

**PEOPLE'S REPUBLIC OF BANGLADESH
DEPARTMENT OF DISASTER MANAGEMENT (DDM)
MINISTRY OF DISASTER MANAGEMENT AND RELIEF (MoDMR)**

**THE PREPARATORY SURVEY ON
THE CAPACITY ENHANCEMENT ON
DISASTER RISK REDUCTION,
EMERGENCY RESPONSE AND RECOVERY
PROJECT
IN THE PEOPLE'S REPUBLIC OF
BANGLADESH**

FINAL REPORT

VOLUME III-1

**GUIDELINE OF
OPERATION OF DISASTER RECOVERY FUND**

JUNE 2016

JAPAN INTERNATIONAL COOPERATION AGENCY (JICA)

**CTI ENGINEERING INTERNATIONAL CO., LTD.
INGEROSEC CORPORATION
ORIENTAL CONSULTANTS GLOBAL CO., LTD.**

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FINAL REPORT

List of Reports

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Volume III-2 : Manual of Operation of Disaster Recovery Fund

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in
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Guideline

June 2016

Ministry of Disaster Management and Relief

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Acronyms and Abbreviations

Abbreviations	Official Name
APD	Assistant Project Director
BBS	Bureau of Statistics
BWDB	Bangladesh Water Development Board
DC	Deputy Commissioner
DDM	Department of Disaster Management
DDMC	District Disaster Management Committee
DoE	Department of Environment
DoF	Department of Forest
DPA	Direct Project Aid
DPD	Deputy Project Director
DPP	Development Project Proposal
DRR	Disaster Risk Reduction
DRM	Disaster Risk Management
DRRO	District Relief and Rehabilitation Officer
ECAs	Ecologically Critical Areas
ECA	Environment Conservation Act
ECC	Environmental Clearance Certificate
ECR	Environmental Conservation Rules
EIA	Environmental Impact Assessment
EMP	Environmental Monitoring Plan
ERD	Economic Relations Division
FFWC	Flood Forecasting & Warning Center
FSCD	Bangladesh Fire Service and Civil Defense
GOB	Government of Bangladesh
IEE	Initial Environmental Examination
IMED	Implementation Monitoring and Evaluation Division
JICA	Japan International Cooperation Agency
JPY	Japanese Yen
LGD	Local Government Division
LGED	Local Government Engineering Department
MoDMR	Ministry of Disaster Management and Relief
MoEF	Ministry of Environment and Forest
MoHA	Ministry of Home Affairs
MoWR	Ministry of Water Resources
PCMU	Project Coordinating and Monitoring Unit
PD	Project Director
PIO	Project Implementation Officer
PIU	Project Implementation Unit
PSC	Project Steering Committee
RAC	Regional Accounting Center
RPA	Reimbursable Project Aid
SFYP	Sixth (Seventh) Five Year Plan
SOD	Standing Orders on Disaster
TOR	Terms of Reference
UDMC	Union Disaster Management Committee
UNO	Upazila Nirbahi Officer
USGS	United States Geological Survey
UzDMC	Upazila Disaster Management Committee
WARPO	Water Resources Planning Organization
WQS	Water Quality Standard
XEN	Executive Engineer

1. Foreword

The Disaster Recovery Fund in Bangladesh has been set up on a trial basis under the Disaster Risk Management Enhancement Project to provide funding for the rapid recovery of infrastructure, etc. following damage caused by natural disasters in Bangladesh. The objective of the project is to enhance comprehensive disaster risk management of the Government of Bangladesh by recovering and rehabilitating infrastructures at high risk for natural disasters, providing equipment for emergency communication and relief, and establishing the scheme for quick and effective recovery and rehabilitation works and its implementation, thereby contributing to build Bangladeshi society more disaster-resilient towards sustainable development. And the guideline is prepared for the scheme for quick and effective recovery and rehabilitation works and its implementation, aiming at describing the policy of use as well as the necessary information and procedures to be undertaken by the related departments/agencies when applying for the Disaster Recovery Fund.

For detailed explanation, procedures and so forth please refer to the separately issued “Disaster Recovery Fund Manual”.

It is hoped that all departments/agencies involved in projects financed under the Disaster Recovery Fund in Bangladesh will understand and utilize the contents of this guideline.

