

ODRA-VISTULA FLOOD MANAGEMENT PROJECT

RESETTLEMENT POLICY FRAMEWORK

April 2015

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1 LIST OF ABBREVIATIONS USED IN THE DOCUMENT

AP	Affected Population
PCU	Project Coordination Unit
EIA	Environmental Impact Assessment
BP	Building Permit
PIU	Project Implementing Unit
CAP	Act of 14 June 1960 — Administrative Proceedings Code (consolidated text, Journal of Laws of 2013 item 267 as amended)
RAP	Land Acquisition & Resettlement Action Plan
RPF	Land Acquisition & Resettlement Policy Framework
NBP	National Bank of Poland
NGO	Non-Governmental Organization
SAC	Supreme Administrative Court
PAP	Project Affected People
Special Flood Act	the Act of July 8 2010 on special principles of preparation and execution of flood prevention constructions investments (Journal of Laws Nr 143, item 963, as amended)
RPM Law	the Act of 21 August 1997 on real property management (consolidated text, Journal of Laws of 2014, item 906)
EIA Law	the Act of 3 October 2008 on disclosing information on the environment and its protection, public participation in environmental protection and environmental impact assessments (consolidated text, Journal of Laws of 2013, item 1235, as amended)
WB	World Bank
RAC	Regional Administrative Court

2 INTRODUCTION

2.1 RPF Overview and objectives

The Project will provide three distinct areas with flood management infrastructure and related measures: (i) the Middle and Lower Odra; (ii) the Nysa-Kłodzko valley, a medium-sized sub-basin of the Upper Odra; and (iii) the Upper Vistula. The overall social impact of the project is positive because it will protect the life and property of thousands of people, however the Project may have some adverse social impact relates to land acquisition that could lead to economic or physical displacement. Some of the works to be financed involve rehabilitation of existing infrastructure (e.g., rehabilitation of existing dikes and groynes) with limited adverse social impacts. Other interventions such as construction of new structures and dry polders, particularly in the Nysa-Kłodzka Valley and some locations in the Upper Vistula, would require land acquisition involving economic displacement (e.g., from agricultural lands) and physical resettlement. It must be noted that even though no residential buildings will be allowed within the flooding area of the dry polders, all agricultural lands will continue to be accessible for agriculture.

The selection of investments to be supported by the Project and their design was guided by the following criteria: least-cost and lowest-impact variants; economic analyses to select cost-effective options including a risk-based approach to investments; creating “room for the river” and flood wave retention capacity upstream; integration with environmental values and protection of habitats; management plans based on broad consultation with stakeholders; sustained financing through fee collection and/or transfers from the national or regional budgets and avoidance of significant environmental and social impacts, such as the need to economically or physically displaced people.

The key objective of this Land Acquisition and Resettlement Policy Framework (RPF) is to establish provisions and principles to mitigate or compensate potential adverse impacts to the population, and for the implementation of the Odra-Vistula Flood Management Program, due to land acquisition and involuntary resettlement of population that could not be avoided. As the specific subprojects and interventions to be financed under this program are identified, a site specific Land Acquisition and Resettlement Action Plan (RAP) for each one of them will be prepared. The RAP will be based on this RPF and provide detailed information about the land, properties and people affected by each intervention and define time-bound mitigation measures.

This RPF is in line with Polish regulations and the World Bank’s Operational Policy on Involuntary Resettlement (OP 4.12). In cases where there are differences between local requirements and WB’s OP 4.12, the most stringent and/or beneficial to affected people will prevail

2.2 Basic principles of RPF

Unless necessary precautions and preventive measures are taken in advance, land acquisition may result in generating hardship to those affected and cause project delays. The key principles to be followed in the design and implementation of the land acquisition and resettlement program are as follows:

1. Land acquisition and involuntary resettlement will be minimized or avoided where possible. Where resettlement is unavoidable, the procedures and requirements outlined in this Framework will be followed to prepare site-specific Land Acquisition and Resettlement Action Plans (RAPs) to mitigate adverse impacts.
2. The land acquisition procedures will ensure that the livelihood and living conditions of project-affected people are improved, or at least restored, to pre-project levels.
3. All project affected persons (PAPs) will be meaningfully consulted and be active participants in the negotiated settlements and will have access to adequate and accessible grievance redress mechanisms. Consultations will consider all social issues (also gender) and take into account the needs of stakeholders who may be considered vulnerable.
4. Implementation of effective grievance redress procedures for PAPs and provision of access to legal, fair and accessible proceedings of their appeal to independent authority or court without intentional delay if enforced.
5. All cases of land acquisitions and resettlement, either permanent or temporary, will undergo procedures based on local regulations and WB OP 4.12 as per this RPF and to be detailed for each site in the respective RAP. The RAPs must be consistent with the RPF.
6. It also concerns cases of permanent or temporary limitations to the access to the property resulting in the loss of business income (permanent or temporary) or worse standards of living.
7. The implementation of the RAP will be monitored and reported and in the end evaluated.
8. The process of social participation, protective and mitigation actions will be carried out in accordance with fair treatment regardless of age, sex or disability of affected people. Particular attention will be paid to the households of vulnerable groups.
9. Resettlement plan and land acquisition are designed and completed within the Project. All costs connected with implementation of compensation actions will be included in the budget as well as the advantage of the project.
10. Compensation for land acquisition /loss of business income should be paid prior to starting construction works on that affected land.
11. A priority is given to the compensation in the form of allocation of alternative land of equivalent productive potential. Cash compensation will be used in the cases where land acquisition has no impact on the use of land for its former purposes as well as in cases where affected person expresses their will in cash compensation.
12. In case of temporary acquisition of the assets, after the works they will be returned in the same condition as beforehand to enable the owners or users the business activities on the same level as before.
13. All PAPs, without regard to legal status of property, will receive support of various kinds, as per the principles set out in the Entitlement Matrix include in this RPF. Lack

of legal title should not be a bar to compensation and/or rehabilitation. A detailed procedures of land acquisition, social participation and protective, preventive, compensatory and mitigation measures will be established in RAP.

This RPF, as per WB's OP 4.12, applies to **“involuntary resettlement”** which are cases where affected persons do not have the right to refuse land acquisition or restrictions on land use that result in physical or economic displacement. This occurs in cases of (i) lawful use of eminent domain (i.e. expropriation) or temporary or permanent restrictions on land use and (ii) negotiated settlements in which the Government can resort to expropriation or impose legal restrictions on land use if negotiations with the seller fail. For example, any properties located within an area declared of public interest could be subject to acquisition through the use of eminent domain.

2.3 Project Description

2.3.1 COMPONENT 1: LOWER AND MIDDLE Odra RIVER

The scope of flood control includes securing the areas located along Lower and Middle Odra riverbed on the section of the free-flowing Odra River from the town of Nowa Sól to Nysa Łużycka River mouth, the border section of Odra River, i.e. from Nysa Łużycka River mouth to its branching into Odra Zachodnia and Odra Wschodnia Rivers (within the town of Widuchowa), on the section of Odra Zachodnia and Odra Wschodnia Rivers along with the Międzyodrze area and Lake Dąbie. The entirety of required work has been divided into three Subcomponents: 1A - Flood protection of areas in Zachodniopomorskie Province, 1B - Protection of Middle and Lower Odra River, 1C - Flood protection of Słubice City.

2.3.1.1 Subcomponent 1A – Flood protection of areas in Zachodniopomorskie Province

The main purpose of flood control in Zachodniopomorskie Province is to build a system of integrated water management in Odra River basin, which will take into account such aspects as flood protection of adjacent areas, protection of Odra River water quality as well as of the natural and cultural environment. All the tasks under Subcomponent 1A solve the problems with flood protection comprehensively, covering the areas that are the most exposed to the flood risk. Subcomponent 1A includes the following tasks:

- **1A.1 - Chlewice-Porzecze. Backwater embankment of Odra River at Myśla River.**
The task's objective is flood protection of the towns of Chlewice and Porzecze against high waters of Odra River and backwaters of Myśla River (the right-bank tributary of Odra River) with an embankment around the developed areas of the town of Chlewice.

- **1A.2 - Flood protection of Ognica Village.** The task's objective is to secure the areas adjacent to Odra River against flood waters and to improve drainage of water from reclaimed agricultural land.
- **1A.3 - Osinów - Łubnica. Modernization of Inter-embankment.** The task's objective is to ensure an uninterrupted flow of any high waters and ice down Odra River and the terrace area by limiting the conditions of ice backup that result in accumulation of flood waters during spring thaw. The tasks listed above will improve safety of the areas in Gryfino District.
- **1A.4 - Flood protection of Radziszewo and Daleszewo Villages on Odra River at 726+400-727+960 km.** The task's objective is flood protection of the towns of Radziszewo and Daleszewo against high waters of Odra River by building new embankments.
- **1A.5 - Modernization of the Marwicki Polder.** The task's objective is flood protection of the towns of: Marwice, Krajnik, Krzypnica and part of the town of Gryfino along with the industrial plants, including: Dolna Odra Power Plant, Przedsiębiorstwo Usług Komunalnych Gryfino, Przedsiębiorstwo Energetyki Ciepłej and a Waste Treatment Plant with a total area surface of 1,500 ha. The task is composed of three stages:
 - Stage 1 - Krajnik - Marwice. Modernization of flood embankment on East Odra River at km 712+100 - 708+862 km
 - Stage 2 - Mniszki - Gryfino. Modernization of flood embankment on East Odra River at km 720+935 - 718+850 km
 - Stage 3 - Modernization of Krajnik pump station
- **1A.6 - Restoring natural values of the Lower Odra Valley by improving retention and flood protection capacities of Międzyodrze area.** The task's objective is to reach a hydraulic balance of the entire Międzyodrze area between the Odra River distributaries: Western Odra and Eastern Odra, by creating canals, ditches and hydraulic engineering facilities operating in such way as to ensure adequate irrigation and rapid drainage of natural areas while improving the flood safety level in the areas adjacent to Odra River.

2.3.1.2 Subcomponent 1B – Flood protection of Lower and Middle Odra River.

The threat of flooding in winter conditions is posed by ice backup formed by the existing barriers, which results in water damming and flooding of the adjacent areas. Due to its specific nature, flood protection of Polish and German riverside cities in Lower and Middle Odra River boils down to prevention of ice backup and to ensure a free flow of melt water. The main objective of the development is to reduce the possibility of the formation of ice backup and to facilitate icebreaking operations as the most effective tool to minimize the

risks of floods in winter. These objectives will be achieved by: renovation and modernization of existing regulating structures, elimination of ice backup prone areas, standardization of the conditions of flow and river load movement as well as modification of the existing bridge structures. These actions will ensure safe carriage of ice down the river, and thus reduce the risk of flooding in adjacent areas. Subcomponent 1B comprises the following tasks:

- **1B.1 - Repair and modernization of regulatory infrastructure on the free-flowing Odra - reconstruction and modernization of regulatory infrastructure - in order to adapt section of Odra from Malczyce to the estuary of Nysa Łużycka to class III waterway.** The task's objective is to improve water transport conditions on the free-flowing section of Odra River and to adapt it to Class 3 waterway by increasing its average depths and by ensuring a more balanced transport of river load. Those tasks will allow for reduction of the number of ice backup prone areas by unifying conditions of water flow and movement of debris, while adapting the river to Class 3 waterway will allow for carrying out winter ice cover and navigation of icebreakers taking part in icebreaking actions. The free-flowing Odra River from the dam in Brzeg Dolny to the Nysa Łużycka River mouth is a Class 2 waterway. This 260 km-long section is characterized by the worst technical parameters and navigation conditions. Due to the large scale of the project, the development was divided into three stages. Stages 1 and 2 cover repair and reconstruction works. Stage 3 covers project's tasks. Stage 1 (currently in the phase of implementation) covers a section of the river on the territory of Lower Silesia Province, i.e. from km 300+000 (below water dam Malczyce, currently under construction) to km 399+200 (above the city of Nowa Sól). Stage 2 covers section of Odra River on the territory of Lubuskie Province above the city of Nowa Sól (from km 399+200) to the estuary of Nysa Łużycka River (to km 542+400). Stage 3 covers the entire task, i.e. section of Odra River from km 300+000 (below constructed water dam Malczyce) to km 542+400 (estuary of the Nysa Łużycka River).

Within Stage 2 reconstruction of existing facilities is planned (groins and local dredging works). The task is in a very advanced design stage, therefore the scope of necessary works is determined in detail and it covers total of 341 selected groins.

Within Stage 3, in order to achieve depth required for Class 3 waterway, longitudinal dams will be constructed and the existing groins (not covered by stages 1 and 2) will be expanded. In order to achieve required geometry of the waterway, functional parameters will be revised – radiuses of curves and width of the waterway in selected areas. Works allowed for in Stage 3 should account for and not collide with works implemented within stages 1 and 2. Given the large scope of the undertaking, the planned investment has been divided into two stages: Stage 1 (in progress) covering the river section in Lower Silesia Province and Stage 2 (planned) covering Odra River section in Lubuskie Province from the town of Nowa Sól (from km 427+500) to the Nysa Łużycka River mouth (to km 542+400). As part of the investment there are plans to reconstruct the existing regulating structures and de-clog the Odra riverbed. These measures will reduce the amount of jam-conducive areas by standardizing the condition of flow and movement of river load, while adaptation of the river to Class 3

waterway will make it possible to implement winter ice-free program and introduce icebreakers participating in icebreaking.

- **1B.2 - Modernization Works on Boundary Sections of Odra River.** The border-side Odra River covers the river section from km 542+400 (Nysa Łużycka River mouth) to km 704+100 (the bifurcation into Odra Zachodnia and Odra Wschodnia Rivers in the town of Widuchowa). The task's objective is to facilitate icebreaking operations (obtaining a standardized depth of at least 1.80 m) and – by stabilizing the flow conditions and eliminating jam-conducive areas – to facilitate ice carriage from Odra River to the Baltic Sea. On the border-side section, Odra River is a regulated river. The maintenance condition of regulating structures on both German side and Polish side is insufficient. This has led to terrestrialisation and progressing reduction of the waterway depth in the recent decades. In some sections these obstacles make it virtually impossible to carry out ice-breaking operations and to carry ice down the river; this, in turn, poses a significant threat to flood protection. The scope of planned work is based on the existing regulating structures, while no changes will go beyond the existing riverbed. As it was agreed between the Polish and German side, the undertaking has been divided into stages. The first stage comprises of the elimination of commonly determined limiting areas (priority), while the subsequent stages will comprise of the remaining work in line with the concept design approved by the two parties.

