulate on the effects of future mediation training or its receptivity by citizens and organizations. Rosen developed many theories on CR and mediation through his work in Morocco, however he has the same gaps as Hammoudi and remains primarily theoretical. Neither study can adequately address the current environment for mediation training and implementation in this dynamic and diverse country.

-The CRS-M Feasibility Report: A comprehensive guide

One researcher (see Abu-Nimer), however, delves into the possibilities for CR in Morocco in an evaluative report for CRS-M (see Appendix-Definitions). Since CRS-M aims to create opportunities for justice, peace, reconciliation and rural development, it is natural that the organization would require information on the feasibility of integrating CR in development projects. Particularly noteworthy is Abu-Nimer’s conception of the organization and structure of influential actors for Moroccan CR training (see Appendix-CRS-M). This report is a fairly up-to-date perspective on mediation training in Morocco, particularly in its pertinence to the field of development. It is invaluable in evaluating what has been done and what is still lacking.

The main accomplishment of the CRS-M Feasibility Report is developing recommendations for the implementation of CR training in the Moroccan context. It is

¹²www.unhabitat.org. UN Habitat website. “Managing Conflict in Essaouira, Morocco.” Accessed on March 14, 2006.

based on the decision that “conflict resolution can best be linked to the principles of sustainability and durability”¹³ and the use of CR principles including inclusivity, participation, cooperation, solidarity, empowerment, the use of a third party intervener, equal rights, and cultural adaptation. Abu-Nimer recommends that Moroccan society accomplish the following: distribution and discussion of the report among CRS-M staff, workshops for CR training, Training of Trainers programs, discussion of the role of NGOs in the work of CRS-M and determination of NGOs to include, and determination of areas of society in which to intervene. Under consideration are labor unions, NGOs as government subcontractors, gender issues, general education and literacy, decentralization, university student associations, land disputes, corruption and transparency within the government, and minority-majority relations. It is concluded that the level which is most suited for CR is within regional planning. By introducing CR into development projects, the community is empowered and the information permeates indirectly through society. For instance, if teachers are trained in mediation techniques, their classrooms will become environments more receptive to dialogue which may in turn train the students to be empowered, active, inclusive problem solvers in their lives and professions.

The report also anticipates some obstacles for the implementation of CR in Morocco, including programmatic and contextual issues. For this reason, Abu-Nimer stresses the importance of developing a Morocco-specific program, stating that “the concept of conflict resolution is not strange or alien to the Moroccan context” and new programs should “avoid the western handbook or manual training method” (Abu-Nimer, P. 53). The report identifies mediation as a main influence within Morocco, stating that “the third party was identified as a main cultural norm in the Moroccan context” (Abu-Nimer, P. 54). SFCG is identified as an organization which may be instrumental in CR in Morocco (Abu-Nimer, P. 62), and the SFCG-M program has since been created. The manner in which SFCG addresses the research in the CRS-M report will be considered in this case study.

¹³ Abu-Nimer, Dr. Mohammed. CRS-Morocco Peacebuilding in Development Projects Feasibility Report. August 2000. Washington, DC.

Room is left for criticism and the report should not necessarily be wholly actualized. For one thing, the author lists the authoritarian nature of Morocco as a political challenge for mediation implementation, an idea that is not shared by all. The report is focused on how to implement change and as a result often fails to address whether or not CR training should be increased or how to avoid the Western bias of most training programs. In some instances, the interviewees all agreed on points that may or may not be conceded by other parties, as well. In addition, illiteracy is listed as a major obstacle in Morocco and in CRS-M programs, yet the report doesn't suggest any methods by which to include illiterate populations in the implementation. Many of these shortcomings are a result of the nature of the report, yet it is necessary to keep them in mind when using Abu-Nimer's research as a basis for CR training programs. On the whole, however, the report is extremely comprehensive and an excellent diagnosis of the first steps for mediation training in Morocco. At the very least, it should be acknowledged as yet another source to verify the nature of change in modern day Morocco and that there is a capacity and a "strong openness among government agencies for such programming" (Abu-Nimber, P. 14).

Where this study comes in

There is still an information gap, however, as CR becomes more prominent and studies fail to keep up. There haven't been any mainstream evaluations published on SFCG-M other than those produced by its own affiliates. For this reason, this study devotes a considerable amount of time to expounding upon their activities and analyzing the progress SFCG has made. If we are to consider the future of mediation training in Morocco, SFCG is an essential element to review. They are currently the only organization actively seeking to promote CR and train mediators as well as facilitate dialogue between sectors of Morocco.

For these reasons, the research specifically seeks to touch on several questions: what is the role of SFCG and is it effective? How does current mediation training incorporate traditional Moroccan methods? What changes need to be made to increase effectiveness? What is the future of mediation in Morocco? While it may not be possible to answer each of these questions fully and accurately within the time frame, this case

study takes the first steps necessary to begin evaluating mediation training on the whole in Morocco.

Data: The Many Faces of Mediation

The field research conducted confirms three basic principles behind the current situation of mediation in Morocco: that mediation and conflict resolution techniques are natural to rural or traditional communities, that the new concept of formalized training is unacknowledged or misunderstood by most, and that there is a spirit of change and willingness to participate within all groups under consideration. Each population and field, however, provides various results.

Government Officials

The five government officials interviewed were more than willing to share their time and information. All operate on the regional or local level in or near Boujad in the Middle Atlas (see Appendix-Map). The highest ranked are Caid Chouch and his khalifa (see Appendices-Definitions and CRS-M Chart). According to them, their responsibilities include keeping conflicts out of court, stopping conflicts before they start, and meeting with people personally at weekly souks (see Appendix-Definitions) and at their office. The Caid is a government appointed authority who presides over 4 districts and he has been in his position for six years. Prior to his current position he worked as a lower ranked executive. He is now responsible for determining the severity of a conflict and then directing the complaint to a civil official (popular judge) or criminal court (tribunal president), and they are very successful as 98% of the conflicts are resolved in his hands rather than the courts.

