

AGADIR ACTIVITY MANAGEMENT SERVICES

REPORT ON PERFORMANCE INDICATORS

1st, 2nd and 3rd QUARTERS OF FY 2002

**Prepared for:
USAID/Morocco**

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**Submitted by:
Chemonics International Inc.**

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Introduction

In 1999, USAID/Morocco developed a new Country Strategic Plan (CSP) for the period FY 2000-2005. In support of this new plan, the Economic Growth Office established Strategic Objective (SO 5) with the aim of increasing opportunities for domestic and foreign investment. The technical assistance provided by Chemonics for the implementation of Agadir Activity Management Services supported SO 5. Our interventions aimed at leveraging changes in the administrative environment of a public institution, and at strengthening the capacity of selected organizations that serve private enterprises.

More specifically, the objective of the Task Order under the GBTI IQC PCE-98-000-15-00 was to strengthen the institutional effectiveness of two key industry associations (APEFEL and GRIT) of the Souss-Massa-Drâa Region and to develop Total Quality Management at the Commercial Court of Agadir. The two key associations were to be used as intermediaries to deliver business support services to small and medium enterprises in the region.

Per our task order, Chemonics is required to produce “Activity impact assessment data, in conformance with USAID Project Monitoring and Impact Assessment Plan Methodology” (Article IV – Deliverables – page 8). This is our second such report. As mentioned in our February 2002 Report on Performance Indicators, upon the arrival in Morocco of Chemonics’ team comprised of Suzie LeBlanc and Richard Dreiman in January 2001, USAID provided us with a copy of the PriceWaterhouseCoopers Performance Monitoring Plan. Subsequently we met with Cabinet Augeco of Agadir that had been given the mandate by USAID to collect baseline information on performance indicators for the Agadir Activity Management Services. To ensure continuity in the methodology and work with our local partners, Chemonics contracted Augeco’s director as a consultant and gave him the mandate to collect the required data in January 2002 and at the end of our contract, in September 2002.

Data collected on the indicators, as well as the baseline data and targeted objectives for 2002, are presented in Annex 1 for APEFEL, GRIT and the Commercial Court. Mr. Anbare’s Report is presented in Annex 2. It should be noted that APEFEL and GRIT financial statements are only partial. APEFEL members pay their dues to the association in October and November, prior to the Members’ General Assembly. In the case of GRIT we only have the financial statements and records of promotional events for the first 6 months of year 2002. As may be noted, most of GRIT’s promotional events take place in October-November-December, prior the next tourism season. Income generated in donations (air fare, hotel rooms, participation in European tourism fairs) are therefore not recorded here, and so GRIT’s performance is likely underestimated.

1. APEFEL

1.1 APEFEL results-level Indicators

As may be recalled, a single results-level indicator was established by PriceWaterhouseCoopers for the associations: *Total revenues from services offered by the associations to their members*. This indicator was included in the MOU that APEFEL signed with USAID, although APEFEL indicated that it would have preferred to discuss with USAID the option of revising or replacing this indicator.

In suggesting to change this indicator, APEFEL expressed concern to USAID that that *Total revenues from services offered by APEFEL to its members* was not an appropriate indicator as the notion of paying for services offered by an association was a new idea to all APEFEL members.

Because it was a foreign concept to the association staff, APEFEL believed that more than 18 months (the length of our contract) would be needed to instill such a change in their members' mentality. The indicator was nonetheless maintained.

Prior to the beginning of the project, only one paying service, a publication, had been offered by APEFEL. When we introduced the concept of paying services it was strongly rejected by APEFEL members and employees. In the name of differences in culture and tradition they explained that their members would reject paying for services provided by an association to which they were already paying membership fees.

Realizing that the provision of fee-based services and training to members might be perceived as being too complicated to implement, we asked one of Morocco's most established adult training consultants, Idrissi El Mokdad, to give a session to APEFEL employees on how to plan, organize, and market their training and fee-based services. It was well appreciated and certainly contributed to developing a better appreciation for the amount of work required to offer such services. It also demystified the perceived complexity of the matter.