The task comprises of two implementation stages:

- Stage 1 - Modernization works on boundary sections of Odra River to provide good conditions for ice-breaking in winter,
- Stage 2 - Reconstruction of river control infrastructure on boundary sections of Odra River.

- **1B.3 - Construction of Docking-mooring Infrastructure.** The task's objective is to improve the navigation conditions on Lower Odra River and border-side Odra River, on the section from Nysa Łużycka River mouth to Lake Dąbie, by building berth and mooring infrastructure and providing new signage to the waterway. As part of the task, berth and mooring infrastructure for icebreakers will be built in Szczecin. The target outcome is joint utilization of the port infrastructure by the Water Management Office, the base of ice-breakers and all the vessels owned by RWMA [Regional Water Management Authority] in Szczecin. In winter, outcomes of the task implementation will comprise increased efficiency and safety of ice-breaking operations using ice-breakers with a possibility to use the newly established berths.

The task comprises of two implementation stages:

- Stage 1 - Construction of Docking-mooring base for ice-breakers
- Stage 2 - Construction of docking-mooring infrastructure on Lower Odra and on its boundary sections and new marking of the shipping lane.

- **1B.4 - Improvement of flood water-flow from Dąbie Lake in winter.** The task's objective comprises of deepening of the navigation route on Lake Dąbie to facilitate

winter ice protection program and navigation of ice-breakers participating in ice-breaking on the lake. Lake Dąbie is the main basin of ice float flowing from the upper sections of Odra River. Irrespective of the place where ice backup occurs, each ice-breaking operation on Odra, Warta and Noteć Rivers must commence on Dąbie Lake to which ice floats from the entire river area must be carried. This task is therefore the key element of winter flood protection on Odra River.

- **1B.5 - Dredging of Klucz-Ustowo ditch.** The Klucz-Ustowo ditch is a branching of Wschodnia Odra River at km 730.5 which merges with Odra Zachodnia River at km 29.8. The task's objective is to improve the condition of the waterway by increasing its current depth. In winter the project will facilitate winter ice protection program and operation of ice-breakers participating in ice-breaking on this section of the river.

- **1B.6 - Reconstruction of Bridges to Ensure a Minimum Clearance.** The task's objective is to ensure an adequate clearance for ice-breaking operations involving river ice-breakers by modifying the existing bridge structures crossing the waterway. The existing bridges on Odra River are a real barrier to winter ice protection program and operation of ice-breakers participating in ice-breaking. Implementation of this task assumes refurbishment of five bridges which are the greatest obstacle, often making it impossible to carry out ice-breaking activities in an effective manner. The scope of task was divided into stages by assigning particular bridges to beneficiaries in accordance with management structure of sections of Odra River:
 - Stage 1 – Bridges on the section managed by RWMA in Szczecin.
 - Railway bridge at km 733.7 of Regalica River in Szczecin,
 - Railway bridge at km 615.1 of Odra River in Kostrzyń on Odra,
 - Road bridge at km 614.9 of Odra River in Kostrzyń on Odra,
 - Road bridge at km 2.45 of Warta River in Kostrzyń on Odra,
 - Stage 2 – Bridges on the section of the River managed by RWMA in Wrocław.
 - Road bridge at km 514.10 of Odra River in Krosno Odrzańskie.

- **1B.7 Flood protection of Nowa Sól and below Krosno Odrzańskie.** The aim of the task is to protect against flood areas situated along the valley of Odra River with special regard to flood protection of the city of Nowa Sól and areas located below the city of Krosno Odrzańskie. The entire task was divided into three stages:
 - STAGE 1 - Nowa Sól-Pleszówek. Construction of a left-side embankments of the Odra river on km 429.85-432.40 and embankments of the Czarna Struga river at km 0+000-3+330.

The task is a continuation of modernization of the flood protection system of Pleszówek district, but also of developed areas in the municipality of Otyń. The area protected within the present project covers developed areas in the northern part of the city of Nowa Sól (mainly in Pleszówek district), developed areas of Otyń,

Modrzyca and Konradów, as well as rural areas located on Borbowniki polder and within territories of the above mentioned cities. The surface of the area in the scope of potential and direct flood risk amounts to 29.3 km² (2,930 ha). The task is in a highly advanced design stage, therefore the scope of necessary works is specified in detail and it covers:

- Extension of the left-side embankment of Odra River on 2,737 m long section together with associated works (embankment crossing, culverts, repair of the road, dismantling works on garden plots, alterations to the power line),
 - Extension of the left-side backwater embankment of Czarna Struga River together with associated constructions (embankment crossing, culverts, repair of the road) including expansion of the existing body of the embankment on 2.619 km section and construction of a new section of the embankment of 510 m length,
 - Extension of the right-side backwater embankment of Czarna Struga River together with associated constructions, covering in particular demolition of the embankment on a 244 m section, expansion of section of the existing flood embankment of 2.402 km length, construction of a new section of the embankment on a 371 m long section.
 - Regulating the riverbed of Czarna Struga River.
- STAGE 2 - Nowa Sól-Pleszówek. Construction of a draining pump station with modernization of existing embankments on Czarna Struga River.

The task is a continuation of modernization of the flood protection system of the city of Nowa Sól and the second stage of implementation of changes and improving flood protection of Pleszówek district, but also of developed areas in Otyń municipality. The task is in a highly advanced design stage, therefore the scope of necessary works is specified in detail and it covers:

- Construction of a left-side embankment of Odra River, crossing the valley of Czarna Struga River and making it impossible for Odra River backwater to enter the valley of Czarna Struga River.
 - Construction of a flood waters pump station together with associated facilities, draining waters of Czarna Struga River in case of occurrence of large flood water in Odra River.
 - Regulatory works on Czarna Struga River on section from km 3+33 to km 7+618 together with extension of both-sides flood embankments and associated facilities.
- STAGE 3 - Wężyska - Chlebowo. Construction of a left-side flood embankment on Odra River at km 528.6 ÷ 532.0.

The aim of the task is to construct a new flood embankment (together with associated facilities) on the section of the river between Wężyska and Chlebowo, which will replace existing flood embankment damaged during the 1997 flood. The task is in a

highly advanced design stage, therefore the scope of necessary works is specified in detail. The section of the embankment covered by the project is 5,513m long and it is a part of a left-side embankment protecting 4,150 ha area. These include developed areas in Kosarzyn, Łomy, Chlebowo, Wężyska, Czarnowo Sarbia, Chojna, Retno, Strumiennie as well as rural and forest areas. The number of inhabitants in the area is approx. 2,800 people. The new embankment is planned further away from the riverbed, in order to increase capacity of the valley.

The aim of the development is to improve the level of flood protection of left-hand side of the valley of Odra River in the above mentioned area, in accordance with "General strategy of flood protection for the Upper and Middle Odra after the Great July Flood of 1997", prepared on the commission of RWMA in Wrocław in 1998.

2.3.1.3 Subcomponent 1C - Flood protection of Słubice City

The flood of 1997 was a real threat to Słubice, as a result of which the town inhabitants had to be evacuated. Long-term water emergency condition impaired the embankments in the Słubice area. Potential loss of stability and a break in the embankments would be catastrophic for the town – due to its low altitude almost entire Słubice would be under water. In order to improve flood protection of the town of Słubice, strengthening and widening of the existing embankment along Odra river is proposed, along with a construction of a new ring embankment securing Słubice from the north – task 1C.1, and refurbishment of the beds of Czarny and Racza Struga Canals – task 1C.2.

- **1C.1 - Extension and Construction of Flood Embankments.** The task's objective is to protect the town of Słubice against flood by reinforcing and widening existing embankment along Odra River (from km 582+500 to km 588+000) and building a new ring embankment from the north (the embankments starts at km 587+400 of Odra River course). The scope of work covers modification of the existing embankment on the approx. 6.9 km-long section and building a new embankment on the 5.9 km-long section.
- **1C.2 - Reconstruction of Czarny Kanał and Racza Struga.** The task's objective is to facilitate proper drainage of the adjacent areas and discharge of surface water to Racza Struga and Czarny Canal beds by restoring the proper technical condition of the existing hydraulic facilities. The task includes the reconstruction of the Racza Struga bed on a 2 km-long section as well as the reconstruction of the Czarny Kanał bed on a 4.1 km-long section.

2.3.2 COMPONENT 2: FLOOD PROTECTION OF THE KŁODZKO

The scope of flood control of the Kłodzko Valley covers flood protection of the inhabitants (approx. 234,000) and of developed areas with a total area of 497 ha. It covers protection of humans and animals along with property. The Project provides for the individual protection of approx. 250 households as well. The flood risk in Kłodzko Valley is mainly attributable to the

insufficient capacity of the river beds and transport structures, insufficient number of flood reservoirs and insufficient number and height of embankments. This is accompanied by the poor technical condition of the existing flood protection structures which do not ensure flood protection to the inhabitants of the river-bank areas. The scope of works included in flood protection of the Kłodzko Valley covers active protection tasks - Subcomponent 2A, as well as passive protection tasks - Subcomponent 2B.

Based on preliminary conceptual designs it is estimated that there could be 39 households with approximately 137 individuals affected by involuntary physical resettlement (in this area, the average number of individuals per household is 3,5). Nonetheless, it must be highlighted that these are just conservative estimates and the definitive impact and number of affected people will not be known until final designs are completed.

2.3.2.1 Subcomponent 2A - Active protection

The scope of active protection comprises of the construction of four dry detention basins: Boboszków on Nysa Kłodzka River, Roztoki Bystrzyckie on Goworówka Stream, Krosnowice on Duna stream and Szalejów Górny on Bystrzyca Dusznicka River. The purpose of the reservoirs is – by reducing the culmination of flood waves and reducing the size of flows – to minimize the risk in the river valleys where they are located, and indirectly also on Nysa Kłodzka River and thus throughout the Kłodzko Valley. Currently, there are two dry retention reservoirs in the Kłodzko Valley: Miedzycórze on Wilczek Stream – max. capacity of 0.83 million cubic m and flooding area at the maximum damming – 6.6 ha, and Stronie Śląskie on the Morawa River: max. capacity of 1.4 million cubic m and flooding area at the maximum damming of 25.0 ha. The number and capacity of the existing reservoirs are insufficient; in order to protect the Kłodzko Valley from flooding it is necessary to take actions enhancing active protection in the area.

At the stage of preliminary study work, the location of thirteen flood control reservoirs was reviewed. When choosing the most optimal solutions, the following aspects were considered: the ability to protect large population centers which suffered during the previous floods, especially in 1997 and 1998; the size and nature of the catchment area expressed by the ratio of the reservoir capacity to the catchment area (reduction capacity of the reservoir); topographic opportunities of the reservoir location; quantity and size of collisions with existing infrastructure and land development; local government's attitude reflected in placing the investment in the local land use plans of municipalities. **The entire subcomponent 2A may involve the involuntary physical resettlement of an estimated number of 8 households (i.e. approx.. 28 individuals).**

Subcomponent 2A comprises the following tasks:

- **2A.1 - Construction of "Boboszków" - a dry flood control reservoir on Nysa Kłodzka River.** The dry detention basin is planned on Nysa Kłodzka River valley in the towns of Boboszków and Pisary, above the town of Międzylesie. The maximum capacity of the reservoir is 1.4 million cubic m, while its flooding area at the maximum damming is 21.0 ha. The direct advantage of the basin construction is flood protection

of the towns of Boboszów and Międzylesie, which suffered during the flood of 1997. Nysa Kłodzka River is characterized by rapid high waters, while the centenary water flow rate against the annual is approx. 220, i.e. very high; this only proves the validity of the basin construction.

The length of a dam along the crown axis is 230.0 m, while its height in the highest point is 17.0 m. Water will flow through the dam via outlets and slope overflows along the right abutment of the dam. There are 16 buildings in the project area colliding with the proposed location of the reservoir, **including five households (i.e. 18 people) who will be affected by involuntary physical resettlement.** The facilities which also collide with the development are an MV power line providing power to the villages in the vicinity, an overhead telecommunication line and a local road between the villages of Boboszów and Pisary.

- **2A.2 - Construction of "Roztoki Bystrzyckie" - a dry flood control reservoir on Goworówka stream.** The retention reservoir is planned in Goworówka Stream valley above the town of Roztoki. The maximum capacity of the reservoir is 2.7 million cubic m, while its flooding area at the maximum damming is 48.0 ha. The direct advantage of the reservoir construction is flood protection of the town of Roztoki and - in conjunction with "Boboszów" reservoir – protection of the town of Bystrzyca Kłodzka, which suffered great damage during the flood of 1997. The Goworówka River is characterized by rapid high waters, while the centenary water flow rate against the annual is approx. 180, i.e. very high; this only confirms that the river needs to be tamed before it enters Nysa Kłodzka River, thus proving the validity of the basin construction.

The length of a dam along the crown axis is 750.0 m, while its height in the highest point is 15.5 m. Water will flow through dam via outlets and slope overflows along the right abutment of the dam. **There are no buildings or households in the project area colliding with the proposed reservoir.** The elements which collide with the development are an MV power line, gas pipeline and a local road between the villages of Roztoki and Goworów.

- **2A.3 - Construction of "Szalejów Górny" - a dry flood control reservoir on Bystrzyca Dusznicka River.** The retention reservoir is planned in the valley of the Bystrzyca Dusznicka River near the town of Szalejów Górny and above the town of Szalejów Górny. The maximum capacity of the reservoir is 9.9 million cubic m, while its flooding area at the maximum damming is 118.7 ha. The basin is to control 64% of the entire Bystrzyca Dusznicka River catchment area, which will significantly affect the flow in the river below the basin and enhance flood protection of the town of Kłodzko.

The length of the dam along the crown axis is 735.0 m, while its height in the highest point is 19.3 m. Water will flow through the dam via an overflow weir and outlets. **There is one residential building (i.e. 3 people) in the project area colliding with the proposed reservoir and which will be affected by involuntary physical resettlement.** There are also no utilities in the area of development.

- **2A.4 - Construction of "Krosnowice" - a dry flood control reservoir on Duna stream.** The dry detention basin is planned in Duna stream valley, in its mouth section, approx. 500 above m the town of Krosnowice. The maximum capacity of the reservoir is 1.9 million cubic m, while it flooding area at the maximum damming is 44.0 ha. Duna catchment area is only slightly afforested (20%), which increases the rapidity of high flood waters. The centenary water flow rate against the annual is approx. 260, i.e. very high; this only confirms that the river needs to be tamed before it enters Nysa Kłodzka River.