Although he has received training through university courses, the Caid feels that law school doesn't really train officials for daily life and their main education has come from practical experiences. Caid Chouch repeatedly emphasized that government-citizen relations are much better now under King Mohammed VI and that the communities respect his position, so there isn't much conflict. The main conflicts that are presented to him involve land disputes and water and grazing rights. Chouch mediates these conflicts by meeting with the citizens directly and involving them in their own resolution process.

However, his decisions are also representative of the king and the government, so he has a great deal of authority. This authority means that the citizens must respect his decisions and go through beauraucratic means to solve problems. He stated, “we have to apply the laws to resolve problems”¹⁴. To make their judgements, the Caid and khalifa reference a number of sources including oumanas, experts, witnesses, and traditional committees, and they rely a great deal on the input of “old, wise” members of the communities. They are very interested in preserving tradition and claim that their work would not be possible without respecting the traditional style of life in the agricultural communities. In the long run, the Caid would be interested in receiving more CR training if it is offered, and everyone agreed readily that mediation training would be helpful in development projects and government-citizen relations.

The popular judge, his secretary, and the khalifa reiterated much of Caid Chouch’s sentiments, yet are closer to the populations as they are elected from within the community.¹⁵ The judge is an “old, wise” member of the town who is illiterate and is elected every three years by men over the age of 40 raising their hands to vote in a group meeting. He is paid by the government to go to the town’s souk every week and receive complaints to be solved. According to these men, all of the problems- land disputes, financial issues, water rights- are resolved because people have confidence in the judge and everyone is happy when the process is completed. If there is a lack of information, the judge consults witnesses and experts, and as a last resort the disputants swear on the Qur’an.

The judge gave an example of how conflicts are solved in his community in this hypothetical situation: two sheep are killed by the neighbor’s dog and compensation needs to be made. After receiving this complaint, the judge travels to the disputants’ homes to hear their sides of the story, but refuses to enter and have tea with them until they have all talked. The judge listens to each party and makes a recommendation: the man who owns the dog should have to kill the dog and replace the sheep. If this isn’t agreed upon, the judge seeks the advice of witnesses. If there aren’t any witnesses, then

¹⁴ Chouch, Ouled Youssef and his khalifa. Caid presiding over 4 rural municipalities, Interviews on March 31 and April 17, 2006. Boujad.

¹⁵ Fellah and Jalal, popular judge and secretary, Interview and discussion on April 18, 2006. Beni Zrantel.

they must swear on the Qur'an and this has always revealed the truth. After talking, they can travel to a neutral location to have tea and enjoy the results of their dialogue. Although he doesn't always understand why people are fighting, the judge is always able to get a positive result out of dialogue because he is well respected and wise. Still, his decisions can bear the weight of court and fines can be imposed for refusing to follow a decision. But no one ever disputes his decisions and there is hope for a future without conflict as the next generation becomes educated. Even still, the judge and his staff don't think they need any more training because the conflicts they deal with are very small scale and specific. If there is ever an issue they cannot handle, it is sent to the Caid.

Citizens

Living in Moroccan society for 3 months allows for a number of observations, and mediation and CR proved to be a relevant topic in every sector. The data collected with citizens can be separated into the rural and urban areas. While information from a number of formal interviews is included, much of results stem from participation with families, neighbors, friends, and general daily activities.

-Mediation in traditional agricultural areas

Conflict resolution for rural dwellers stems from traditional practices and agriculture.¹⁶ Because the population survives from participatory farming techniques, a community atmosphere highlights their daily activities. Community interaction and group participation is natural and inherent in rural communities in Morocco and mediators are often a part of CR in informal ways. Within the family, every individual is necessary for the household and is included in the resolving of the most basic conflict: survival. Even the elderly and small children are included in daily chores and each has a voice in family disputes, though the idea of the "old, wise" mediator is highly regarded and played out by one member of the family, usually the oldest male. Yet there is not supposed to be a sole arbitrator since each member is essential for survival. The nature of the living conditions necessitates an inclusive approach to mediation.

¹⁶ Villages stay experiences. Observations and discussions from March 31 through April 6, 2006; discussion with local men on April 2; discussion with local women on April 3. Loutichina.

Within the neighborhood, or cluster of a few houses in close proximity to one another, households are also interdependent in both daily life and larger conflicts. In dangerous situations or conflicts that threaten the security of their livelihood the community gathers forces and residents performs specific roles. Every day brings exchange of goods and meals reciprocally, and neighbors rely on each other and collaborate to a high degree. Men are the primary mediators of personal conflicts, but this is rarely necessary in a community where cooperation is culturally and physically mandatory.

In the larger community, anticipation is high for development, and mediation is intrinsic in traditions and future aspirations. Most residents agree that the effectiveness of CR has increased under the current king. Now they are free to meet regularly and collaborate. Women may now have more prominent roles in decision-making and trust in government officials has increased dramatically. There is an overwhelming sense of communal responsibility even between individuals and families that don't see each other often or have had past disputes. The current generations are interested in receiving training and literacy classes and are very hopeful that their children will be educated in modern agricultural practices and other fields. Their lives will be different, yet the youth still hold many traditional values such as collaborative approaches to CR. NGOs will be increasing their efforts in these regions in the upcoming years, and rural inhabitants are supportive of their introduction. A great deal of emphasis is placed on the role of the villagers in the development process.

-Urban areas: Families, universities and markets

Urban lifestyles are vastly different from rural traditions but they too include deep-rooted mediation mechanisms.¹⁷ Families in the old medina of Rabat often use mediation to solve conflicts such as sibling rivalries, and an outsider's role within the family introduces new uses for mediation. I was asked to have talks with members of my host family on several occasions in order to legitimate their request of one another. For example, my host father asked me to talk to my younger brother so he would study more and my younger siblings often asked me to plead with the older brothers so they could go

¹⁷ Jamay family experiences and community. Observations and discussions from January 30 through April 14, 2006. Old Medina, Rabat.

out with us at night in elaborate schemes. Families also mediate one another like the practice of having the oldest male child be responsible for finding ways to meet the demands of the younger members and the father. For instance, my older host brothers would be able to override the father's orders for the sister to stay at home at night by conferring with him to explain her case. Without this mediator, however, the sister has no chance of having her request granted, even with the support of her mother. This patriarchal system of mediation is common in the city and mediation is highly utilized informally.