But the one event that totally changed APEFEL's orientation was the USAID-funded training (under this task order) provided to three of its employees in Quebec.¹ Each of the participants in the mission was teamed with employees working in agricultural associations that performed the same tasks as the APEFEL employees. Furthermore, the trainers had been given the mandate to explain to their visitors the difficulties their associations met in working with producers, including the change in mentality that had been needed for producers and associations to be stronger and better organized. All the associations and federations they met offered paying services. Trainer-employees explained how in doing so, producers associations helped their members remain current with technologies, market changes and how associations could provide adequate lobbying of decision makers. Mr. Rahmani and Mrs. Ibnatoubet and Borough were convinced and subsequently had a very positive impact on their colleagues and APEFEL members. They contributed to the change in mentality of APEFEL Director and members. The viability of offering fee-based services and training is no longer questioned within APEFEL.

As can be seen on the data table presented in Annex income generated through paying services to members was almost nil at the beginning of the project. Since February 2002, it generated 526, 200 dhs. USAID did fund 35% of the cost of the training. **So APEFEL's fee-based revenues in 2002, less USAID's contribution, was 342,030 dh.** This is substantially higher than expected and indicates that the process is really engaged. APEFEL will continue building on its successes, even more so that it now understands that its future is linked to its capacity to provide top-of-the-line services, and that in order to obtain them, members are willing to pay.

¹ APEFEL employees Aziz Rahmani, Sharifa Ibnatoubet and Nadia Borough participated in a 7-day training program in Quebec funded under this Task Order. The training was planned by Daniel Malenfant, Chemonics consultant for APEFEL and provided by Union des producteurs Agricole (UPA). The mission took place in early October 2001.

1.2 APEFEL activity indicators

APEFEL has four activity indicators. The first is *members who have paid their dues*. In the past period, 9 agricultural groups (members of APEFEL) and 53 individuals paid their dues, a decrease compared to February 2002. Total revenues generated from individual dues decreased accordingly (see below). We discussed the matter with APEFEL, and the association expects that individual members will pay their dues in the coming months. Traditionally, members pay their due prior their general assembly, in order to be able to attend and vote. APEFEL General Assembly is usually held in late October-early November, after we collect our data.

As can be seen in the Annex 1, we did target an increase in the number of members who would pay their dues in 2002. APEFEL would then have a membership database, as a result of project activities, and the employee in charge of the member relations was trained. But most importantly, APEFEL told us it was trying to improve its outreach to small producers and exporters. We had no reason to think that the objective of recruiting additional small producers could not be attained. Decrease in individual membership can be explained in two different ways, or rather two different factors came into play.

First, some producers graduated to join the group of exporters. They were members of APEFEL as independent producer-exporters. Their exports increased sufficiently for them to join a group of exporters who are already members of APEFEL. They therefore were not recorded as individual members any longer.

Secondly, we were misled by APEFEL “political correctness.” We now know that APEFEL staff claimed it wanted to reach out to small producers because in their view, it seemed appropriate for the association to do so. APEFEL somehow confused the country’s general objective of “mise à niveau” of its producers and the specific interest of its members. The association, even with our assistance, was never able to implement its decision to open 3 outreach centers and to provide services designed for the small family-owned production units. The main reason why the association was unable to move from intent to action is because the objective of reaching out to small producers is unrelated to its members’ interest. APEFEL members are exporters and it is in their interest to export more so that they can produce more. According to our expert Mr. Daniel Malenfant, their production capacity is very well developed. APEFEL members employ university graduates; they keep pace with technological changes and target new markets. It is not in their direct economic interest to help smaller producers. The opening of outreach centers never therefore materialized in spite of APEFEL’s interest and our support.

The positive side of this incident is that it illustrates the important role of members in the orientation taken by the association. As long as members do invest their time in managing APEFEL, the association will work in their interest, as professional associations should do.

