

Document of
The World Bank

Report No: ICR00004141

IMPLEMENTATION COMPLETION AND RESULTS REPORT
(IBRD-81750)

ON A

LOAN

IN THE AMOUNT OF EURO 12 MILLION
(US\$ 15.8 MILLIONEQUIVALENT)

TO THE

KINGDOM OF MOROCCO

FOR A

JUDICIAL PERFORMANCE ENHANCEMENT FOR SERVICE TO CITIZEN
PROJECT (“MAHKAMATI”)

June 30, 2017

Governance Global Practice
Middle East and North Africa

CURRENCY EQUIVALENTS

(Exchange Rate Effective December 31, 2016)

Currency Unit = Euro

EUR 1.00 = US\$ 1.05

US\$ 1.00 = EUR 0.95

FISCAL YEAR

January 1-December 31

ABBREVIATIONS AND ACRONYMS

AOP	Annual Operating Plan
CdA	Court of Appeal (<i>Cour d'Appel</i>)
CdST	Technical Committee (<i>Comité de Suivi Technique</i>)
CMS	Case management system
CPS	Country Partnership Strategy
CSO	Civil Society Organization
CSPJ	Superior Council of the Judicial Power (<i>Conseil Supérieur du Pouvoir Judiciaire</i>)
DECM	Directorate of Research, Cooperation and Modernization (<i>Direction des Etudes, de la Coopération et de la Modernisation</i>)
EOI	Expression of Interest
EU	European Union
EU MEDA	EU Euro-Mediterranean Partnership Program
EUR	Euro
FY	Fiscal Year
GdM	Government of Morocco (<i>Gouvernement du Maroc</i>)
ICR	Implementation Completion and Results Report
ICT	Information and Communication Technology
ISM	Superior Judicial Training Institute (<i>Institut Supérieur de la Magistrature</i>)
ISR	Implementation Status and Results Report
MdJL	Ministry of Justice and Liberties (<i>Ministère de la Justice et des Libertés</i>)
MENA	Middle East and North Africa
MTEF	Medium-term expenditure framework
M&E	Monitoring and Evaluation
PAD	Project Appraisal Document
PAPJ	Court performance improvement plan (<i>Plan d'amélioration de la performance de la juridiction</i>)
PDO	Project Development Objective
PEIR	Public Expenditure and Institutional Review
POM	Project Operations Manual
RFP	Request for Proposal
SIL	Specific Investment Loan
SRA	Annual Reform Strategy (<i>Stratégie de Réforme Annuelle</i>)
TPI	First Instance Court (<i>Tribunal de Première Instance</i>)
UGP	Project Management Unit (<i>Unité de Gestion du Projet</i>)

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MOROCCO
Judicial Performance Enhancement for Service to Citizen Project (“Mahkamati”)

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MAP

A. Basic Information			
Country:	Morocco	Project Name:	Judicial Performance Enhancement for Service to Citizen Project ("Mahkamati")
Project ID:	P125799	L/C/TF Number(s):	IBRD-81750
ICR Date:	05/16/2017	ICR Type:	Core ICR
Lending Instrument:	SIL	Borrower:	GOVERNMENT OF MOROCCO
Original Total Commitment:	USD 15.80M	Disbursed Amount:	USD 2.09M
Revised Amount:	USD 2.39M		
Environmental Category: C			
Implementing Agencies: Ministry of Justice and Liberties			
Cofinanciers and Other External Partners:			

B. Key Dates				
Process	Date	Process	Original Date	Revised / Actual Date(s)
Concept Review:	03/03/2011	Effectiveness:		03/21/2013
Appraisal:	03/19/2012	Restructuring(s):		12/09/2015
Approval:	06/12/2012	Mid-term Review:	05/18/2016	
		Closing:	12/31/2016	12/31/2016

C. Ratings Summary	
C.1 Performance Rating by ICR	
Outcomes:	Highly Unsatisfactory
Risk to Development Outcome:	Negligible
Bank Performance:	Unsatisfactory
Borrower Performance:	Unsatisfactory

C.2 Detailed Ratings of Bank and Borrower Performance (by ICR)			
Bank	Ratings	Borrower	Ratings
Quality at Entry:	Moderately Unsatisfactory	Government:	Moderately Unsatisfactory
Quality of Supervision:	Unsatisfactory	Implementing Agency/Agencies:	Unsatisfactory
Overall Bank Performance:	Unsatisfactory	Overall Borrower Performance:	Unsatisfactory

C.3 Quality at Entry and Implementation Performance Indicators

Implementation Performance	Indicators	QAG Assessments (if any)	Rating
Potential Problem Project at any time (Yes/No):	Yes	Quality at Entry (QEA):	None
Problem Project at any time (Yes/No):	Yes	Quality of Supervision (QSA):	None
DO rating before Closing/Inactive status:	Unsatisfactory		

D. Sector and Theme Codes

	Original	Actual
Major Sector/Sector		
Public Administration		
Law and Justice	100	100
Major Theme/Theme/Sub Theme		
Human Development and Gender		
Gender	17	17
Public Sector Management		
Public Administration	11	11
E-Government, incl. e-services	11	11
Transparency, Accountability and Good Governance	2	2
Public Finance Management	2	2
Public Expenditure Management	2	2
Rule of Law	47	47
Judicial and other Dispute Resolution Mechanisms	47	47
Legal Institutions for a Market Economy	10	10
Personal and Property Rights	10	10

E. Bank Staff

Positions	At ICR	At Approval
Vice President:	Hafez M. H. Ghanem	Inger Andersen
Country Director:	Marie Francoise Marie-Nelly	Neil Simon M. Gray
Practice Manager/Manager:	Renaud Seligmann	Guenter Heidenhof

Project Team Leader:	Paul Scott Prettitore	Philippe De Meneval
ICR Team Leader:	Klaus Decker	
ICR Primary Author:	Klaus Decker	

F. Results Framework Analysis

Project Development Objectives (from Project Appraisal Document)

The Project Development Objective is to strengthen the capacity of the Borrower's justice sector to deliver efficient, timely and transparent services to citizens and businesses through: (a) piloting of a participatory reform process involving judges, administrative staff, judicial auxiliaries and users in selected courts in the Project Area; and (b) strengthening the institutional capacity of the central functions of the Ministry of Justice and Liberties (MdJL) to better support and monitor the court system.

Revised Project Development Objectives (as approved by original approving authority)

(a) PDO Indicator(s)

Indicator	Baseline Value	Original Target Values (from approval documents)	Formally Revised Target Values	Actual Value Achieved at Completion or Target Years
Indicator 1 :	Increase in the awareness of the public in the selected districts about standards of transparency, competency and effectiveness applicable to the justice sector; and their rights and duties in connection with the justice sector			
Value quantitative or Qualitative)	0 public awareness campaigns	2 public awareness campaigns		0 public awareness campaigns
Date achieved	04/29/2012	12/31/2016		12/31/2016
Comments (incl. % achievement)	Not achieved.			
Indicator 2 :	Increase in the level of satisfaction of users of the pilot courts of the selected districts with the quality, timeliness and effectiveness of access to court services, court files, and information about court procedures as a result of the PAPJs			

Value quantitative or Qualitative)	0% of users satisfied in pilot courts	70% of users satisfied in pilot courts		Not measured.
Date achieved	04/29/2012	12/31/2016		12/31/2016
Comments (incl. % achievement)	Not achieved. No PAPJs were prepared. No user survey was carried out.			
Indicator 3 :	Increase in the clearance rate of cases in the pilot courts of the selected districts			
Value quantitative or Qualitative)	0% of reduction in number of pending cases	15% of reduction in number of pending cases		Not measured.
Date achieved	04/29/2012	12/31/2016		12/31/2016
Comments (incl. % achievement)	Not achieved. Data was not collected.			
Indicator 4 :	Increase in MdJL's capacity to monitor the performance of courts in terms of quality, timeliness and effectiveness, and allocate resources according to court performance			
Value quantitative or Qualitative)	0 periodic monitoring reports	1 annual monitoring report		0 annual monitoring report
Date achieved	04/29/2012	12/31/2016		12/31/2016
Comments (incl. % achievement)	Not achieved.			

(b) Intermediate Outcome Indicator(s)

Indicator	Baseline Value	Original Target Values (from approval documents)	Formally Revised Target Values	Actual Value Achieved at Completion or Target Years
Indicator 1 :	The Technical Evaluation Committee (CdST) approves strategic objectives and a court performance M&E framework			
Value (quantitative or Qualitative)	0 strategic objectives and court performance standards	Strategic objectives and court performance standards approved		0 strategic objectives and court performance standards.

