

September 26, 2019

NOTICE OF REGISTRATION

Request for Inspection

Republic of Poland: Odra-Vistula Flood Management Project (P147460)

Summary

1. On September 20, 2019, the Inspection Panel (the “Panel”) received a Request for Inspection of the Odra-Vistula Flood Management Project (the “Project”) in Poland. The Request was submitted by members of the Save the Rivers Coalition (the “Requesters”). The Requesters raise concerns about the Project’s impact on biodiversity, including protected species, in protected areas in Poland and in the transboundary Odra region. They claim that the Project will increase flooding risks, that the planned river regulation is excessive and that public participation and consultation with citizens and experts were insufficient. The Requesters are concerned that the earlier-abandoned work plans affecting the Międzyodrze wetland would be taken up again under this Project. They also express concern about involuntary resettlement in the Klodzko Valley and in some locations in the Upper Vistula area and argue that the construction of dry reservoirs in the Klodzko Valley significantly interferes with the local landscape, cultural values and integrity of some towns.

2. On September 25, 2019, the Panel acknowledged receipt of this Request on its website. This is the eighth Request the Panel has received concerning the Project. The Panel issued a Notice of Registration for the seven earlier Requests on September 17, 2019, and intends to process all eight Requests jointly for reasons of economy and efficiency.

3. After conducting initial due diligence and confirming that the Request meets the Panel’s admissibility criteria, I am notifying you that I have, on September 26, 2019, registered this Request.

The Project

4. The Odra-Vistula Flood Management Project (P147460) was approved on July 23, 2015, for US\$504 million (IBRD Investment Project Financing). The total Project cost is US\$1.3 billion. The Borrower is co-financing the Project with US\$210 million, the European Union (EU) with US\$219 million, the Council of Europe Development Bank with US\$329 million and the Polish National Fund for Environmental Protection and Water Management with US\$55 million. The

expected closing date of the Project is June 15, 2023. It is a Category B Project and was 15 percent disbursed at the time of receipt of the Request.

5. The development objectives of the Project are to “*increase access to flood protection for people living in selected areas of the Odra River and the Upper Vistula River basins and to strengthen the institutional capacity of the Borrower to mitigate the impact of floods more effectively.*”¹ The Project triggered the following safeguard policies: Environmental Assessment (OP/BP 4.01); Natural Habitats (OP/BP 4.04); Physical Cultural Resources (OP/BP 4.11); Involuntary Resettlement (OP/BP 4.12); Safety of Dams (OP/BP 4.37); and Projects on International Waterways (OP/BP 7.50).

6. The Project is structured in five components: Component 1: Flood protection of Middle and Lower Odra; Component 2: Flood protection of the Nysa Kłodzka Valley; Component 3: Flood protection of Upper Vistula; Component 4: Institutional strengthening and enhanced forecasting; and Component 5: Project management and studies. Component 1 aims to enhance protection against summer and winter floods for cities and towns along the Odra River, while component 2 aims at protecting Kłodzka town, other small valley towns and the city of Bardo. Component 3 aims at protecting the Kraków agglomeration and Nowa Huta industrial area, the Sandomierz-Tarnobrzeg industrial and agricultural area, and selected towns on tributaries in the sub-basins of the San and Raba rivers.²

The Request

7. The Request states that the Project affects many protected areas, including EU Natura 2000 sites and national parks, and the “*incredible almost ‘amazonian’ biodiversity in the [Odra] river and its valley.*” The Requesters explain that there is an abundant population of protected species in the branches of the river. According to the Requesters, the Project infringes EU environmental law, specifically Natura 2000 directives and the Water Framework Directive, increases flooding risks and affects the German-Polish transboundary region. The Requesters argue that the planned river regulation investments are excessive. They claim that under the pretext of flood protection and the maintenance of the icebreaking route, the investments are actually planned for waterway development. They explicitly refer to the construction of a railway bridge and dredging works as serving the goals of improving shipping on the river, rather than flood protection.

8. The Requesters explain that one subcomponent of the Project, which relates to the Międzyodrze wetland, was abandoned by the Project after the completion of analytical studies. However, the Requesters are concerned that there are attempts to take up these works again under the Project.

9. The Request further states that in the Kłodzko Valley and in some locations in Upper Vistula people are being involuntarily resettled and social protests have taken place. The Requesters refer to an online petition that has gathered the support of about 3,000 signatories opposing the Project.³

¹ Project Appraisal Document for the Project, p. 4.

² Ibid., pp. 6-8.