A third activity indicator is *fee rate for individuals*. At current time membership dues are 300 Dirhams/year for producers of bananas and 1,000 Dirhams/year for the producers of vegetables. No increase was expected. The association prefers not to increase its fees. Instead, it now hopes to increase its revenue through the provision of fee-based services and training to members and non-members.

The last activity indicator is the *annual expected fee per group*. The fee, 9 Dirhams/ton of crops exported, is not determined by APEFEL, so it has no control over the results. The government decides on the fees to be levied from exports. Revenue generated from fees paid by groups is therefore not voluntary and less significant when assessing the association's performance.

1.3 APEFEL context indicators

The first context indicator is the *gross agricultural export tonnage that originates from the region*. In 2002 the region exported a total of 162 893 tons while in 2001 it exported 146 124 tons. Also, the share of the region's exports in relation to overall country exports increased. In 2001 it accounted for 38.9% (total Moroccan exports for 2001 were 375,800 tons) and in 2002, it accounts for 43% (total Moroccan exports for 2002 were 376 493 tons).

The second context indicator is the *number of new enterprises in the agricultural sector in the region*. Unfortunately, no reliable data are available on agricultural enterprises created. Since they do not have to register with the Registry of Commerce like other enterprises, the number can only be estimated. APEFEL members agree that new agricultural enterprises are regularly created, but that these new enterprises primarily reflect Spanish investments in the region

2. GRIT

2.1 GRIT results-level indicators

As mentioned earlier, PriceWaterhouseCoopers established a single indicator for both associations: *total revenues from services offered by the associations to their members*. In the case of GRIT, the Groupement rightly pointed to USAID that is was not within its mandate to offer services to its members. It was agreed by USAID and stated in the MOU between GRIT and the Mission that the results-level indicator set by PriceWaterhouseCoopers would be replaced by an indicator that would better reflect GRIT's performance.

It was subsequently agreed with Chemonics that GRIT performance should be judged primarily by its ability to mobilize tourism operators for promotion and development of the Agadir region. This indicator mirrors GRIT's role and position with regard to the tourism industry, and was deemed acceptable by the GRIT management.

The new results-level indicator is measured by the resources GRIT is able to mobilize in undertaking its various promotional and development activities. In 2002 total resources mobilized so far have been 1 039 2000 Dirhams, whereas this was 3 223 500 Dirhams in 2001. This amount for 2002 represents cash contributions from members of the hotel association (AIH) and travel agencies (ARATAS). As mentioned earlier, in-kind contributions from all members (hotel rooms for Edu-tours, guides, bus, air transportation for Edu-tours and GRIT participation in Fair Trade Shows, etc.) have not yet been reported. That contribution amounted to 1,088,000 Dirhams last year, but has not been recorded yet by GRIT. Should last year's level be maintained, GRIT income for 2002 would still be a million less than last year.

2.2 GRIT activity indicators

GRIT's activity indicators consist of various promotional events undertaken by GRIT. GRIT undertook 35 in 2001 and so far led 28 actions to promote the region in 2002. Specifically, the indicators include:

- *EduTours*, which are groups of travel agents (usually 20) from large European travel agencies that are invited for a three-day discovery visit of Agadir.
- *Fairs and trade shows in Europe*, for which GRIT organizes participation of industry members.
- *Promotional trips*, which refer to promotional tours organized by the Office Marocain du Tourisme and some Chambers of Commerce.
- *Other events*, including special workshops, international competition etc.

This year's most publicized event was the signing of the investment agreement for the tourism development of Taghazout between Saudi Arabia investors and the Government of Morocco. The event brought 60 foreign journalists to Agadir and all of them were taken into the backcountry to visit the various itineraries promoted by GRIT.

2.3 GRIT context indicators

GRIT context indicators include the *number of visitors to Agadir*, *number of beds in Agadir*, and *length of stay (total number of nights/tourist)*.

Our data show a decrease in number of visitors and length of stay over the past year. In 2001 622 162 visitors came to Agadir, whereas that number fell to 297,143 in 2002. The number of nights spent in Agadir (length of stay) was 1 701 010 in 2002, as opposed to 3 700 361 in 2001.