Date achieved	04/29/2012	12/31/2016		12/31/2016
Comments (incl. % achievement)	Not achieved. While the POM and the Project M&E Framework were approved, no further strategic objectives and court performance standards were approved.			
Indicator 2 :	The SRA and PAPJs are satisfactorily implemented in the pilot courts according to the M&E framework			
Value (quantitative or Qualitative)	0 pilot courts implementing the SRA and the PAPJs	10 pilot courts implementing the SRA and the PAPJs		0 pilot courts implementing the SRA and the PAPJs
Date achieved	04/29/2012	12/31/2016		12/31/2016
Comments (incl. % achievement)	Not achieved. No SRA or PAJPs were implemented.			
Indicator 3 :	New physical layout for access to court services is fully operational in pilot courts			
Value (quantitative or Qualitative)	0 pilot courts implementing the new physical layout	10 pilot courts implementing the new physical layout		0 pilot courts implementing the new physical layout
Date achieved	04/29/2012	12/31/2016		12/31/2016
Comments (incl. % achievement)	Not achieved.			
Indicator 4 :	Automated Case Management System (CMS) satisfactorily implemented in pilot courts			
Value (quantitative or Qualitative)	0 pilot courts implementing the CMS	10 pilot courts implementing the CMS		0 pilot courts implementing the CMS
Date achieved	04/29/2012	12/31/2016		12/31/2016
Comments (incl. % achievement)	Not achieved. The system was not implemented. The contractor only delivered the blueprint for the design of such a system.			
Indicator 5 :	Electronic archiving and filing system established and operational			
Value (quantitative or Qualitative)	0 pilot courts implementing the	10 pilot courts implementing the electronic		0 pilot courts implementing the electronic

	electronic archiving and filing systems	archiving and filing systems		archiving and filing systems
Date achieved	04/29/2012	12/31/2016		12/31/2016
Comments (incl. % achievement)	Not achieved. The system was not implemented. The contractor only delivered the blueprint for the design of these systems.			
Indicator 6 :	Central collateral information established and operational to be accessible online in real time by users			
Value (quantitative or Qualitative)	No central collateral information established and operational to be accessible online in real time by us	1 central collateral information established and operational to be accessible online in real time by use		No central collateral information established and operational to be accessible online in real time by us
Date achieved	04/29/2012	12/31/2016		12/31/2016
Comments (incl. % achievement)	Not achieved.			
Indicator 7 :	Information system connecting MdJL and the pilot courts is established and operational			
Value (quantitative or Qualitative)	No information system connecting MdJL and the pilot courts established and operational	1 information system connecting MdJL and the pilot courts established and operational		No information system connecting MdJL and the pilot courts established and operational
Date achieved	04/29/2012	12/31/2016		12/31/2016
Comments (incl. % achievement)	Not achieved. The system was not implemented. The contractor only delivered the blueprint for the design of this system.			
Indicator 8 :	MdJL's annual budget structured around the updated MTEF			
Value (quantitative or Qualitative)	No MdJL's annual budget structured around the updated MTEF	2 MdJL's annual budgets structured around the updated MTEF		2 MdJL's annual budgets structured around the updated MTEF

Date achieved	04/29/2012	12/31/2016		12/31/2016
Comments (incl. % achievement)	Achieved independently of the Project.			
Indicator 9 :	Standard performance evaluation system developed and operational for the court clerks and other administrative staff			
Value (quantitative or Qualitative)	No standard performance evaluation system developed and operational for the court clerks and other administrative staff	1 standard performance evaluation system developed and operational for the court clerks and other administrative staff		No standard performance evaluation system developed and operational for the court clerks and other administrative staff
Date achieved	04/29/2012	12/31/2016		12/31/2016
Comments (incl. % achievement)	Not achieved. MdJL expected the responsibility for the standard performance evaluation system for court clerks and other administrative staff would be transferred to the CSPJ.			
Indicator 10 :	Training plan to support Project activities prepared and specific training modules to support the new performance management model of the courts designed and operational			
Value (quantitative or Qualitative)	No training plan or specific training modules to support the new performance management model of the courts designed and operational	1 training plan or specific training modules to support the new performance management model of the courts designed and operational		No training plan or specific training modules to support the new performance management model of the courts designed and operational
Date achieved	04/29/2012	12/31/2016		12/31/2016
Comments (incl. % achievement)	Not achieved. MdJL expected the responsibility for a training plan or specific training modules to support the new performance management model of the courts would be transferred to the CSPJ.			
Indicator 11 :	MdJL's upgraded statistical system, based on the automated CMS, collects and disseminates reliable statistical data on pilot courts and judges' performance			

Value (quantitative or Qualitative)	No MdJL's upgraded statistical system, based on the automated CMS, collects and disseminates reliable statistical data on pilot courts and judges' performance.	1 MdJL's upgraded statistical system, based on the automated CMS, collects and disseminates reliable statistical data on pilot courts and judges' performance.		No MdJL's upgraded statistical system, based on the automated CMS, collects and disseminates reliable statistical data on pilot courts and judges' performance.
Date achieved	04/29/2012	12/31/2016		12/31/2016
Comments (incl. % achievement)	Not achieved. MdJL expected the responsibility to be transferred to the CSPJ.			
Indicator 12 :	ICT medium-term strategy for improved court performance adopted and operational			
Value (quantitative or Qualitative)	No ICT medium-term strategy for improved court performance adopted and operational	ICT medium-term strategy for improved court performance adopted and operational		No ICT medium-term strategy for improved court performance adopted and operational
Date achieved	04/29/2012	12/31/2016		12/31/2016
Comments (incl. % achievement)	Not achieved. MdJL expected the responsibility to be transferred to the CSPJ.			
Indicator 13 :	AOPs, progress reports, and ICR delivered on time. Annual reviews and mid-term review carried out on time.			
Value (quantitative or Qualitative)	No AOPs, progress reports, and ICR delivered. No annual reviews and mid-term review carried out.	AOPs, progress reports, and ICR delivered on time. Annual reviews and mid-term review carried out on time.		While minimum mandatory operational documents and a completion report were generated, no mid-term review was carried out.
Date achieved	04/29/2012	12/31/2016		12/31/2016

Comments (incl. % achievement)	Not achieved.
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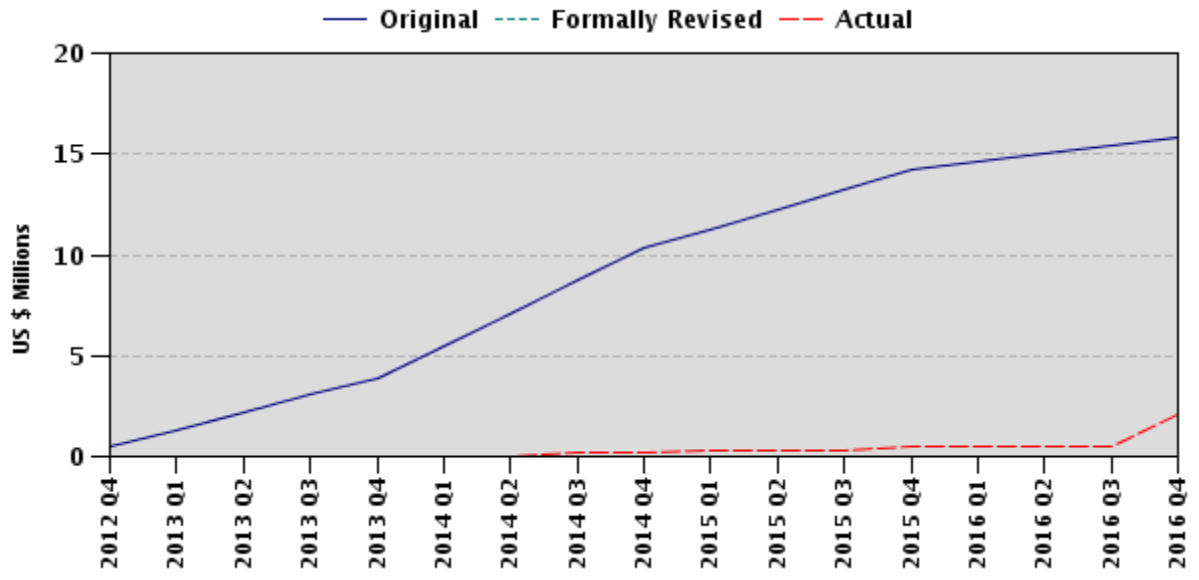
G. Ratings of Project Performance in ISRs

No.	Date ISR Archived	DO	IP	Actual Disbursements (USD millions)
1	03/18/2013	Satisfactory	Moderately Unsatisfactory	0.00
2	05/16/2013	Satisfactory	Moderately Satisfactory	0.00
3	01/06/2014	Moderately Satisfactory	Moderately Satisfactory	0.00
4	05/09/2014	Moderately Satisfactory	Moderately Unsatisfactory	0.20
5	11/11/2014	Moderately Satisfactory	Moderately Satisfactory	0.26
6	07/06/2015	Moderately Unsatisfactory	Moderately Unsatisfactory	0.49
7	05/26/2016	Unsatisfactory	Unsatisfactory	0.49

H. Restructuring (if any)

Restructuring Date(s)	Board Approved PDO Change	ISR Ratings at Restructuring		Amount Disbursed at Restructuring in USD millions	Reason for Restructuring & Key Changes Made
		DO	IP		
12/09/2015		MU	MU	0.49	Change of pilot court from Sidi Kacem to El Jadida

I. Disbursement Profile



Executive Summary

In 2009, the Government of Morocco sent a request for a project to support the justice sector. By 2011, the *Mahkamati* project was under preparation when the wave of popular protests sweeping the MENA region reached Morocco. In response, King Mohammed VI proposed a broad package of political reforms. This gathered the support of the population through a referendum approving a new Constitution. Among other things, this Constitution strengthened the Judiciary by providing for the establishment of a Superior Council of the Judiciary. Parliamentary elections brought in a new coalition Government in 2012 headed by the leader of the Justice and Development Party, which used to belong to the opposition.

The new Minister of Justice also belonged to the Justice and Development Party. The Ministry's priorities started shifting towards launching a comprehensive national dialogue about the scope and priorities of justice sector reform, through a structured participatory approach. This culminated in 2014 with the adoption of a National Charter for Judicial Reform. Instead of waiting for the outcome of this process to ascertain project alignment with the strategic vision of the new leadership and finalization of a broad based, bottom-up consultation with stakeholders on project design, the World Bank decided to finalize project preparation. The project was approved by the Board in June 2012, before the national dialogue process had concluded.

