



Problem-Solving Function

# An OSPF Case Study

A primer on the Office of the  
Special Project Facilitator

# An OCRP Case Study

A primer on the Office of the  
Compliance Review Panel

## Problem-Solving Function An OSPF Case Study

### A primer on the Office of the Special Project Facilitator

1. Shop owners were asked by authorities to dismantle their shops because of an ADB-assisted highway project. However, a nongovernment organization (NGO) informed them that ADB has safeguards and that they have the right to complain if they feel they are being harmed by the project.
2. The NGO helped them write a letter of complaint to ADB.
3. ADB sent representatives from the OSPF to conduct an assessment and determine the following:
  - Is the issue clear with the complainants?
  - Are the complainants really being harmed by the ADB-assisted project?
  - Have they tried to solve their problems first with the ADB operations department, which is responsible for making sure the safeguard policies are followed?
4. In this case, the complaint was found eligible, and the issues were about fair compensation for the complainants' losses and about information sharing.
5. After some time and several meetings, everybody understood that it was better to jointly look for solutions. OSPF summarized the results of the meetings and suggestions on how the problems could be solved, and sent a local consultant to explain the report and help the complainants understand their options.
6. After almost a year, the complainants' problems were addressed satisfactorily, with fair compensation paid.

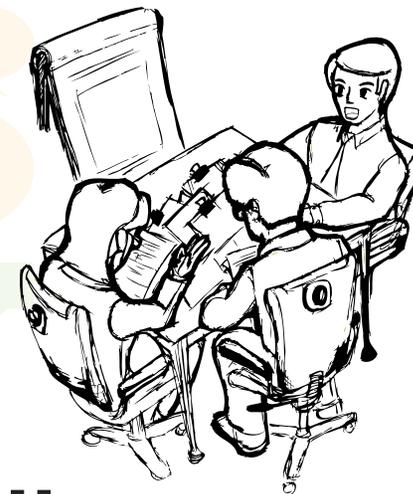
## An OCRP Case Study

### A primer on the Office of the Compliance Review Panel

1. Along with consultation with OSPF, the shop owners believed that ADB's noncompliance with its policies and procedures was the root cause of the problem and had to be addressed.
2. They requested the nongovernment organization (NGO) to help them write another letter of complaint, this time, to request ADB's Compliance Review Panel (CRP) to investigate.
3. Upon receiving the complaint, the CRP asked the complainants the following questions
  - Was the compliance review process clear to them?
  - Had they tried to solve their problems first with the ADB operations department?
  - Was there information
    - (i) about direct and material harm caused by the ADB-assisted project;
    - (ii) that ADB had not complied with its operational policies and procedures; and/or
    - (iii) that the noncompliance had caused, or was likely to cause, harm to project-affected people?
4. Since the complaint was within the CRP's mandate, the CRP then forwarded the complaint to ADB Management for response.
5. To determine eligibility, the CRP reviewed Management's response and other relevant documents, and conducted a site visit. In this case, the complaint was found eligible.
6. The CRP then submitted its eligibility report, through the ADB Board Compliance Review Committee, and requested the ADB Board of Directors to authorize the compliance review.
7. Upon receiving the Board's authorization, the CRP began the compliance review process which included consultation with relevant parties concerned, desk reviews, and a site visit.
8. Upon completion of its review process, the CRP issued a draft report of its findings to the complainants, the borrower, and ADB Management for comments and responses.
9. After some time, the CRP issued its final report to the Board concluding that ADB had not complied with its policies on environment, public communications, and social dimensions in ADB operations.
10. The Board considered and approved the recommendations in the CRP's final report and asked ADB Management to propose remedial actions to bring the project into compliance and to address related findings of harm—for the Board to approve and, later, for the CRP to monitor implementation.
11. As a result of the compliance review, the project was brought back into compliance with ADB's operational policies and procedures. The complainants were satisfied with this outcome.



# You have sent your complaint to the ADB Accountability Mechanism What happens next?



You have **2** choices

## Problem Solving

This tries to help you and a solution.

The Special Project Facilitator will

- ▶ handle your complaint.
- ▶ ask you to clarify what the complaint is and what harm was caused.
- ▶ help you, the ADB operations department, and the government to explore possible solutions.
- ▶ help everyone involved to agree on what needs to be done to solve your problem.
- ▶ then monitor the actions agreed upon.

## Compliance Review

This finds out if ADB has followed its policies and procedures.

The Compliance Review Panel will

- ▶ undertake compliance review of eligible cases after ADB Board's authorization
- ▶ consult with everyone involved in the project.
- ▶ write a report, which you can comment on.
- ▶ submit its fact-finding report to the ADB Board of Directors for consideration.
- ▶ ADB submits remedial action for Board consideration and implementation after Board approval.

**NOTE:** If you choose compliance review, you cannot go back to problem solving.

Please let the Complaint Receiving Officer know your choice. The Complaint Receiving Officer will forward your complaint to the Special Project Facilitator or the Compliance Review Panel.

# OSPF

Project-affected persons can approach the ADB Accountability Mechanism by writing a letter of complaint describing their problem.

In the case of the shop owners, several meetings were needed to agree on how the complainants' problems could be solved. More meetings were needed to implement agreed-upon activities. Under the problem-solving function of OSPF, these meetings were organized and documented, and translated so that everybody had information readily available. OSPF made sure that the government and the ADB operations department explained to the shop owners how their compensation rates were calculated.

The complainants, the government, and the ADB operations department learned how to communicate well and to provide clear information. They were trained on how to manage conversations without upsetting each other. The villagers participated in the measurements needed to determine compensation amounts. OSPF was there when the shop owners were finally paid.

Overall, it took almost a year from the time the people complained until they received compensation. In the end, the complainants said that they were very satisfied with the results. They also learned about their rights during the problem-solving process.

# OCRCP

Project-affected persons can approach the ADB Accountability Mechanism by writing a letter of complaint describing their problem.

In this case, several steps were needed to investigate ADB's compliance with its own operational policies and procedures.

As a result of the compliance review, the project was brought back into compliance with ADB's operational policies and procedures. The complainants were satisfied with this outcome.



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