

Office of the Special Project Facilitator

Confidential • Independent • Trusted • Fair



ACCOUNTABILITY

OSPF Problem-Solving Primer

ADB

Asian Development Bank

We listen to people and communities affected by ADB-assisted projects.

About the Accountability Mechanism of the Asian Development Bank

The Asian Development Bank (ADB) is an international development organization dedicated to eliminating poverty in Asia and the Pacific. It provides funding and technical assistance to governments and the private sector for development projects in infrastructure, environment, regional cooperation and integration, financial sector development, and education. ADB-supported projects are meant to improve people's lives, but sometimes they cause unintentional harm. If you are concerned that a project may be causing harm, ADB would like to know and would like to help. We want to make sure that people affected by ADB-funded projects can demand accountability for any harmful impacts caused by such projects.

One place to obtain help is through ADB's Accountability Mechanism. The Accountability Mechanism is a process for local people and communities to use if they have a complaint that you have tried to resolve with other ADB offices but have been unsuccessful. The Accountability Mechanism offers two ways to address your complaint: (1) problem solving led by the Office of the Special Facilitator (OSPF), and (2) compliance review led by the Compliance Review Panel (CRP). Problem solving helps people resolve complaints through talking and finding workable solutions. Compliance review checks to see if there is something ADB has done or not done, according to its own rules, that is causing harm to local people.

About the Compliant Receiving Officer

To make it easier for you to use the Accountability Mechanism (either the problem-solving or the compliance review function), an independent Complaint Receiving Officer (CRO) is available. The CRO serves as the single entry point to receive complaints and to forward them to the appropriate ADB office. Refer to page 15 to understand the CRO's complaint-receiving process.

About the Office of the Special Project Facilitator

OSPF is responsible for promoting problem solving as part of the Accountability Mechanism. Listening and talking are key to our work. With our assistance, people involved in the complaint (you, ADB, and the government and/or the private sector) talk with one another to come up with workable solutions that everyone can accept. Our work is nonformal but follows a clear process or road map. Our office serves as a fair, trusted, and independent resource where you can voice your concerns and seek solutions to your problems if you believe that an ADB-assisted project is causing you or your community harm.

OSPF Problem-Solving Primer

The Problem-Solving Primer describes how we work, how you can avail of our services, and the step-by-step method we use to guide people through the complaint-handling process. The Primer provides you and your representative, civil society organizations, ADB staff, government agencies, and the private sector with an understanding of what OSPF problem solving means in practical terms. Stories from our cases illustrate the kinds of complaints we receive and the ways we work with everyone involved to find a solution to the problem.

Local people affected by projects are at the heart of OSPF problem solving, but OSPF works to gain the confidence of everyone involved.

OSPF provides three kinds of help

1. **Outreach and learning**—meeting with people from communities, civil society, ADB, the government, and the private sector so they can learn more about what we do and how we can help
2. **Problem solving or dispute resolution**—bringing communities, ADB staff, and governments and/or the private sector together to talk and find satisfactory solutions to complaints from local people about the social and environmental impacts of projects
3. **Advice**—providing general guidance to ADB staff drawn from our experiences, and capturing broader lessons from our cases that will help prevent and address conflict and improve how ADB works with affected communities

What we do to solve problems

OSPF is responsible for the problem-solving function of ADB's Accountability Mechanism. Our role is to help solve problems caused by ADB-assisted projects (for example, being resettled without fair compensation). We work nonformally with everyone who is involved in a complaint—local people and their representatives, ADB staff, and government agencies and/or the private sector. We provide a fair process where you and other people can meet and discuss your and their concerns. You can meet individually with us on a strictly confidential basis (see box), in meetings among yourselves, or jointly with other people such as ADB and/or government representatives. We initiate and guide the problem-solving process and facilitate development of solutions to the issues you and others identify. We also provide independent facilitators, sometimes from the local area (not necessarily our staff) for dialogues and meetings. They may be able to speak your language and may live closer to you than we do, as our offices are in the Philippines.

Confidentiality

OSPF will keep the identity of complainants confidential if requested. If the initial complaint does not specify whether confidentiality is requested, OSPF will discuss the possible consequences of disclosure with the complainants and give them as much time as they need to make their decision before giving out any names of individuals, organizations, or locations. OSPF will not accept anonymous complaints.