³ Petition by Sojusz Ziemi Kłodzkiej (Alliance for Kłodzko Land)

https://secure.avaaz.org/pl/community_petitions/Bank_STOP_finansowania_planow_zwiekszenia_suchej_retencji_na_Ziemi_Klodzkiej_3

According to the Requesters, the Project exacerbates social conflict on a large scale, especially because the construction of dry reservoirs would significantly interfere with the local landscape, cultural values and the integrity of some towns. The Requesters explain that the dry reservoirs have been rescaled, resulting in more impact on the environment than would be necessary to achieve the expected goals. The Requesters state that there are suspicions that under the pretext of constructing dry reservoirs, the implementation of wet reservoirs is planned, which would be much less effective for flood protection purposes but would serve other political goals.

10. The Request further argues that the need to achieve a dynamic balance of river sediment was not taken into account and the alternative of expanding the potential floodplain in order to stop the energy of the rivers has never been seriously examined. The Requesters fear that the pressure against the dry reservoirs will lead to even greater interference in the river beds.

11. According to the Request, public participation and consultation with citizens and experts were insufficient. The Requesters also argue that the quality of the Environmental Assessment is low and disregards impact on protect areas in the Odra Valley. The Requesters also believe that the Project should have been categorized as a Category A, not B, especially when comparing it to the closely related Odra River Basin Flood Protection Project (P086768), which is a Category A project.

12. The Request contains as attachments a June 2019 report with recommendations on how to improve flood protection for Szczecin and surrounding cities, villages and counties and a newspaper article.

Initial Due Diligence

13. After receipt of the Request, the Panel conducted its initial due diligence and verified that the Request meets the admissibility criteria for registration, as follows: The Request is not frivolous, absurd or anonymous, and was submitted by members of a Polish environmental umbrella non-governmental organization (NGO), the Save the Rivers Coalition. The Requesters explain that they have had several interactions about their concerns with World Bank staff and shared with the Panel a letter they sent to the World Bank Country Office in May 2018, as well as the Bank's response. They also explain that they had a meeting at the Country Office in 2016 and had personal contact with Bank mission teams in 2018 and 2019. They further mention that they participated in the preparation of the Environmental and Social Impact Assessment and complained about the Project to the European Commission. The Panel also verified that the subject matter of the Request does not concern issues of procurement, and at the time of receipt of the Request the Project was 15 percent disbursed. The Panel has not previously made a recommendation on the issues raised in this Request.

14. The Panel had a phone call with one of the Requesters on September 24, 2019, to better understand the Requesters' concerns, seek clarifications and explain the Panel's process and mandate. The Requester explained in more detail the concerns about the environmental impact of the Project and told the Panel that the Save the Rivers Coalition has been closely monitoring the Project for several years. In regard to concerns about involuntary resettlement, the Requester explained that the NGO has been in contact with one woman in the Klodzko Valley who lives close to Project works, has suffered adverse impact and should be adequately informed about the

Project and compensated. The Requester also explained that the online petition mentioned above includes concerns about involuntary resettlement more broadly.

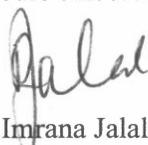
Registration of the Request

15. As provided in paragraph 17 of the IBRD Resolution (“the Resolution”) that established the Panel, “*the Chairperson of the Panel shall inform the Executive Directors and the President of the Bank promptly upon receiving a request for inspection.*”⁴ With this notice, I am notifying you that I have, on September 26, 2019, registered the above-mentioned Request.

16. The Panel’s registration implies no judgment whatsoever concerning the merits of a Request for Inspection. As provided in paragraph 18 of the Resolution, and paragraphs 2 and 8 of the “*Conclusions of the Board’s Second Review of the Inspection Panel*” (“the 1999 Clarification”), Bank Management must provide the Panel within 21 business days (by October 30, 2019) a response to the issues raised in the Requests for Inspection. The subject matter that Management must deal with in the response to the Requests is set out in paragraphs 3 and 4 of the 1999 Clarification.

17. After receiving the Management Response, the Panel will, as outlined in the 1999 Clarification and as provided by paragraph 19 of the Resolution, “*determine whether the Request meets the eligibility criteria set out in paragraphs 12 to 14 [of the Resolution] and shall make a recommendation to the Executive Directors as to whether the matter should be investigated.*”⁵ This Request has been assigned IPN Request Number RQ 19/13.

Yours sincerely,



Imrana Jalal
Chair

Attachments

Mr. David Malpass, President
International Bank for Reconstruction and Development

The Executive Directors and Alternates
International Bank for Reconstruction and Development

Save the Rivers Coalition

⁴ Resolution Establishing the Panel (September 22, 1993), Resolution No. IBRD 93-10, <http://ewebapps.worldbank.org/apps/ip/PanelMandateDocuments/Resolution1993.pdf>

⁵ Ibid.