We were very conservative in establishing our context indicators for 2002. When we reported about Performance Indicators in February 2002, the international tourism industry was at its lowest performance and no recovery from 9/11 events were expected. According to the WTO, the international tourism industry is expected to begin recovery in the 2002-2003 season and should be back to normal the following year. The impact of the recession has been harder in Agadir than in Marrakech (to compare two main Moroccan destinations). It could well be that beach destinations are more vulnerable than cultural destinations. Indeed, the week in the sun in wintertime is more an additional holiday for most northern people than a real vacation, such as a cultural trip. Traditional markets are down: the countries of Scandinavia are at - 85% compared to before September 11, and Germany is down to - 55%. We expect that through its web site, GRIT will be able to reach out to new segments of the international market, which will contribute to the recovery of Agadir. Projections for on-line sales in the next five years are impressive. But that impact will only be felt in the coming 2002/2003 season.

Lastly, it should be mentioned that the Région Souss Massa Drâa is now member of GRIT. This is an important addition that will help coordinate better the development of activities in the backcountry.

3. THE COMMERCIAL COURT OF AGADIR

3.1 Commercial Court results-level indicators

Two indicators were identified by PriceWaterhouseCoopers for Intermediate Result 5.2 *Strengthened capacity of selected institutions to foster private sector enterprise*, for the Commercial Court of Agadir.

The first indicator is the *level of institutional capacity of the Agadir Commercial Court*. This is defined along four dimensions: (a) case management; (b) judges' knowledge; (c) financial management; and (d) administrative/operational system. Each is measured on a scale from 1-5, with 1 being low capacity, 3 for improved capacity, 5 indicating high capacity.

Case management specifically refers to the software developed by the Ministry of Justice and staff use of it. In February 2002, the consultant estimated that Court was at "1" because the software was only installed in December 2001, one month earlier. It is now estimated to be a 3.

Judge's knowledge refers to their knowledge of commercial legislation. This knowledge has been increased by the training provided by Cabinet Maria Bahnini and by the Observational Study Tour to the United States and Canada. Also, the judges since early 2002 have spent a fair amount of time on the Internet updating their knowledge of international trade conventions and visiting law-related web sites. The judges' knowledge is estimated at a 3. Mr. Anbare is very well positioned to appreciate the changes in the judges knowledge since he is one of the experts who is often called to provide technical expertise at the Court. He considers that the judges are sufficiently knowledgeable to avoid taking uninformed decisions and more importantly to keep training themselves through various means, such as the Internet.

Financial management implies the use of software to manage the court's revenues. The Ministry of Justice has not yet developed this. This delay in the automation of financial operations at the court results in no change in its management. Yet the financial management is extremely well done (score 3) as our consultant was able to determine. The Ministry of Justice operates various control and tests to check the financial management of courts and the Commercial Court of Agadir had a perfect score last time it was controlled. Automation of activities would result in an immediate score of 5.

Administrative/operational system refers to better management of the Court. Last year, the judges took a 40-hour course in Human Resource Management that contributed to better HRD management. In addition to the changes noted in our last report, we find this year that overall services at the Court improved. The reception area is very busy, green plants have been added on each floor and employees, pleased with the training provided to them (computer and clerk procedures) seem to be motivated in their work. Although difficult to measure, we think that the court in general is better managed because its employees are more satisfied and have the tools and knowledge required to perform. Our consultant concluded that a higher level has been reached on the scale. Last year's figure was 2 and 2002 was rated as 3.

In the methodology developed by PriceWaterhouseCoopers, the four indicators mentioned above are averaged to produce a single measure of the Court's performance. The overall average for 2000 was 0 and 2 in 2001. This year it is 3.

The second indicator identified by PriceWaterhouseCoopers for the Intermediate Result 5.2 *Strengthened capacity of selected institutions to foster private sector enterprise*, is the *number of days it takes from the time a request for service is initiated to when the action is completed*. Total time required from the day a case is filed to the end notification was divided into seven steps. The number of days devoted to each one of those steps was then counted.