The dam length along the crown axis is 450.0 m, while its height in the highest point is 15.7 m. Water will flow through the dam via a slope overflow and outlets. **There are two residential buildings (i.e. 7 people) in the project area colliding with the proposed reservoir which will be affected by involuntary physical resettlement.** Another elements which collide with the development area are the MV power line and the telecommunication line.

2.3.2.2 Subcomponent 2B - Passive protection

The scope of passive protection covers flood protection of the areas along the four main rivers in Kłodzko Valley: Nysa Kłodzka, Ścinawka, Biała Łądecka with the main left-side tributary – the Morawka, and Bystrzyca Dusznicka with the main left-bank tributary – the Kamienny Potok River. The built-up areas will be protected as class II or III of importance. Passive protection comprises: modification and renovation of the existing bank protection measures and enhancing the throughput of river and stream beds; construction of new and modification of existing embankments and floodwalls; (works carried out within developer areas or in their direct vicinity in scope necessary for protection of developer areas)enhancement of throughput of the existing dams and barrages; enhancement of throughput of the existing bridge and footpath structures; individual protection of households or moving the developed areas that are impossible to protect outside the flooding areas. **The entire subcomponent 2B may involve the involuntary physical resettlement of an estimated number of 31 households (i.e. approximately 109 individuals). However, these are just conservative estimates based on preliminary conceptual designs and final number and impacts would only be known at a later stage.**

Subcomponent 2B comprises the following tasks:

- **2B.1 - Flood protection of Nysa Kłodzka River Valley** The scope of work related to flood protection of Nysa Kłodzka River covers the section starting from km 179+500, i.e. the lower design stand of the "Boboszów" reservoir, to km 113+000, i.e. above the locality of Bardo. In total, work will be performed on a 66.5 km-long river section. As part of entire work, in particular the following will be performed: section-based modification and renovation of the existing bank protection measures (within developer areas or in their direct vicinity); enhancing the capacity of river and stream beds; construction of new embankments and floodwalls on the section whose total length is 14.5 km; modification of the existing embankments and floodwalls on the section whose total length is 6.5 km; enhancement of capacity of 38 bridge and footpath structures; and enhancement of throughput of 13 dams and barrages. **It may also involve the involuntary physical resettlement of 12 households (i.e. 42 people). Nonetheless, these are just estimates and will not be known with any**

certainty because the designs are under development and the final number of residents for resettlement may still be slightly modified. Implementation of this task is planned for the year 2019.

- **2B.2 - Flood protection of Ścinawka River Valley** The scope of work related to flood protection of the Ścinawka River Valley covers the section starting from km 26+850, i.e. from the Polish - Czech border, to km 0+000 i.e. to Nysa Kłodzka River mouth. In total work will be performed on a 26.8 km-long river section. As part of entire work, in particular the following will be performed: section-based modification and renovation of the existing bank protective measures and enhancing the capacity of river and stream beds; construction of new embankments and floodwalls on the section on sections necessary for protection of developed areas (whose total length is 8.5 km); modification of the existing embankments and floodwalls on the section on sections necessary for protection of developed areas whose total length is 1 km; enhancement of capacity of 20 bridge and footpath structures; and enhancement of capacity of 5 dams and barrages. **It may also involve the involuntary physical resettlement of nine households (i.e 31 people). Nonetheless, these are just estimates and will not be known with any certainty because the designs are under development and the final number of residents for resettlement may still be slightly modified. Implementation of this task is planned for the year 2019.**
- **2B.3 - Flood protection of Biała Łądecka River valley and Morawka River.** The scope of work related to flood protection of Biała Łądecka River Valley covers the section starting from km 36+400, i.e. above the locality of Stronie Śląskie, to km 0+000 i.e. to Nysa Kłodzka River mouth. The scope of work related to flood protection of the Morawka River Valley covers the section starting from km 6+900, i.e. above the locality of Nowa Morawa, to km 0+000 i.e. to the place where it enters the Biała Łądecka River, at the level of Stronie Śląskie. In total, work will be performed on a 36.40 km-long section of Biała Łądecka River and a 6.90 km-long section of Morawka River. As part of entire work, in particular the following will be performed: section-based modification and renovation of the existing bank protective measures (on sections necessary for protection of developer areas) and enhancing the capacity of the beds of the two rivers; construction of new embankments and floodwalls (where necessary for protection of buildings) on the section whose total length is 25.0 km (for the two rivers); modification of the existing embankments and floodwalls on the section whose total length is 4 km (for the two rivers); enhancement of capacity of 23 bridge and footpath structures (for the two rivers); enhancement of capacity of 9 (for the two rivers) dams and barrages; and moving approx. 5 residential building may possibly be households indicated for physical relocation. **The task may involve the involuntary physical resettlement of 5 households (i.e. 18 people) . Nonetheless, these are just estimates and will not be known with any certainty because the designs are under development and the final number of residents for resettlement may still be slightly modified. Implementation of this task is planned for the year 2019.**

- **2B.4 - Flood protection of Bystrzyca Dusznicka River Valley and Kamienny Potok River.** The scope of work related to flood protection of the Bystrzyca Dusznicka River Valley covers the section starting from km 30+000, i.e. above the locality of Duszniki Zdrój, to km 0+000, i.e. the place where it enters Nysa Kłodzka River. The scope of work related to flood protection of the Kamienny Potok River Valley covers the section starting from km 9+900 to km 0+000, i.e. the place where it enters the Bystrzyca Dusznicka River, at the level of Szczytno. In total work will be performed on a 30.00 km-long section of the Bystrzyca Dusznicka section and a 9.90 km-long section of the Kamienny Potok. As part of entire work, in particular the following will be performed: section-based modification and renovation of the existing bank protective measures and enhancing the capacity of the beds of the two rivers; construction of new embankments and floodwalls on the section whose total length is 8.0 km (for the two rivers); modification of the existing embankments and floodwalls on the section whose total length is 6.5 km (for the two rivers); enhancement of capacity of 66 bridge and footpath structures (for the two rivers); enhancement of capacity of 12 (for the two rivers) dams and barrage **It may also involve the involuntary resettlement of 5 households (i.e. 18 people). Nonetheless, these are just estimates and will not be known with any certainty because the designs are under development and the final number of residents for resettlement may still be slightly modified. Implementation of this task is planned for the year 2019.**

2.3.3 COMPONENT 3: THE UPPER VISTULA RIVER

Component 3 The Upper Vistula is located in the area of 3 provinces: Małopolskie, Podkarpackie and Świętokrzyskie.

The purpose of Component 3 Upper Vistula is to implement tasks aiming at limiting threats in flood risk management on selected areas, within gradual improvement of the level of flood safety in the catchment of the Upper Vistula river. The Subcomponents cover areas of very high flood risk level, on which the risk became material during the 2010 flood. The flood in 20120 was the largest recorded rise of waters in the regions covered by the project. Planned tasks will ensure secure passage of historically documented large water (including that of 2010), and at the same time will raise the level of security for protected areas against higher waters.

The planned actions comprise the following Components which, at the same time, are the detailed Project objectives:

- Subcomponent 3A – Flood Protection of Cracow and Wieliczka
- Subcomponent 3B – Protection of Sandomierz and Tarnobrzeg
- Subcomponent 3C – Raba Sub-basin Passive and Active Protection
- Subcomponent 3D – San, Wisłoka and Dunajec Sub-basins Passive and Active Protection.

Subcomponent 3A – Flood Protection of Cracow and Wieliczka. In order for the protection measures in the Cracow agglomeration to be effective, it is necessary to maintain high water levels as low as possible within the city, in the conditions of precipitation water management control and steering their discharge to into river receiving bodies. Such task requires building of adequate protection structures in the city and in the catchment areas as well as in The Vistula river valley above Cracow.

The Subcomponent will comprise modification of The Vistula river embankments in Cracow on the total length of 21 km in three sections. The embankments to be modified are the last fragments of protection structures that have not been modified since the flood of 2010 in Cracow.

In order to protect part of Cracow and Wieliczka, as part of the component implementation, the construction of retention capacity is planned in the form of four dry detention basins along with the necessary actions to stabilize the Serafa and Malinówka River beds (The Vistula river is the receiving body of these rivers) and modernization of the existing embankments and construction of supplementary embankments on specific sections. The planned actions will complement an investment which was launched as a consequence of the flood of 2010; construction of the dry detention basin “Bieżanów” on the Serafa River (completion date: August 2015).

The division of Subcomponent 3A into is and tasks is presented in Table 1.

Table 1. Tasks within of Subcomponent 3A – Flood Protection of Cracow and Wieliczka

Sign	Task
1. Upgrading Embankments	
3A.1	Finishing reconstruction of flood embankments on the Vistula river in Cracow: <ul style="list-style-type: none"> - Section 1 – left-hand side embankment from Wanda bridge to Przewóz barrage together with backwater embankments of the Dłubnia river - Section 2 – left-hand side embankment of the Vistula river from Przewóz barrage to Suchy Jar
3A.2	Finishing reconstruction of flood embankments of the Vistula river in Cracow <ul style="list-style-type: none"> - Section 3 – right-hand side embankment of the Vistula river from Dąbie barrage to Przewóz barrage
2. Flood Protection in Serafa Valley	
3A.3	Increase flood protection in Serafa Valley in the city of Cracow and in the city of Wieliczka: Stage II Serafa 2 retention reservoir, dam at chainage 9+223 km, Stage III Malinówka 1 retention reservoir, dam at chainage 0+220 km, Stage IV Malinówka 2 retention reservoir, dam at chainage 2+320 km, Stage V Malinówka 3 retention reservoir, dam at chainage 3+017 km

Subcomponent 3B – Protection of Sandomierz and Tarnobrzeg. Kotlina Sandomierska is a Vistula river node and an area of mouths of several important tributaries, including the largest Carpathian tributary of Vistula - San. The area is protected with embankments the condition and protection effectiveness of which was verified by the flood of 2010 (the largest in the history of the region); the majority of Sandomierz was flooded and significantly destroyed. Under the Subcomponent, modernization of The Vistula river embankments will be performed as well as of the embankments of its tributaries within The Vistula river backwaters; moreover, the necessary modernization of the pump station system will be performed which protects the landside of the embankment during high water flows. The modernization also comprises synchronization of embankment crown coordinates along their course and on both river banks to adapt them to the same safety level on the protected area. Due to historical conditions the current embankment crown coordinates in the area do not match one another.

Division of Subcomponent 3B – **Protection of Sandomierz and Tarnobrzeg** tasks is presented in the table below.

Table 2. Tasks from Subcomponent 3B – Protection of Sandomierz and Tarnobrzeg

Sign	Task
1. Protection of Sandomierz	
3B.1	Flood protection within estuary section of Atramentówka, construction of new pump station “Koćmierzów” and gravity lock Koćmierzów, and a water discharge channel carrying water from Atramentówka to the pump station
3B.2	Flood protection within Struga A watercourse together with reconstruction and expansion of “Nadbrzezie” pump station
3B.3	Expansion of perimeter embankment securing Huta Szkła and housing estate in the city of Sandomierz against flood waters
3B.4	Securing embankments of Koprzywianka river - left-hand side embankment on km 0+000 – 12+900, right-hand side embankment on km 0+000 – 14+400
3B.5	Construction of water pump station in the city of Szewce
3B.6	Expansion of water pump station in the city of Zajeziórze
2. Protection of Tarnobrzeg	
3B.7	Vistula Stage 2 – expansion of the right-hand side embankment of the Vistula river on 13,959 km section, right-hand side embankment of the San river on 2,193 km section, and left-hand side embankment of the Łęg river on 0,112 km section on the territory of Gorzyce and Radomyśl on the San river, podkarpackie Voivodeship

Subcomponent 3C – Raba Sub-basin Passive and Active Protection. The Raba River basin is mountainous farming and forestry area. At the same time, the area is highly developed with settlements in the valley of the Raba and its tributaries. Approx. 6410 buildings may be flooded with 500-year water, of which 45% are residential buildings and 214 are industrial structures, along with 399 public utility buildings. There are about 10,000 people at risk in this zone. Given the mountainous nature of the basin, the people and their property are exposed to erosion of the high water bed as well as to flooding of the naturally shaped terrain. These phenomena occur simultaneously during every consecutive damming up in the Raba river basin, causing significant damage, also below the Dobczyce retention reservoir. The increase in the basin area surface of high flood activity below the reservoir frequently reduces the protective impact of the dam. This was the case during the flood of 2010 (the largest flood recorded in the region so far). The current size of flood reserves of the capacity of 33.8 million cubic meters failed to retain flows from the reservoir at the level of non-damaging flow (300 cubic m/s). Therefore, as part of this Subcomponent, there are plans to increase the amount of the flood reserve of the Dobczyce reservoir and to build retention capacity (dry reservoirs) on the Raba river major tributaries both downstream and upstream of Dobczyce reservoir, reaching the desired effect for the settlement areas situated in the valley of the Raba river.

Construction and modernization of flood embankments is also planned within the Subcomponent. New embankments and boulevards will protect developed areas in the valley of Raba and its tributaries. The embankments were planned on loosely developed urbanized areas and in the centers of villages, within developed areas, construction of boulevards was planned, due to limited available space.

Implementation of the Subcomponent was divided into two stages:

- 3C.1 – Dry Polders and other Structures Phase I - Phase I
- 3C.2 – Dry Polders and other Structures Phase I – Phase II

Subcomponent 3D – San, Wisłoka and Dunajec Sub-basins Pasive and Active Protection. Existing flood protection objects do not guarantee full flood protection on the area of San catchment (together with Wisłok), which each year results in flood damages. Supplementary to the existing flood protection facilities, preliminarily construction of dry reservoirs was planned. Apart from reservoirs, construction of embankments on San and its tributaries was planned.

High risk of flooding is also associated with Wisłoka valleys (e.g. Dębica, Jasło) and with Dunajec. In the catchments of these rivers mainly the following types of tasks are planned: construction and modernization of embankments, construction of dry reservoirs (or polders) as well as, on a smaller scale, regulatory works in the river valleys.

Implementation of the Subcomponent was divided into two stages:

- 3D.1 – Dry Polders and other Structures Phase I
- 3D.2 – Dry Polders and other Structures Phase II

The general progress of Component 3 varied. Some tasks have already had their environmental decisions awarded (majority of tasks from Subcomponent 3B), while some of the planned actions are still at the pre-Feasibility Study stage.