Implementation faced challenges from the beginning as the new leadership did not develop strong ownership of the project. It had been prepared in a different environment with different actors and despite the technical flexibility of the project to adjust to these changes in theory, in fact the political economy was not supportive. Effectiveness conditions for *Mahkamati* were met with a delay of four months. Necessary consultations with local stakeholders on the project stalled early and were eclipsed by the Ministry's focus on the National Dialogue, which continued in a heated atmosphere throughout 2013 and absorbed much of its energy. After effectiveness, implementation was further delayed as there was no allocation for the project in the national budget for 2013. Once this was solved in early 2014, procurement of consulting services was initiated for a first phase of analytical work. However, procurement progress was slow due to high turnover in the Project Implementation Unit and poor coordination with relevant departments.

Moreover, the Ministry of Justice put *Mahkamati* activities on hold in mid-2014 when the European Union was preparing a new support program for the implementation of the Charter (EUR 75.5 million). While the contracts with the consultants under *Mahkamati* were signed in late 2014 and the consultants started delivering in 2015, the Ministry of Justice increasingly lost faith in the ability of the project to deliver what the authorities wanted. At the same time, the Ministry benefited from technical assistance provided with EU funds by the Council of Europe and the United Nations Children's Fund. They did not require the Ministry to carry out procurement and financial management activities and provided the authorities with what they wanted: experienced practitioner experts and hands-on advice. The project modalities and the modest size put *Mahkamati* at a comparative disadvantage in relation to the EUR 75.5 million support by the European Union.

By mid-2015 the closing of *Mahkamati* came under consideration. At that time, a new Country Director identified it as a poorly performing project. Following consultations with the authorities, the Bank received a letter from the Ministry of Justice in September 2015 indicating that there was no more need for the project as activities were already implemented with EU support or the Ministry’s own resources. In December 2015, both sides agreed on a cancelation. The contracts with the consultants were terminated at the end of May 2016 and the World Bank canceled the project on June 21, 2016. *Mahkamati* closed officially on December 31, 2016, to allow for final payments under existing contracts to be processed.

The ICR concludes that the overall project outcome rating is *highly unsatisfactory*. While the objectives of the project were *highly relevant* to the government’s development priorities, the relevance of the design was *negligible* as it was not adjusted to the changing environment. 15.1 percent of the loan amount was disbursed and no PDO-level or intermediate results indicator was achieved, resulting in *negligible* efficacy.

Relevance		Efficacy	Efficiency	Overall Outcome
Objectives	Design			
<i>High</i>	<i>Negligible</i>	<i>Negligible</i>	<i>Negligible</i>	<i>Highly Unsatisfactory</i>

On performance, the Bank performance is rated as *unsatisfactory*. Quality at entry is *moderately unsatisfactory* due to the disconnect between the project as approved and the evolving political environment. The quality of supervision is rated as *unsatisfactory* due to major shortcomings in implementation support and insufficient proactivity in addressing implementation challenges.

Overall Bank Performance	
Quality at entry	Quality of supervision
<i>Moderately unsatisfactory</i>	<i>Unsatisfactory</i>
<i>Unsatisfactory</i>	

Borrower performance is also rated as *unsatisfactory*. While the government demonstrated some commitment to the project, it was not proactive at addressing factors causing implementation delays, which results in a *moderately unsatisfactory* rating for government performance. In terms of implementing agency performance, there were major shortcomings in the frequency of meetings of the Technical Committee in charge of the steering and governance of the project; frequent changes in the composition of the implementing agency, resulting in long delays and poor coordination with other departments; deficiencies in the identification of risks in the conduct of the project, including its formalization in a cartography to avoid overlapping of project activities with other Ministry of Justice activities; absence of a manual of procedures clearly defining the respective tasks of the structures involved in the management of the project; lack of a system for permanent monitoring and evaluation of the quality of the project; and a lack of proactivity in addressing project shortcomings. Implementing agency performance is therefore rated as *unsatisfactory*.

Overall Borrower Performance		
Government Performance	Implementing Agency Performance	Overall Borrower Performance
<i>Moderately Unsatisfactory</i>	<i>Unsatisfactory</i>	<i>Unsatisfactory</i>

The lessons learned are not specific to justice sector projects. First, the client needs to own the project and the Bank should pay greater attention to evolving political conditions on the ground when deciding on the timing of its intervention. The recommendation is to be in full sync with the government's reform cycle. Second, the project needs to be informed by political economy considerations to avoid a technical design disconnected from reality. The recommendation therefore is to implement a governance filter throughout the portfolio. Third, the project needs to be ready for implementation, which supports the need for a readiness filter. Fourth, the lack of proactivity in addressing challenges will not solve them. The recommendation is therefore to be proactive in identifying and addressing shortcomings, and escalate issues as needed.

1. Project Context, Development Objectives and Design

1.1 Context at Appraisal

Country Context

1. **Morocco had experienced a period of strong economic progress.** In the decade prior to the project GDP per capita had almost doubled and reached USD \$2,890 in 2009. The poverty rate decreased to 9 percent in 2007 and the unemployment rate had fallen from 13 percent in 2000 to 8.9 percent in 2011. Despite this progress Morocco was still facing significant challenges, including vulnerability to shocks, inadequate social indicators relative to the country's income level, high inequality and increasing pressure on water.

2. **The protest wave sweeping the MENA region since the start of the Arab Spring had also reached Morocco.** A social movement started with calls for political change, curbing of corruption and a more inclusive development process. In response, King Mohammed VI proposed, in 2011, a broad package of political reforms. It gathered the support of the population through a referendum approving a new Constitution strengthening the Parliament, the Prime Minister and the Judiciary, empowering local governments, and promoting a more open governance system and public administration based on transparency, accountability and participation. Parliamentary elections brought in a new coalition government in 2012 headed by the leader of the Party for Justice and Development, an Islamist party traditionally in opposition. It also took over leadership at the MdJL. Its priorities included justice sector reform through a participatory approach.

Sector Context

3. **The justice sector had witnessed important reforms in the decade prior to the project.** Motivated by the Association Agreement with the EU requiring Morocco to harmonize its legal framework with that of Europe, the country had established a more business-friendly legal and regulatory framework. While the World Bank had supported improvements to the functioning of commercial courts, the EU supported court modernization efforts through the MEDA II program (2004-2010) in 40 out of 110 courts country-wide. It covered, among other things, investments in court infrastructure, equipment, and basic ICT-based case-management systems.

4. **Justice reform initiatives were ongoing at project appraisal.** The Ministry of Justice and Liberties (MdJL) was continuing its efforts to roll out the modernization program to the remaining courts. Other reforms aimed at fighting white collar crime and facilitating access to justice. The former resulted in the establishment of divisions specializing in financial crimes at Court of Appeal level. The latter was making significant changes to the judicial organization and set up a framework for community justice ("*justice de proximité*"). Donor supported initiatives were ongoing to improve the performance of selected family courts.

5. **The new Minister of the MdJL launched a national dialogue about the scope and priorities of justice reform.** Based on a structured participatory approach, a draft

reform program had been developed and was going to be submitted to the stakeholders. The national dialogue would be organized through several thematic workshops in key districts and it was planned that a national conference would approve the reports and recommendations emanating from the workshops and adopt a 2012-2016 National Charter for Judicial Reform.

Rationale for Bank Assistance

6. **In 2009, the Government of Morocco (GdM) requested World Bank support to the judicial system as part of a broader policy dialogue on justice.** Initially, budget support to the sector was envisaged. Given the lack of a robust reform program, it was found to be premature. It was agreed with the government to pursue a relatively small investment lending operation as a first step to contribute to the design of a sectoral reform program setting the stage for future budget support. At the time of appraisal, Bank work on a Public Expenditure and Institutional Review for the justice sector was ongoing and intended to inform project design and implementation.

7. **The project intended to support the implementation of conclusions and recommendations of the National Dialogue that was still ongoing.** The intention was to keep project design sufficiently flexible to accommodate. Donors were expected to align their support with the results of the National Dialogue. The European Union (EU), for example, had indicated its intent to develop a new program for this in 2013.

8. **The project was consistent with the governance focus of World Bank partnership with Morocco.** Support to justice sector reform contributed to the first pillar of the Country Partnership Strategy (CPS FY 2010-13) on growth, competitiveness and employment, and was part of its cross-cutting governance agenda. At the same time, the CPS Progress Report confirmed an improved justice sector as a key to good governance and an efficient business environment.

1.2 Original Project Development Objectives (PDO) and Key Indicators

9. **The PDO** was “to strengthen the capacity of the Borrower’s justice sector to deliver efficient, timely and transparent services to citizens and businesses through: (a) piloting of a participatory reform process involving judges, administrative staff, judicial auxiliaries and users in selected courts in the Project Area; and (b) strengthening the institutional capacity of the central functions of the MdJL to better support and monitor the court system.” The PDO remained unchanged until project closing.

10. **The PDO indicators** were: (i) increase of the awareness of the public in the selected districts about standards of transparency, competency and effectiveness applicable to the justice sector; and their rights and duties in connection with the justice sector; (ii) increase in the level of satisfaction of users of the pilot courts of the selected districts with the quality, timeliness and effectiveness of access to court services, court files, and information about court procedures as a result of the court performance improvement plans (PAPJs); (iii) increase in the clearance rate of cases in the pilot courts of the selected districts; and (iv) increase in MdJL’s capacity to monitor the performance of courts in terms

of quality, timeliness and effectiveness, and allocate resources according to court performance.