2. Objective of Establishment of the Disaster Recovery Fund

Bangladesh frequently suffers from natural disaster such as cyclonic storm surges, river overflow and riverbank erosion caused by annual flooding, and such disasters impart economic loss of between 50~60 billion Japanese Yen every year, thus greatly impeding stable economic growth.

In the Seventh Five-Year Plan (SFYP), the Government of Bangladesh (GOB) recognizes that lack of understanding and lack of knowledge and skills to devise appropriate actions in anticipation of risks or hazards are the limitations. The SFYP incorporates priority areas agreed in the Sendai Framework and aims at implementing its priorities. In the SFYP, the development of Disaster Risk Reduction (DRR) and requisition of knowledge, understanding and skills for DRR by GOB officials at all levels are proposed as prioritized actions.

Moreover, in the SFYP, since Bangladesh is often beset by various types of disaster that are steadily becoming bigger in scale due to climate change, the Plan proposes gender-considerate and financial risk approaches, as well as the active utilization of internationally organized funds.

In the area of DRR, appropriate measures in particular are not being implemented due to the lack of understanding and knowledge on the scientific approach to analyze hazards and the insufficient knowledge and management capability of government officials on each level. Accordingly, the SFYP proposes that overseas assistance be actively accepted. In specific terms, it proposes the following: utilization of national funds that can be applied to financial risks, appropriate allocation of resources for mitigating vulnerability in regions, active utilization of international funds, strengthening of

warning and disaster response capability, and strengthening of post-disaster recovery and reconstruction.

In Bangladesh, the Disaster Management Act (2012) mandates the establishment of the “National Disaster Management Fund” and the “District Disaster Management Fund” aiming to provide relief to victims of natural disaster or disaster damage in general, such as the provision of food and disaster payments, recovery of damaged infrastructure facilities and so on. However, regulations concerning the operation of these funds are still under review and the plans have not been actually put into effect yet.

In view of this situation and in order to resolve the issue on the lack of budget for implementing prompt recovery following the occurrence of a natural disaster, and as a result of discussions between a wide range of government ministries and related agencies, the Disaster Recovery Fund was decided to be established on a trial base under the Disaster Risk Management Enhancement Project, a Yen Loan project of the Government of Japan. The establishment of the Disaster Recovery Fund complies with the high-level plans in Bangladesh in that it will strengthen the capability of Bangladesh to mitigate disaster risks and manage disaster prevention, and will therefore contribute to that country’s sustainable growth. These guidelines are the official guidelines of the Ministry of Disaster Management and Relief (MoDMR), so the framework and most of the contents will continue even after the completion of the Disaster Risk Management Enhancement Project.

Moreover, since the Development Project Proposal (DPP) for Sub-projects that use this Disaster Recovery Fund is scheduled to be submitted to the Planning Commission for approval in Fiscal Year 2016, there is no need for each implementing agency to submit the DPP to the Planning Commission before the start of sub-projects.

3. Role of Related Agencies, Government Ministries and Departments

Three (3) agencies, the Department of Disaster Management (DDM), the Bangladesh Water Development Board (BWDB) and the Local Government Engineering Department (LGED) can utilize the Disaster Recovery Fund. In cases where a concerned agency wishes to utilize the Fund for the recovery of infrastructure facilities under its jurisdiction, meetings of the Union Disaster Management Committee (UDMC), the Upazila Disaster Management Committee (UzDMC) and the District Disaster Management Committee (DDMC) will be convened and, following discussions by the implementing agencies, the Deputy Commissioner (DC) will submit an Application Form to the Project Coordinating and Monitoring Unit (PCMU) Secretariat.

Within this flow, in cases where the outline, cost estimate and finally intended use of the Fund are approved as stated on the Application Form, the Project Implementation Unit (PIU) will conduct a tender to select the contractor, manage the construction works project and so on.

4. Establishment, Tasks and Responsibilities of Organizations and Newly Formed Committees

To ensure that projects utilizing the Disaster Recovery Fund are securely implemented and operational three (3) organizations shall be established as described below.

(1) Project Steering Committee (PSC)

The Project Steering Committee shall approve the overall project policy and coordinate and monitor activities between government ministries and departments. It shall also act as the final decision-making body concerning important project items.