We assess the complaint and determine whether it is possible to address the issues raised through a collaborative process. If the parties agree to work together, we use a flexible, problem-solving approach such as information sharing, joint fact-finding, assisted dialogue, and mediation. We also monitor implementation of any actions and agreements reached by the participants. If at any point the complainants or OSPF feel that problem-solving is not helping, the process will be concluded. Complainants can ask for compliance review if they have abandoned the problem-solving function; however, compliance review does not necessarily solve specific problems presented by local people on the ground. Instead, it investigates whether ADB is following its own environmental and social policies and procedures, and it identifies systemic changes that ADB needs to make in the long term to deliver better projects.

Common complaints brought to OSPF

Complaints brought to OSPF come from many countries and involve various types of projects, including agriculture, water quality and waste management, transportation, power plants, and education reform. Here are several stories about people who came to OSPF for help in resolving an ADB-related problem.

Working to solve problems is our main business.

Complaint

The Problem: Complainants were worried about the lack of suitable road crossings for their livestock and agricultural machinery because of a road improvement project.



Danger to livestock as a result of a highway improvement project

OSPF-Assisted Resolution

Problem-Solving Resolution: Solutions were discussed in a multistakeholder consultation. Villagers learned about the design of the road. Different options to solve the problems were explored with the designers, ADB, and the road committee responsible for the implementation of the project. All agreed to the construction of two underpasses. OSPF monitored implementation of the agreement.



Underpasses are the solution

The Problem: Two local residents were operating shops that were removed from the edge of an existing road as part of a road improvement project. They were offered only construction materials as compensation. Another group lost some land and trees along the road and received no compensation. They came to OSPF seeking fair compensation for their losses.



Village shop under threat

Problem-Solving Resolution: The parties and community members participated in workshops to learn about OSPF problem solving, communication and negotiation skills, and the ADB Policy on Involuntary Resettlement. OSPF then helped the complainants get their documents in order for the evaluation of their property. The Ministry of Transport paid their compensation, and OSPF visited to confirm the payment and the satisfaction of the complainants.



Villagers receiving payment for their loss

It's not about blame. It is about finding ways to address and fix problems at the project level.

Complaint

The Problem: The complainants raised concerns about the lack of information on an education sector reform project and the unwillingness of the government agency and ADB to release information; the low quality of school rehabilitation and construction work; noncompliance with local building standards; and very low-quality but expensive furniture purchased under the project for six pilot schools and the education department. In addition, some equipment promised to the education department never arrived.



Poorly constructed classroom

OSPF-Assisted Resolution

Problem-Solving Resolution: A joint working group comprising members from the Ministry of Education, the Ministry of Finance, ADB, a nongovernment organization representative, and an independent engineer assessed the situation in the schools, and came to an agreement on the necessary remedial works; the responsibilities, including cost sharing; and a time frame. The joint working group monitored the implementation.



Children in rehabilitated classroom

Making the problem-solving process succeed

OSPF is committed to doing all it can to make the problem-solving process succeed. Keeping in mind that we are not judges, a court, or the police, we commit to

- treat people from each side with respect and ensure that no one has an unfair advantage;
- explain and guide the parties through the process according to the steps of the road map;
- make sure that ADB, relevant government and/or private sector agencies, and communities abide by the ground rules of the process and the agreed-upon road map;
- define issues to be addressed in a complaint, make creative and practical proposals for settling an issue, and encourage parties to engage in dialogue;
- record the agreement; and
- monitor any actions and agreements reached.

We ask community members, ADB staff, and the government and/or the private sector to help make the problem-solving process work by committing to

- abide by the process and rules to which you agree;
- make your best effort to solve the problem; and
- implement the settlement as agreed.

The OSPF problem-solving process—a road map for solving community complaints

OSPF uses a widely accepted, internationally recognized process for resolving problems stemming from ADB-supported projects. We help groups or communities who are harmed by development to voice their concerns to more powerful groups like ADB and the government with the aim of reaching a fair solution.