1.3 Main Beneficiaries

11. **The PAD identified the primary beneficiaries of the project** as: (a) the pilot court users, judicial auxiliaries (lawyers, notaries, bailiffs, and experts), judges, clerks and other administrative staff of the pilot courts of the project, (b) the MdJL, and (c) the Superior Judicial Training Institute (ISM). With respect to the Superior Council of the Judicial Power (CSPJ), the PAD specified that “some discrete project activities may potentially involve the CSPJ once it is established and its responsibilities are determined.” The project was also intended to benefit users of all courts more generally as it was envisaged to provide the MdJL with the methodology and operational tools needed to scale up at other courts the approach tested in the 10 to 12 pilot courts.

1.4 Original Components

12. **Component 1 – Improving Court Performance in the Project Area** (EUR 7.4 million). The objective of this component was to have a direct impact on the quality and efficiency of service delivery by the courts:

- Subcomponent 1 (EUR 3.7 million) focused on the preparation of court performance improvement plans (PAPJs) following a participatory approach involving key stakeholders in the Project Area. Each PAPJ would have to address four strategic objectives set by the Ministry of Justice: (a) modernizing court management and organization; (b) standardizing application of procedures and reducing delays in processing cases; (c) improving regular interaction with court users, including notably a gender perspective that aims at removing gender-specific barriers to justice, and (d) developing specific solutions to local issues. The PAPJs would inform an Annual Reform Strategy (SRA) which would gradually be expanded based on the outcome of the solutions tested in pilot courts.
- Subcomponent 2 (EUR 0.6 million) aimed at organizing a functional separation between a "front office" and a "back office".
- Subcomponent 3 (EUR 3.1 million) supported upgrading and developing critical ICT tools that would allow systematizing and automating jurisdictional and administrative processes in the pilot courts.

13. **Component 2 – Upgrading the Strategic Planning and Management Capacities of the MdJL** (EUR 3.7 million). The objective of this component was to improve the MdJL's capacity to monitor the performance of the courts and provide them with adequate support, in particular to attain the strategic objectives of Component 1. Overall, this Component would provide support to the MdJL's Directorates entrusted with a cross-support function, and to the ISM.

- Subcomponent 1 (EUR 0.5 million) assisted the Office of the Minister and the Secretary-General of MdJL in fulfilling their coordinating and strategic planning functions.

- Subcomponent 2 (EUR 0.6 million) assisted the Budget and Control Directorate in implementing the performance budgeting framework resulting from ongoing reforms of Morocco's budget reform.
- Subcomponent 3 (EUR 0.5 million) assisted the Human Resources Directorate and the ISM in furthering their strategic approach to staffing, promotion and skills development.
- Subcomponent 4 (EUR 0.7 million) assisted the MdJL in developing an upgraded system that would ensure court statistics are appropriately collected, analyzed and disseminated as well as with an an ICT Strategy for court performance.
- Subcomponent 5 (EUR 1.0 million) supported the MdJL in improving communications with users and citizens.
- Subcomponent 6 (EUR 0.4 million) strengthened the capacity of the MdJL to prepare draft laws and regulations and to disseminate laws and regulations and case law.

14. **Component 3 – Project Management, Monitoring and Evaluation** (EUR 0.87 million). The objective of this component was to support the MdJL's capacity to manage, monitor and evaluate project activities:

15. This Component provided support to the Project Management Unit (UGP) responsible for coordinating day-to-day project activities and administering loan funds. The UGP would be headed by a MdJL staff appointed by a decision of the MdJL and would report to the Secretary General of the MdJL. The UGP would also include MdJL staff from the Directorate of Research, Cooperation and Modernization (DECM) and would be physically located in the offices of the DECM. The UGP would also comprise MdJL staff assigned from other key MdJL Directorates, in particular the Budget Directorate. Finally, the UGP would comprise external experts hired to fulfill the position of project coordinator/monitoring and evaluation specialist, procurement specialist and project assistant.

1.5 Other significant changes

16. No significant changes were made until project closing.

2. Key Factors Affecting Implementation and Outcomes

2.1 Project Preparation, Design and Quality at Entry

Background analysis

17. **The background analysis carried out to inform project design was sound.** In 2010 the Bank updated the Judicial Sector Assessment undertaken in 2003. It informed the dialogue with the MdJL. In parallel to project preparation, a Public Expenditure and Institutional Review of the judicial system was ongoing. As it was finalized in June 2013, only its preliminary findings could be utilized for project design. However, the team anticipated that it would inform project implementation. Lessons learned in previous sector engagement in Morocco and elsewhere were also reflected in the project design to a large

extent. The team was multi-disciplinary and the focus on service delivery and measurable results is at the core of the project. The political economy was seen as an opportunity to continue Bank engagement and gain further momentum in a sector that was opening up.

Project design

18. **Project design was informed by the findings of the technical background analyses.** The components focused on key bottlenecks and aimed at achieving tangible and measurable results for users and potential users of the judicial system. The choice of pilot courts reflected their importance for the system and its users in the metropolitan area of Casablanca, while also serving court users located in peri-urban and rural areas.

19. **However, the project overall and especially the bottom-up approach envisioned to drive project implementation was overly ambitious.** The number of pilot courts was very high (10 to 12). No court representatives were members of the UGP. Development of a management culture in the courts was still at early stages. Also, the sector had no experience with bottom-up approaches to justice reform and involvement of civil society organizations in this process. While there were elements of a participatory approach to project preparation as there were workshops with judges and court administrators in a few pilot courts, the Bank and the client foresaw that a broad engagement with civil society and the local level on the project would take place during project implementation. This did not materialize. The lesson identified by the Implementation Completion and Results Report (ICR) of the 2000 to 2004 Bank supported Legal and Judicial Development Project (P063918) to involve a wide range of stakeholders and to implement as much as possible as early as possible in the project was not reflected.

Government commitment

20. **The MdJL's initial ownership of the project was reasonably strong, but weakened over time.** The government had requested Bank budget support for the sector in 2009. According to the Project Appraisal Document (PAD, paragraph 8), the design was based on an integrated and detailed plan addressing the strategic challenges of justice reform, prepared by the MdLJ after the King's speech in August 2009. By the time project preparation was advanced and the design solidified, two things had become clear: First, Bank support would not be provided through budget support, but only through this modest investment lending operation with a perspective of future budget support. So it was not exactly what the government had asked for. Second, with the change of leadership in the MdJL in early 2012 the priorities started shifting. The MdJL was focusing its energy on launching a comprehensive national dialogue about the scope and priorities of justice reform through a structured participatory approach involving thematic workshops, a national conference and the development and adoption of a National Charter for Judicial Reform. It was accompanied by strikes and the atmosphere was heated. While the Charter would end up including many of *Mahkamati's* activities, this process did not focus on the Bank supported project and developed its own significant momentum, outpacing and overshadowing the project.

Readiness for implementation

21. **The project was not fully ready for implementation.** It was approved by the Board on June 16, 2012 and the Loan Agreement was signed on July 27, 2012. It included the following conditions of effectiveness: (1) a Project Operational Manual (POM), satisfactory to the Bank, adopted by the MdJL, and (2) the UGP recruited the project coordinator, the procurement specialist, and the project assistant. By the original effectiveness deadline (November 24, 2012) these conditions were not fulfilled. The GdM requested a 120 days extension that was granted with a new deadline of March 22, 2013, which was the date when the loan became indeed effective. Even then, procurement was slow at getting traction. Readiness for implementation is therefore rated as *negligible*.

Assessment of risks

22. **The PAD identified the overall implementation risk as moderate, which may have been overly optimistic.** While the stakeholder and capacity risks were correctly identified as *high* and did materialize, the rating of the program and donor risk as *low* turned out unrealistic. The availability of grant-based EU funding for the justice sector was a significant factor in decrease of government commitment to the project and was not successfully mitigated through meetings with the local EU team and EU member countries delegations as envisioned.

2.2 Implementation

23. **Task Team Leader (TTL) responsibility was transferred between Board approval and effectiveness, the only time during the lifespan of the project.** While the initial TTL was a French speaker based in Rabat, the second TTL was based in headquarters and did not speak fluent French. For both TTLs, this was the first investment lending operation they task managed and neither of them spoke Arabic, a challenge in a MdJL with an increasing shift from French to Arabic.

24. **The project became effective with delay.** The two conditions of effectiveness were not fulfilled by the original effectiveness deadline (November 24, 2012). They were met by the extended deadline of March 22, 2013. One reason was that the UGP had to become familiar with Bank procedures and that procurement therefore was slow at getting traction in general. Another reason was that MdJL capacity was focused on implementation of the National Dialogue to develop the Charter for Judicial Reform, a priority for the new Minister.

25. **After effectiveness, the UGP faced the challenge of lack of budget allocation for calendar year 2013 for project implementation.** Under the project, the government would get reimbursed from the loan, but no budget allocation had been made for 2013 for the MdJL to make payments. While the contracts with the PMU consultants were signed, it was not immediately possible to pay them. The intervention of the Prime Minister on November 15, 2013 brought a solution and the first request for disbursement by the Budget Directorate of the Ministry of Economy and Finance took place on January 30, 2014.