The major responsibilities of the PSC are to coordinate, monitor and provide guidance on the overall activities to be implemented by the PIU. Its specific tasks and responsibilities are as listed below.

- To coordinate and monitor the Project activities;
- To facilitate coordination and convergence with other line ministries/divisions/agencies;
- To Address inter-ministerial issues and provide overall guidance;
- To ensure implementation in accordance with the rules and regulations of both the government of Bangladesh and Japan, as well as JICA; and
- To reflect outputs and outcomes of the Project in national DRR/Disaster Risk Management (DRM) policies.

Table 01 Members of the Project Steering Committee (PSC)

Role in PSC	Description
Chairperson	Secretary of MoDMR
Member Secretary	Joint Secretary (Disaster Management) of MoDMR
Member	Additional Secretary of Ministry of Water Resources (MoWR)
	Additional Secretary of Local Government Division (LGD)
	Additional Secretary of Ministry of Home Affairs (MoHA)
	Director General of DDM
	Director General of BWDB
	Chief Engineer of LGED
	Director General of FSCD
	Chairperson of PCMU
	Representative of Implementation Monitoring and Evaluation Division (IMED) (not below the rank of Joint Secretary)
	Representative of Economic Relations Division (ERD) (not below the rank of Joint Secretary)
	Representative of Planning Commission (not below the rank of Joint Chief)
	Deputy Chief of MoDMR
Other	JICA Expert(s)

The members to attend the project steering committee will be determined depending on the component(s) to be discussed.

Committee can co-opt any suitable member (if necessary).

(2) Project Coordination and Monitoring Unit (PCMU)

The Project Coordination and Monitoring Unit shall support the PSC and coordinate and administer the overall project. PCMU Secretariat shall take charge of receiving applications for the sub-projects and the evaluated role.

The major responsibilities of PCMU are to coordinate and supervise the overall activities to be implemented by the PIUs. The specific tasks and responsibilities of the PCMU are as listed below.

- To facilitate the joint formulation of the Sub-project;
- To perform, operate and support the PSC activities as the Secretariat of PSC; and
- To perform overall supervision and monitoring of activities of all PIUs.

The PCMU Secretariat shall be responsible for administrative matters on the project in accordance with the Quick and Effective Recovery Scheme. The specific tasks and responsibilities are as listed below.

- To accept application forms for the sub-projects;
- To evaluate the candidate sub-projects;
- To arrange conferences, preparation of documents; and
- To monitor and post-evaluate project activities (Periodical Post-Evaluation).

Table 02 Members of the Project Coordination and Monitoring Unit (PCMU)

Role in PCMU	Description
Chairperson	Additional Secretary of MoDMR
Member	Director (Development & Planning) of DDM
	Chief Planning of BWDB
	Additional Chief Engineer (Planning & Design) of LGED
	Director of FSCD
	Representative of Planning Commission
	Senior Assistant Chief of MoDMR
	Head of PIU (DDM, BWDB and LGED) / Appropriate Representative
Secretariat	MoDMR
Other	JICA Expert(s)

The members to attend the project coordination and monitoring meeting will be determined depending on the component(s) to be discussed.