Shopping in the souks throughout Morocco is another lesson in informal mediation.¹⁸ The sellers are highly experienced in pushing their positions and they often incorporate mediation into their interactions with buyers, particularly tourists. Some sellers make references to a "big boss" as the final arbiter in price negotiation and shopkeepers assist one another regularly in bargaining by intervening when a friend is occupied or needs reinforcement. Language barriers often necessitate the use of a mediator for translation. On some occasions the seller even pulls a colleague of the buyer over and asks them to mediate the price negotiation. Buyers, in turn, use mediation to solve the price conflict. They can be seen using friends to depersonalize the situation and displace the blame for what might be an insulting demand. On both sides of the bargain, people are unknowingly using CR and mediation techniques.

In universities, ideas vary on the use and implementation of mediation techniques and training. Most professors are eager to see mediation promoted in the workplace and to further the study. Some professors are introducing CR techniques into classes, even in unrelated fields. Take, for instance, Nadia Motii, a professor of human resources management at both private and public schools in Rabat. She believes that professors should teach CR in their classes because it is useful on all levels and that mediation training needs to be increased in Morocco in all fields. Her hopes are high for the future of mediation training in the universities and at a professional level. Other professors also use mediation techniques subtly in their classrooms. In one class on comparative religion, debates are facilitated by the professor and he uses rationalization to encourage

¹⁸ Bargaining situations. Observations and discussions from March 7-12, 2006. Marrakech and Essaouira.

students to empathize with and understand the opposition in areas of conflict.¹⁹ Empathy is a fundamental part of mediation training and this class shows how CR methods can permeate indirectly through interactions. Other professors are less optimistic about the future of mediation in Morocco, stating that “mediation techniques cannot work in Morocco because I think we are not in a real open political system, it’s only open on the surface”.²⁰ There is a feeling that students are not idealistic and haven’t been given the tools to make a difference in the community; the society is not ready to really implement new ideas that may challenge the current power structure. Even the skeptics agree, however, that organizations such as SFCG are encouraging and that perhaps if their work is increased there will be a significant change on the local level after several years. Still, a great deal of information needs to be gathered and made available to mediators for their work to be effective.

Most university students are interested in learning more about mediation but don’t have any formal training. They believe that mediators are people who solve conflicts and that using a third party like a neighbor is very effective in personal situations. All responses are in regards to personal rather than institutional issues, and results are mixed as to whether or not Moroccan society handles conflict well. As one student writes:

“I can’t know if Morocco is good at conflict resolution. But Moroccan people arrange to mediate between themselves, so a mediator could be just a member as friends and family members. Is Islam instructions, if someone had a conflict with another one (the case that they don’t talk to each other) they have to fix this problem during three days. So a neighbour or a friend get involved and try to solve this conflict.”

Still others insist that mediators don’t exist in Morocco at all and that “mediation won’t work in Morocco because people are secretive and don’t want to talk about it” (Mohammad V). Even still, they consider themselves mediators in certain contexts and believe their methods are effective. As for training, none polled have received any and say that:

“In Morocco, there’s no training for mediation, or mediators. If there’s a conflict, mediators are neighbours, friends and family members. This is used all over Morocco” (Mohammed V),

¹⁹ Mohammad V University students. Undergraduate class on religion for English students, Professor Lahcen Haddad, Observations and Discussion on April 20, 2006. Rabat.

²⁰ Eddahar, Nabyl. University Professor of political science at Hassan II and Mahmadia, recipient of Fulbright Grant in Conflict Resolution, Interviews on April 14, 26, 2006. Casablanca.

and:

“If classes of training for mediation are added to the system of Moroccan’s field of study, it will be so great. Many people have problems and need help. Nationally it’s the same. And internationally, if this is applicable, the pacifism will cover the world” (Mohammed V).

The general tone of discussions about mediation with university students is one of hope but also of confusion and diverse levels of comprehension.

Organizations

-SFCG: Standing alone

The mission of SFCG is as follows:

“Search for Common Ground in Morocco (SFCGM) seeks to transform the way Moroccan society deals with differences, from adversarial approaches to collaborative relationships. Morocco is moving quickly toward an open and pluralistic political system and is experiencing the typical symptoms of tension that accompany similar processes of democratization. Confrontations and adversarial modes of interaction have culminated in a climate of tension and adversity, leaving no room for constructive dialogue and cooperation. Despite the adversarial attitudes, however, there remains a strong will on the part of Moroccan society and government to adopt alternative ways to deal with differences” (SFCG website).

In the past, they have facilitated discussions between labor unions and the government, run training workshops for CR in local semi-urban communities and for organizations, and trained members of the judicial branch in mediation and other CR topics. Current projects include the extension of the judicial training through roundtable discussions for civil society and lawyers, training leaders of youth organizations, and setting up new programs in shanty towns.

According to the Country Director, Abu El Mahssine Fassi-Fihri, the projects of SFCG-M are highly successful and new and people are very interested in the role of the organization.²¹ Feedback has been extremely positive and SFCG-M is now “trying to balance the old and the new through institutionalization of mediation” (Fassi-Fihri, March) and is focused on how to use informal mediation in a professional setting. In

²¹ Fassi-Fihri, Abou El Mahassine. Director of Search for Common Ground- Morocco, Interviews on March 22 and May 1, 2006. Agdal, Rabat.