In order to verify the number of days required for each steps, our consultant in presence of the Court president and Chief Clerk asked an employee to arbitrarily select 6 cases that were closed in September.

The figure for year 2001 was 227 days to complete a case, from start to finish, and this year it is 144 days. This is due in a significant portion to the assistance, support and training provided by USAID under this task order.

The time it takes to complete the seven steps outlined in the methodology is influenced by a) the automation of all court operations and b) by the knowledge of the judges. Comparison between 2002 and 2001 show major improvement in Step 4, Step 6 and Step 7.

Step 4: Our main trainer Maitre Bahnini already noted that the number of days devoted to deliberation was extremely high. Indeed, Price WaterHouse baseline data mentions 150 days. In February, we estimated the number of days at 130. This fall we actually counted the number of days taken and we found that it was around 90 days. As our consultant noted, deliberations in many of the cases sampled took less than 90 days but the mean was influenced by a small number of cases that took much longer. Those are the cases that require the advice of technical experts outside the court.

Step 6: The delivery of judgment is now made the same day it is requested. The Court does not mail the judgment. It is the winner of the case that requests it and to obtain it pays the judiciary tax. Because the file and judgment are available under electronic format, they are issued immediately when requested.

Step 7: Again, it is the winner of the case that requests that the judgment be communicated to the loser. It is usually done when he pays the judiciary tax to obtain his copy of the judgment, needed to obtain the execution of the judgment or to appeal it. It took 20 days for the Court to type the file up and expedite the judgment. It is now printed the same day as requested. The 10-day delay is due to the slow mailing system. If the Court were to use the services of bailiffs, delays could be further reduced. This is now the responsibility of the solicitor and because the Commercial Courts are new, they have no bailiffs working with them.

Other results are also noticeable and not necessarily captured by the two indicators mentioned above. The President of the court use to spend 30 minutes to draft his summons. He now prints, revises and signs them in 3 minutes. This is one of many direct results of computerization of the Court, provided under this task order. He mentioned to us, as a consequence, he can devote his time to more important matters.

Delays in the dealing with the Registry of Commerce that represents 80% of the all court's activities are considerably reduced. Most services, when files are complete, are rendered the same day they are requested.

4. Conclusion

Because the data collected for the two associations are only partial, this report does not provide a final and clear evaluation of APEFEL and GRIT performance. They do however allow us to identify trends.

By combining information from the data collected and our own observations, we can ascertain that significant and lasting results have been reached in the case of activities implemented in APEFEL and at the Court. There have been some major successes with these organizations that are measurable, lasting, and directly attributable to USAID's support.

In the case of GRIT, overall results and performance has been negatively impacted by events outside anyone's control. Tourism in Morocco is for the moment tied-up in the future of the international tourism industry in general. Yet efforts made by individual countries and specific destinations to regain their lost share and break into new markets will, in the coming months, make the difference between the destinations that have the vitality required to accelerate recovery and those who don't. Thanks to USAID support, GRIT has all the tools required to re-position Agadir as a more diverse destination, and to contribute positively to industry and government efforts towards tourism development.

Significant changes have been obtained and project activities implemented with the Commercial Court of Agadir and APEFEL have contributed significantly and sustainably to USAID/Morocco's SO 5. Results in tourism are not tangible but GRIT's future contribution to a recovery is certain.