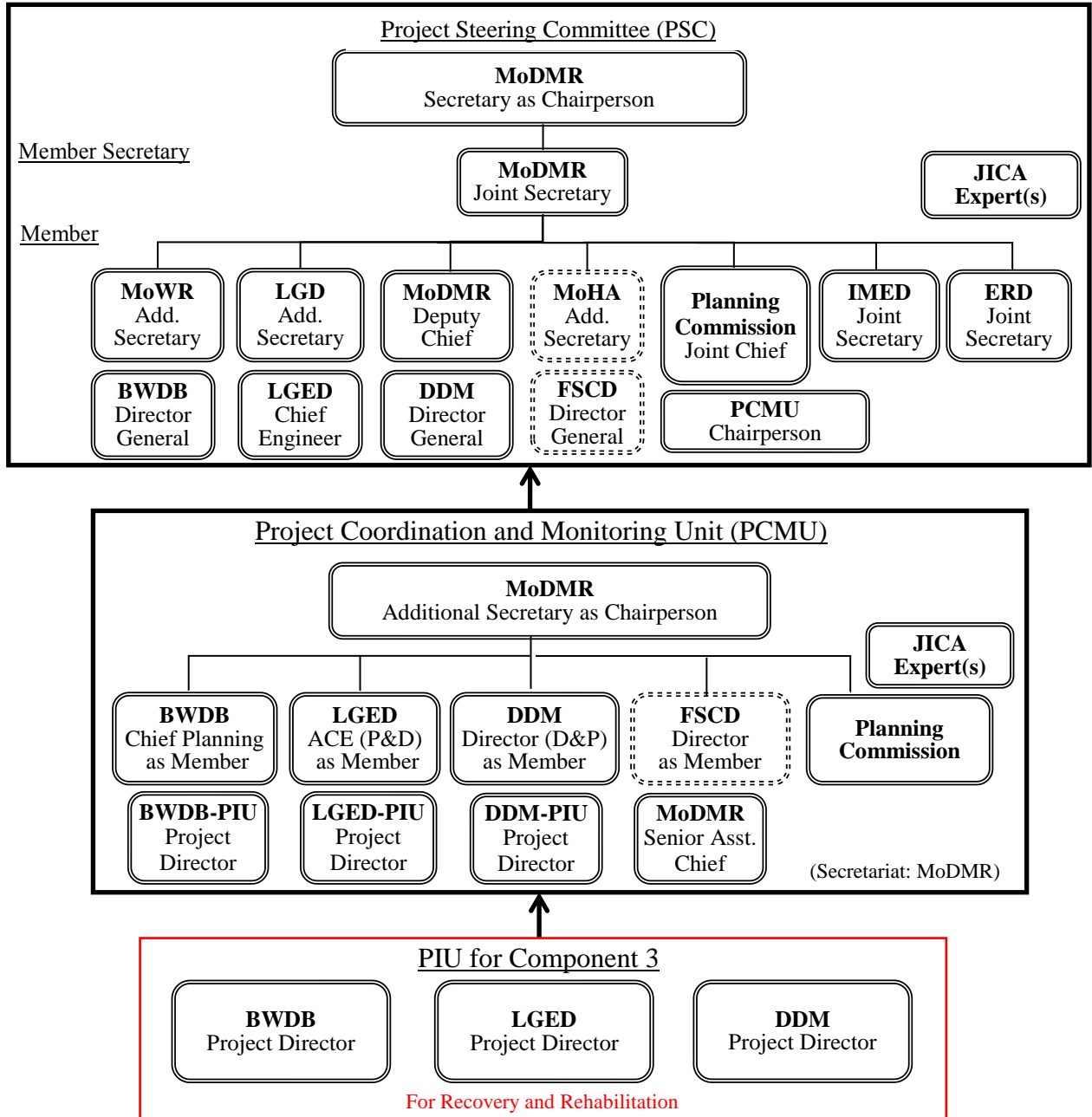
(3) Project Implementation Unit (PIU)

The PIUs of DDM, BWDB and LGED are to actually implement the sub-projects.

The projects using the Disaster Recovery Fund shall be implemented by BWDB-PIU, LGED-PIU and DDM-PIU, depending on the recovery and reconstruction works selected in their jurisdiction areas.

Project Scheme (Decision Making Process) (Quick and Effective Recovery and Rehabilitation: C3)

The quick and effective recovery and rehabilitation will be secured by DDM's DPP in advance. Relevant implementing agencies will be able to apply for the fund and start recovery work without DPP procedure.



Note 1: DPP prepared by DDM for Component 2 and 3 as mentioned in the previous page.

Note 2: Common structures of PSC and PCMU will be applied for all the components.