2.4 The possible occurrence of involuntary resettlement impacts for the project

The key likely temporary or permanent impacts of project-related land take include:

- Loss of land (agricultural, non-agricultural, rural)
- Loss of assets (buildings, irrigation channels, fences, crops, trees, etc)
- Physical displacement of people
- Loss of community infrastructure or common property resources (e.g. access roads).

Within the Project two categories of task will be implemented:

- linear (embankments, boulevards) and
- site-specific (dry polders, individual protection of households etc.).

The linear tasks have a minimal impact on any single landholder. Compensation is characterized by a large number of small payments for the temporary loss of assets such as standing crops. If well designed, linear projects can easily avoid or minimize the demolition of permanent structures.

Linear resettlement contrasts with site-specific resettlement because of the problems that frequently arise when resettlement actions have to be coordinated across multiple administrative jurisdictions.

Site-specific resettlement results mostly from a project's acquisition of farm land, pasture, or grazing land or the obstruction of access to natural resources on which affected populations rely for livelihoods (for example sand exploitation from riverbed). Those resettlement include requirements for restoring income based on land or resources. However there is also a high probability of resettlements connected to building dry polders and passive protection. Nevertheless, only a few households are expected to be affected and the action is believed to have little impact on the whole local society. It must be noted that even though no residential buildings will be allowed within the flooding area of passive protection structures (e.g. dry polders), any agricultural lands will continue to be accessible for economic activities to the project-affected population.

Regardless of compensation for losses, in some cases the resettlement may result in lowering the standards of living by the limited access to:

- Educational institutions in case of children and teenagers at school age;
- Nurseries, kindergartens or day-care services in case of young children and their parents;
- medical centers which can be of great importance for the elderly, the disabled or chronically ill people;

- cultural institutions, recreation areas and sport facilities.

Resettlement is connected with some psychological aspects such as stress related to the loss of previous place of living and adaptation to new circumstances. Thus the support and preventive activities are planned to help the affected people.

The negative effects of permanent acquisition or restricted conditions to the use of land on the bowl of the dry polders are to be counteracted by suitable and adequate compensations prepared thoroughly in the initial sub-project design stages according to RPF procedures.

The next costs resulting in compensations are connected with the loss of work or company. People who may lose their working places during the realization of the project may rely on the support to find new jobs. It does not guarantee the demand on the skills of the unemployed beyond their working places and therefore the further training and requalification will be necessary resulting in spending both public and private money. It also concerns people who have or rent farming land in the areas of investment. In case of diminution of usable value of land or its acquisition, the owners are under threat of losing the source of their income. Therefore, they have right to apply for financial compensation or replacement property.

It is highly probable that deterioration of the working conditions for business activities may take place due to communication problems (access of customers to the business, availability for suppliers). Regarding the necessity of temporary acquisition of the property for the purposes of the project, there could occur temporary stagnation or slowdown in farming or other business activity.

However, it is worth mentioning that such limitations deriving from the project are temporary and can be in most cases reversible. The affected farmers or businessmen may experience temporarily the adverse effect on the decrease or even loss of their income. Since most of the business activities run in the area concern sole-proprietorships or small companies employing up to 10 workers, the decrease or loss of income may be crucial in their business.

The project, however, may result in the vast benefits for the local society. The long-term benefits cover:

- Limitation or elimination of flood risk,
- Land and property protection both private or public, including property assets and farmlands,
- Modernization of public infrastructure, mostly on the rivers (weirs, bridges, embankments).

Due to aforesaid changes, the landscape will gain new quality and become attractive enough to organize new recreation areas and resting places (canoe trails, boulevards, bathing beaches) which in turn will attract bigger number of tourists. Improvement in river navigation will lead to further development of water tourism.

3 LEGAL FRAMEWORK

The Resettlement Policy Framework for the Odra-Vistula Flood Protection Project is based on national laws and legislation relevant to land acquisition and resettlement in Poland and, since it will be financed by the World Bank it must comply with the WB's Involuntary Resettlement Policy (OP/BP 4.12). It must be noted that Loan Agreements between the World Bank and client governments, in this case the Government of Poland, have the legal status of international treaties. By signing the Loan Agreement the Government agrees to abide to the applicable World Bank Environmental and Social Safeguards. Whenever there is a difference between local regulations and WB policies, whichever is more stringent and/or is more favorable to the affected people, will prevail.

3.1 OP 4.12 requirements

OP 4.12 Involuntary Resettlement is applied whenever the implementation of the Investment requires:

- a) involuntary taking of land resulting in:
 - a) relocation or loss of shelter,
 - b) loss of assets or access to assets,
 - c) loss of income sources or livelihood
- b) the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

To address the impacts of these activities, the borrower is obliged to prepare a Resettlement Policy Framework or a Resettlement Action Plan depending if the specific interventions and related impacts have been identified or not. OP 4.12 also states that:

- Involuntary resettlement should be avoided where feasible exploring all viable alternative project design, and if it is not feasible to avoid resettlement, its range and impact should be minimized;
- Resettlement process should be planned and implemented as development activity providing means and assets allowing PAPs to participate in benefits resulting from implementation of the investment. Support should be offered to social groups affected by resettlements in order to improve their economic status, income and livelihood, or at least restore their status;
- The resettled should receive compensation at replacement value, assistance in relocation and support in the transition period;
- Lack of legal title to the ground should not bar compensation;
- Particular attention should be paid to vulnerable social groups and individuals (e.g. single mothers, the handicapped, the poor);
- The communities should be given opportunity to participate in planning, implementation and monitoring of the resettlement process;
- The resettled should be assisted in integration with the host community;
- Process of resettlements should be closely linked to the schedule of the main investment so that the resettled people receive compensation before the construction or other activities covered by the projects begin;

- Monitoring of resettlement is required as well as evaluation of its efficiency;
- As regards rural or farming lands, even when it is possible to apply financial compensation, land-for-land compensation is recommended, if economically feasible. Farm that lost their fixed assets entirely and became entirely unprofitable should receive compensation in the amount equal to the value of the entire farm;
- For losses that are hard to compensate for financially, such as access to public services, access to clients or suppliers, fishery areas, access to pastures and forest areas, an attempt should be made to grant access to equivalent and culturally relevant resources and income opportunities.

3.2 Polish Legal Conditionings

3.2.1 GENERAL REQUIREMENTS

In general, compensation of social impacts resulting from implementation of flood investments is subject to provision of the following laws:

- the Law of 3 October 2008 on access to information on the environment and its protection, public participation in environment protection and environmental impact assessments (consolidated text: Journal of Laws of 2013, pos. 1235 with amendments),
- the Law of 8 July 2010 (Flood Act) on specific rules for the implementation of flood structures (Journal of Laws No 143, pos. 963 with amendments) and
- the Law of 21 August 1997 on the real property management (consolidated text: Journal of Laws of 2014, pos. 906, hereinafter the RPM Law).

In accordance with the EIA Law, one of the criteria considered by the organ assessing if the environmental impact assessment (EIA) is required for the investment is the area of the project and number of people affected by its impacts, along with population density. Moreover, during the EIA it is necessary to carry out assessment of impact on the people and material goods as well as to conduct analysis of social conflicts. The EIA Law also imposes an obligation to carry out public consultations in the EIA process and to refer back in detail to the remarks and motions filed during the consultations. EIA is carried out during the first stage of issuing consent for implementation of the investment (as a part of procedure of issuing environmental decision), which allows for early assessment of social impacts associated with implementation of flood investments and for proposing appropriate minimizing and preventive activities.

Mechanisms directly associated with the loss or limitation of the ownership right and other property rights to the real estate as well as the loss or limitation of rights resulting from lease agreements are provided in the provisions of the Flood Act and the RPM Law. Expropriation of real estate or its part, as well as permanent or temporary limitation of manner of use of the real estate or its part is stated in the Building Permit (BP) issued by the Voivode. Expropriation takes place the moment the BP becomes final.

Prior to issuing BP, a party may demand that the motion for expropriation covers his real estate or its part that will no longer be fit for current use after implementation of the

investment. If the investor refuses to expropriate this additional part, the party is entitled to sue him before a an independent common court for purchase of the unviable piece of land.

As regards transferring the ownership of the real estate to the State Treasury, the owner or the holder of usufruct rights (i.e. the legal right of using and enjoying the fruits or profits of state land) is entitled to financial or land-for-land compensation. The Flood Act does not indicate any preference for the land-for-land compensation; financial compensation allowing for purchasing similar real estate is rather assumed.

The amount of compensation is determined separately for each real estate by negotiating individually with the current owner or holder of usufruct right. The negotiations are based on the independent and objective valuation prepared by licensed appraiser.

The amount of compensation is determined for the real estate in the condition as of the date of issuing BP, but in reference to real estate value as of the date on which the amount of compensation is determined.

In case the investor and the expropriated party reach agreement as regards the amount of compensation, a written agreement is concluded, determining the amount of compensation, and time and manner of payment. However, if the agreement is not reached within 2 months from the date of issuing final BP, the amount of the compensation is determined by the Voivode (regional authority). Before issuing decision on the amount of compensation, the Voivode appoints an independent expert appraiser. Also the affected party is entitled to present opinion of an expert; in such case the Voivode has to account for the opinion presented by the affected party in the decision determining the amount of compensation. If the affected party files remarks and motions in the proceedings, the Voivode has to refer to them during the proceedings and subsequently in the issued compensation decision.

The decision issued by the Voivode may be challenged by the party.

3.2.2 PUBLIC CONSULTATION

Procedures regarding public consultations are provided in the EIA Law. The consultations constitute part of EIA. The assessment is conducted as part of the procedure of issuing environmental decision, and if the investor introduced changes in the project as compared to conditions set out in the environmental decision, EIA will also be carried out within BP.

Additionally, in accordance with the Law of 14 June 1960 – Code of Administrative Procedure (consolidated text: Journal of Laws of 2013, pos. 267 with amendments), parties affected by the implementation of the investment are individually informed on any action undertaken by the organ issuing the decision and on all the documents filed by the investor at all stages of the procedure.

The affected parties are entitled to actively participate in the proceedings at any stage, file remarks, motions, documents, their own opinions, expert opinions, etc. Entire case file concerning the proceeding are open to the parties and have to be shared on request. The organ is obliged to refer to all remarks, motions, documents, etc. filed by the party. It is also possible to hold administrative hearing, open to the affected parties, in particular if there are disputes concerning any aspect of the case.

3.2.3 APPEAL PROCEDURES

In accordance with provisions of CAP, each decision, including BP and decision of the Voivode establishing the amount of compensation for expropriation may be appealed to the organ of second instance (Ministry for Construction). CAP states that it is obligatory for the organ issuing an administrative decision to add information on the deadline for filing an appeal, organ to which the appeal should be delivered and manner of filing an appeal. Filing an appeal is free of charge.

In case of appeal from the decision establishing the amount of compensation, the expropriated party may file a motion for paying the compensation in the amount stated in the contested decision. In such case the compensation is paid as stated, which does not influence the appeal proceeding.

The decision issued in the appeal proceeding may be further contested to the Regional Administrative Court (RAC) within 30 days from the date of delivery of judgment to the complainant. The ruling of provincial administrative court may be further subject to cassation, which has to be filed for within 30 days from delivery of a copy of the judgment with substantiation to the party.

3.3 Analysis of inconsistencies and corrective measures

OP 4.12	Polish laws	Corrective action
<p>Lack of legal title to the land should not bar compensation. People without legal title are eligible for compensation.</p>	<p>Polish legal system does not account for the right to compensation of the occupants/users of the land that do not hold legal title to it (except for the people whose legal title to the real estate was lost or who acquired the title by usucaption (method by which ownership of property (i.e. title to the property) can be gained by possession of it beyond the lapse of a certain period of time).</p>	<p>In case a project affected person without legal title or legal rights over the land is affected by project-related land acquisition the case will be analyzed individually for the possibility of applying general mechanisms from the Civil Code to achieve the objectives of OP 4.12.</p> <p>As per OP 4.12 affected people without legal titles will be not eligible to receive compensations for the land. However, they will be eligible for compensation for any structures, crops or improvements to the land that were done before the cut-off date and to receive adequate solutions in cases where they have to be physically or economically displaced.</p> <p>In this cases, additional nonfinancial mitigation measures can be applied..</p>
<p>WB Policy requires compensation for the</p>	<p>Provisions of polish law do not provide compensation for the loss of</p>	<p>Persons who lost income or employment will receive support</p>

<p>loss of income resulting from taking of land that generates the displacement of economic activities (e.g. business, agriculture, etc).</p>	<p>income resulting from land take required for an investment.</p>	<p>(health insurance, professional trainings etc.) from the employment offices.</p> <p>In case of entrepreneurs or agricultural activities, it is possible to apply general mechanisms from the Civil Code (covering loss suffered (<i>damnum emergens</i>) and the expected profits which are lost (<i>lucrum cessans</i>).</p>
<p>Particular attention should be paid to vulnerable social groups, such as the poor, the elderly, single mother headed household, children, ethnic minorities.</p>	<p>Polish law does not require planning specific measures aimed at additionally assisting vulnerable social groups (the elderly, the handicapped, the poor, and other groups with special needs).</p>	<p>The project will grant to the affected people help in obtaining assistance from offices and institutions.</p> <p>Additional measures will be implemented as needed to ensure that the objectives of OP 4.12 are met.</p>
<p>WB Policy requires additional compensation for expenses incurred by PAP as a result of physical relocation (i.e. transport of materials) and assistance in implementing the resettlement.</p>	<p>Assistance regarding incurring costs of relocation and other similar costs resulting from the necessity to move to a new location by the citizens and enterprises is not provided in the provisions of law.</p>	<p>In order to cover costs of relocation and other similar costs it is possible to apply general mechanisms from the Civil Code in a manner that achieves the requirements of OP 4.12.</p>
<p>The compensation should be paid prior to physical occupation of the land for the purposes of implementation of the investment.</p>	<p>The flood act allows for occupying the land and commencing works before the compensation is paid.</p>	<p>In all cases, no work will begin until there is documented evidence that the project-affected person has been informed well in advance, compensation has been paid and it has granted permission to enter the land.</p> <p>The only exceptions are cases where the process is taken to the courts because negotiations fail or other reason or cases were absentee owners cannot be found. In these cases, as per Polish regulations, the compensation amount will be put into an escrow account and the money will be available to affected people once the court makes a decision or the owner is located.</p> <p>To minimize the risk of starting works before compensating for losses the project will plan and conduct land acquisition well in advance of starting construction</p>
<p>Compensation for the loss of assets is based on their market value</p>	<p>Applied methods of valuation may lead to lowering the value of the real estate as compared to prices of</p>	<p>The valuation of the real estate will be conducted by an independent and experienced appraiser. Expert</p>

<p>plus any transaction costs (e.g. taxes and registration fees) and the objective is for the compensation to be enough to effectively replace the affected asset (replacement value).</p>	<p>similar real estate on the local market.</p>	<p>opinion should be verified by PIU. The expropriated party should be granted proper amount of time to get familiar with the appraiser's opinion. Should there be any doubts regarding the sufficiency of the due amount of compensation, value of the real estate should be estimated by an independent appraiser in the proceeding with the Voivode.</p> <p>In all cases effective replacement value will be achieved.</p>
<p>Requires to prepare a socio-economic baseline, Resettlement Action Plan and monitor of compensation, resettlement and livelihood restoration measures as well as evaluation of their efficiency.</p>	<p>Provisions of polish law do not account for obligation to gather a socio-economic baseline and prepare a Resettlement Action Plan as such and there is no obligation of monitoring or evaluation of their effectiveness.</p>	<p>Socio-economic baselines and Resettlement Action Plans will be prepared based on the RPF, monitored and evaluated in line with OP 4.12 and good practices.</p>

4 VALUATION METHODS

4.1 Valuation principles

The owner, holder of perpetual usufruct and other legal holder of land or a part of land on which flood management investment is carried out is entitled to compensation for the transfer of ownership of the real property to the State Treasury or a local government entity.

