Odra River Flood Protection Project
Wrocław Flood Protection
(Widawa Transfer Channel and Popowice Koaznow Dike)

Resettlement Policy Framework

Project

The main development objective of the Project is to protect the population in the Odra River Basin against loss of life and damage to property caused by severe flooding. This would be achieved by: (i) reducing the extreme flood peaks through storage in a dry polder on the Odra river just upstream of Racibórz town, enabling a reduction of the flood peak downstream of the reservoir and allowing better control of the operation of the river system, and (ii) by increasing the flood carrying capacity of the Odra river channels through and around Wrocław. The Project would protect more than 2.5 million people against flooding in several towns, including Racibórz, Kędzierzyn, Koźle, Krapkowice, Opole, Brzeg, Olawa and Wrocław, and settlements in the three voivodeships of Śląskie, Opolskie and Dolnosławskie.

Social Impacts

Project investments will occur in two areas: Racibórz, where a dry polder will be constructed to store flood water during peak flows; and Wrocław, where embankments will be strengthened, raised and constructed, respectively, and the Widawa Transfer Channel will be reconstructed to increase flood flows. Construction of the Racibórz polder will entail the acquisition of approximately 2,600 ha and the resettlement of almost 700 people. The agency that will implement the polder component, RZGW Gliwice, prepared a Resettlement Action Plan (RAP) that was reviewed and approved by the Bank.

It is still to be determined which works in and around Wrocław will require land acquisition or relocation of facilities or people. Two works may affect garden plots, agricultural activities or structures, however, depending on the outcome of the detailed designs for the works. This policy framework is prepared to outline how the agencies implementing the works, RZGW Wrocław and DZMiUW, respectively, will deal with the possible impacts of the works.

The two works and their possible impacts are as follows:

Widawa Transfer Channel

- Construction of new dikes in the Widawa Valley to increase the capacity of the transfer channel is expected to envelop a large garden unit (77 ha.) comprising about 2,000 homestead gardens and a gmina recreation center located next to the unit, requiring their removal;
- Construction of new dikes along the Old Odra near the Poznan Road and north may require the removal of commercial or residential structures, some of which were constructed illegally in the flood plain, others may have been issued building permits illegally;
- Construction of new dikes parallel to existing dikes near the confluence of the Widawa River and the Odra River will require the acquisition of land for the new dike, or swapping the land under the footprint of the new dike for the restored land covered by the old footprint;
• Clearing the Widawa Transfer Channel may require removing orchards and illegal landfill in the flood plain;

**Popowice Koaznow Dike**

• Modernization of the left bank dike at Popowice Kozanow may entail the removal of a unit of homestead garden plots located on the existing flood plain.

**Status of Gardens, Orchards and Residential Areas**

The large garden unit in the Widawa Valley is situated on government or municipality land. Such units typically are ceded to the Association of Garden Users by government or municipal authority under a 99-year lease. Many leases date back to the end of World War II. The association allocates plots to individuals for nominal fees, generally for an indefinite period. Although they are not owners, garden users treat the plots as their own family farmsteads. Some garden users divide their tiny plots into landscaped and cropped areas and small construct farm sheds or even miniscule weekend cottages on the plots; other plots have trees and grass around a small weekend cottage. Each composite garden unit ultimately resembles a colorful miniature dense farm village.

The orchards that may be affected are located on the Widawa flood plain. The precise status of these agricultural activities will be ascertained if the final design requires their removal. It is expected, however, that either they are incursions into the flood plain that predate formal restrictions on flood plain use or they were allowed to be established due to lax enforcement of flood plain restrictions.

The area along the Old Odra near the Poznan Road and north is adjacent to densely populated areas and the landfill and commercial and residential structures within the floodplain illustrate the recent spate of urban expansion. The structures were either constructed without building permits or were issued building permits illegally. Preliminary design of the new dike will require their removal, but the final design may avoid the structures. The landfill must be removed in either case.

The precise status of the garden unit on the flood plain at Popowice Kozanow that may be subject to removal has yet to be ascertained. It is possible that the unit is under the management of the Association of Garden Users, but it is believed to be an informal unit established without official sanction. The unit was devastated by the 1997 flood and subsequently re-established.

**Legal Issues Regarding the Potentially Affected Sites**

The Widawa Valley garden unit has legal status by virtue of a long-term lease granted to the Association of Garden Users by the Government or the Municipality, but the terms of the lease and the conditions under which it may be terminated have yet to be determined. Regardless of the terms, however, RZGW or DZMiUW will compensate garden users or relocate the unit to an alternative site.

The orchards in the Widawa flood plain are located on private land and the garden unit at Popowice Kozanow is on the floodplain without legal status. Nonetheless, the users will be entitled to compensation or substitute land if they are removed from their current sites.

Once the final designs are completed and it is possible to determine which specific sites will be affected by project activities, the implementing agency will develop appropriate site specific plans.
Principles to be Applied

RZGW and DZMiUW, respectively, will adhere to the following principles as they complete final
designs of the investments and plan programs to mitigate any anticipated negative impacts:

- Minimize disruption and dislocation;
- Engage affected persons actively in the development of mitigation plans;
- Substitute land to enable people to continue their economic practices, if feasible and
desired;
- Compensate people for lost assets (structures, plants, crops) at full replacement cost or
replace the assets;
- Provide assistance for relocation or displacement;
- Assist all affected people to restore their incomes regardless of the legality of their land
 tenure.

The World Bank’s Operational Policy on Involuntary Resettlement (OP/BP 4.12) require
implementing agencies to compensate all affected persons for lost assets and to provide assistance
to relocate (homesteads and farmsteads) and restore incomes, regardless of their legal status.
Thus the impact of the removal of garden plots or orchards will be mitigated whether or not the
users have legal use rights.

Homestead garden plots yield products that families might otherwise purchase, thus
supplementing household incomes, but the overall economic impact is generally miniscule.
Nonetheless, the garden plots serve a range of needs of garden users—cultural, recreational,
health, aesthetic and even educational—that are hard to measure, but very important in the lives
of the users. Moreover, different members of a household may value the plots differently,
depending on age, gender and individual history. Accordingly, RZGW and DZMiUW will make
every effort to find alternative garden sites as close to the original sites as possible.

Removing orchards may affect the incomes of affected households. Mitigation plans will
therefore include provisions to restore incomes by compensating for lost income flows or
assisting affected persons to find alternative sites.

Matrix of Entitlements

Based on available information, it is anticipated that there may be six groups of persons that may
be affected by investments around Wrocław and the Widawa Transfer Channel. The actual
number of groups, and the way they will be affected, will be determined once final designs are
complete. Additional groups may also be identified during the preparation of mitigation plans,
such as owners of structures that must be removed. The following matrix describes the
anticipated affected persons and their respective entitlements.
### Wroclaw Floodway System—Resettlement Policy Framework
(Widawa Transfer Channel and Popowice Koaznow Dike)
**Summary of Compensation Entitlements**

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<td>Replacement value of structures AND</td>
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<td></td>
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<td>If also garden user, same entitlements as other users</td>
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