Notes 3: The members to attend committees and PCMU meetings will be determined depending on the component(s) to be discussed;

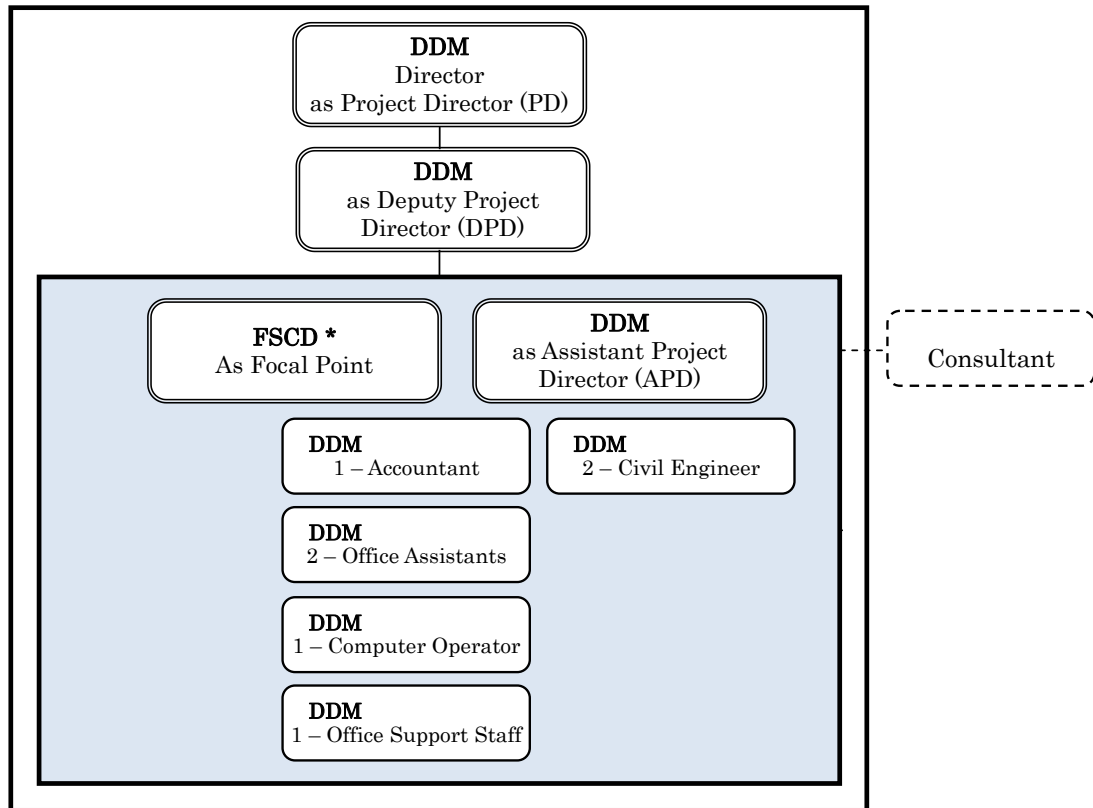
 : The members of PSC and PCMU attend the committee/meeting on Component 3.

 : The members of PSC and PCMU not attending the committee/meeting on Component 3.

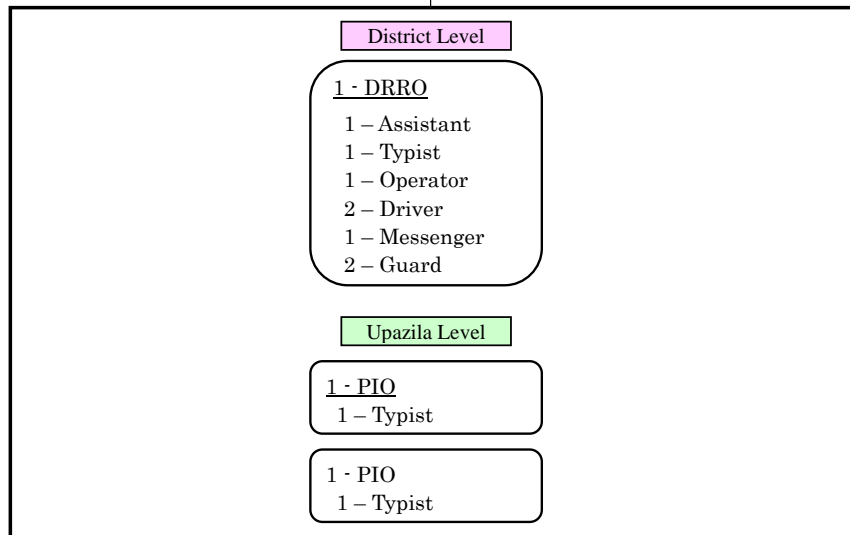
Project Implementation Unit (PIU) of DDM
(Component 2: Equipment for Emergency Response, and
Component 3: Quick and Effective Recovery and Rehabilitation)

Project Implementation Unit (PIU)
for Component 2 and Components 3

PIU Head Office



Local implementation Office



* The focal point of FSCD will be a member of PIU-DDM for Component 2 only.