We concentrate on helping local people, ADB, and the government and/or the private sector to work together to solve problems stemming from ADB projects. We don't decide who is right or wrong.

The Problem-Solving Process

The flowchart below maps the steps and time frames¹ in the problem-solving process. A more detailed description of each step follows, to demonstrate what problem solving looks like in practice.

Time Frames	Steps	Our Role
Within 21 days of OSPF receiving complaint	Step 1: Determine eligibility	<ul style="list-style-type: none"> • Make sure the complaint is eligible for our help.
About 120 days from determination of eligibility	Step 2: Review and assessment	<ul style="list-style-type: none"> • Understand the problem and viewpoints of community members, ADB staff, and the government and/or the private sector involved in the project. • Define the problems and questions people want to resolve. • Determine whether sitting down and solving the problem through talking is likely to succeed.
Depends on nature, complexity, and scope of the problems	Step 3: Problem solving	<ul style="list-style-type: none"> • Organize the talks if all sides are willing to try problem solving. • Lead the conversation without taking sides or expressing our opinions. Our job is to help all parties do their best thinking in order to reach a fair agreement. • Write up the agreement in simple language for everyone to sign.
Generally not longer than 2 years	Step 4: Implementation and monitoring	<ul style="list-style-type: none"> • Check to make sure that people from ADB, the government and/or the private sector, and the community are doing what they agreed to do after the problem-solving meeting(s).
	Step 5: Conclusion of the problem-solving process	<ul style="list-style-type: none"> • Conclude the problem-solving process after agreed-upon actions are completed.

¹ The problem-solving process is time bound in that each step must be accomplished within the number of days given. However, if a complaint is received in a local language and it requires translation, the time limit for determining the eligibility of the complaint may be extended.

Step 1: Determine Eligibility

The first step in the OSPF problem-solving process is to make sure the complaint is eligible for our help. We receive the written complaint from affected people who have asked for problem solving as soon as the CRO registers and forwards it to us. When we receive a complaint, we enter it into our complaints registry and send you a letter so you know your complaint has arrived in our office.

We check to make sure the complaint relates to an ADB-assisted project and comes from a group of two or more people or through your representatives such as leaders of local nongovernment organizations (NGOs), community or religious leaders, or lawyers. Then we read the complaint letter and other documents to see if all the information we need is included, and to make sure the complaint is genuine and does not fall within any areas outside our role. Some matters like corruption, personnel issues, or procurement disagreements are not within our mandate. That means you can't resolve these issues using our assistance.² (See box on Issues Not Appropriate for OSPF Problem Solving.)

If the initial complaint is not clear, OSPF will seek further information or clarification from the complainant by email or telephone if possible. Sometime we send a local consultant to clarify issues and advise complainants, who often lack the information, means, and confidence to deal with the government or ADB. Local consultants are helpers and advisors, not decision makers. They must follow the principles of OSPF in being neutral and independent.

Going to the field

We may make a personal visit to talk with complainants, their representative, and other involved parties to decide whether to proceed with the problem-solving process (unless the complaint is ineligible for any of the reasons cited earlier). We do not come with government or ADB operations department officials. We use independent translators, interpreters, and local facilitators to assure good communication with stakeholders.

Issues Not Appropriate for OSPF Problem Solving

OSPF will not accept a complaint if

- it is unrelated to something ADB did or didn't do;
- the complainants have not made significant attempts to resolve the problem with the ADB operations department ;
- OSPF has already considered the issue, and there is no new evidence;
- two or more years have passed since the closing date of ADB's loan or grant;
- it is frivolous, malicious, or trivial, or made to create a competitive advantage;
- it relates to procurement of goods and services, including consulting services;
- it alleges fraud or corruption;
- it is related to the adequacy or suitability of an ADB policy or procedure;
- it relates to ADB personnel matters;
- it concerns ADB's non-operational housekeeping matters, e.g., finance and administration; or
- it is being or has been addressed by the CRP.

² ADB's Office of Anticorruption and Integrity (OAI) deals with allegations of fraud and corruption; procurement matters are handled by ADB's Central Operations Services Office; and personnel matters are handled by the Human Resources Division of ADB's Budget, Personnel and Management Systems Department.