In all cases compensation must meet the principle of replacement value, which means the market value of the land, assets and other (e.g. crops) plus any transactions costs required to replace it, such as taxes and registration fees. Compensation is determined on the basis of a valuation by a valuation expert, and other experts (e.g. agricultural expert) as required.

According to the OP 4.12, with regard to land and structures, "replacement cost" is defined as follows: a) for agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes; b) for land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes; and c) for houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes.

In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset. Where Polish law does not meet the standard of compensation at full replacement cost, compensation under Polish law is supplemented by additional measures so as to meet the replacement cost standard, such as support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living, etc.

The amount of compensation paid by the State Treasury or the local government entity, respectively, is determined by the investor and the current owner, holder of perpetual usufruct or other legal holder through negotiations based on a valuation conducted by a certified real estate and assets valuation committee/expert appointed by PIU. As stated above, in all cases the process should result, at least, in compensation at replacement value.

Should the investment concern garden allotments established pursuant to the Act on Family Garden Allotments, the investor shall:

- pay the garden allotment holders compensation for the plants, assets and objects belonging to the allotment holders and located in the allotment;
- pay the garden allotment holders' association compensation for assets, buildings and structures located in the family allotment for the purpose of shared use by the allotment users and ensuring the proper functioning of the allotment;

- secure replacement real property for the purpose of restoration of the family allotment.

The amount of compensation in the case of flood protection measures is determined according to the state of the real property as of the day of the investment realisation permit issued by the body of first instance and according to the real property's value as of the day on which the amount of compensation is determined; which is also the cut-off date after which no further occupation or improvements on the land is not eligible for compensation and/or resettlement assistance. Compensation is subject to indexation as of the day of payment according to the principles applicable in the case of return of expropriated property.

4.2 Real property valuation

The amount of compensation is determined on the basis of the market value of the real property. While ascertaining the market value of the real property, the following factors in particular are taken into consideration: its type, location, use and zoning, existing technical infrastructure, overall condition and current market prices. Should the change of zoning and land use for the purpose of the investment decrease the real property's value, its market value will be ascertained according to pre-rezoning and pre-project use. If the data from the local or regional real property market allow the valuer to ascertain the market value of the property, they should apply one of the market approaches, i.e. the sales comparison approach, the income capitalisation approach or the combined approach. Should the zoning in accordance with the purpose of the investment increase the real property's value, its market value is ascertained according to the alternative use resulting from the new zoning. If the data from the local or regional real property market does not allow the valuer to ascertain the market value of the property, they should ascertain the replacement value of the real property on the basis of the cost approach.

Should the current owner or holder of perpetual usufruct rights of the affected property agrees to deliver the property and vacate the premises within 30 days the amount of compensation is increased by 5% of the value of the real property or of the value of the title to perpetual usufruct.

4.3 Valuation of Movable Assets

Movable assets will also be compensated in cases where: a) they are not fit for the purposes of the new location and/or b) the affected persons will no longer use it as a result of the resettlement (e.g. moving from a rural to an urban dwelling). The valuer appraises movable assets (e.g. machines and appliances) on the basis of the following data: brand, model and type, year of production, producer, place and date of production, as well as other data necessary to identify the object.

The book value of such movable assets may increase or decrease in the process of valuation. The causes of the decrease may be in particular technical (wear and tear), functional (modifications in terms of material or construction) or economic (lack of particular material or workforce, changes in legal provisions, decreased demand). The valuer shall apply the cost approach or the sales comparison approach. In this case the replacement value applies and must allow to allow for the object to continue providing the service it provided pre-project.

4.4 Valuation of plants and crops

The valuation of tree stand or tree cover, if the tree stand includes usable resources, it will involve the valuation of timber in the tree stand. If the tree stand includes no usable resources or if the value of timber is exceeded by the costs of reforestation and maintenance of the tree stand, the valuation concerns the costs of reforestation and maintenance of the tree stand until the day of expropriation.

The valuation of fields of perennial plants involves the valuation of the costs of establishing the field and its maintenance until the first crop as well as of the lost profit in the period from the day of expropriation until the completion of the full yield. The aggregate of costs and the value of lost profits are reduced by the sum of the yearly depreciation charge resulting from the period of using the field from the first year of yield until the day of expropriation. The valuation of crops, cultivation and other yields of annual plants involves the valuation of the expected yield according to the current market prices, reduced by the value of necessary expenditures related to the harvest of the crops.

4.5 Valuation of the remaining assets

The remaining assets related to real property are civil profits, that is profits from real property gained on the basis of a legal relationship. When valuating rights under contracts (including the rights of lease, usufruct, tenancy, lending and life annuity) and their impact on the real property, the valuer may in particular consider the following elements:

- type, nature, scope and duration of the contract,
- relevant provisions of the law,
- form of payment of consideration,
- type and amount of other payments,
- method and dates of payment of rent and other payments,
- rights and obligations arising out of contracts,
- the parties' claims related to the settlement of expenditures on the real property, and
- available information concerning the valuated real property and the particular section of the market involving obligations.

5 ELIGIBILITY CRITERIA AND CATALOGUE OF BENEFICIARIES

5.1 Eligibility

Each Project Implementation Unit (PIU) must follow the eligibility criteria of affected persons for compensation and other assistance in connection with the expropriations described in this Framework which is based on Polish regulations and the WB OP 4.12. This criteria must be included in each RAP required for the subprojects and it must be disclosed through consultations with individual PAPs, households, leaders of the local communities and, where appropriate, NGOs.

According to the policy of the World Bank, the following two groups of people are eligible for compensation and assistance in connection with land acquisition resulting in loss of assets and economic and/or physical displacement:

(a) those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);

(b) those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets--provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan and

c) those who have no recognizable legal right or claim to the land they are occupying.

Persons under paragraph (a) or (b) above should receive compensation for the land they lose, and other assistance. Persons under paragraph (c) should be provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives of OP 4.12, if they occupy the project area prior to a cut-off date. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in paragraphs (a), (b), or (c) are provided compensation for loss of assets other than land.

Thus the lack of a title in land as such should not preclude the eligibility for compensation or other assistance offered in connection with the acquisition of land.

It ought to be noted that persons who have no title in land are few. Moreover, persons who use land without a title are aware of the illegality of their actions and of the fact that the property may return to the rightful owner at any time and without financial compensation. However it should be noted, that It is allowed to apply nonfinancial supporting measures, like in the case of people holding legal title to the real estate.

The following sections determine the categories of adverse impact on PAPs, the categories of PAPs and the eligibility criteria for each category. In addition, the rights of each category of PAPs have been set forth. Principally the central eligibility criterion is the location of the PAPs' real property or other goods within the area of the Project prior to the cut-off date, which is determined following the completion of the census.

Particular attention ought to be paid to the verification of claims which might result in harm to particularly vulnerable groups of PAPs. In the case of any doubt, local authorities or leaders of the local community ought to be consulted.

Eligible for compensation are persons present in the area of the project's implementation before the cut-off date, unless it is proven that the owners of real property in the area or the farmers who have their crops in the area have already received adequate compensation, according to the rules of OP 4.12. The cut-off date will be communicated to the public through direct mail to those affected, flyers and posters in local municipality, website, newspaper advertisement, site notice).

The following groups of PAPs are also deemed eligible for compensation or protective measures in connection with the implementation of the Project:

- a) owners and holders of perpetual usufruct rights of real property (including buildings) and owner-like possessors without legal land titles,
- b) lessees, tenants, life annuitants and other dependent possessors of real property and persons who hold real property like dependent possessors, yet without a legal title,
- c) persons who have a limited property right in the real property, such as easement, mortgage, pledge, usufruct and a cooperative member's ownership right to premises, as well as persons who exercise such rights in real property without a legal title,
- d) owners of crops, plants, structures and other constructions attached to the land,
- e) PAPs who lose their income, workplace, pay or ability to carry out business activity as a result of Project-related land requirements.

Eligibility for compensation shall be limited by the cut-off date determined for each task separately and approved by the World Bank. The cut-off date shall be set on the day when the census is finalized and shall be publicly announced. While determining the cut-off date, it ought to be taken into consideration that under Polish law PAPs who have legal titles in the expropriated real properties are entitled to compensation in the form of monies or according to the rule "land for land" under the condition that they held these legal titles on the day on which the investor submitted the application for the investment realisation permit.

Again, persons who possess real property in the project's area, yet whose current place of residence or location cannot be known remain eligible for compensation. Therefore all possible and legally permissible measures shall be taken in order to ascertain their location to offer them compensation. Should it be impossible to ascertain their location, the compensation will be placed in a special account (i.e. escrow) , whence it can be retrieved by the entitled person at any time.

5.2 Entitlements

Project-affected people will be entitled to receive compensation and additional assistance according to the following principles:

- legal possessors of real property in the project's area shall receive full compensation with due account of the rule "land for land",
- lessees, tenants, life annuitants and other dependent possessors of real property in the project's area shall receive full compensation for the loss of these rights,
- possessors of limited property rights in real property in the project's area shall receive full compensation for the loss of these rights,
- owners of crops, plants, structures and other constructions attached to the land shall receive compensation for the crops, plants, structures and constructions,
- residents of houses and flats subject to Resettlement shall receive compensation according to the rules specified above as well as assistance in the Resettlement, adequate access to social infrastructure and, if necessary, a package of individually selected protective measures,
- PAPs who lose their income, pay or ability to carry out business activity shall receive adequate compensation and, if necessary, a package of individually selected protective measures,
- illegal possessors of real property in the project's area who have no legal title and no expectant right to obtain a legal title in the property shall receive no compensation for the expropriation from the real property, as that is not possible under Polish law. Yet these persons shall receive compensation for plants and constructions owned by them and, if necessary, a package of assistance required to improve, or at least restore, living conditions and livelihood.

PAP will be entitled to receive compensation for the following categories of effects/losses:

- **Permanent loss of land:** - where possible and where PAP express such a will, the loss will be compensated in the form of "land for land" by way of granting the real property of a similar value, location and functions as the expropriated real property. If finding a real property that meets the criteria of adequate compensation is not possible, PAP will not express an intention to receive compensation in the form of "land for land", or if only a small part of the plot is subject to attachment, the compensation will be paid in cash and will correspond to the market value of the expropriated real property or any part thereof. In addition, for the immediate release of the property it will be possible to increase the compensation by an amount corresponding to 5% of the value of the expropriated property under the terms of the Special Flood Act. PAP not being owners or holders of perpetual usufruct rights, but having legal title to the property will receive compensation corresponding to the value of the expropriated rights. At the request of PAP, the investor takes over the real property in its entirety and compensate for the acquisition of the property according to the aforementioned principles. Any and all transaction costs, including taxes related to the granting of compensation for expropriation, will be covered by the investor. PAP who possesses properties within the area covered by the project without any legal title (illegally) shall not be granted any compensation for the expropriation of the land. However, they will receive compensation for plants, plantings and structures belonging to them and, if necessary, the package of assistance required to improve, or at least restore, living conditions and livelihood.
- **Permanent restriction of land use** as a rule, it will be compensated in cash, taking into account the loss of the market value of the real property. Depending on the case,

specially selected protective measures will also be offered. At the request of PAP, the property, where permanent restriction of use of real property for project purposes is to occur, is expropriated and PAP will receive compensation under the terms applicable to the permanent loss of the property;

- **Residential buildings** – compensation will be carried out on the same basis as for permanent loss of the property. In addition, the relocated PAP will receive an additional payment in the amount of PLN 10 000. Depending on the case, such people can opt to receive replacement residential accommodation by the Investor. As for squatters, they are not entitled to compensation for land, however, in certain cases the investor will grant them adequate replacement accommodation. Such persons will be offered a package of protective measures, including assistance in finding their place of residence, and if they are unemployed or addicted, they will be offered actions supporting their position in the labour market and they will receive a proposal of appropriate treatment;
- **Buildings and non-residential structures (stables, fences, technical infrastructure)** – as a rule, owners and users of these buildings and structures are compensated on the basis applicable to the permanent loss of property. Within the framework of the protective measures the investor will propose the reconstruction of infrastructure networks - and where appropriate – of structures and buildings at the expense of investor. In addition, in the case of local government units which have implemented or are implementing the affected buildings and structures by use of funds from the budget of the European Union or other foreign sources, financial compensation will be increased by the amount of the refundable funds of co-financing together with accrued interest;
- **Loss of crops** will be compensated to the benefit of PAPs in cash, taking into account the costs of making and maintenance of plantings, as well as the value of lost fruits in the period from the date of expropriation until the end of the full yield,
- **Loss of tree stand** will be compensated on the basis applicable to the loss of plantings. Depending on the case, compensation may also be made according to the estimate of the value of wood that could be obtained;
- **Impact on enterprises** will be compensated in cash by compensation for the damage actually incurred by an enterprise and a profit lost as a result of the Project. Billing and accounting documents or corporate income tax returns should be the grounds for the determination of such values. Should employees lose their work, they will receive unemployment benefits. Both employees as well as contractors working under civil-law contracts, in case of loss of earning capacity, will receive free-of-charge health insurance, assistance in search for work and help in the form of retraining vocational training aimed at finding new employment;
- **Loss or limitation in access to the social infrastructure (e.g. parks)** will be compensated as much as possible by restoring the infrastructure in the new appropriately located site. In the absence of possibility or the lack of the need to restore the infrastructure in the new site, PAP will have access to existing social infrastructure;
- **Cost of moving to a new location** – in order to cover the costs of household resettlement, PAPs will receive the amount of PLN 10 000. They will also be offered

the package of protective measures including, if necessary, assistance in search for the transport company and coverage of transport costs exceeding the amount of PLN 10 000;

- **Vulnerable groups** will be covered by protective measures specially adjusted to their needs (schedule of measures' implementation in this field will be determined individually). With reference to children and school teenagers, the assistance will cover help in finding a new resettlement site which will enable them to continue education in the current school; the same rule applies for children attending nurseries and kindergartens. The elderly will be relocated to places devoid of architectural barriers which hinder movement and have equal or better access to health care, and which at the same time make it possible for the elderly to preserve their existing habits and lifestyle. The poor will be offered assistance in obtaining additional institutional support from government agencies, local government units and from non-governmental organisations competent in the scope of their problems.
- **Temporary loss of land** will be compensated in cash through the payment of monthly amounts corresponding to market prices of tenancy or lease of the real property. Moreover, in the case when due to the temporary occupation of the property PAP incur a loss; such a loss will be separately compensated according to the aforementioned principles. After the completion of implementation activities, all properties will be restored to their original state;
- **Damage to houses, buildings and structures due to construction works (e.g. vibration, accidents, etc)** will be compensated according to their nature in order to make the restoration of the full substance of the affected object or the purchase of a new one possible. Depending on the situation, appropriate rules for the payment of compensation to the above influences will be applied.

