

IPN REQUEST RQ 19/14

October 10, 2019

NOTICE OF REGISTRATION

Request for Inspection

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

Summary

1. On October 7, 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 three individuals living in the Project area who asked the Panel to keep their identities confidential (the “Requesters”). The Requesters raise concerns about impact from the construction of the Szalejow Reservoir on the environment, microclimate and their property as well as on their health and well-being. The Requesters explain that they live in constant stress and uncertainty and have received unreliable and misleading information about compensation.
2. On October 8, 2019, the Panel acknowledged receipt of this Request on its website. This is the ninth Request the Panel has received concerning the Project. The Panel issued a Notice of Registration for seven earlier Requests on September 17, 2019, and another Notice of Registration for an eighth Request on September 26, 2019. It intends to process all nine 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 October 10, 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 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 2, which includes the construction of four mid-sized dry polders, is the subject of this Request.²

The Request

7. The Request explains that the Project is causing destruction to the nature around the Szalejow Reservoir, including the habitat of plants, insects, birds and other animals. According to the Request, the felling of trees is causing a change in the microclimate, including stronger winds and more pollution.

8. The Requesters explain that due to the proximity of their property to the works, they live in constant stress and uncertainty, and their peace and sense of security has been destroyed. The Request explains that the property of the Requesters is located about 70 meters from the reservoir, but works are carried out as close as five meters from the residential building. The Requesters claim that the Project was prepared as if no one lived on the property. According to the Requesters, they have received unreliable and misleading information about compensation for the adverse impact they suffer.

9. The Request contains as an attachment a September 2018 complaint to the World Bank and the implementing agency, in which the Requesters describe the harm the Project is causing to them. They also describe their interactions with the Project authorities over the past years and explain that they were offered compensation for expropriation, which they had accepted but which was later withdrawn.

Initial Due Diligence

10. After receipt of the Request, the Panel conducted its initial due diligence and verified that the Request meets the admissibility criteria for registration. The Request is not frivolous, absurd or anonymous, and was submitted by three individuals living in the Project area. The Requesters explain that they have had several interactions about their concerns with World Bank staff and shared with the Panel the dates of meetings with the Bank team as well as letters they have sent to the Bank. The Panel also verified that the subject matter of the Request does not

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

² Ibid., p. 6.

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.

Registration of the Request

11. 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.”*³ With this notice, I am notifying you that I have, on October 10, 2019, registered the above-mentioned Request.

12. 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 November 11, 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.

13. 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.”*⁴ This Request has been assigned IPN Request Number RQ 19/14.

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

Requesters confidential

³ Resolution Establishing the Panel (September 22, 1993), Resolution No. IBRD 93-10, <http://ewebapps.worldbank.org/apps/ip/PanelMandateDocuments/Resolution1993.pdf>

⁴ Ibid.