ANNEX 1 - APEFEL										
PERFORMANCE DATA TABLE										
Agadir Activity Management Services										
SO: Increased opportunities for domestic and foreign investment										
IR: Strengthened capacity of selected institutions to foster private enterprise										
(Activity Indicators and Context Indicators Included)										
5.2C	Results Statement	Indicator	Definitions - sources	Unit of Measure	Disaggregation	Baseline Value	2001 Target	2001 Actual	2002 Target	2002 Actual
	Revenues of targeted associations from services to members	Total revenues from services offered by APEFEL to its members	Refers to revenue from special services offered to members for which a fee is levied.	Moroccan Dirhams	By services: Training course 1 Other 2	nil	plus 15%	plus 15%	plus 30%	592 200
		Total revenue	Members' fees	Dirhams		746 216	775 000	886 143		1 466 037
		<u>Activity Indicators</u>								
		Number of members who have paid fees	APEFEL accounting books	Moroccan Dirhams	By categories of members:					
					Groups 1	8	9	9	9	9
					Individuals 2	80	80	80	125	53
		General revenue from membership fee	APEFEL accounting books	Moroccan Dirhams	By categories of members:					
					Groups 1	632 377	775 000	886 148	900 000	759 270
					Individuals 2	90 200	100 000	90,000	175 000	53 000
		Fee rate for individuals	APEFEL General Assembly	Moroccan Dirhams	By individuals					
					. Banana producers	300 dhs	300 dhs	300 dhs	300 dhs	300 dhs
					. Vegetable producers	1 000 dhs	1 000dhs	1 000 dhs	1000 dhs	1 000 dhs
		Annual expected fees per group	APEFEL accounting books	Moroccan Dirhams	By export tonnage	9 dhs/ton	9 dhs/ton	9 dhs/ton	9 dhs/ton	9 dhs/ton
		<u>Context Indicators</u>								

ANNEX 1- Commercial Court of Agadir											
Agadir Activity Management Services											
SO: Increased opportunities for domestic and foreign investment											
IR: Strengthened capacity of selected institutions to foster private enterprise											
	Results Statement	Indicator	Definitions - sources	Unit of Measure	Disaggregation	Baseline Value	2001 Target	2001 Actual	2002 Target	2002 Actual	2003 N/A
5a	Increased capacity of selected institutions to foster private enterprise	Time needed to complete selected business processes	Number of days it takes from the time a request for service is initiated to when the action is completed.	Average number of days							
					Case Filing (1)	2	2	2	1		
					Notification (2)	25	25	25	15		
					First Hearing (3)	5	5	5	4		
					Deliberation (4)	150	150	130	100		
					Final judgment (5)	15	15	15	10		
					Winner notification (6)	40	40	30	15		
					Loser Notification (7)	20	20	20	10		
					Total	257	257	227	155		
5.2a		Level of institutional capacity of Agadir Commercial Court	Institutional Capacity is defined in 4 dimensions to be assessed by independent expert.	Scale 1 to 5 1= low 5 = high							
					Automated Case Management A	0	1	2	3		
					Knowledge of judges b.	1	1	1	4		
					Financial management c.	0	1	0	3		
					Administrative / Operational system d.	1	1	2	3		
					Average as in USAID reporting	0	1	1.25	3.25		

EVALUATION AU 30/06/2002

Résultat intermédiaire 5.2 :	Pour la promotion du secteur privé, renforcement des capacités d'institutions sélectionnées
Indicateur 5.2c :	Revenus tirés par les associations ciblées des services rendus à leurs membres

Définition :

Indicateur	Diversification et augmentation des revenus de l'association
Unité de mesure	Dirham

SITUATION AU 30/06/2002 :

DEFINITION	NIVEAU AU 31/12/2000	NIVEAU AU 31/12/2001	NIVEAU AU 30/06/2002
<u>INDICATEUR D'ACTIVITE</u>			
A - Adhérents :			
1) Groupes ayant payé leur cotisation :			
• Entièrement	3	4	4
• Partiellement	5	5	5
Montant : - cotisations totales	1 315 117.00 DH	1 231 500.00 DH	812 270.00 DH
- cotisations payées	746 216.00 DH	886 148.00 DH	759 270.00 DH
2) Particuliers cotisations payées :	0	90 200.00 DH	53 000.00 DH
3) Séminaires et Formations :	0.00 DH	0.00 DH	592 200.00 DH
B – Montant total prévu de cotisations :	1 315 117.00 DH	1 321 700.00 DH	1 466 037.00 DH
C – Détermination du montant des cotisations :			
• Groupe	9 DH/tonne exportée	9 DH/tonne exportée	9 DH/tonne exportée
• Particuliers :			
- maraîchage	1000 DH/an	1000 DH/an	1000 DH/an
- producteurs banane	300 DH/Ha	300 DH/Ha	300 DH/Ha
<u>INDICATEUR CONTEXTUEL</u>			
A – Adhérents :			
Nombre d'adhérents: - groupes exportateurs	8	9	9
- particuliers	80	80	53
B - Tonnage exporté :	146 124.90	136 833.40	162 893
C – Tonnage export Maroc	375 800.00	343 636.00	376 493