5.2 Matrix of Compensation Measures

Impact / damages	Elegibility	Compensation / Solution
Permanent loss of land	Legal land owners and owner-like possessors of properties that can receive title	<ul style="list-style-type: none"> • “Land for land” compensation • If “land for land” compensation is not feasible or not wanted then cash compensation for replacement value of land • Coverage for all transactional costs • Coverage for move’s costs, • Support in moving.
	Vulnerable groups	<ul style="list-style-type: none"> • Resettlement to a location not affecting the availability to the previous school, • Eventual support in finding a settlement site with a similar availability to the school, as in case of the expropriated site. • Resettlement to a location with equal or easier access to medical care, as in case of expropriated household, eventual support in finding a household with such a location, • Resettlement to a location without architectural barriers or support in finding a proper house • Support in obtaining additional institutional support for the purpose of improving living conditions. • Resettlement to a location with equal or easier access to medical care, as in case of expropriated household, eventual support in finding a household with such a location, • Resettlement to a location without architectural barriers or support in finding a proper house, • Resettlement to a location allowing for keeping the previous lifestyle or support in finding a household with such a location.
	Holder of usufruct rights	<ul style="list-style-type: none"> • Compensation for loss of usufruct right • Help in receiving a new usufruct right in similar land

	Leaseholders, users of properties	<ul style="list-style-type: none"> • Cash compensation for losses incurred due to the termination of the contract, • Coverage for all transactional costs
	Illegal possessors	<ul style="list-style-type: none"> • No compensation for value of land
	Holders of easement, mortgage, lien upon properties	<ul style="list-style-type: none"> • Cash compensation for loss of right • For land easement holders – support in finding a solution allowing for using their property (holding the expropriated property), for example in establishing another right of way. • Coverage for all transactional costs
	Illegal easement holders	<ul style="list-style-type: none"> • For illegal easement holders - support in finding a solution allowing for using their property (holding the expropriated property).
Permanent limitation in using properties	Legal land owners and owner-like possessors of properties that can receive title	<ul style="list-style-type: none"> • Cash compensation for losses caused by the limitation • Coverage for transactional costs, • Proposing an institutional support and advising in the scope of possibilities of other use for properties
	Holder of usufruct rights	<ul style="list-style-type: none"> • Compensation for loss of right
	Illegal holders of properties	<ul style="list-style-type: none"> • Proposing an institutional support and advising in the scope of possibilities of other use for properties,
	Leaseholders, legal users of properties	<ul style="list-style-type: none"> • Cash compensation caused by limitation, • Coverage for transactional costs, • Proposing an institutional support and advising in the scope of possibilities of other use for properties

	Easement holders	<ul style="list-style-type: none"> • Support in finding a solution allowing for using their property (holding the expropriated property), • Cash compensation for losses caused by limitation of use, • Coverage for transactional costs
	Illegal easement holders	<ul style="list-style-type: none"> • Support in finding a solution allowing for using their property (holding the expropriated property)
Residential buildings	Legal owners	<ul style="list-style-type: none"> • “Land for land” compensation • If “land for land” compensation is not feasible or not wanted then cash compensation for lost land • Coverage for all transactional costs, • Coverage for costs associated with resettlement process, • Support in finding resettlement site or assurance of an apartment by the investor, • Institutional and social support for resettled people.
	Illegal possessors	<ul style="list-style-type: none"> • Support in legalizing property, if possible, to compensate as legal owner • Assistance and resources to find new adequate residence • Support in finding resettlement site or assurance of an apartment by the investor, • Institutional and social support for resettled people.
	Leaseholders, tenants, users of properties	<ul style="list-style-type: none"> • Cash compensation for loss of the right, • Coverage for all transactional costs, • Coverage for costs associated with resettlement process, • In case of cash compensation – support in finding settlement site or assurance of an apartment by the investor,

		<ul style="list-style-type: none"> • Institutional and social support for resettled people.
	Illegal squatters	<ul style="list-style-type: none"> • Support in legalizing property, if possible, to compensate as legal owner • Assistance and resources to find new adequate residence • Support in finding resettlement site or assurance of an apartment by the investor, • Institutional and social support for resettled people.
	Holders of easement, mortgage, lien upon properties	<ul style="list-style-type: none"> • Cash compensation for loss of right, • Coverage for transactional costs, • For possessors of right of habitation: <ul style="list-style-type: none"> ○ support in finding settlement site or assurance of an apartment by the investor, ○ Institutional and social support for resettled people.
Non-residential buildings and structures (stables, fences, technical infrastructure, etc.)	Owners, perpetual users, owner-like holders of buildings and structures	<ul style="list-style-type: none"> • Cash compensation at replacement value for lost assets • Replacement or reconstruction of lost asset • Establishing methods for demolition and redevelopment with the owner / user of the network and facilities, • Handing over the redeveloped network and facilities to their previous owner / user
	Holders of usufruct rights	<ul style="list-style-type: none"> • Cash compensation at replacement value for lost assets • Replacement or reconstruction of lost asset

	Illegal squatters	<ul style="list-style-type: none"> • Cash compensation at replacement value for lost assets • Replacement or reconstruction of lost asset
	Leaseholders, tenants, users of buildings and structures	<ul style="list-style-type: none"> • Cash compensation at replacement value for lost assets • Replacement or reconstruction of lost asset
Loss of plants	Owners, owner-like possessors of properties	<ul style="list-style-type: none"> • Cash compensation, including costs for arranging and curing of the planting and for lost crops, • Allowing for collection of crops
	Holders of usufruct rights	<ul style="list-style-type: none"> • Cash compensation, including costs for arranging and curing of the planting and for lost crops, • Allowing for collection of crops
	Leaseholders, tenants, users of properties	<ul style="list-style-type: none"> • Cash compensation, including costs for arranging and curing of the planting and for lost crops, • Allowing for collection of crops
	Illegal squatters	<ul style="list-style-type: none"> • Allowing for collection of crops
Loss of trees	Owners, owner-like possessors of properties	<ul style="list-style-type: none"> • Cash compensation, including costs for arranging and curing of trees and for lost crops, if necessary
	Holders of usufruct rights	<ul style="list-style-type: none"> • Cash compensation, including costs for arranging and curing of trees and for lost crops, if necessary
	Leaseholders, tenants, users of properties	<ul style="list-style-type: none"> • Cash compensation, including costs for arranging and curing of trees and for lost crops, if necessary

	Illegal possessors of properties	<ul style="list-style-type: none"> Allowing for cutting of trees and for collection of crops, if necessary
Impact on business and employment due to land acquisition	Sole traders	<ul style="list-style-type: none"> Cash compensation for lost income during the period of transition, Institutional support for people closing their business. “Land for land” compensation under conditions allowing for continuing agricultural / orchard business or cash compensation, Cash compensation allowing for undertaking agricultural / orchard business actions within a new property.
	Non-governmental organizations	<ul style="list-style-type: none"> “Land for land” compensation or cash compensation, Awarding cash compensation in an amount allowing for undertaking actions within a new property.
	Micro-enterprise (employing up to 10 employees)	<ul style="list-style-type: none"> “Land for land” compensation under conditions allowing for continuing business or cash compensation, Cash compensation allowing for undertaking business actions within a new property.
		<ul style="list-style-type: none"> Cash compensation, Institutional support for people liquidating their business.
		<ul style="list-style-type: none"> “Land for land” compensation under conditions allowing for continuing agricultural / orchard business or cash compensation, Cash compensation allowing for undertaking agricultural / orchard actions within a new property.
	Small enterprises (employing from 10 to 50 employees)	<ul style="list-style-type: none"> Cash compensation.

	People working under civil-law contracts	<ul style="list-style-type: none"> • Awarding entrepreneurs with compensation allowing for maintaining the highest possible number of work places, • Institutional and social support for unemployed people.
	People working under employment contracts	<p>Awarding entrepreneurs with compensation allowing for maintaining the highest possible number of work places,</p> <p>Institutional and social support for unemployed people,</p>
Loss of or limited access to social facilities	All PAP living in the area covered with project implementation effects	<ul style="list-style-type: none"> • Reproduction of social facilities within another area, • If reproduction of facilities within another area is not feasible or groundless, then assure the access to the existing social facilities.
		<ul style="list-style-type: none"> • Temporary assurance of recreational sites
Community Assets	Community	<ul style="list-style-type: none"> • Reconstruction or replacement of the lost structure in consultation with community

Temporary acquisition of properties	Owners, perpetual users, owner-like possessors of properties	<ul style="list-style-type: none"> • Cash compensation, • Reinstate the property to its previous status.
	Illegal possessors of properties	<ul style="list-style-type: none"> • Reinstate the property to its previous status
	Leaseholders, users of properties	<ul style="list-style-type: none"> • Cash compensation, • Reinstate the property to its previous status.

6 PUBLIC DISCLOSURE OF LARFP

The procedure of public disclosure of LARFP took place from 23.02.-11.03.2015 r. It was given to the public information several days in advance on the websites of the Beneficiaries, on bulletin boards at the premises of the Beneficiaries and in the local press, that the public disclosure of LARFP was to happen.

The notice presented the details about the duration of public consultation, opportunity to familiarize oneself with the document which was the subject of consultations, possibility to submit further remarks and motions and indicated contact information (e-mail address, the address and open hours of the office where draft documents are available) as well as information about public discussions planned to be carried out within public consultation.

The disclosure of RPF lasted from 23th of February 2015 till 6th of March 2015.

Public discussion were organized after public disclosure on:

- 9th March in Szczecin,
- 9th March 2015 r. in Kraków,
- 10th March 2015 r. in Rzeszów,
- 10th March in Zielona Góra,
- 11th March in Wrocław.

There were 177 people in total, including the representatives of administration and the representatives of NGOs as well as the representatives of the Project Affected People.

Main issues expressed by the participants were connected with a necessity of adequate compensation, and with the need to spread Project also to the protection of San, Wisłoka and Dunajec sub-basins. As a result of public participation Subcomponent 3D – San, Wisłoka and Dunajec Sub-basins Passive and Active Protection was established.

7 DEVELOPMENT OF RESETTLEMENT PLANS (RAP)

7.1 Institutional structure and implementation team RAP

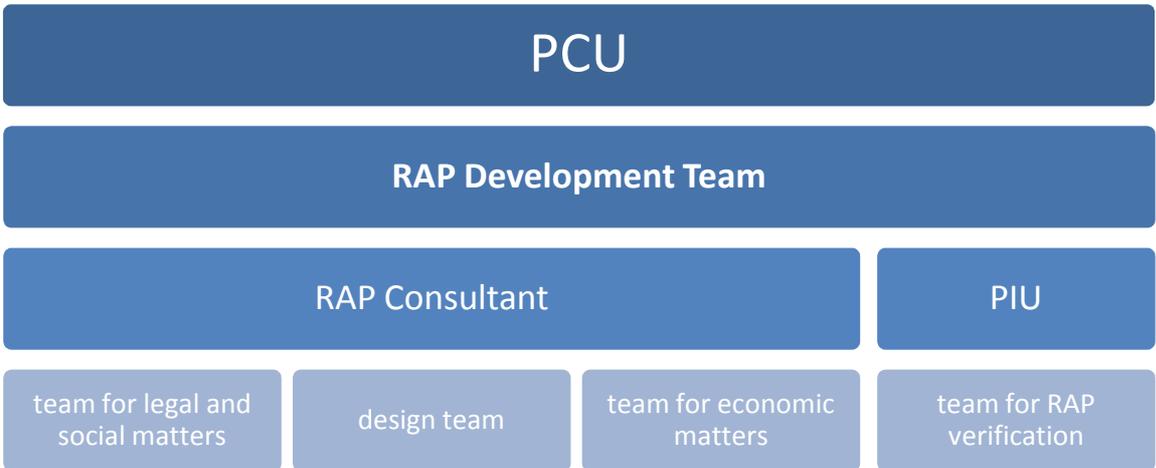
In order to use the knowledge and experience obtained during the implementation of the Odra River Basin Flood Protection Project, all the work on RAP should be consulted with the Project Coordination Unit (PCU), which boasts extensive experience in implementing flood projects in Poland with the use of resources from the World Bank as well as in-depth knowledge of the procedures in place at the World Bank.