* For implementation of the sub-project in the field, the concern DRRO(s) and PIO(s) offices are to be the part of PIU

Note: The PIUs of BWDB and LGED are described in the Manual.

5. Infrastructure Facilities Targeted for the Disaster Recovery Fund

The Disaster Recovery Fund is targeted for use of infrastructure facilities all over the country, specifically, facilities managed by the BWDB, facilities managed by the LGED, and facilities managed by the DDM.

Maintenance following use of the Disaster Recovery Fund shall be appropriately implemented by each agency using the respective maintenance budgets for the respective infrastructure facilities.

Table 03 Target Infrastructures

Target Infrastructures
Flood Countermeasure Facilities (Dikes, Polders, Bank Revetments, Sluice Gates, Rubber Dams etc.)
Rural Roads
Rural Bridges
Bridges/Culverts
Cyclone / Flood Shelters

(1) Facilities managed by the BWDB

Infrastructure facilities on small and medium rivers managed by the BWDB are targeted. The river infrastructure facilities managed by the BWDB are applicable under the BWDB Act, 2000.

(2) Facilities managed by the LGED

The roads, bridges (unlimited bridge length) and associated infrastructure facilities, and cyclone/flood shelters managed by the LGED are targeted.

(3) Facilities managed by the DDM

Bridges with about 15 meters in length, small drainage culverts, evacuation shelters and other infrastructure facilities managed by the DDM are targeted.

6. Type and Scale of Natural Disasters Targeted for the Disaster Recovery Fund

6.1 Type of Targeted Natural Disaster

The types of natural disaster targeted by the Disaster Recovery Fund are as shown in the following table. This table lists down the hazards in Bangladesh as stated in the National Plan for Disaster Management of 2010-2015, but not including Arsenic Contamination, Drought, Salinity Intrusion and Fire. Landslide is mainly envisaged in the hilly parts of Cox's Bazar and Chittagong Hill Tracts, although it is not confined to this region.

Table 04 Types of Targeted Natural Disaster

Type of Disasters	Hazards
Meteorological Disaster	Flood
	Water Logging
	River Bank Erosion
	Cyclone and Storm Surge
	Tornado
	Landslide
Seismic Disaster	Earthquake
	Tsunami
	Landslide including slope failure

6.2 Scale of Disaster

As a precondition to the application for the Disaster Recovery Fund, a “Recognition of Severe Natural Disaster” shall be issued by the PSC. The “Recognition of Severe Natural Disaster” shall satisfy the extent of damage and at least one of the intensities of hazard mentioned in the following Table (Indicators of Severe Natural Disaster) shall be fulfilled. If these criteria are not met a “Severe Natural Disaster” cannot be declared and application for the Fund cannot be made.

Table 05 Indicators of Severe Natural Disaster

References		
Intensity of Hazard	Precipitation	More than 50 mm/day
	Water level	Above “Danger Level”
	Wind speed	More than 70 km/h 3 minute average sustained wind speed
	Earthquake intensity	More than “IV” of Modified Mercalli Intensity Scale
Extent of Damage	Number of Affected Families (Upazila)	More than 1,000 families

Notes: MoDMR will bring up the matter to the PSC.

Precipitation, Wind speed: Records at an officially recognized gauging post (reference: BMD and BWDB rainfall observatories)

Danger Level: Values at water level gauging posts set by the BWDB, Reference: Flood Forecasting & Warning Center (FFWC) homepage

Earthquake Intensity: Data published by a reliable agency, Reference: published data of the United States Geological Survey (USGS), etc.

The following table shows the relationship between the type of disaster and hazards applicable under the Disaster Recovery Fund. As a specific example, assuming the case where infrastructure facilities are damaged by flood, application for use of the Fund is possible if the extent of damage is such that 1,000 or more families suffered by damage, the daily precipitation exceeded 50 mm/day or the water level of the river in question exceeded the danger level.