Commentaire :

En se basant sur une évaluation en milieu d'année, certaines difficultés sont apparues, à savoir :

- les comptes de l'APEFEL sont clos le 30 juin,
- les arrêtés comptables n'ont pas été entièrement finalisés,
- l'assemblée générale ne sera tenue qu'après les arrêtés définitifs des comptes.

Toutefois, nous avons pu travailler sur les éléments comptables et administratifs existant jusqu'à cette date et avons découvert, avec satisfaction, que l'APEFEL a organisé cette année des séminaires-formations pour ses membres, séminaire qui a été payant.

Ceci est de bonne augure puisque l'association pourra créer des sources de revenus basées sur le service afin de mieux réaliser sa mission.

Commentaire :

Le tourisme a subi un grand choc depuis le douloureux événement du 11 septembre 2001, mais grâce aux acquis du GRIT et aux différents appuis dont il a bénéficié, les « dégâts » ont pu être limités.

Le GRIT mène de plus en plus d'actions dans l'intérêt général du tourisme et pour ses adhérents. Déjà 28 actions ont été recensées depuis le début de l'année 2002.

Il est à noter qu'un nouveau membre, très important, vient de rejoindre le GRIT, il s'agit de : « LA REGION SOUSS MASSA DRAA ».

SITUATION AU 30/08/2002

Résultat intermédiaire 5.2 :	Renforcement des capacités de certaines institutions à favoriser le développement du secteur privé
Indicateur 5.2a :	Capacité institutionnelle du Tribunal de Commerce d'Agadir

Définition de l'indicateur :

1 = Faibles capacités	3 = Capacités en amélioration	5 = Hautes capacités
Mise en place d'un système de traitement informatisé des affaires	Conception et mise en œuvre de programmes de formation relatifs au système de traitement des affaires	Utilisation patente d'un système de traitement informatisé des affaires
Mise en œuvre de programmes de formation en gestion générale des juges	Mise en œuvre de programmes de formation spécialisée en droit commercial pour les juges	Amélioration patente de la connaissance par les juges du droit commercial
Mise en place d'un système IT de gestion financière	Conception et mise en œuvre de programmes de formation relatifs au système de gestion financière	Utilisation patente d'un système IT de gestion financière
Mise en place d'un système administratif et opérationnel	Conception et mise en œuvre de programmes de formations relatifs à des systèmes administratifs et opérationnels améliorés	Amélioration patente des systèmes administratifs et opérationnels

EVALUATION AU 30/08/2002 :

Capacité institutionnelle (composantes)	AU 31/12/2000	AU 31/12/2001	AU 30/08/2002
a) gestion informatisée des dossiers	0	1	3
b) Connaissance des magistrats	1	2	3
c) Gestion financière	0	1	3
d) Système de gestion administratif et opérationnel	1	2	3

SITUATION AU 30/08/2002

Objectif stratégique 5 :	Augmentation des opportunités pour les investissements nationaux et étrangers
Indicateur 5a :	Durée en temps requis pour compléter certaines procédures légales/ administratives propres aux entreprises.
Processus spécifique :	Règlement des cas de litige au Tribunal de Commerce d'Agadir

Définition :

Indicateur	Nombre de mois écoulé entre le moment où une demande est initiée et celui où elle est terminée
Unité de mesure	Nombre de mois requis pour compléter le processus
Sous-unités	Etapas propres au processus mesuré