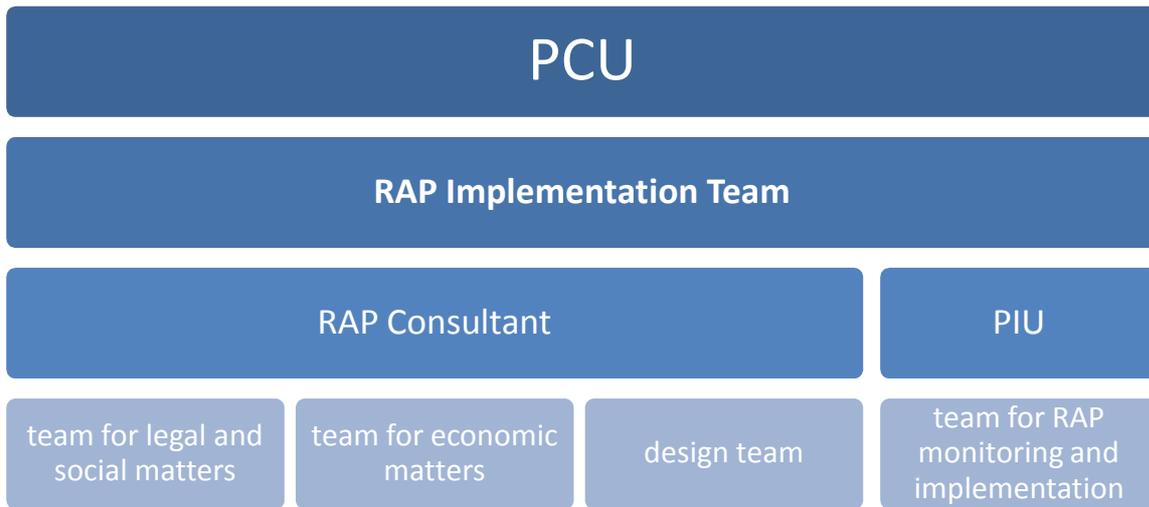
PCU will be cooperating with the relevant Project Implementing Units (PIU). The Project Implementing Units will be responsible, among others, for the preparation of the entire investment process, including RAP, formal and legal documents related to the undertaking implementation (including obtaining the necessary permits and administrative decisions), preparation and tendering for work and services, entering into contracts for work and services, monitoring progress in implementation, financial management and accounting, preparation of necessary reports for monitoring the implementation, and coordination of the work of all services involved in the preparation and implementation of the undertaking to its final implementation, settlement and commissioning.

In order to effectively prepare and implement RAP there will be separate organisational cells established within PIU to handle RAP verification, and then to implement and perform it. In the process of RAP development and performance, PIU will be supported by a Consultant selected in line with the relevant procedure of the World Bank.

The Consultant will support PIU at all stages of RAP- related work – from its development to completion and settlement. In order to effectively support PIU, it will be necessary to establish a project team in the Consultant structure along with a team for legal and social matters and a team handling economic matters.

The institutional structure of the RAP implementation and performance is presented on the graphs below. They take into account the PCU role as an entity coordinating the development of RAP documents, their implementation and their submission to the World Bank.





7.2 The process of RAP development and approval

DEVELOPMENT OF RAP			
Steps	Action	Responsibility	
1	Preliminary social impact estimation	RAP Consultant - team for legal and social matters	PIU – team for RAP verification
2	Determination of the final scope of expropriation and development of a construction plan	RAP Consultant - design team	
3	Development of a socio-economic study (census and baseline)	RAP Consultant - team for legal and social matters, team for economic matters	
4	Determination of coordination framework for RAP implementation with relevant government administration bodies		PIU – team for RAP verification
5	Collection of written and graphic extracts from land and building register and from spatial management plans	RAP Consultant - team for legal and social matters	PIU – team for RAP verification
6	Preliminary social impact assessment	RAP Consultant - team for legal and social matters	
7	Estimation of loss and damage as well as replacement value thereof in line with the relevant regulations	RAP Consultant - team for economic matters	PIU – team for RAP verification

8	Verification and update of collected materials, impact analyses and economic analyses (Detailed Measurement Survey)	RAP Consultant - team for legal and social matters, team for economic matters	PIU – team for RAP verification
9	Development of RAP project	RAP Consultant - team for legal and social matters, team for economic matters	PIU – team for RAP verification
10	RAP public consultations	RAP Consultant - team for legal and social matters, team for economic matters	PIU – team for RAP verification
11	Introduction of changes into the construction plan as a result of the consultations with the public	RAP Consultant - design team	PIU – team for RAP verification
12	In the scope resulting from taking into consideration comments and motions to RAP - verification and update of collected materials, impact analyses and economic analyses	RAP Consultant - team for legal and social matters, team for economic matters	PIU – team for RAP verification
13	In the scope resulting from taking into consideration comments and motions to RAP - introduction of changes to RAP	RAP Consultant - team for legal and social matters, team for economic matters	PIU – team for RAP verification
14	Submission of RAP to the World Bank	JRP – team for RAP verification	PCU
15	World Bank's no objection	WB	
16	Publishing of RAP locally (Note: The RAP will also be disclosed in the WB's website)		PIU – team for RAP verification

RAP IMPLEMENTATION

Steps	Action	Responsibility	
1	Determination of a detailed RAP implementation schedule	RAP Consultant - team for legal and social matters	PIU - team for RAP monitoring and implementation
2	Filing motions for Building Permit		PIU - team for RAP monitoring and implementation
3	Informing persons affected by the undertaking about the possibilities of compensation and buyout of real properties which are not planned to be taken up by the investment		PIU - team for RAP monitoring and implementation

4	Processing of the motions to buy the real properties under BP and - respectively - update of the construction plan and update of RAP	RAP Consultant - team for legal and social matters, team for economic matters, design team	PIU - team for RAP monitoring and implementation
5	PIU's acquisition of real property that will be handed over as replacement	RAP Consultant - team for legal and social matters	PIU - team for RAP monitoring and implementation
6	Obtaining of BP		PIU - team for RAP monitoring and implementation
7	Informing the persons affected by the project implementation about obtaining of BP, its ratifications and the investor's planned actions		PIU - team for RAP monitoring and implementation
8	Appraisal of real property by independent and objective auditors, in line with the law in force, and appraisal verification	RAP Consultant - team for legal and social matters, team for economic matters	PIU - team for RAP monitoring and implementation
7	Delivery of the appraisal studies to the expropriated persons and performance of negotiations	RAP Consultant - team for legal and social matters, team for economic matters	PIU - team for RAP monitoring and implementation
8	Should negotiations fail – obtaining a decision from the province governor on compensation		PIU - team for RAP monitoring and implementation
9	Payment of compensation or handover of replacement property, commencement of other compensation and protection measures stipulated in RAP		PIU - team for RAP monitoring and implementation
10	Physical takeover of expropriated property and commencement of work		PIU - team for RAP monitoring and implementation
11	Evaluation of RAP implementation	RAP Consultant - team for legal and social matters, team for economic matters	PIU - team for RAP monitoring and implementation
12	Evaluation of RAP	Independent external auditor	
CYCLIC TASKS			
Step	Action	Responsibility	
1	Internal permanent monitoring of RAP implementation	RAP Consultant - team for legal and social matters	PIU - team for RAP monitoring and implementation

2	Reporting to the World Bank	RAP Consultant - team for legal and social matters	PIU - team for RAP monitoring and implementation
3	Permanent coordination with the bodies of state and local government administration		PIU - team for RAP monitoring and implementation
4	Permanent communication with the persons affected by the project implementation	RAP Consultant - team for legal and social matters	PIU - team for RAP monitoring and implementation
POST-IMPLEMENTATION TASKS			
Step	Action	Responsibility	
1	Evaluation of RAP implementation	Independent external auditor	

7.3 Criteria and process of real property inventory

Inventory will be taken on the real property situated in the area of the project implementation and the property whose owners applied for buyout on the grounds that they lost the possibility to use the property as usual due to the implementation of the project. The real property will be inventoried for both temporary and permanent occupation.

Before inventory commences, data on the real property will be obtained from the land and mortgage register and the real property cadastre (register of land and buildings). A land and mortgage register is maintained separately for each real property, while the basis for marking thereof is the data in the cadastre. The data from the register of land and buildings include the following information:

- 1) about lands – their location, boundaries, area surfaces, types of arable land and soil classes, marking of the land registry or collections of documents, if they are maintained for the property comprising the land in question
- 2) about buildings – their location, purpose, utility functions, general technical data;
- 3) about premises – their location, utility functions and floor space.

The register of land and building also indicates the owner (and the owner's place of residence). Also information about entry into the register of monuments and about property value is included.

Having obtained the data from the land and mortgage register, from the register of land and buildings as well as from BP, the inventory of the factual property condition will be performed. The real property condition will be assessed based on the level of management, legal status, technical and utility condition, amount of available technical infrastructure devices. The current real property classification will be established on the basis of the local spatial plan, or, if none exists, on the basis of the study of conditions and directions of spatial development for the municipality, or on the basis of a planning permission. Should no study or permission be available, the actual method of the real property utilisation will be taken into account.

Moreover, the condition of the real property surroundings will be taken into account, including the size, features and degree of urbanisation of the town where the real property is located. Such inventory will be required to establish the real property value by the appraiser.

On the basis of the appraiser's opinion the amount of compensation will be established which should correspond to the real property market value, i.e. the value obtainable on the market. If the data from the local and regional market are insufficient to determine the real property market value, then the value will be determined in the cost approach, i.e. based on the costs of its replacement less the real property wear value.

In applying this valuation to meet the replacement cost criteria, depreciation of structures and assets should not be taken into account.

7.4 Criteria and process of census and socio-economic studies for the purpose of RAP

The resettlement plan should be based on the up-to-date information about the anticipated scale and type of Project impacts on the public involved (affected by the Project implementation), and in particular – the affected population. Therefore, for the purpose of accurate forecasting of such impact and for the purpose of determining the adequate and effective compensation, protection and – where applicable – preventive measures (as regards the impact on the public involved), it will be necessary to carry out socio-economic studies. The studies should allow one to describe the standard features of the resettled households. In addition, such studies are to provide the following information:

- exact size of resettlement,
- full information about the basis of population affected by the Project impact, including their sources of income from agricultural and non-agricultural activity,
- determination which groups within the population will be affected by the total or partial loss of property
- indication which public and social infrastructure will be affected by the Project impact,
- determination of formal and informal organisations (such as local organisations, religious associations, etc.) that may be involved in the development and implementation of resettlement plans,
- attitude of the people affected by the impact of the Project to proposed resettlement options.

Therefore the socio-economic study will be divided into two parts. The first part is to recognise the economic and social situation of PAP in detail. It will comprise Project-affected people (PAP), i.e. persons residing, owning land, or companies in the investment area or its vicinity. The questionnaire comprising parts 1, 2, and 3 will be performed by pollsters, during direct interviews with household members.

The second part of the survey will cover the local communities among which households will be randomly chosen; the household will be sent part 2 and 3 of the questionnaire with a reply paid envelope. Given the low reply rate of mail questionnaires, the number of the

questionnaires in question will be three times higher than the size of the representative research sample.

7.5 Consultations with the public

The undertakings resulting in physical or economic resettlement must include consultations with those affected and other stakeholders. Consultations held at the earliest possible stage will help determine the expectations related to the project implementation and the benefits thereof. Consultations also offer the opportunity to negotiate contents of the compensation package, eligibility criteria for receiving compensation, scope of assistance during resettlements and optimum time of their execution. Consultations for the purpose of RAP development and implementation are obligatory.

7.5.1 STAKEHOLDERS

For the purposes of the resettlement plan, the term “stakeholder” is understood as an entity or group of entities within the project impact that may have a significant, positive and negative effect on the shape or the implementation of the project.¹

Taking any of the project activities will require the identification of stakeholders, determination of their attitudes to planned activities and of conduct paths available to them, as well as attempts to predict their behaviour. To analyse the stakeholders and their significance for the project we recommend applying the stakeholder matrix. In the matrix the number of stakeholders should be indicated with a certain attitude towards the Project and the impact of its implementation, in line with the example below:

The most important groups of stakeholders that should be considered when developing a resettlement plan include:

- Project-affected families, land users and business
- Public authorities (decision-making, opinion-making and reconciling), with particular emphasis on the local authorities,
- Local community – people directly affected by the impact of the project, as well as, for example:
 - neighbours,
 - community leaders,
 - farmers and entrepreneurs,
 - church representatives,
 - hobby associations, sports associations, youth associations, etc.
- Non-governmental organisations – environmental, social, and other, of international, national and local operation range.

¹ The concept of the stakeholder should be distinguished from the narrower concept of the party, which under Polish law is an entity which has legal interest in securing an advantageous outcome of the procedure in question.

7.5.2 INFORMING THE PUBLIC

The flow of information between the investor and the stakeholders is essential to ensure high efficiency of public consultation and community involvement in the project, and thus – it is essential for achieving the objectives of the resettlement plan. For this reason, the investor should take action to identify the stakeholders (see above), and then perform the information process with the following steps:

- Informing the local authorities, community leaders and local community organisations about the planned project as early as possible, along with asking them to further disseminate the information,
- Presentation of all project managers and people who will be in constant contact with the community remaining within the expected impact of the project and of mitigation measures,
- Development of an illustrated newsletter with information about the resettlement, containing details on eligibility criteria, rates of compensation, other rights, as well as presenting the time frame to implement the plan and the relevant procedures.
- Development and regular publishing of information about the issue of resettlement.

Informing the public remaining within the impact of the project about their rights and obligations is crucial for the successful implementation of the plan. Transmitted information must be accessible and understandable for the intended recipients. If necessary, they should be translated into local dialects and languages spoken in the area and disseminated via the available media, both for literate and illiterate recipients (radio, TV, announcements, newspapers, leaflets). One should also take into account the vulnerable groups that do not have access to public media and information exchange.

7.5.3 PARTICIPATION OF THE PUBLIC IN THE PROJECT DEVELOPMENT AND IMPLEMENTATION

It is the investor's obligation to initiate the series of consultations with stakeholders throughout the entire time of development and implementation of the resettlement plan. The purpose of the consultation is to provide stakeholders with information about the project and its impacts, as well as providing them with the opportunity to express their concerns about the project and to propose alternatives, which are favourable from their point of view.