Table 06 Relationship between Type of Natural Disaster and Hazards Applicable to the Disaster Recovery Fund

Intensity of Hazard		Precipitation	Water Level	Wind Speed	Earthquake Intensity
		More than 50 mm/day	Above "Danger Level"	More than 70 km/h	More than "IV"
Natural Disaster	Flood	○	○	—	—
	Water Logging	○	○	—	—
	River Bank Erosion	○	○	—	—
	Cyclone and Storm Surge	○	○	○	—
	Tornado	○	○	○	—
	Landslide	○	—	○	○
	Earthquake	—	—	—	○
	Tsunami	—	○	—	○

Notes: ○ Applicable
 — Not Applicable

7. Disaster Recovery Level for Infrastructure

Since the emphasis is placed on restoring the functions of infrastructure facilities to what they were before the disaster occurred, the disaster recovery level for infrastructure shall be such that functions are not significantly reduced or that specifications are not excessively added.

For example, the following projects cannot be executed under the Disaster Recovery Fund:

- Although facilities suffered only partial damage, the river will be widened and embankments raised over a consecutive zone that includes weak, narrow parts to enhance flood protection capacity;
- Widening the road in the consecutive zone that includes undamaged road will enhance transportation capacity; and

- Installing an artificial reef and a gently sloped protective wall to the consecutive zone that includes undamaged parts will enhance utility and capacity by ensuring coastline protection capacity.

8. Operation of the Disaster Recovery Fund

8.1 Requirements on the Use of the Disaster Recovery Fund

As described in Section 6.2, since the Recognition of Severe Natural Disaster to be issued by the PSC is necessary, application for use of the Disaster Recovery Fund cannot be made without this Recognition.

8.2 Ineligibility to Use the Disaster Recovery Fund

Exemptions on the use of the Disaster Recovery Fund will be recognized in the following cases:

- A: Damage caused by natural disasters that are not eligible for Recognition of Severe Natural Disaster.
- B: Cases where the actual recovery is deemed to be within the scope of routine maintenance.
- C: Cases where the damage has been caused by failure to implement appropriate maintenance.
- D: Diversion of funds to projects by international aid agencies, NGOs, etc.
- E: Damage caused by disaster arising from design fault or defects in execution.
- F: River dredging works that are not deemed to be particularly necessary for maintenance or for public benefit.
- G: Collapse of natural riverbanks or coastlines that are not deemed to be particularly necessary for maintenance or for public benefit.
- H: Damage caused by disaster that occur during works, which shall be recovered using the physical contingency.
- I: Disaster recovery for facilities managed by the private sector.

8.3 Disaster Recovery Project Cost

The amount of the Disaster Recovery Fund that can be used in one contract package of a single sub-project is 30 million to 70 million Japanese Yen (JPY). Moreover, the annual upper limit is approximately 1.5 billion JPY. If the amount used in a year exceeds 1.5 billion JPY, it is necessary for the implementing agency to discuss it with JICA and to obtain JICA's consent.

8.4 Application to Use the Disaster Recovery Fund

As already mentioned, it is first necessary for the Recognition of Severe Natural Disaster to be issued by the PSC in order to make an application to use the Disaster Recovery Fund.

The infrastructures targeted under the application for the Disaster Recovery Fund shall comprise infrastructure facilities under the management of the BWDB, LGED and DDM. Following issuance of the Recognition of Severe Natural Disaster by the PSC, the local level of BWDB, LGED and DDM may ask to have a meeting with the Upazila Disaster Management Committee (UzDMC) chaired by the Upazila Nirbahi Officer (UNO) and to complete the discussions and coordination with each implementing agency. After that, it is convened at District Disaster Management Committee (DDMC) chaired by the Deputy Commissioner (DC). In this meeting, information will be collected from the Upazilas and information on damage to infrastructure managed by each agency will be gathered and coordinated. Then the agency responsible for the infrastructure concerned prepares the Application Form.

After that the DDMC files the Application to use the Disaster Recovery Fund by submitting an SOS Form, Form-D, Form-03 Initial Environmental and Social Investigation Checklist and Form-06 Environmental and Social Screening Checklist with the Application Form to PCMU Secretariat.