EVALUATION AU 30/08/2002 :

ETAPE	DEFINITION	NIVEAU AU 31/12/2000 (en jours)	NIVEAU AU 31/12/2001 (en jours)	NIVEAU AU 30/08/2002 (en jours)
Etape (1)	« Enregistrement » : Temps écoulé entre le moment où un plaideur inscrit un dossier et celui où un juge contacte le greffier chargé des notifications	2	2	2
Etape (2)	« Notification » : Temps écoulé entre le moment où le juge contacte le greffier chargé des notifications et celui où effectivement les parties au litige sont contactées.	25	25	21
Etape (3)	« Première audience » : Temps écoulé entre le moment où les parties au litige sont notifiées et celui où la première audience au Tribunal a lieu.	5	5	5
Etape (4)	« Délibération » : Temps écoulé entre la première et la dernière audience au tribunal, incluant le temps que le (s) magistrat (s) consacre (nt) aux délibérations et/ou à la tenue d'audience (s) supplémentaire (s) – incluant ici le temps d'enquête, le cas échéant.	150	130	90
Etape (5)	« Délivrance du jugement » : Temps écoulé entre la tenue de la dernière audience et le moment où le magistrat rend sa décision finale	15	15	15
Etape (6)	« Expédition du jugement à la partie gagnante » : Temps écoulé entre le moment où le Tribunal rend sa décision et celui où la partie gagnante est informée	40	30	1
Etape (7)	« Expédition du jugement à la partie perdante » : Temps écoulé entre le moment où la partie gagnante est informée et celui où la partie perdante l'est.	20	20	10
Soit un total de : (jours)		257	227	144

Fiche 2b (suite)
Tribunal de Commerce d'Agadir

Commentaire :

Le Tribunal de commerce bien qu'ayant été le premier à bénéficier du programme, certaines disciplines ont été dispensées sur une période très courte, et principalement vers la fin.

Il aurait été souhaitable de développer voire appuyer certains points et plus précisément le soutien au Greffe. Toutefois, le programme dans son ensemble a été bien mené au vu de l'étude concernant l'évaluation des performances.

Nous pouvons constater qu'en matière de résultats, le Tribunal se situe au niveau 3 pour la totalité des disciplines alors que la moitié d'entre elles n'existait pas au début du programme.

Remarquons également que la composante c) bien que n'étant pas informatisée est tenue d'une façon méthodique, claire et précise. Le jour de son informatisation, elle atteindra immédiatement le degré 5.

Concernant les étapes, nous pouvons remarquer un changement important dans les étapes 4, 6 et 7.

Etape 4 : elle demande actuellement 90 jours en moyenne, et lors de notre sondage, nombre de dossiers se sont trouvés bien en-dessous de ce délai. Nous avons toutefois préféré garder le délai de 90 jours pour tenir compte des difficultés de certaines affaires et des différents délais demandés par les expertises judiciaires.

Etape 6 : le Tribunal ne procède pas à l'expédition des jugements. Il appartient à la partie gagnante d'en faire la demande.

La délivrance du jugement s'effectue le jour même de la demande.

Etape 7 : c'est à la partie gagnante de demander au Tribunal de signifier le jugement à la partie perdante. Dans ce cas, un délai moyen de 10 jours est requis pour la zone d'Agadir.

Quant à l'étape 5 : il faut savoir qu'à la tenue de la dernière audience, le jugement est rendu. Le jour même, il est déjà consigné par écrit et classé dans le dossier avant même sa prononciation. Cependant, nous avons préféré garder le délai de 15 jours pour le cas où une audience serait reportée de huit jours ou plus.

Notons que le Tribunal de Commerce d'Agadir rayonne sur une région très vaste, ce qui ne facilite ni les notifications ni les expéditions pour les zones éloignées du centre. Il serait peut être souhaitable d'affecter quatre huissiers de Justice rattachés au Tribunal de Commerce d'Agadir pour la zone d'Agadir – Aït Melloul – Inezgane.