26. **Initially, the main task for the UGP was to launch the procurement procedures and prepare requests for Expressions of Interest (EOIs) for the contracts required to**

implement most project activities, originally estimated with a value of about 70 percent of the Loan amount. Although Terms of Reference (TORs) and EOIs were prepared within a few months of effectiveness, it took until mid-2014 for the EOIs to be published. In September 2014, the MdJL finally issued a package of Requests for Proposals (RFPs) expected to cover contracts with a value of about 50 percent of the loan. While procurement gained some momentum, disbursements remained low (2 percent by November 2014) in part because most of the activities contracted involved analytical work that had to be completed prior to the launching of other project activities. The analytical work remained the main output of the project; it was delivered by the end of 2015 (for list of outputs see Annex 2). At that point it had become clear that project implementation would not continue.

27. An important factor negatively affecting implementation was that consultations with local stakeholders on the project only took place at the initial stages in 2013 and then stalled early on while a broad 14 months consultation process for the development of the Charter for Judicial Reform was ongoing. As the project had embraced a bottom-up approach to reform, the project as designed did not gain any traction and local ownership did not materialize. The only activities that were implemented were carried out from the top.

28. An activity that got traction through 2013 and 2014 independently of *Mahkamati* was the very comprehensive and heated consultative process leading to the finalization of the Charter for Judicial Reform as a vision of the system's future development and start of its implementation around six priority directions and more than 350 specific actions. While the World Bank and the Moroccan authorities expressed agreement that the recommendations of the PEIR remained relevant and that *Mahkamati* would play a role in the implementation of the specific actions foreseen in the Charter, neither the PEIR findings nor *Mahkamati* were used for that.

29. A key factor for this was that other donor support to the implementation of the Charter became available. The donor coordination envisioned by the project Appraisal Document was not effective at mitigating this risk affecting *Mahkamati*. By mid-2014, the European Union was preparing a new support program for the implementation of the Charter (around EUR 75.5 million). While these were negotiated, activities under *Mahkamati* were put on hold by the MdJL. Since the EU provided grant funds, and activities were partially implemented on behalf of the MdJL by the Council of Europe (CEPEJ) and the United Nations Children's Fund (UNICEF) they were attractive for the Moroccan authorities and presented advantages compared to the funds available under *Mahkamati*. They did not require the MdJL to carry out procurement and financial management activities and provided the authorities with what they wanted: experienced practitioner experts.

30. By mid-2014, there were discussions about a restructuring. At a minimum, the restructuring would change a pilot court (Sidi Kacem) that was now supported by the European Commission for the Efficiency of Justice (CEPEJ) and be replaced by another one (El Jadida). This level two restructuring was finally submitted for approval in June 2015 and approved by the World Bank in December 2015. Further under consideration were ideas to cut down the number of pilot courts, since none of them had set up

consultative groups yet, and to drop activities focusing on ICT to eliminate duplication with activities already carried out by the MdJL. While the mid-term review would normally have been undertaken in late 2014 or early 2015, it was first delayed and then foreseen for September/October 2015. In the end, it did not take place as it had become clear by that time that the project would not go forward.

31. **In June 2015, while a new Project Manager was hired and the diagnostics were ongoing, the Secretary General of the MdJL announced that the authorities would decide whether or not to continue the project.** In July 2015, there was a transition of Country Directors at the World Bank office in Rabat. The new leadership was assessing the overall World Bank project portfolio to identify ways of strengthening it. As *Mahkamati* was poorly performing, the option of closing it came under consideration. In September 2015, the MdJL sent a letter to the Country Director saying that there was no more need for the project. During a mission in December 2015, the Moroccan authorities and the World Bank agreed to initiate a smooth closure process. The contracts with the contractors were terminated at the end of May 2016. Following the end of negotiations with the contractors, the World Bank canceled the project by letter to the Borrower dated June 21, 2016 as of April 18, 2016. However, in World Bank systems the project was not canceled, but closed without further implementation on December 31, 2016 to allow for disbursement in case additional unexpected requests came in. Out of a loan amount of US\$15.8 million equivalent, US\$2.09 million were disbursed.

2.3 Monitoring and Evaluation (M&E) Design, Implementation and Utilization

Design of Results Framework

32. **The formulation of the PDO left room for improvement.** It was two-tiered (“the objective is to strengthen the capacity ... to deliver ... services through: (a) ... and (b)).” This is not entirely sound as the activities through which the PDO would be achieved are not part of the PDO and should therefore not have been included. Moreover, the formulation of the actual objective limited the PDO to strengthened capacity to do certain things, while three of the four PDO indicators aimed at improved outcomes. In a sense the PDO was therefore less ambitious than the indicators.

33. **However, the design of the results framework overall was adequate to measure impact of project activities.** The number and focus of PDO and intermediate results indicators as well as the overall methodology were sound. The indicators were effectively linked to project activities. Also, the targets for the first and second year of project implementation were appropriately conservative in light of existing capacity and the time anticipated for the bottom-up approach to be functional. One shortcoming was that despite the project’s focus on enhancing performance of the judicial system in terms of service delivery, there was no baseline for any of the key performance indicators that would typically be considered, such as clearance rates, delay, cost for the users, and others despite the parallel data collection effort under the Public Expenditure and Institutional Review of the Judicial System. *Mahkamati* was designed as a pilot project to develop a system to collect the data and start implementing a process of change based on the data. While this information may have been challenging to obtain at a country level, the indicators focus on

the pilot courts that should have been engaged in the project preparation process. It would have been reasonable for a minimum of relevant data to be collected at that stage. Also, it is unfortunate that survey data were not available at the time of Board approval, which added to the risk of delayed availability of baseline data under the project.

Implementation Arrangements

34. **The UGP was responsible for supervising the M&E activities at component level and the Technical Committee (CdST) at PDO level.** The contractor selected by the UGP for component 1.1 was in charge of developing an M&E framework for component 1. While this arrangement could have worked in principle, it never became operational. The procurement process for the contractor for the design and implementation of surveys and project M&E incurred delays and relevant analytical work was delivered by late 2015, more than two and a half years into project implementation. Moreover, the consultants were not given access to relevant data by the DECM at the MdJL quoting concerns about security of information.

Utilization of Monitoring and Evaluation

35. **The M&E framework was never utilized** as relevant data was not collected or generated and project consultants not given access to relevant information.

36. Due to the ineffectiveness of the implementation arrangements, the lack of actual data collection and minimal achievement the rating on the applicable four point scale is therefore negligible.

2.4 Safeguard and Fiduciary Compliance

Safeguards

37. **The PAD rated the project as an environmental category C and did not trigger any Bank safeguard policies, which was appropriate.** No safeguard issues arose during the project.

Fiduciary

38. **The financial management risks for the country, the entity and the project were assessed as *low*.** The financial management system was assessed to be in compliance with the requirements of OP/BP10.00. The assessment concluded that the MdJL had sufficient capacity to manage project financial matters and to administer loan funds. The financial management ratings were *satisfactory* until they were downgraded to *moderately satisfactory* in November 2014 when an audit was overdue. A resolution was not reported and the rating would remain *moderately satisfactory* until closing.

39. **However, the 2013, 2014, and 2015 audit findings highlighted a number of shortcomings,** notably related to the internal control system of the project. It revealed weaknesses in irregular frequency of meetings of the CdST in charge of the steering and governance of the project; frequent changes in the composition of the PIU, resulting in

important delays in project implementation and a poor coordination with other departments involved; deficiencies in the identification of the inherent risks in the conduct of the project, including its formalization in a cartography that would have avoided overlapping of project activities with other MdJL activities; absence of a manual of procedures clearly defining the respective tasks of the structures involved in the management of the project; lack of an information system for permanent monitoring and evaluation of the quality of the project, which negatively affected the quality of reporting and the timeliness in the development of indicators for the preparation of monitoring reports; and the non-involvement of the Inspectorate General or the Department's internal audit structure in the project, which were in the best position to accompany and support the PIU in the monitoring and evaluation of the project.

Procurement

40. **The PAD rated the risks related to procurement as *substantial*.** It resulted from the lack of experience in Bank procedures, and the absence of training in Bank procurement procedures. Mitigation measures included training and recruitment of a procurement specialist, which was part of one of the conditions of effectiveness. While procurement ratings were consistently *satisfactory* throughout the project, the reality is that progress was excessively slow and the quality of procurement documents very low.

2.5 Post-completion Operation/Next Phase

41. **The MdJL pursued the implementation of the Charter for Judicial Reform through its own budget and with support of the European Union.** The analytical work delivered under *Mahkamati* and the Public Expenditure and Institutional Review could be utilized to inform these initiatives. While options for future World Bank support to the justice system in Morocco have been discussed when the decision on project closing was made in December 2015, a decision on further initiatives will be taken during the preparation of the new Country Partnership Framework.

3. Assessment of Outcomes

3.1 Relevance of Objectives, Design and Implementation

Relevance of objectives

42. **The objectives of *Mahkamati* remain consistent with Morocco's current development priorities** as reflected in the Charter for Judicial Reform adopted in 2014. It also remains consistent with the priorities of the current Country Partnership Strategy (2014-2017). Improvements in the delivery of justice services to citizens and business in an efficient, timely and transparent manner remains a key aspect under the first results area to promote competitive and inclusive growth, and to the third results area of strengthening governance and institutions for improved service delivery to all citizens. The relevance of objectives is therefore rated as *high* on the applicable four point scale.

Relevance of design

43. **While the design of project activities reflected proper diagnosis of improved justice services as a development priority for Morocco** and while such activities are included in the Charter for Judicial Reform, the funding mechanism turned out to have lost relevance for the Moroccan authorities after grant funds became available to achieve the same objectives. Also, the authorities did not see any value added in the analytical work carried out through what they felt were excessively expensive generalist consulting firms. They appreciated instead the hands-on technical assistance by experienced court practitioners provided by the EU who knew the ins and out of court administration. The design was not adjusted subsequently to reflect this change in circumstances and to adjust to changing needs. The relevance of the design is therefore rated as *negligible*.