Roles of NGOs in the Problem-Solving Process

- Observers
- Accompaniers
- Channels of communication
- Intermediaries between complainants and OSPF in bridging cultural gaps, overcoming language barriers, and providing additional support to OSPF and villagers to understand technical language
- Facilitators
- Advisors to complainants
- Authorized representatives of affected persons in the problem-solving process

Note: Roles depend on the situation, can be different for each complaint, and need to be agreed upon and monitored during the problem-solving process.

Personal visits enable us to meet with you face-to-face, gain a better understanding of your concerns, clarify whether you wish your identity to be kept confidential, and answer questions much more quickly and efficiently. We also verify names, identification, representation, roles and responsibilities, and the reasons why different stakeholders want to become involved in the problem-solving process. (See box on Roles of NGOs in the Problem-Solving Process).

Occasionally complainants feel more comfortable making a complaint through a more formal representative, such as an NGO. We meet with people in different ways, depending on the number of complainants involved and whether they have selected representatives or not. If feasible, it is our practice to have separate meetings with complainants. We may conduct individual interviews or meet with complainants as a group, even when affected people are represented. Our process is very driven by what communities feel is important for them. We want to understand directly from them the concerns they have and what they want to see happen.

When there are many complainants, we may discuss the complaint with representatives and only a few of the complainants. For example, in one case, OSPF interviewed a sample of 10% of more than 600 complainants. At this stage OSPF may also conduct public consultations with people affected by the project. OSPF also informs the concerned ADB operations department and the government agency or the private sector sponsor about the complaint, and it explains OSPF's role and responsibilities, its procedures, and the next steps in the problem-solving process. Our goal at this stage is to build an understanding of problem solving and the value of a neutral, independent party supporting the process. If a complaint is determined to be ineligible, OSPF will explain the reason and inform the complainants of their right to file a request for compliance review with the Office of the Compliance Review Panel (OCCRP).

Step 2: Review and Assessment

We gather information but do not make a judgment on the merits of the complaint.

What OSPF does in its review and assessment

At this stage, we determine whether and under what conditions a problem-solving process should proceed. We make this determination by first conducting an assessment. The assessment is intended to

- understand in more detail why people are concerned, and learn about the views and opinions of ADB staff and the government (or the private sector) involved in the project;
- define the problems and questions people want to resolve; and
- determine whether sitting down to solve the problem through talking is likely to succeed and how the talks should be organized.

The review and assessment involves gathering lots of information about the complaint from many different sources. We want to be sure to identify all stakeholders or parties who have an interest in the complaint so we can consult them during the assessment. Specifically, we seek to

- identify the key people that need to be consulted on the issues raised in the complaint (including complainants, ADB, and the government and/or the private sector);
- discover how others view the issues raised in the complaint;
- assess people's perceptions of the problems to see where they agree and disagree;
- explore how the parties have tried to solve the problem in the past: What is their relationship like now? How much trust and/or frustration exists among them? normally, if trust has eroded, the problem-solving process takes longer;
- define the group of people who must be involved in problem-solving discussions; it must be clearly defined and limited in number; ideally, representation should not change during the problem-solving process;
- understand what incentives exist to resolve and address the issues;

- identify what existing or new process might be most useful to the stakeholders to resolve the complaint (for example, meetings to exchange information, joint fact-finding, assisted dialogue); and
- assess the likelihood of solving the problem through dialogue: How willing and motivated are all the groups to work together to resolve the issues raised in the complaint? Only if all parties understand that they have obligations, are ready to look forward, are not focused on blaming, are tolerant, accept that they or others may have made mistakes in the past, and constructively look for solutions is there a good chance to reach agreement.

We will carry out the independent assessment in a flexible manner, which may include the following activities:

- reviewing information and project documents from the ADB operations department;
- meeting with complainants, other affected people and communities, ADB staff, government officials and/or those from the private sector involved in the project, and representatives of local and international NGOs; in these meetings we will explore views and perceptions of the issues and collect suggestions for potential solutions to the problems;
- meetings may take the form of one-on-one interviews, small group meetings, or public consultations; one-on-one interviews with complainants are necessary to allow people to speak out freely without having their opinions inhibited by others; these interviews are confidential and provide OSPF with a better sense of common perceptions and opinions; where necessary, meetings are conducted separately for male and female complainants or other vulnerable populations less likely to participate in mixed group processes;
- interviews are also conducted with locally elected officials and informal leaders; if NGOs are involved in the complaint, depending on their roles, OSPF includes them in different types of meetings;
- visiting project sites; and
- holding public meetings in the project area.