The consultations should involve persons representing the investor, project managers, competent authorities, and members of both resettled and hosting communities, and if considered necessary, representatives of relevant local NGOs. The talks should concentrate on the project effects and on the measures that could help mitigate them. The focus should be on common concerns related to the implementation of the project, with particular emphasis placed on vulnerable groups. These concerns should be addressed in the resettlement plan. The aim of consultations should be to provide opportunities for participation of all people affected by the project, particularly with regard to the following areas:

- Alternative paths to implement the project,
- Investment impact assessment,

- Resettlement strategy,
- Compensation rates and eligibility criteria for requesting compensation,
- Selection of the target area and time of resettlement,
- Development of possibilities and initiatives,
- Development of compensation procedures and complaint processing procedures, and
- Development of mechanisms for monitoring and evaluating the impact of the plan implementation, including the implementation of corrective measures.

Regular consultations with stakeholders will allow one to monitor the effectiveness of the compensation package implementation under the resettlement plan as well as of the efforts made to restore means of support, etc. Depending on the investment size and scope the investor may appoint a specialist in charge of liaising with the public and assign to him or her a budget to manage the process of public consultations. An alternative solution is to engage a recognised NGO to perform this function. In each case the investor must make sure that the public remaining within the project impact range is informed about the project and the possibility to obtain compensation due to its implementation. Moreover, project managers should document the flow of information and activities with respect to public consultations. The documentation should allow one to identify the consultees, the subject matter of the talks and their outcome.

7.6 Grievance redress mechanism

Objections and comments to the resettlement plan and any reservations with respect to the implementation of resettlement in accordance with the Polish law are classified as complaints and motions. They are decided in a formal procedure stipulated in the CAP. The CAP has been in force in Poland, with some modifications, since 1960. Therefore, citizens and businesses expect from the authorities and other entities obliged to apply the provisions of the CAP that they will examine their comments and motions and provide a response in accordance with the provisions of CAP. In order to supplement the legislation regulations, it is planned that a person will be appointed within the RAP implementation and monitoring unit in PIU responsible for handling public consultations, resolving disputes and communicating information.

Everyone has the right to file a complaint or motion. Filing complaints or motions is not subject to fees. Furthermore, in accordance with the regulations, the person filing a complaint or request may not be exposed to any damage or allegation on account of such submission. Complaints and motions may be filed in writing, orally or in an electronic form. They may be filed at the body's headquarters or sent by snail mail. If the complaint and a motion are filed with the wrong body, the body is obliged to send the complaint or the motion to the competent body that will consider them.

Depending on the type of investment and the expected range of expropriation, there will also be a consultation point established at the investment venue. There the persons affected by the project implementation can obtain information about the project and its implementation. Complaints and motions may be filed there too.

Complaints and motions will be archived in a separate register, with the dates of their submission, dates of providing answers, and the method of resolving.

If processing of a complaint or motion requires a prior review and clarification of the matter, other materials will be collected, research analyses will be performed, etc.

A complaint or a motion will be dealt with immediately, which entails the obligation to communicate to a party, without delay, the official notice on how the complaint or motion has been dealt with. Such a notice should include the data of the unit that sent it, an indication of how the complaint was handled and a signature with the name and position of the person authorised to deal with the complaint or motion. Notice of refusal to settle a complaint or motion must exhaustively explain the applicable rules and the facts on the grounds of which refusal was based.

In particularly complex cases, as well as in cases where the examination of the complaint or motion requires changing RAP, the term allowed for answering a complaint or motion will be extended to 30 days. If the term is too short, the party will be notified of the cause for not receiving the reply to the party's complaint or motion on time; also the term for providing such an answer should be stated.

Comments and motions made by the parties during the RAP public consultation will be processed in accordance with the above-mentioned procedure.

Reservations submitted by the Parties at the stage of negotiations after the BP issuance will be archived in the minutes of negotiation meetings. Minutes and other documents sent to one another by the parties during the negotiations, if no agreement concerning the compensation is reached, will be submitted to the competent province governor. On the basis of the documents and the appraisal study the decision on compensation will be issued.

Should the parties be dissatisfied with the decision issued by the province governor, they will have the right to appeal to the minister competent for construction. All statements, motions and evidence submitted in the proceedings before the minister responsible for construction will need to be taken into account when issuing the decision on compensation.

Should the parties be dissatisfied with the minister's decision, they will have the right to appeal to the Regional Administrative Court. The RAC will examine whether the province governor and minister conducted the proceedings in an appropriate and fair manner – also with respect to taking into consideration the observations, conclusions and evidence submitted by the parties to proceedings. In case the decision by RAC is unsatisfactory to the parties, each of them has the right to file a complaint in cassation to the Supreme Administrative Court (SAC). The SAC will examine not only the correctness and legality of the proceedings conducted by the province governor and the minister, but also the decision made by the RAC.

8 MONITORING AND EVALUATION OF RAP IMPLEMENTATION

The primary objective of RAP is to ensure that the situation of people affected by the effects of the project is improved or at least that their social and material level before the project implementation is restored. Properly implemented RAP should ensure that this objective will be achieved. Therefore, it is necessary to design a RAP monitoring system, taking into account the specific social impacts of the planned project and the effectiveness of compensatory and shielding measures. Proper implementation requires cooperation between RAP Consultant and PIU. Hence, these individuals should also be closely involved in the RAP monitoring process.

Monitoring is a continuous process of data collection, which should then be analyzed to provide a basis for assessing the level of RAP implementation. The purpose of RAP monitoring is not only to acquire knowledge as to its actual implementation. Current knowledge on the RAP implementation allows you to provide relevant information to people affected by the project, which contributes to reducing uncertainty and allows them to plan their daily activities. It also allows for early risk identification and implementing the methods that allow for the risk elimination or at least limiting.

As part of the monitoring, the progress in acquiring the property for the purposes of the project and the payment of compensations will be evaluated.

Monitoring will be conducted by a team of Consultant and by the PIU on the basis of indicators of the amount of acquired properties and the amount and type of compensations provided. The following parameters will be closely monitored:

- a) the number of real estate for expropriation and expropriated,
- b) the number of people in need of resettlement and displaced,
- c) the number of real properties temporary seized (planned and achieved)
- d) the amount of all expenses for resettlement (planned and achieved)
- e) compensation paid for loss of right to real property (land and/or buildings),
- f) compensation paid for loss of income,
- g) compensation paid for other assets
- g) acquired and allocated real estate,
- h) the extent and status of implementation of protective measures,
- i) the number of complaints versus number resolved.

At the level of the project-affected unit (e.g. family) that are physically or who lose agricultural land, the following indicators will be monitored and evaluated ex-post, as applicable, to ensure that the key objective of restoration, or improvement, of living conditions is met:

- Value of assets lost vs compensation received
- Pre and post displacement income

- Pre and post agricultural productive area
- Pre and post agricultural production
- Pre and post residential building (area, materials, utilities, rooms)
- Pre and post displacement access to education, health and public transportation

The parameters will be monitored on the basis of the information gathered by the Consultant, the information held by the PIU and based on interviews with people affected by the effects of the project, reported complaints and requests, business consulting activities, and consulting meetings with members of the community concerned.

Monitoring results will be presented in the monthly and quarterly reports. The quarterly report will be forwarded to the PCU and the World Bank.

The ex-post evaluation will be conducted six months after the RAP is fully implemented and its objective will be to assess and provide documented evidence that all the commitments/actions in the RAP were implemented and that each affected unit (e.g. family, individual, business) received compensation and that its living conditions have been improved, or at least restored.

9 RAP BUDGET AND FINANCE IMPLEMENTATION

All costs associated with the preparation and implementation of RAP, including compensation costs and the costs of staff and administering the RAP, as well as monitoring its implementation will be an integral part of the costs of the Project.

A special account will be established for the Project. This account will be opened by the Ministry of Finance at the NBP. Measures of loan will be transferred from the World Bank and the Special Account be converted into gold, and then combined with other budgetary resources at the appropriate budgetary account.

Then the funds will be made available in the form of the PIU budget transfers. PIU will submit monthly reports on the use of funds in accordance with the normal procedure for reporting to the budget.

The World Bank will be sent requests for disbursement of the loan along with the settlement monies already received and used to finance expenditure under the Project, including the financing costs associated with the implementation and RAP monitoring . This will be done on a quarterly basis. Financial Monitoring reports describing the types of expenditure, together with the applied percentages of individual funds and a request for payment of further measures based on the spending forecast for the next 6 months will be attached to the application. PIU is responsible for keeping complete documentation in the field of project expenditure; this documentation will be subject to annual review and revision by the auditor.

10 LIST OF SCHEDULES

10.1 Schedule No. 1. Outline of “the land acquisition & resettlement action plan” necessary for the implementation of the investment

Introduction

Short description of proposed Project (type of infrastructure which should be built within the framework of the Project and which requires the acquisition of land, recovery of land or acquisition of the rights to dispose of the land) and units responsible for its execution and a short statement concerning the fact that “the framework rules of land acquisition” are consistent with the Polish provisions and operational policy of the World Bank WB OP 4.12 and that pursuant to the credit Agreement, the requirements stipulated in the WB OP 4.12 prevail over the national provisions.

The map of an area affected by the Project and the estimation of the number of necessary real properties (with the percentage division into private real property and public real property), area in hectares and the number of persons which would have to resettle and/or in the case of whom the execution of the Project would exert a significant impact on their financial situation.

RAP Objectives

Basic objectives and rules of RAP (compatible Resettlement Policy Framework and WB OP 4.12)

Minimisation of the impact

Description of potential effects of the project.

Description of investment variants in terms of their impact on the society concerned.

Description of any activities taken in order to minimize the impact connected with the land acquisition / resettlement for the purposes of the implementation of the investment.

Socio-economic research

Presentation of the result of sociological and socio-economic research, real property inventory.

Identification of all categories of effects and affected persons.

Summary of consultations carried out within the scope of the research with the members of the society in question.

Description of the necessity to update sociological and socio-economic study, real property inventory.

Description of issues connected with particularly vulnerable social groups.

Description of problem issues connected with obtaining information about the real property (lack of land and mortgage registers, lack of cadastre data) or with the conduct of sociological and socioeconomic study (lack of the owners of the real property, dispute regarding the real property ownership, etc.).

Applicable provisions of law and methods of evaluation

Short description of the applicable provisions of law and key activities to be taken in order to level the differences between Polish provisions and WB OP 4.12;

Description of the evaluation method adopted in respect of structures, land, trees and other assets affected by the implementation of the Project (i.e. the manner of achieving its replacement value);

Specific procedures which will be applicable in particular cases, such as the following, should be determined: owners who are absent, expropriation of land subject to legal dispute, actions to be taken in order to carry out expropriation in the case where negotiations with the owners should end up in failure (e.g. escrow account).

Eligibility criteria and catalogue of beneficiaries

Eligibility criteria should be described (who is authorised to obtain compensation) and a catalogue of beneficiaries should be presented.

A chapter should include a detailed matrix of compensating activities (a beneficiary, kind of compensation/solution to be applied pursuant to eligibility criteria as well as the type and magnitude of the impact).

Places of resettlement

Determination whether a project requires the resettlement of the society in question.

Description of the engagement of local society and particular households in the process of the selection of the resettlement place, evaluation of strong and weak points of a considered place, description of the rules and criteria of the selection of the resettlement place.

Description of the engagement of the society in question in the development of the resettlement strategy and description of this strategy.

Description of the feasibility studies evaluating the adequacy of selected localizations with the consideration of the issues of natural resources (e.g. soil and possibilities of the use of the land, access to technical infrastructure, access to social infrastructure, etc.), evaluation of localization in terms of the impact on the environment and social effects.

Description of legal mechanisms connected with the resettlement: 1) orders, 2) construction, 3) granting resettled persons legal titles to the real property.

Social consultations and participation of the society

Description of various stakeholders, process of participation of the society in social consultations which will be conducted among the population and stakeholders affected by the implementation of the Project in the course of the elaboration of RAP and during the preparation and planning of the resettlement.

Description of the manner of engaging societies affected by the implementation of the Project and other stakeholders in the process of realization and monitoring of the Project.

Description of the plan of disseminating information concerning the RAP's among the societies and stakeholders affected by the implementation of the Project, including information concerning compensation for the lost property, rights to compensation, assistance in the resettlement and appeal procedures.

Mechanism of complaint management

Detailed description of the procedure of complain management and applications filed in the course of the preparation and implementation of RAP.

Step by step description of the registration procedure and the procedure of handling complaints and an appeal procedure.

Description of the manner in which a given case may be brought before civil courts if other options fail.

Institutional structure and implementation team

Detailed description of the team managing the preparation and implementation of the RAPs for particular investments, including team structure and liability of the team members;

Specification of the unit which will coordinate the activities of all implementation units;

Description of external institutions engaged in the process of reinstatement of the level of population (site development, allocation of lands, credits and trainings) and mechanisms which will assure appropriate activities of these institutions;

Discussion about institutional possibilities connected with the process of land acquisition/resettlement and engagement of particular institutions in this process;

Description of mechanisms aiming to assure an independent monitoring, evaluation and final audit of the implementation of the RAP's as well as an assurance that the corrective measures will be taken in due course.

Monitoring and evaluation

Description of the internal process of monitoring of the realization and effects of these plans.

Description of the key monitoring indicators elaborated on the basis of the study of the initial situation and the list of monitoring indicators which will be applied in order to conduct an internal monitoring.

Costs and budget

Estimated costs of land acquisition for specific investments and estimated costs of resettlement and sources of financing.

Schedule of RAP implementation

Chronological list of the steps of RAP implementation with the consideration of the units responsible for each activity and a short description of each activity.

Preparation of the schedule of RAP implementation presenting month after month activities which will be taken within RAP implementation (e.g. with the use of a Gantt chart).

10.2 Schedule No. 2. Description form for characterizing the initial socio-economic situation and monitoring indicators

Due to the size of the population in the areas where the investments are planned, it is not possible to question each and every member of the local communities. Thus, the study will be divided into two parts. The first part of the study is intended to analyse the socio-economic situation of PAP. It will include PAP, i.e. persons residing, owning land or an enterprise within the investment site or in its vicinity. Pollsters will conduct direct interviews with households members using a questionnaire that has three sections: I, II and III.

The second part of the study will include local communities. Households will be randomly selected to receive sections I and III of the questionnaire with a return envelope. Due to a low return rate of questionnaires sent by mail, the number of questionnaires sent will be three times the size of the representative study sample. (Annex 1)

11 LIST OF ANNEXES

Annex 1. Reports from the procedure of public disclosure of Land Acquisition & Resettlement Policy Framework document (including relevant attendance lists)

Annex 2. PAP's Socio-Economic Survey Questionnaire