Rating overview:

Relevance	
Objectives	Design
<i>High</i>	<i>Negligible</i>

3.2 Achievement of Project Development Objectives

44. **None of the PDO or intermediate outcome indicators were achieved through the project.** The PDO can be broken up into six dimensions that can be assessed separately: (1) strengthen the efficiency of judicial services to citizens; (2) strengthen the efficiency of judicial services to businesses; (3) strengthen the timeliness of judicial services to citizens; (4) strengthen the timeliness of judicial services to businesses; (5) strengthen the transparency of judicial services to citizens; and (6) strengthen the transparency of judicial services to businesses. However, the vast majority of the activities and components were not implemented. After delayed effectiveness and a slow start, there was increased procurement activity in 2014 that ultimately led to the hiring of consultants and the delivery of analytical work by late 2015 that was intended to lay the foundations for the implementation of other project activities. At that point, however, it was decided to close the project without further implementation. Beyond the analytical work, nothing got implemented. As a consequence, nothing was achieved. No indicator was moved. Data that could substantiate the achievement of any of the PDO dimensions outside of *Mahkamati* is not available.

45. Overall, the shortcomings in terms of achieving any of the six PDO dimensions are severe and the rating on the applicable four point scale is therefore *negligible*.

Efficacy
<i>Negligible</i>

3.3 Efficiency

46. **Due to the lack of implementation project benefits are limited to the delivery of analytical work that, in theory, has some potential to inform ongoing and future reform initiatives.** In practice, however, the analytical work is unlikely to produce any benefits. It was based on poorly written terms of reference. The profile of the consultants

and their work was perceived to be of little value added by the MdJL and the analytical work was connected with a project that lacked MdJL ownership. For the complete list of project outputs see Annex 2.

47. An assessment of the extent to which the costs involved in achieving project objectives were reasonable in comparison with both the benefits and with recognized norms (“value for money”) indicates that project efficiency was *negligible*.

Efficiency
<i>Negligible</i>

3.4 Justification of Overall Outcome Rating

Rating: *Highly unsatisfactory*

48. **The overall outcome of the project is rated *highly unsatisfactory*.** Despite the *high* relevance of project objectives, project design, efficacy in achieving the PDO and efficiency of the project are rated *negligible*. These were severe shortcomings that lead to the overall rating.

Relevance		Efficacy	Efficiency	Overall Outcome
Objectives	Design			
<i>High</i>	<i>Negligible</i>	<i>Negligible</i>	<i>Negligible</i>	<i>Highly Unsatisfactory</i>

3.5 Overarching Themes, Other Outcomes and Impacts

(a) Poverty Impacts, Gender Aspects, and Social Development

49. Nothing additional to report.

(b) Institutional Change/Strengthening

50. Nothing additional to report.

(c) Other Unintended Outcomes and Impacts (positive or negative)

51. Nothing additional to report.

3.6 Summary of Findings of Beneficiary Survey and/or Stakeholder Workshops

52. No beneficiary survey or stakeholder workshop has taken place.

4. Assessment of Risk to Development Outcome

Rating: *Negligible*

53. While *Mahkamati* has delivered some analytical work that has the potential to inform ongoing and future justice reform initiatives, the lack of ownership of these analyses

makes it very unlikely that they will be used for this purpose in the short or mid-term. At the same time, the project has not achieved any of its objectives. So the overall risk of development outcomes not to be maintained or realized is therefore *negligible*.

5. Assessment of Bank and Borrower Performance

5.1 Bank Performance

(a) Bank Performance in Ensuring Quality at Entry

Rating: *Moderately unsatisfactory*

54. **As described in Section 2, the project design was technically sound to a very large extent.** It was built on the findings of background analysis. The activities were technically solid with a focus on key bottlenecks and aiming at tangible and measurable results for users and potential users. A technical shortcoming was that the readiness for implementation was over-estimated. The Bank, however, did not sufficiently factor in non-technical aspects that would end up undermining project implementation. An important shortcoming was to base the project on a bottom-up approach in an environment with a top-down institutional culture. It is true that the system was opening up, but at the minimum laying the foundations for success would have required to focus on building reform momentum from the bottom up from the earliest stages, which was not done. Another one was that following the change of leadership in the MdJL *Mahkamati* was and remained disconnected from the development of the Charter for Judicial Reform. It had been prepared in a different environment with different actors and despite the technical flexibility of the project to adjust to these changes in theory, in fact the political economy was not supportive. The Bank either did not realize it, underestimated its impact or, if they were aware, did not act upon it and brought the Project to the Board as it was. Also, the potential impact of availability of grant funds from other donors was not anticipated and the related risk not adequately identified. This contrasts with the approach taken by the EU. They put program development on hold until the Charter was adopted and then designed their support around its implementation.

55. Overall, the shortcomings are therefore significant and the quality at entry is rated as *moderately unsatisfactory*.

(b) Quality of Supervision

Rating: *Unsatisfactory*

56. **The Bank proactively identified and resolved threats to the achievement of relevant development outcomes and the Bank's fiduciary role in some instances.** The lack of budget allocation for project implementation in 2013 was identified late, but actively addressed through a mission in July 2013. There was an increased implementation support effort throughout 2014 that contributed to moving procurement forward together with the MdJL. The available mission Aide-Memoires highlight implementation challenges, possible actions to address them (including restructurings and, starting in June 2015, a potential cancellation), and next steps agreed upon between the Bank and the MdJL. There was a regular presence on the ground through missions, which at times included field trips to pilot courts.

57. **However, the effort was not sustained in between missions.** Regular follow-up videoconferences did not take place for example. Also, World Bank implementation support was not able to ensure good quality of procurement documents, which posed challenges for both managing client expectations and obtaining quality deliverables. When only one firm sent a proposal to TORs that had been assessed by a consultant as technically inadequate, the selection moved forward instead of going to the roots of the issue.

58. **Efforts to capture developments in relevant Bank documentation throughout implementation could have been stronger.** Out of seven Implementation Status and Results Reports (ISRs), five were late, two slightly (ISR 1 by 12 days; ISR 5 by 2 days) and three significantly late (ISR 3 by more than 6 weeks; ISR 6 by more than 8 weeks; ISR 7 by 20 weeks). Out of eleven missions between Board approval and project closing, only five are documented by mission Aide-Memoires (July 25 – August 1, 2013; 2-9 April, 2014; 15-18 September, 2014; 1-5 June, 2015; and 7-10 December, 2015), while six are not (12-19 April, 2013; 17-24 September, 2013; 29 November – 7 December, 2013; 17-24 January, 2015; 7-12 September, 2015; 3-5 May, 2016). Other written reporting that could have substituted for lack of Aide-Memoires (such as back to office reports) does not exist.

59. **The Bank was also not proactive in making changes to the project.** The lack of budget allocation for 2013 already was a warning sign. A mid-term review could have laid the foundation for changes as early as 2014, but was never carried out. Starting with ISR 3 (January 2014), the mid-term review was recorded as being scheduled for March 2015. This would be relatively late for a project scheduled to close on 31 December, 2016, especially with lagging project implementation. It was not carried out at that time. The Aide-Memoire of the June 2015 mission mentions a mid-term review to be prepared for October 2015 in the mission objectives, but does not elaborate on any conclusions. By fall that year, it had become clear that the project would not go forward and the mid-term review was implicitly dropped altogether.

60. **The June 2015 mission also encouraged the Moroccan authorities to consider a restructuring and listed several options, but was not able to get traction.** In the end, the only restructuring that was requested and carried out was very limited in scope and replaced a pilot court by another one. Moreover, while this simple restructuring was submitted on June 24 2015, it took more than five months until December 9 for it to be approved, possibly due in part to a transition in Country Directors.

61. **Bank efforts intensified to cancel the project.** Once *Mahkamati* was identified as a poorly performing project that should be canceled, the Bank actively engaged with the authorities, reached an agreement, and provided support with closing the contracts to ensure a smooth and timely cancelation.

62. Overall, there were major shortcomings in the extent to which the Bank supervision proactively identified and resolved threats to the achievement of relevant development outcomes. The rating is therefore *unsatisfactory*.

(c) Justification of Rating for Overall Bank Performance

Rating: *Unsatisfactory*

63. The overall extent to which services provided by the Bank ensured quality at entry of the operation and supported effective implementation through appropriate supervision, toward the achievement of development outcomes is therefore rated as *unsatisfactory*.

Bank Performance		
Quality at Entry	Supervision	Overall Bank Performance
<i>Moderately Unsatisfactory</i>	<i>Unsatisfactory</i>	<i>Unsatisfactory</i>

5.2 Borrower Performance

(a) Government Performance

Rating: *Moderately unsatisfactory*

64. **The GdM in general was committed to the project and reiterated this commitment at various points during project implementation.** Overall, it was supportive of the judicial reform effort and created an enabling political environment that translated into *Mahkamati* and the Charter for Judicial Reform.

65. **However, the authorities showed limited proactivity in addressing factors causing implementation delays.** While the project was approved on December 6, 2012, there was no budget allocation throughout 2013 for project implementation. In the end, the intervention of the Prime Minister took place on November 15, 2013 and brought a solution. The first request for disbursement by the Budget Directorate of the Ministry of Economy and Finance took place on January 30, 2014. Similarly, the GdM did not initiate major restructurings of the project as proposed by the World Bank that could have addressed shortcomings. It did also not initiate a timely cancellation.