Sample Ground Rules

Everyone involved in problem solving is asked to communicate respectfully with each other. Participants may choose to modify or add to the following ground rules:

1. Only one person speaks at a time, without interruptions.
2. Each participant will be recognized by the facilitator before speaking.
3. Each person will express only his or her own (or organization's) views.
4. Comments will be brief and focused, to allow everyone to participate.
5. Everyone will refrain from personal attacks and will avoid digressing from the agenda or talking in order to impress or attract attention.
6. All mobile phones must be switched off or put on silent mode.
7. Any disagreement must be focused on the issues, not on one another.
8. Participants should avoid judging ideas prematurely; should look for ways to improve proposals; and should try to remain open-minded to find creative, innovative solutions.
9. No party will give interviews, make statements to the media, or try to get messages across using the media.
10. The facilitator will help implement the ground rules once they are accepted by all participants.

At the conclusion of the assessment, we evaluate the results of the review and make a calculated decision as to whether it is reasonable to move forward with problem solving. In doing so, we are mindful of our responsibility to the complainants, the government and/or the private sector, and ADB staff. Our recommendation depends on factors such as who the stakeholders are, what the issues are, what common ground exists, and the likelihood that problems can be solved.

If we recommend problem solving, we will outline a proposed problem-solving process and timeline for the parties to consider, which could include activities such as workshops for complainants to identify their community representatives for the problem-solving process; a dialogue between ADB and the local government to understand each other's policies and laws, and to identify which can be used for the benefit of the complainants; an information-sharing session; and a roundtable discussion among all the necessary participants to resolve the issues underlying the complaint, once all have the information they need to make informed decisions.

We will also recommend ground rules, which need to be discussed and agreed upon by the parties. (See box on Sample Ground Rules.) We will continue to communicate with the parties, informing them of the status or the reasons for delays throughout the problem-solving process, in order to build trust and foster reliability.

Review and assessment report

We will prepare a report of our findings in simple language to ensure all parties' understanding, and submit the report to the ADB President and relevant vice-president. We will also deliver a copy to the complainants, the government and/or the private sector group involved in the project, and the concerned ADB operations department with a request for their comments. In addition, we will facilitate the understanding of the report by all parties. The review and assessment report will be translated into the national language.

Based on the findings and comments received from the stakeholders, we will (1) decide to proceed with problem solving, or (2) determine that problem solving is unlikely to be constructive and conclude the process.

We will not go forward with problem solving if any party does not wish to participate, in cases where bad faith prevents achieving sustainable solutions, or when people are unable or unwilling to openly share their views and opinions.

Step 3: Problem Solving

We believe that “slower” is often “faster” when it comes to problem solving.

Organizing the talks

If all sides are willing to try problem solving, we are ready to roll up our sleeves and get to work. Our first job is to help organize the talks. We start by helping the parties work out a joint plan for talking. The plan is called a “course of action.” We also help everyone prepare for the problem-solving meetings before we directly tackle the issues in the complaint. Trying to solve problems too quickly, without proper preparation, may lead to a deadlock where everyone walks out angry. In fact, in our experience we have found that “slower is faster.” Slower is faster means taking the time to do the things we need to do so everyone is prepared, informed, and relaxed enough to move more quickly when the time comes. It involves answering out questions like

- Who will take part in the talks?
- How will we share information?
- If the information we need to solve the problems is missing, how will we collect the information so it is trusted by everyone?
- What skills might the parties need to take part in problem-solving activities?
- How much time do we think it will take to solve the problem?
- What discussion guidelines do we need to feel safe and to talk to each other respectfully?
- What is the sequence of steps and activities we should follow? – what is the best plan we can create to reach a good agreement?