Morocco, people want strong legal decisions that were introduced by the French and maintained in the system of tribunals after independence. At the same time, people are losing trust in the legal authority due to the lengthy process and other factors that undermines its legitimacy (lack of transparency, effectiveness, high cost, etc.). Hence the current project aimed at institutionalizing mediation. Current related challenges include: the internal planning stages, the training of professional mediators, resistant lawyers, and the sensitizing of the public at large.

The trainers confirm much of Fassi-Fihri's statements. All are in their twenties and are passionate about SFCG's prospects and implications for Morocco. Despite little previous involvement with CR, they have all taken part in "training of trainers" sessions through visiting educators or systems from Lebanon, Ukraine, and the U.S. Mediation can be beneficial to every group and "services and skills can be adapted to any context, everywhere and in any field"²². Their main limitations are the small staff size and a constant search for funding. But the methods are effective, people are using it and "attitudes have changed dramatically, even just in the language that they use" leading to more open dialogue in groups affected by SFCG-M. Now trainees also want to become trainers. According to one excited staff member, "change is there, and it's really palpable."

The materials SFCG utilizes are a compilation of various sources targeted at small-scale groups. SFCG's manual was developed using tools from ADR theory (see Appendix-Definitions), SFCG international, U.S. and Lebanese trainers, and the LCRN (see Appendix-Definitions). This information was then adapted to the Moroccan context by making examples culturally appropriate and relevant, but theory was kept the same. The group's current target audience is semi-urban shanty towns and no programs have yet been considered that account for illiteracy or rural development projects. These are possible areas for expansion, however, and informal mediation is widely used in the country so it is likely that people will be receptive to the ideas of SFCG. There are no limits to which target groups can work with SFCG.

²² Search for Common Ground- Morocco Trainers, Kawtar and Jalila. Observations and Interview, April 28, 2006. Agdal, Rabat.

At the training sessions, the enthusiasm was shared by participants. In Douar Chantier, the poorest shanty town just outside of Rabat, 20 people from their 20's to 60's convened at a community center to further CR techniques in their lives as activists, teachers, business people, NGO employees and local leaders. The program was structured to include icebreakers and games as well as visual stimuli and worksheets to facilitate learning. Participants were part of small groups at times and voluntarily presented their ideas at given intervals. They were comfortable and friendly and were anxious to discuss the topics at hand. They believe, as one participant stated, that "it's important to study conflict resolution for all parts of life" particularly for women's empowerment and because "people want control of their conflicts".²³

These impressions were reinforced at Reseau Maillage Maroc in Casablanca where 15 young leaders gathered to begin their study of CR and its pertinence to youth organizations. In both cases, the training tools were almost identical to those used in many Western workshops and some terms were even in English. Everything was reflective of the previous session in the methods of participation, games, and visual imagery and examples. The participants concluded after much debate that:

"conflict is a result of competitive behavior (or competition) between two or more parties that have conflicting objectives and interests"²⁴.

Discussions centered around the nature of conflict and differences as well as empathy and solutions. They shared the opinion that "it's not just the result but also the process is important" and that mediation is an effective form of CR in Morocco, particularly in rural areas. In the cities, training is needed because traditional methods haven't been preserved. Most of these participants attended out of a desire to learn whatever is available.

A co-founder of SFCG-M, Adnan Raiss, had some other input about the purpose of the organization. According to Raiss, who now works with SUNY (see Appendix-Definitions) on strengthening the capacity for dialogue between civil society and the Parliament and received his Masters in Peace and Conflict Studies at American University, SFCG-M developed to promote social dialogue and facilitate labor

²³ Search for Common Ground- Morocco training session. Observation and discussions, March 26, 2006. Douar Chantier, Rabat.

²⁴ Search for Common Ground- Morocco training session. Observation and discussions, April 14, 2006. Reseau Maillage Maroc, Casablanca.

mediations, for capacity building and to expand the CR principles into development projects. Previously, there wasn't any professional mediation training, so their "objective was just to give basic tools to the community on how to facilitate discussions for community projects, etc."²⁵ Feedback has been very encouraging and "people took ownership of the skills and principles presented and they really embraced them fully" due to the interactive and engaging format of sessions. Although some criticize mediation and CR training as a Western concept, Raiss used a Middle Eastern basis (LCRN) and made "minor adjustments taking into consideration the local context." Mediation is not a foreign concept and it is common to have mediators ("old, wise" people) in small communities. SFCG can be most effective in labor and development, grassroots movements, and in family applications. Still, "it will take some time for the field to come up with the right locally relevant and culturally relevant approach and terminology."

Another important source in evaluating the work of SFCG-M comes from an evaluative report of the first stages of the judicial project. Conducted in November, 2005, this paper reviews the formative stages of ADR in Morocco through the work of SFCG-M on the Mediation Project of Law, which is currently before Parliament. In conjunction with the Ministry of Justice, the judicial project is meant to bring together judges, civil society organizations and lawyers to increase awareness of mediation techniques and legislation and to open dialogue between the groups involved. The evaluative report is extremely upbeat, stating that nearly every group was positively effected and receptive in some way. It also offers some suggestions to SFCG including the following:

"SFCG-M should continue to ensure that facilitators have the right level of expertise for events...the visibility of SFCG-M should be improved...SFCG-M should systematically collect and analyse feedback from participants at the end of individual activities."²⁶

On the whole, the evaluation leaves the reader with a sense of a need for increased communication and solid training. This work is extremely applicable to SFCG's current programs. It should be noted, however, that there are few negative responses from

²⁵ Raiss, Adnan. Co-founder of Search for Common Ground- Morocco, Interview on April 27, 2006. Rabat.

²⁶ Ghoulidi, Amine and Alice Rowley. Evaluation of Search for Common Ground's Support to the Formative Stages of Mediation in Morocco: ADR 1. November 2005.

participants in the courses, and it may be valuable to see whether the same results would be gathered by a non-SFCG affiliate.