66. The extent to which the government ensured quality of preparation and implementation, and complied with covenants and agreements, toward the achievement of development outcomes had significant shortcomings and is therefore rated as *moderately unsatisfactory*.

(b) Implementing Agency or Agencies Performance

Rating: *Unsatisfactory*

67. **The implementing agency was the MdJL through the UGP.** Overall, the Ministry was a key driver of the judicial reform effort in the country. While it was initially committed to *Mahkamati*, this commitment was eclipsed soon after Board approval by the Ministry's new leadership's priority - undertaking a comprehensive public consultation process leading to the development of the Charter for Judicial Reform in 2014. As EU technical assistance as well as funding became available and faith in consultants under the project waned, commitment to *Mahkamati* fully disappeared in the course of 2015.

68. **After project approval, it was the implementing agency's responsibility to ensure project effectiveness.** The initial effectiveness deadline (November 24, 2012) was not met and had to be extended to March 22, 2013. The two effectiveness conditions were met towards the very end and in a rush so effectiveness could be declared that day.

69. **Project implementation was then at risk due to the lack of budget allocation for 2013.** In fact, the consultants hired as a condition of effectiveness worked for nearly a year without getting paid. They were only paid once the budget was available in early 2014. The implementing agency did not proactively anticipate this challenge.

70. **At effectiveness, the project was not ready for implementation.** The preparations for the launch of the initial analytical activities that would lay the foundations for project implementation should have been at an advanced stage at the time of project effectiveness. It took until late-2014 to sign the contracts and the analytical work would be delivered by the end of 2015, two years after Board approval. Also, the UGP was not able to translate their expectations into adequate TORs and requests for proposals. This led to frustrations on the client side as they would have required more support to formulate what they needed and wanted. It also led to a back and forth with the consultants who were confronted with new requests that were not in their TORs, for example deliverables in Arabic instead of French.

71. **Moreover, for the bottom-up approach that *Mahkamati* was based on to work effectively, it would have required the implementing agency to carry out consultations with pilot courts and other stakeholders at the local level** to ensure PAPJs would be developed and the project been driven from the bottom up. By project closing no pilot court had set up consultative groups. Initial outreach efforts to courts were soon sidelines by the focus on the process of developing the Charter for Judicial Reform. Instead, all *Mahkamati* related activities that got implemented were driven from the UGP and not from the pilot courts.

72. **Furthermore, the UGP was in charge of project monitoring and evaluation, including the establishment of a baseline at early stages of project implementation.** The related activities were not carried out and consultants were not given access to relevant data by the DECM at the MdJL quoting data security concerns.

73. **Despite significant delays in overall implementation and Bank recommendations in this sense, the implementing agency did not initiate significant project restructurings.** While the UGP was restructured on three occasions causing high turnover, performance remained low. The UGP did not ensure regular functioning of key institutions that could have played an important role in addressing implementation challenges. The CdST, for example, only met a couple of times during the lift of the project instead of meeting four times a year and more often if necessary. Also, the UGP was not able to secure effective cooperation by all relevant directorates, such as the Directorate for Modernization in charge of ICT development. Moreover, UGP staff were not empowered to work effectively with project consultants without seeking approval for decisions from their hierarchy. Instead they were reminded by MdJL leadership of their personal liability and control by the Court of Accounts. A productive working relationship therefore failed to materialize.

74. The extent to which the implementing agency ensured quality of preparation and implementation, and complied with covenants and agreements, toward the achievement of development outcomes had major shortcomings and is therefore rated as *unsatisfactory*.

(c) Justification of Rating for Overall Borrower Performance

Rating: *Unsatisfactory*

75. Based on the above, the extent to which the borrower ensured quality of preparation and implementation, and complied with covenants and agreements, toward the achievement of development outcomes had major shortcomings, especially at the level of the implementing agency, and is therefore rated as *unsatisfactory*.

Borrower Performance		
Government Performance	Implementing Agency Performance	Overall Borrower Performance
<i>Moderately Unsatisfactory</i>	<i>Unsatisfactory</i>	<i>Unsatisfactory</i>

6. Lessons Learned

76. **The lessons learned from this project and the recommendations are not specific to justice sector projects.** They apply to broader public sector projects as well as World Bank supported projects in general.

77. **First, the client needs to own the project.** Without ownership, a project will not be successfully implemented. When the Bank is driven by internal considerations when it comes to the modality or the timing of a project, ownership can be undermined. Project design and timing need to reflect the government's reform agenda and sequence. If the reform agenda is in a flux, it is important to find the right moment when alignment with the client's vision can be ascertained. The recommendation therefore is for projects to be in full sync with the government's reform cycle.

78. **Second, the project needs to be informed by political economy considerations.** This is key to avoid a design that may technically reflect international best practice, but is disconnected from reality. Awareness of political economy aspects is also crucial to correctly time a project. Political economy needs to inform all aspects and all phases of the project. The recommendation therefore is to have a governance filter supporting task teams and management in making well informed decisions.

79. **Third, the project needs to be ready for implementation.** While many considerations may affect the timing of Board and government approval, a project that is not ready for implementation should not be submitted. If it is based on a bottom-up approach, broad stakeholder consultations cannot be left to the implementation phase, especially when the institutional culture is top-down. Unless there are compelling reasons, a project should have a baseline and procurement should, as much as possible, be in an advanced stage. This lesson therefore supports the need for a readiness filter.

80. **Fourth, ignoring weak project performance and passivity in addressing challenges will not lead to improvements.** When a project does not perform, there is a need for all parties involved to acknowledge it, to identify the causes, and to address them. This is not only the responsibility of the client or the task team, but also World Bank management responsibility. The recommendation is therefore for all parties to be proactive

in identifying and addressing shortcomings, for the World Bank to be supportive of the client in this effort, and for World Bank management to nurture a culture where task teams are encouraged to communicate performance shortcomings and to jointly address them.

7. Comments on Issues Raised by Borrower/Implementing Agencies/Partners

(a) Borrower/implementing agencies

Not applicable.

(b) Cofinanciers

Not applicable.

(c) Other partners and stakeholders

Not applicable.

Annex 1. Project Costs and Financing

(a) Project Cost

Table 1: Project cost by component (in USD Million equivalent)

Components	Appraisal Estimate (USD millions)	Actual (USD millions)	Percentage of Appraisal
Component 1 Improvement of court administration and Improving Court Performance	7.77	0.66	8.5%
Component 2 Upgrading the strategic planning & management capacities of the MdJL	3.89	0.52	13.4%
Component 3 Project Management, Monitoring & Evaluation	0.91	0.82	90.1%
Total Baseline Cost	12.60	2.00	15.9%
Physical Contingencies	0.00	0.00	0.00
Price Contingencies	0.00	0.00	0.00
Total Project Costs	12.60	2.00	15.9%
Front-end fee IBRD	0.03	0.03	100%
Total Financing Required	12.63	2.03	16.1%

Table 2: Project cost by expenditure category (in USD Million equivalent)

Expenditure	Amount estimated at Appraisal	Actual amount disbursed	Amount disbursed as percentage of estimate
Works, Non-consulting Services, Goods, Consultants' Services, including Training and audits for Parts A, B.1, B.2, B.3 (i), B.4, B.5, B.6 and C of the Project	12.25	1.8	14.7%
Non-consulting Services, Goods, Consultants' Services, including Training for Part B.3 (ii) of the Project	0.32	0.21	0.7%
Front-End Fee	0.03	0.03	100%
Total	12.6	2.03	16.1%

(b) Financing

Source of Funds	Type of Cofinancing	Appraisal Estimate (USD millions)	Actual/Latest Estimate (USD millions)	Percentage of Appraisal
Borrower	N. A.	0.00	0.00	N. A.
International Bank for Reconstruction and Development	SIL	12.6	2.03	16.1%

Annex 2. Outputs by Component

Component 1:

Computers and front office equipment (kiosk)

Component 2:

- Deliverables under contract 120 (capacity building of central services of the MdJL)
 1. Documentation of existing procedures
 2. Recommendations on process reengineering and simplification of procedures and related reports and technical documents
 3. Recommendations on the ICT based management tools
 4. Establishment and piloting of local technical committees and thematic working groups
 5. Report on the establishment and piloting of local technical committees for the analysis of the proposed solutions
 6. Diagnostic about the institutional, human, financial and administrative environment of the courts
 7. Survey with external and internal users
 8. Technical proposals for the implementation in all pilot courts
 9. Recommendations on changes to the civil procedure code and criminal procedure code

- Deliverables under contract 200 (Design and implementation of an ICT system to improve the performance of the pilot courts)
 1. Diagnostic about the institutional, human, financial and administrative environment of the MdJLs
 2. Specific recommendations for the ISM
 3. Recommendations on process reengineering and simplification of procedures
 4. Technical proposal for the implementation in all directorates of the MdJL
 5. Documentation on existing procedures
 6. Recommendations on ICT-based management tools

- Deliverables under contract 250 (Design and implementation of a communication strategy for Mahkamati)
 1. Concept Note for study on perception of the judiciary by the press
 2. Assessment of Communication by MdJL
 3. Recommendations on design of survey
 4. New communication strategy of the MdJL
 5. Schedule for implementation of communications actions
 6. Communication Activity Plans for the Pilot courts

Component 3:

Project Coordinator fees (contract 301)
Procurement Specialist fees (contract 302)
Project Assistant fees (contract 303)

- Deliverables under contract 300 (Design and implementation of M&E surveys)