Activities that parties might include in a joint plan include:

- workshops for complainants, their representative, and other community members to decide how to structure community representation for the problem-solving process;
- dialogue sessions for government and ADB representatives to (1) understand each other’s laws, policies, and regulations; and (2) identify options that will satisfy ADB and government requirements and will benefit the complainants;
- capacity development workshops to provide people with the skills needed in the problem-solving process such as effective communication and negotiation;

- information exchange sessions to foster understanding of relevant policies, laws, and regulations so that everyone has access to the same information; and
- a discussion of principles for conducting and participating in effective meetings.

See the box for further information about what we mean by a joint plan or “course of action.”

If the parties can agree on a course of action— including a set of steps, how each step will be handled, who will take part, and a proposed time frame—such an agreement can represent important progress in solving the problems, even if no decisions are taken.

Tools for talking

Once the parties have agreed on a course of action, we are ready to address the concerns raised in the complaint. We may use one or more of the following basic “tools for talking” to help the parties resolve a complaint:

Information sharing

In some cases, we organize meetings where the parties share information to promote mutual understanding and public learning. These information-sharing sessions typically involve the complainants, knowledgeable experts from ADB as a resource and as technical support, and perhaps the project representatives. OSPF or a local consultant serves as the facilitator to keep the discussion focused, help the meeting be productive, and ensure that everyone has a chance to participate.

The goals of an information-sharing session are NOT to resolve complainants’ concerns, solve specific problems, or negotiate yet, but rather to obtain answers to questions posed by the parties and gain a clear understanding of the project, its impacts, mitigation measures, and international standards that apply. Additional information and a deeper understanding of the issues and concerns by all parties are the foundation for effective problem solving but not a solution to the problem.

A Course of Action

A course of action or joint plan is a group of activities and associated time frames developed cooperatively by the parties, with OSPF's help, to resolve a complaint. Below is an example of a course of action in a case that involved three complainants who had lost property due to a highway improvement project implemented by the Ministry of Transport. Two of the complainants had lost their shops and one had lost land and trees. The complainants wanted to receive fair compensation and continued communication about the status of the project. The Ministry and ADB wanted a successful project that was implemented on time, according to ADB policy and national law. The parties agreed to the following course of action (activities with associated time frames) to resolve the complaint:

1. The Ministry of Transport will prepare a land acquisition and resettlement plan in consultation with the complainants.
2. The ADB resettlement specialist will provide advice to the Ministry of Transport, oversee the preparation of the plan, and approve it prior to implementation.
3. The Ministry will establish a complaint-handling procedure to address future concerns from the community.
4. The Ministry will keep the complainants informed about the progress of the land acquisition and resettlement plan.
5. The complainants and the Ministry will participate in separate capacity development workshops to prepare for joint discussions of the land acquisition and resettlement action plan. The workshops will focus on communication and negotiation skills.
6. The complainants will take part in additional capacity development activities to get their documents organized and prepared for an evaluation of assets.
7. The land acquisition and resettlement plan will be prepared, implemented, and closely coordinated with the capacity development sessions.
8. The parties agree to follow the ground rules.
9. Final compensation payments will be received by a specified date.
10. OSPF will conduct meetings and consultations with the parties as needed, monitor implementation of the agreement, and confirm payment and complainant satisfaction.



Villagers looking at a road alignment

Joint fact-finding

Here we help the parties involved in an issue “walk the land” and verify facts that are relevant to the resolution of the complaint. In this way, the parties learn together and jointly decide how to use the results of these participatory investigations. Joint fact-finding is appropriate in cases where information necessary to resolve a problem is missing, or where relevant information is being disputed, often with a history of disagreement and lack of trust among the participants. The process helps people understand the issues, builds trust among participants, and helps clarify relevant

information so we are all working from common information. Fact-finding missions may also include professionals such as engineers in the case of infrastructure projects. The sessions may involve reviewing paperwork, calculations, and other data; and may require interpreters. The results are documented for future reference. In cases where there are significant power imbalances or major differences in people's technical backgrounds, OSPF finds ways to equalize access to expertise and close gaps in knowledge. Fact-finding generally follows a community meeting(s) to discuss the purpose and relevant issues and to agree on ground rules and necessary participants.