After conducting this research, Fassi-Fihri was once again interviewed and was extremely receptive to the ideas of increasing the range of SFCG-M and developing a more Moroccan centered approach to mediation training. He is encouraged by the dramatic increase in demand for trainers over the past few months that stems from the NIHD and other reform initiatives. While the projects are funded by different European and US donors such as the British Embassy, the Dutch Embassy, and USAID– and increasingly by Moroccan donors --, "the funding doesn't influence our work" (Fassi-Fihri, May 1). New efforts are now being made to increase the scope of the “Cities without Slums” program aimed at eradicating slums by 2010 by moving residents to government subsidized housing. The people being moved are still unable to afford the housing in many cases and:

“there is a need for an independent and neutral actor to be there full-time to play the role of bringing information from the population to the government and from the government to the people and to build the capacity of the community over the next one and a half or two years” (Fassi-Fihri, May).

This is a role perfectly suited to SFCG, although there is always some bias because it is the government who brings the organizations into the project.

In the future, SFCG will expand. They hope to partner with more Moroccan NGOs like Reseau Maillage Maroc and Leadership Feminin because they “still have a small office and want to multiply the efforts to reach more people” (Fassi-Fihri, May). They can be most effective with women and youth, political parties, and the media and are interested in developing programs that will address illiteracy. One big challenge of expansion will be the training of trainers because “one of our main goals is of course to build and strengthen local capacity in mediation and conflict resolution in general” (Fassi-Fihri, May).

-A few other organizational uses

There aren't currently any other organizations that directly intend to implement mediation training in Morocco. Previously, some initial work was conducted by CRS-M (see Appendix-Definitions), but today, the only organizations using mediation training are a select few NGOs that have encouraged CR methods in order to advance their

projects. One such organization is Leadership Feminin. Their women's centers are hoping to encourage facilitation of women's conflicts, particularly in possible pre-divorce situations, at the requests of their constituents. Currently they are interested in both training women to be mediators and having professional mediators facilitate discussions. Otherwise, there is not a strong indication of any other direct mediation and CR training taking place through organizations in Morocco.

Despite variance in interactions and responses, the atmosphere remains cooperative and enthusiastic for future possibilities. The areas of contention amongst participants are primarily in regards to methods of introducing or using mediation and CR training rather than in the concept of mediation itself. To generalize, one could state that most respondents believe in CR and mediation in the Moroccan context but are still feeling out its implementation and pertinence within their communities.

Discussion: A Delicate Situation

Given the data presented, we can begin to dissect the meaning of mediation in Morocco. Mediators are used primarily in interpersonal relations but their role is not highly understood or effective despite theoretical support across the board. In reality, what most Moroccans referred to as mediation is a combination of modern CR concepts and traditional authoritarian and patriarchal decision-making. The encouraging fact remains, however, that people are interested in becoming better problem-solvers and those already leading or participating in training sessions feel that it is influential in the lives of local leaders. Perhaps local levels are the only areas really ready for change at the moment, as government officials even in a small scale environment may have difficulty implementing open dialogue in politically charged settings. One thing is for sure, Morocco has potential and desire to increase mediation training. While some of the data is confusing and inconclusive on the surface, together it provides the necessary information to discuss mediation and develop recommendations for future steps.

Regional government requires unique implementation

Government officials are currently not really mediators but arbiters. Although many of them believe in cooperation and truly attempt to incorporate inclusive mediation

techniques into their work, the final legal status of their decisions compromises this position and creates large power imbalances. It is part of their position, built into the system. It is remarkable how mediation techniques have developed to be fairly open and inclusive in simple, local disputes; still, the officials paint a picture of entirely satisfactory results after mediation that is most likely not wholly realized. Government leaders are either appointed or come from very influential families in most cases, and it is questionable whether their motives are truly matched with the citizen's interests. Still, a great deal of progress has been made in government-citizen relations in the past years, and it is possible that this trend will continue through the use of mediation training.

More training to develop true mediators could be very meaningful for local governmental leaders. Still, some interviewees questioned the intentions of the research the level of understanding and intentions among local government officials is often superficial. The judicial reforms and Mediation of Law project before Parliament now may necessitate incorporating mediation for issues such as domestic disputes, but not all officials are interested in exchanging their traditional methods in exchange for institutionalized CR training. It is likely that time would be better spent in developing new mediators to include in the judicial process rather than attempting to transform current authority figures into mediators. The local level is an excellent place to introduce more effective mediation techniques; however, for mediation training to be effective in the government, it needs to take a traditional, communal approach that is developed entirely from the Moroccan context. Because local officials are also part of the community, citizens need to be involved in the training process alongside the government to promote like interests between the government and the population.

Voluntary training and permeation for citizens

Everyday citizens use mediation and CR techniques extensively but primarily for personal gain. People are genuinely enthusiastic in all settings to make reforms and to learn to be more effective problem-solvers. There are, however, many inequalities within the natural mediation processes. Not all parties are given a voice in conflict resolution and mediators in daily activities are often very powerful members of the community who don't take into consideration the interests of other actors. This is an impediment to

mediation training because current concepts about the role of a mediator indicate that people are willing to give power to another individual and think that an open process doesn't necessitate equal participation. The university over all is not analytical about mediation partly because there aren't many programs offered to make them aware of its possibilities. Those with previous experience in training applaud its results, but there is a general lack of knowledge about mediation and the implications of the process of resolving conflicts beyond simple home or school setting disputes.

In the future, the first step to increasing mediation among citizens is to increase awareness. People need to know what mediation means and what makes it different from other forms of CR. To start with, they must be made aware that the process of ADR is even a field of study full of theories and practical applications. The desire is there, the information dispersion is not. This could begin with the training of educators. If professors and leaders of development projects are more familiar with mediation techniques, people will learn by example and the daily process will open up. Educating those who educate can effectively lead to permeation to other areas of society, particularly due to the receptive nature of most citizens. Most importantly, the population needs to be included in discussions about CR so that their input can be included in future programs. The people have grand ideas about the future of Morocco, they just need to be given a voice and the tools to contribute to that course.