1. Road map
2. Sampling and selection methods
3. Identification of the statistical technique
4. Identification of target groups
5. Questionnaires for internal and external users
6. Teaching material for training of trainers on surveys
7. Guidance note for interviewers
8. Guidance note for focus group discussions

- Deliverables under contract 310 (Evaluation of organizational aspects of Mahkamati)

1. Summary of observations and recommendations on the TOR for technical assistance activities (contracts 120 and 200)
2. Inception report on the analysis of the monitoring and evaluation system of the project

- Deliverables under contract 320 (Evaluation of ICT aspects of Mahkamati)

1. Observations and recommendations on the TOR for technical assistance activities (contract 120 and 200) and the monitoring and evaluation system of the project
2. Initial report on the preliminary diagnostic

Annex 3. Economic and Financial Analysis

Not applicable

Annex 4. Bank Lending and Implementation Support/Supervision Processes

(a) Task Team members

Names	Title	Unit	Responsibility/ Specialty
Lending			
Anas Abou El Mikias	Consultant	GGODR	--
David A. Bontempo	Operations Analyst	GGOOS	Operations
Philippe De Meneval	Program Leader	MNC01	TTL
Heike P. Gramckow	Lead Counsel	GGOGI	Justice
Abdoulaye Keita	Senior Procurement Specialist	GGO05	Procurement
Huda Mahmood Mahfood Ali	Consultant	MNCYE	--
Stefano Paternostro	Practice Manager	GSP07	--
Herimpamonjy Mavoarisoa Ranaivoarivelo	Operations Analyst	GGO13	Operations
Jan Christoph Richter	Consultant	MNSPR - HIS	Justice
Steve W. Wan Yan Lun	Operations Analyst	GFM05	Operations
Khalid El Massnaoui	Senior Economist	GMF05	--
Sanaa Bouchikhi	Program Assistant	MNCMA	--
Mohamed El Asnaoui	Office Assistant	GGO17	--
Steve W Wan Yan Lun	Operations Analyst	GFM05	Operations
Gael Gregoire	Senior Policy Officer	CESSK	--
Clemence Vergne	Economist	GGO17	--
Rene Cipriani	Senior Governance Consultant	GGO17	Operations
Farid Laaboudi	Senior Justice Expert	GGO17	Justice
Sherman John C	Lead Justice Expert	GGO17	Justice
Karine Arnulf	Consultant	GGO17	--
Juan Pablo Molina	Consultant	GGO17	--
David F Varela	Senior Consultant	GGO17	Justice
Bouchra Belfqih	Assistant Project Manager	GSDTI	--
Cecile Jannotin	Consultant	GGO17	--
Supervision/ICR			
Philippe De Meneval	Program Leader	MNC01	Public Sector
Paul Scott Prettitore	Senior Public Sector Specialist	GGO17	TTL
Heike P. Gramckow	Lead Counsel	GGOGI	Justice
Jorge Luis Silva Mendez	Public Sector Specialist	GGO16	Justice
Amitabha Mukherjee	Lead Public Sector Specialist	GGO15	Justice
Klaus Decker	Senior Public Sector Specialist	GGO17	ICR TTL
Gharam Alkastalani Dexter	Analyst	DECWL	Justice
Camilo Andres Avila Ceballos	Consultant	GGO17	Justice/Statistics
Rene Cipriani	Senior Governance Consultant	GGO17	Operations
Sophie Muller	Consultant	GGO17	Governance/Operations

Holiniaina Ranivohariniony	Consultant	GGO13	Operations
David F Varela	Senior Consultant	GGO17	Justice
Conrad Charles Daly	Consultant	GEDED	Justice
Razi A Diab	Consultant	GGO17	Justice
Leila Hanafi	Consultant	GGO17	Justice
Catherine M Laurent	Consultant	GGO17	Public Administration
Fernando Fernandez-Monge	Counsel	GGO17	Justice
Younok Ou	Temporary	GGO17	Operations

(b) Staff Time and Cost

Stage of Project Cycle	Staff Time and Cost (Bank Budget Only)	
	No. of staff weeks	USD Thousands (including travel and consultant costs)
Lending		
FY11	16.03	197725
FY12	23.4	124387.8
Total:	39.43	322112.8
Supervision/ICR		
FY13	6.91	64093.55
FY14	20.7	167165.7
FY15	21.11	207098.1
FY16	29.67	175922.2
FY17	8.05	52304.34
Total:	89.14	666583.9

Annex 5. Beneficiary Survey Results

Not applicable.

Annex 6. Stakeholder Workshop Report and Results

Not applicable.

Annex 7. Summary of Borrower's ICR and/or Comments on Draft ICR

A completion report has been submitted by the Borrower on May 25, 2017. Its descriptive parts summarize the country context at appraisal and present the project design as well as the content of project components and their intended impact. The report also explains the responsibilities of project entities at central and local level and the tasks assigned to the Project Coordinator, Procurement Specialist, and Project Assistant.

The evaluative part of the completion report assesses the performance of the World Bank at ensuring quality at entry and quality of supervision. It then assesses government performance as well as performance of the UGP.

In terms of World Bank performance at ensuring quality at entry, the project was technically sound, but did not sufficiently take into consideration non-technical aspects that ended up undermining project implementation. It was a shortcoming to design a bottom-up project in an environment with a top-down culture. At the minimum, there should have been a focus on creating reform momentum from the bottom up from the beginning in order for the project to succeed. The performance of the World Bank in ensuring quality at entry is therefore rated unsatisfactory.

The performance of the World Bank for the quality of supervision is also rated as unsatisfactory due to significant shortcomings. The lack of budget allocation for 2013 had been identified early, but the Bank was late to react. There was an occasional presence in the field once every six months. The quality of Bank documentation of missions and progress under the project could also have been stronger. Moreover, the World Bank was not proactive at making changes to the project. A mid-term review was never carried out, but could have laid the foundations for a restructuring as early as 2014. Although the Bank encouraged a restructuring later and provided options, the only restructuring that took place was limited in scope and it took more than five months to get it approved.

The performance of the government is rated as moderately unsatisfactory. The government overall supported the judicial reform effort in the country and created a supportive political environment. However, it showed limited proactivity in addressing the lack of budget allocation in 2013 and did not initiate major restructuring efforts.

The performance of the UGP is rated as little satisfactory. While its initial commitment to Mahkamati was strong, the project was soon overshadowed by the effort of the National Dialogue and the drafting of the Charter. When EU support became available, it totally lost interest in the project. At effectiveness, the UGP was late at complying with effectiveness conditions. The lack of budget allocation for 2013 made that project consultants under contract were not paid for almost a year. The project was also not ready for implementation when it became effective. Moreover, the UGP should have carried out consultations with pilote courts to ensure preparation of PAPJs. Initial efforts were soon eclipsed by the focus on the Charter. Furthermore, the UGP did not collect relevant M&E data. The UGP did not initiate any major restructuring and did not ensure regular functioning of project committees. They were also not able to secure effective cooperation from all Directorates

at the MdJL and UGP staff was not sufficiently empowered to work effectively with the project consultants.

The completion report also identifies some lessons learned. The first lesson is the need of ownership and the impact on the project when ownership was not developed by the new leadership in the MdJL after the 2012 change of government. Another lesson is that the modality through which World Bank support was offered was not very competitive and that it imposed a heavy burden on the authorities. A third lesson is that the project was disconnected from the reality on the ground and did not adequately reflect political economy considerations. A fourth lesson is absence of decisive actions both from the World Bank and the Moroccan authorities to address shortcomings.

The final section of the completion report identifies possible areas for future World Bank support to justice reform in Morocco. They focus on the modernization of the judicial system, including the development of e-justice as outlined by the Charter, and the qualification and professionalization of human resources. While funding may be useful, it is not necessary. The authorities are primarily interested in World Bank expertise in specific technical areas. They are also willing to support training of African judges with their expertise to strengthen Morocco's position in Africa.

Annex 8. Comments of Cofinanciers and Other Partners/Stakeholders

Not applicable.

Annex 9. List of Supporting Documents

In chronological order

Implementation Completion Report (SCL-45630), Morocco Legal and Judicial Development Project, Report No. 30960 – December 30, 2004
Country Partnership Strategy for the Kingdom of Morocco for the Period FY09-13, Report No. 50316-MA – December 30, 2009
Project Appraisal Document, Report No. 66921-MA – May 16, 2012
Implementation Status and Results Report: Sequence 1, March 18, 2013
Implementation Status and Results Report: Sequence 2, May 16, 2013
Aide-Memoire Implementation Support Mission July 24-August 1, 2013
Strengthening Performance Management and Accountability – a first step, Public Expenditure and Institutional Review of the Justice Sector, [No Report No.] – June 12, 2013
Implementation Status and Results Report: Sequence 3, January 6, 2014
Aide-Memoire Implementation Support Mission - March 31-April 12, 2014
Country Partnership Strategy for the Kingdom of Morocco for FY 2014-2017, Report No. 86518 – April 1, 2014
Implementation Status and Results Report: Sequence 4, May 9, 2014
Aide-Memoire Implementation Support Mission - September 13-20, 2014
Restructuring Paper – October 25, 2014
Implementation Status and Results Report: Sequence 5, November 11, 2014
Aide-Memoire Implementation Support Mission - May 30-June 5, 2015
Implementation Status and Results Report: Sequence 6, July 6, 2015
Aide-Memoire Implementation Support Mission - December 5-9, 2015
Implementation Status and Results Report: Sequence 7, May 25, 2016

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