Representatives of OSPF, the villages, NGOs, government, and ADB-Operations Department checking road condition

Assisted dialogue

Sometimes the issues in a complaint can be solved by the parties (for example, the complainants and representatives from ADB and/or the government) sitting down to talk with each other with the help of a facilitator. A facilitator is a trusted person who is not part of the complaint. The facilitator helps groups work together in meetings to accomplish their goals in ways that elicit participation, ownership, and creativity from all involved. A facilitator can help the parties design a process for talking, identify and discuss their questions and/or concerns, exchange information, clarify areas needing more attention or study, discuss potential solutions, and agree how to implement agreements and next steps. The facilitator also addresses any language barriers and makes sure all affected people, including women and members of vulnerable communities, can participate in the process in a meaningful way. A facilitator helps only if all the parties agree. Sometimes OSPF serves as the facilitator; sometimes a local individual or group acceptable to the parties will provide facilitation support.

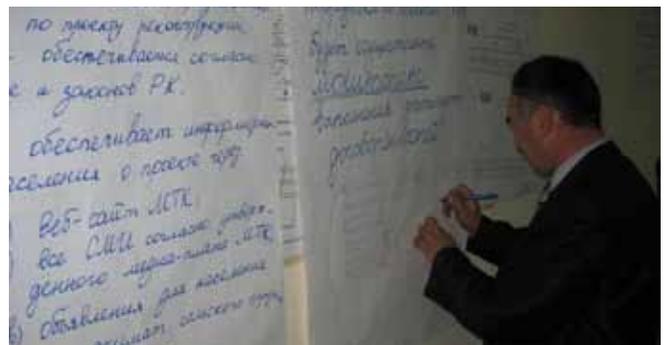


Diverse stakeholders facilitated by an OSPF consultant

Mediation

In certain cases, OSPF may suggest establishing a more formal complaint-resolution procedure that involves the use of an independent mediator who is a specialist in resolving conflicts. Mediation is a voluntary, confidential process for resolving disputes. The key people involved in an issue sit down with an independent, outside mediator to find a solution to the problem, based on the interests and needs of the participants. A mediator is engaged only if all parties agree. The role of the mediator is not to make a decision

or determine who is to blame, or who is right and who is wrong. Instead, the mediator provides a safe space and a constructive process that helps the parties discuss their concerns and arrive at a mutually acceptable agreement that resolves the complaint. The parties must be willing to talk with each other in good faith and have the authority to agree on a solution to the problem that works for all parties. Mediation can help overcome negative history and rebuild workable relationships by shifting the focus from the past to the future. Mediation can be highly successful in helping people come up with workable solutions to conflicts. Any agreement reached through mediation (or through any of the other talking procedures) will be written in simple language for everyone to sign. OSPF will facilitate documentation of agreements and decisions.



Villager signing an agreement

Timing and closure

The time required for problem solving will vary depending on the nature, complexity, and scope of the problems. Any party can walk away from the process at any point if the party does not consider it useful to continue or if there is no consensus. This would formally close the problem-solving process.

When the problem-solving process has been completed (with or without any agreement), OSPF will prepare a report summarizing the complaint, steps to resolve the issues, decisions by the parties concerned, and any agreements reached. Upon completion of this step, the complainants can also file for compliance review if they have serious concerns about compliance issues, to be carried out with the implementation and monitoring of the agreement (step 4).

Step 4: Implementation and Monitoring

The parties are responsible for implementing any agreements made in the problem-solving process. Our role at OSPF is to monitor the implementation to make sure that people from ADB, the project, and the community are doing what they agreed to do after the problem-solving meeting(s). As part of the monitoring process, we will consult with the complainants, relevant ADB officials, and the government and/or the private sector involved

in the project. The time frame for monitoring will depend on each project, but will generally not exceed 2 years. All stakeholders, including the public, may submit information to us regarding the status of implementation. OSPF's monitoring reports will be sent to the complainants, relevant ADB officials, and the government and/or the private sector.