SFCG: A genuine approach in need of support

SFCG-M is a remarkable, growing organization with incredible future possibilities if certain issues are addressed in the near future. Their main issue may be the Western nature current trainings. Despite attempts to insert models of CR training programs in the Moroccan context, the current results are fairly superficial. It's not just the examples and the activities that need to be made culturally relevant, but the entire process or approach to what CR is and why people should study it. SFCG-M doesn't have a connection to the rural populations that could benefit most from involvement of mediation in development projects. The work being done in shanty towns is an excellent step forward and the staff members are to be commended for their passionate efforts and belief in their work, possibly the most important factor in running successful training

sessions. Their work is to be applauded and reviewed in order to encourage and improve upon the results.

Some major improvements could be made organizationally. The staff is small and is forced to seek funding during time that could be used to diversify their contact list and encourage discussion. Perhaps by working more closely with networks of NGOs, a better system of funding could be implemented. More staff is currently being added, which is appropriate given the amount of work that may be requested from SFCG-M in the near future. More experts need to be consulted, however, and new trainers need to be brought in who are willing to reevaluate the program.

A major task for SFCG will be to extend their network and conduct studies of their own in the rural areas in need of assistance. Their list of partner NGOs is insufficient and the percentage of the population effected by their work is not particularly representative. Efforts may need to be directed away from the government in order to more fully understand the populations without any conflict of interests. Guidance for this process may be available from other successful NGOs. A specific program needs to be developed to address how to train illiterate populations in mediation as well. The Western models haven't had to confront this issue, but Morocco has a large illiterate population and could be at the forefront of mediation training theory by determining a method to include the illiterate in training programs. This is especially important given the participatory nature of development programs targeted at illiterate populations.

Conclusion

Morocco is a state full of potential for mediation training. It is necessary to find a combination of past techniques and modern theory to determine the Moroccan path for CR. People are receptive to the ideas but are under-educated, and current training programs are almost nonexistent. SFCG-M cannot undertake the immense task at hand entirely alone and needs extension farther into society. Good intentions are invaluable but insufficient. They must be paired with concrete steps to unravel what is presently a complex and perplexing topic.

Based on the findings of this report, there are specific steps that can be taken by SFCG and other interested parts of Moroccan society that may improve mediation. For

regional government officials, a new approach needs to be made, possibly creating a new mediator position in a non-governmental figure. This approach must be more closely linked to traditional authority roles and training must not be overly formal. Their role in mediation training needs to be reevaluated extensively by experts to make a Moroccan approach. Organizations can train their trainers more effectively using a Moroccan program rather than outside sources. Although it is a new concept in Morocco and outside sources are more prevalent in the field, it is entirely possible to bring people together to find a way to make mediation training pertinent to Moroccan citizens through organizations. SFCG-M needs a larger, expert staff, as well as more funding and allies within the NGO community. Partnerships must be forged and contacts need to be made in every sector of society, including research into the rural areas and links with development projects. The citizens that could be most highly affected by mediation training are those directly associated with current development initiatives, like in the shanty towns currently working with SFCG, and CR could be very beneficial in similar areas. Citizens need to be provided with more voluntary education in the field of mediation, and this can be most achievable by training educators. Perhaps a high school program could be started to introduce students and teachers to CR techniques at an early stage. A large need also exists for creating a program centered on the illiterate. Current training is very focused on reading and writing, and this is not conducive to the majority of the needy Moroccan population.

All of these enhancements combined may be daunting, but the research shows that they are not only needed but are achievable. The high level of enthusiasm among Moroccan society for increased mediation techniques is a great indicator of future potential for the field. Efforts must start with the fundamentals, however, and large-scale reforms must not be considered until the lower-level initiatives have succeeded. It is better to start with local populations that are in need of the training than to focus on the highly educated and the national government, where intentions are less clear. To begin the process, SFCG should look into the CRS-M report as well as continuing in their own evaluations. Initiatives have already begun to create official ties with NGOs, an effort effort can easily be intensified. As research is conducted into the possibilities for

Morocco, it is all pertinent to mediation implementation, so SFCG should stay informed on opportunities for intervention.

Further evaluations can also be conducted that focus on the implementation of CR in specific conflicts within Morocco. There is a cultural pluralism in Morocco, and:

“Within this cultural pluralism, three themes seem to be gaining an increasingly larger share in the cultural market. They are fundamentalism, Amazighism, and feminism. They have gradually been replacing the comfortable position that both nationalism and Marxism have enjoyed since Morocco’s independence, and have challenged the predominant cultural concepts and agenda.”²⁷

These impressions are confirmed by other experts with the addition of Human Rights as a growing movement in Morocco, particularly in terms of the new Truth and Reconciliation Commission that aims to make amends for past governmental abuses.²⁸ Now is the time for CR to find its place within these important issues as well, and to encourage open dialogue between the predominant forces in society. Future studies could concentrate on the feasibility of mediation training within each of these specific fields.

²⁷ Moudden, Abdelyhay M. “Cultural Struggles in Morocco”. Cultural Studies, Interdisciplinarity, and the University. Edited by Mohamed Dahbi, Mohamed Exroua, and Lahcen Haddad. 1996.

²⁸ Graiouid, Said. Professor of English Literature and Academic Advisor for the School for International Training, Lecture delivered on “Mapping Moroccan Identities” on February 16, 2006. Center for Cross-Cultural Learning, Rabat.

Recommendations:

- Improve trainers by increasing number of staff members, bringing in more experts from a Moroccan or Middle Eastern context, and appealing to those already educated at the higher levels in development, education, or peace studies.
- Create links with development projects and NGOs to utilize mediation within development reforms.
- Have a consortium of experts create a program intended for illiterate participants and couple it with development projects.
- Build relationships with NGOs that are most closely tied to mediation techniques.
- Commission an intense project using experts in multiple fields over a period of several months to a year to form a uniquely Moroccan format for mediation training that includes traditional methods and the realizations of the community over modern trends and Western theory.
- Encourage the inclusion of CR elements and mediation training for program affiliates and those being affected in the legislation of reforms.
- Conduct more specific evaluations of CR feasibility within the forces of Amazighism, Feminism, Human Rights, and Islamic Fundamentalism.