Step 5: Conclusion of the Problem-Solving Process

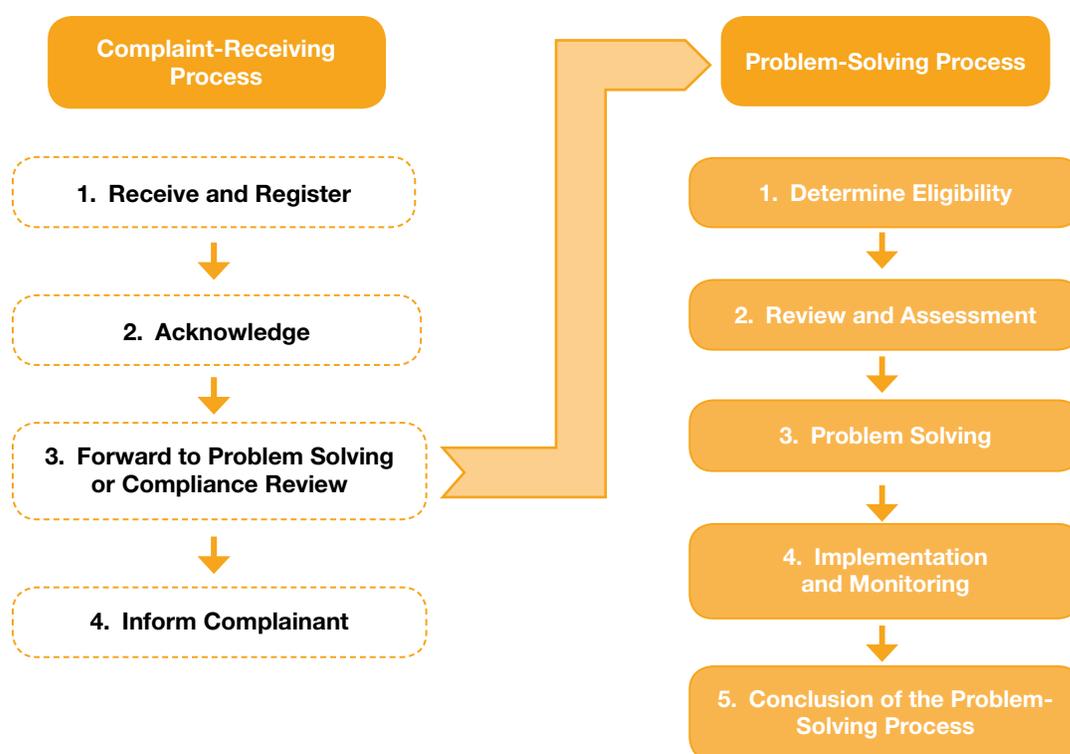
When the monitoring has been completed, OSPF will prepare a final report and submit it to the complainants, ADB, and the government and/or the private sector, among others. This point marks the formal conclusion of the problem-solving process.

Complaint-Receiving Process

Receiving Your Complaint

Time Frames	Steps	Role of Complaint Receiving Officer
Within 2 days of receiving complaint	Step 1: Receiving and registering a complaint	<ul style="list-style-type: none"> Receives and registers your complaint Informs the Special Project Facilitator, the CRP, and the concerned ADB operations department about the complaint Keeps your name confidential unless confidentiality is not required
Within 2 days of receiving complaint	Step 2: Acknowledging the complaint	<ul style="list-style-type: none"> Quickly lets you know that your complaint has been received Gives you information about the ADB Accountability Mechanism to help you decide if you want problem solving or compliance review
Within 5 days after the 21-day deadline to change choice	Step 3: Forwarding the complaint	<ul style="list-style-type: none"> Forwards your complaint to OSPF if you selected problem solving, or to CRP if you requested compliance review
Within 2 days of forwarding complaint to relevant party	Step 4: Informing the complainants	<ul style="list-style-type: none"> Informs you where the complaint was sent Gives the name and contact information of the person who can help you with the next steps

Complaint-Receiving Process and Link to Problem-Solving Process



For further information about the Office of the Special Project Facilitator

The Problem-Solving Primer and all other public documents are available in print and online. *The Problem-Solving Primer* will be available in Chinese (Mandarin), Hindi, Russian, and Urdu. Information related to complaint cases is available in English and, when possible, in the local language(s) relevant to the complainants.

Visit the OSPF website at www.adb.org/site/accountability-mechanism/problem-solving-function