Appendices

CRS-M Chart

CRS-Morocco, Draft Feasibility Report-Mohammed Abu-Nimer, Ph.D. August, 2000

Figure: 1. Organizational and Structural Chart of Actors Who Can Influence CRS-Morocco Development Project

INGOs and NGOs

CRS-Rabat
regions)

CRS-Field offices

villages)

Donors:

-USAID

-Unicef

Government

Ministries

El Wali

El-A'mil (Governor)

Coordinator (Interior)
(Health, etc.)

Ka'id (Leader)

El-Khalifa

El-Mukadam

El-Sheikh

Community leadership

Elected Regional Council (All 16

Province Council

Elected Jama'a (leaders of few

local elected leader (village level)

Community members

-Jma'a (traditional leaders)

-Associations

-Residents

Definitions

For the purposes of this report, the following terms will be defined and abbreviated as such. In some cases the definitions were developed by the researcher and in others a popular online reference was used to provide a common idea.

Alternative Dispute Resolution (ADR): “a name for several dispute resolution processes and techniques which... have gained acceptance among both the general public and the legal profession...the processes were initially termed ‘alternative’ by 20th century legal typologists because they were seen as extra-legal supplements to state-sponsored dispute resolution... many judges have come to see dispute resolution as an acceptable means of decreasing caseload in traditional courts, while settling disputes in a fair and equitable way.”²⁹

Arbitration: a form of dispute resolution whereby a third power is given the power to make a legally binding decision on behalf of the parties

Caid: government appointed authority presiding over several municipalities with the purpose of determining the severity of a conflict and directing it to the appropriate form of mediation

Catholic Relief Services-Morocco (CRS-M): an international relief and development agency aimed at assisting the poor and introducing peace building efforts around the world, present in Morocco since independence, goals of producing trust and collaboration in poor communities in a participatory manner

Conflict Resolution (CR): “the process of resolving a dispute or a conflict. Successful conflict resolution occurs by providing each side's needs, and adequately addressing their interests so that they are each satisfied with the outcome. Conflict resolution aims to end conflicts before they start or lead to physical fighting...Conflict resolution usually involves two or more groups with opposing views regarding specific issues... Resolution methods can include conciliation, mediation, arbitration or litigation.” (wikipedia)

Facilitation: “the process of designing and running a successful meeting. Facilitation concerns itself with all the tasks needed to run a productive and impartial meeting. Facilitation serves the needs of the group in its decision-making. It does not lead the group, nor does it try to distract or to entertain.” Run by a facilitator who, “is someone who skilfully helps a group of people understand their common objectives and plan to achieve them without personally taking any side of the argument. The facilitator will try to assist the group in achieving a consensus on any disagreements that preexist or emerge in the meeting so that it has a strong basis for future action.” (wikipedia)

²⁹www.wikipedia.com. Wikipedia website. Accessed on April 15, 2006.

Formal mediation: any training processes and legal use of mediation with a regularized structure that is documented

Informal mediation: the common use of mediation by individuals and organizations that may or may not be aware of the practice lacking regularized structure, unofficial, and only learned through personal practice

Khalifa: second in command, assistant or substitute for a government official, also employed by the government and either appointed or elected

Lebanese Conflict Resolution Network (LCRN): An NGO started in 1996 to disseminate “the principles and practice of conflict resolution by organizing various educational, training, consultancy and intervention activities for a wide array of the Lebanese non-profit as well as the business organizations”³⁰

Mediation: “a process of alternative dispute resolution in which a (generally) neutral third party, the mediator, using appropriate techniques, assists two or more parties to help them negotiate an agreement, with concrete effects, on a matter of common interest... any activity in which an impartial third party (often a professional) facilitates an agreement on any matter in the common interest of the parties involved” (wikipedia). Also, “Mediation is a process in which the parties to a dispute, with the assistance of a neutral third party (the mediator), identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement. The mediator has no advisory or determinative role in regard to the content of the dispute or the outcome of the resolution, but may advise on or determine the process of mediation whereby resolution is attempted.”³¹

Search for Common Ground in Morocco (SFCG or SFCG-M): when referring to the international organization it will be specified, otherwise SFCG is referring solely to the Moroccan branch. SFCG is an international NGO with a mission to “to transform the way the world deals with conflict: away from adversarial approaches, toward cooperative solutions” (SFCG website).

Souk: market place

SUNY: The State University of New York, currently working on a Parliamentary Support Project in Rabat

³⁰ www.portal.unesco.org, UNESCO website. Accessed on May 2, 2006.

³¹ “Alternative Dispute Resolution Definitions”. National Alternative Dispute Resolution Advisory council, March 1997. Accessed online on May 1, 2006.

Map³²



Morocco News Article

Morocco News 07-09-2005 | 15:41 GMT

[Justice Mediation, alternative to court]

Rabat--The Ministry of Justice held talks on Wednesday on the application of mediation and alternative methods of conflict resolution within the national system at the High Institute of Magistrate in Rabat.

The debate on mediation is supported by the leading conflict-transformation organization, Search for Common Ground (SFCG) in Morocco, and the British Embassy in Rabat. The meeting aims at strengthening judicial and administrative reforms in Morocco by introducing alternative methods of conflict resolution, besides institutionalizing the practice of mediation in the country.

³²www.namib.com.ne.kr/af/map/morocco.gif. "Map of Morocco" Accessed on May 3, 2006.

Justice Minister Mohammed Bouzoubaa introduced, in his opening speech, both justice professionals and the general public to fundamental reforms within the Moroccan legal system.

In turn, British Ambassador to Morocco Charles Gray praised the recent reforms that have taken place in Morocco and the two countries' important partnership in the legal system.

The British Ambassador expressed his country's willingness to support Morocco's reform process politically and financially, stressing that the UK is not imposing any kind of reforms on Morocco, but rather supporting those coming from the country itself.

The Ministry of Justice estimates that about 60% of cases (an average of 3 million cases every year) brought before the courts could be solved more quickly and economically for all sides, therefore significantly alleviating the burden on the national judicial system.

Search for Common Ground, which supported Wednesday's meeting, has been working closely with the Ministry of Justice on using mediation as a tool to resolve disputes and to facilitate various training sessions which helped sensitize Moroccan legal experts, high ranking magistrates and civil servants in the Ministry. SFCG and the Ministry of Justice signed a legal cooperation agreement on Feb. 22, 2004, to implement the use of Alternative Dispute Resolution (ADR) in the Moroccan judicial system.

Mediation has some potential to save money and time, compared with going to court or a tribunal. In Britain, for instance, UK government savings of more than £6 million have been attributed to the use of ADR, legal aid reductions appearing to have been made through the use of family mediation. This is also applicable in the commercial sphere for businesses, which could save lots of money by using this alternative.

Arguments for increased use of mediation are not founded on financial considerations alone, but also on such claims as that it offers a more constructive way of resolving disputes. Success must be judged by the satisfaction of the parties, at resolution and the longer term.

Today's debate will allow judges and other professionals to discuss and learn innovative approaches to resolving conflict. A proposal for an action plan for the integration of mediation into the Moroccan legal system will be presented today by the Ministry of Justice representatives who are supervising the project. A presentation on civil mediation used by lawyers is also scheduled.

Morocco TIMES

Survey

Hello, my name is Rachel Markowitz and I'm a student of political science at the University of Texas at Dallas. Currently, I'm researching the role of mediators in conflict resolution in Moroccan communities including personal relationships, organizations, and the government. I want to analyze the possibility of future uses of mediation and conflict resolution training. I hope you will be willing to answer a few questions for me and send your answers to rmarkowitz@gmail.com as soon as possible. My project must end very soon, so if you can respond immediately, that would be most helpful. Thank you!

- 1) In your opinion, what is a mediator? (if you don't know, just write unsure)
- 2) Do you have any experience with mediators in conflicts? yes or no
If yes-where? home, school, work or other
with whom? friends, family, authority, co-workers, or other
- 3) Do you think mediation is effective in solving conflicts? yes, no or unsure
If yes- where? home, school, work, all, or other
- 4) Have you ever received training in conflict resolution? yes or no
If yes- was it formal like in a class or informal, just with your family and friends, etc? have you used it in your personal experiences? yes or no
If yes- how have you used it?
- 5) Do you think mediation training can be helpful? yes- a lot, yes-a little, no-not really, no-not at all or unsure
- 6) are you interested in receiving training to learn to help others solve conflicts? yes, no or unsure
- 7) What do you know about how and in what areas mediation is being used in Morocco?
- 8) How do you think conflicts could be improved in the future in Morocco on the local level? the national level? and in international relations?
- 9) Is Morocco good at conflict resolution?
If yes- in what areas and in what ways?
If no-why not?
- 10) Are there other countries or regions that are better at solving conflicts?
if yes- which ones and how?

UN Program Article

unhabitat.org

Managing Conflict in Essaouira, Morocco

Founded in 1760 and located on a marvelous setting between the Atlantic Ocean and a dune forest, Essaouira has a moderately growing population of 70,000, but economic decline over the last two decades has caused serious degradation of Essaouira's rich cultural and natural heritage. Continued expansion of the city inland is threatening the fragile ecosystem of lagoons and dune forest, which in turn has a negative impact on drainage and leaves the city unprotected from winds

carrying sand.

In the face of these environmental challenges, the municipal council lacks skilled personnel and investment resources and is overshadowed by the provincial government, even in local planning and management matters. The tradition of top-down planning by the central government system has limited consultation to academic discussions between professionals and bureaucrats, with little concern for the expectations of the population and their potential role in implementing the plans.

With the sustainable development of the city at stake, in early 1996, UNCHS (Habitat)'s Localizing Agenda 21 Program (LA21) took up the challenge to help the city change its development course. A broad-based city consultation workshop mapped out a vision for Essaouira as a spatially compact city, with vibrant cultural heritage, strong environmental values, and a sustainable economy based on cultural and eco-tourism. The implementation of this vision is being progressively achieved through action planning, conflict resolution and resource mobilization, seeking commitments from all sections of the society.

The issue of managing urban expansion into dune forest presents a good example of the conflict resolution aspects of this work in Essaouira. The main parties in conflict concerning the dune forest area include:

- Real estate developers, interested in expanding the city into cheap land to be cut off from the forest reserve;
- Forestry Department, interested in preserving the reserve but not able to enforce controls on land use change at the borders of the dune forest;
- CBOs representing communities in the buffer zone, interested in productive use of the dune forest and protection from the destructive sand eroding effects of neighbourhood infrastructure; and
- The Municipal Council, lacking the capacity to play their role as enablers of local sustainable development.

Conflicts between these actors were resolved through the development of a vision and joint action planning, underpinned by continuous mediation among actors. A newly created urban action planning center empowered the municipal council to hold broad-based consultations and mediated bilateral negotiations around the buffer zone for the dune forest. Serious communication barriers had to be overcome between government departments, communities and the private sector, continuously fighting, mistrust and resistance to partnerships.

Eventually, a long term vision for the area was developed, as an urban buffer zone, limiting further housing sprawl into the dune forest. This area consists of a chain of public green spaces, vegetable gardens, leisure facilities and a natural park. Several components of this buffer zone are now being implemented, with the help of government agencies and neighborhood groups. Some partnerships are still fragile and require considerable co-ordination efforts, but there are good hopes that Essaouira has devised a good system to resolve urban space use conflicts, which is a key condition for making local governance more inclusive.

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