8.4.1 Contents and Documents to be Attached to the Disaster Recovery Fund Application Form

1. Items to be entered in the Application Form

The following items shall be entered in the Application Form:

Table 07 Contents and Documents Attached to the Disaster Recovery Fund Application Form

Application Form Entries
1. Information on the disaster damage
2. Importance of the facilities to be recovered
3. Recovery drawings and project cost including maps and photographs
4. Financial reason for using the Fund
Necessary documents to be attached
1. Initial Environmental and Social Investigation Checklist
2. Form-D, SOS-Form
3. Environmental and Social Screening Checklist
4. Minutes of DDMC Meeting

(1) Information on Disaster Damage

To demonstrate that the facilities in question have been damaged in a disaster eligible for the “Recognition of Severe Natural Disaster”, information on the disaster damage must be stated in the Application Form. The damage information must state the date and time of disaster occurrence, type of disaster, the human damage and property damage in the Upazila where the facilities that require recovery are situated, and condition at the time when the facilities were damaged. This information is required to confirm that the damage, etc., to the facilities was not caused by deficiencies in routine maintenance.

(2) Importance of Facilities to be Recovered

The Application Form needs to state the facilities that require recovery and the reason why they need to be recovered with urgency. It is necessary to describe impacts on community residents, etc., and how risks will increase in case the damaged facilities in question do not undergo recovery. This information will be used to confirm the impacts that the recovery of facilities will have in terms of human life and the protection of human life.

(3) Recovery Drawings and Project Cost

The Application Form must be submitted together with map(s), standard cross section(s), length(s), number of places, and photographs describing the target(s) for recovery. The project cost estimate and itemized statement concerning the recovery and repair work must also be attached.

PCMU Secretariat shall confirm that the submitted materials meet the following conditions:

- That the recovery method uses standard cross sections and standard designs in Bangladesh.
- If using standard cross sections and standard designs, that those sections and designs can prevent future repeated disasters. If they cannot prevent repeated disasters, what needs to be considered other than the standard cross section and standard design.
- If standard cross sections and standard designs are not used, then whether or not the submitted design method is appropriate.
- That the rough estimation results are valid.

(4) Financial Reason for using the Fund

The Application Form must state the reason(s) for using the Fund. It is necessary to indicate the financial reasons for having to use the Fund by demonstrating the maintenance budget for the fiscal year concerned and the amount of budget that has been executed by that time by the local level office that manages the facilities in question and is submitting the Application Form, as well as the amount of the emergency budget that is prepared by the concerned office in Dhaka and the amount of budget that has been executed by that time. Since the names of the local level offices differ according to each implementing agency, the following definitions are used.

Table 08 Local Level Office in Each Implementing Agency

BWDB	O&M Division Office
LGED	District Office
DDM	District Office

2. Necessary Items to be Attached to the Application Form

(1) Initial Environmental and Social Investigation Checklist

Form-03 “Initial Environmental and Social Investigation Checklist” shall be used during Sub-project Identification stage to draw basic information about the Sub-project and environmental &

Social concerns focusing location. This information shall be used in filling Application Form and priority setting for short listing of candidate Sub-projects prior to forward the Fund Application from by DDMC.

(2) Form-D, SOS Form

Copies of the official Form-D and SOS Form according to the SOD (Standing Orders on Disaster) shall be submitted together with the Application Form.

(3) Environmental and Social Screening Checklist

Form-06 “Environmental and Social Screening Checklist” shall be carried out during Joint Inspection of Candidate Sub-project to draw wider range of environmental and social impact issues. Screening findings would raise early warning regarding environmental and social risks that would be useful for loan approval decision making authority (PSC). Information shall be useful for Environmental Consultant in designing study plan of environmental and social studies during planning stage.

Filled Environmental and Social Screening Checklist along with recommendation (on follow-up study to obtain Environmental Clearance Certificate) must be attached with the Disaster Recovery Fund Application document.

(4) Minutes of DDMC Meeting

The minutes of meeting of DDMC shall be attached to the application form.

8.5 Disaster Assessment and Approval to Use the Disaster Recovery Fund

8.5.1 Provisional Approval

The Application Form submitted from local level office of BWDB, LGED and DDM on the decision of the DDMC shall be checked for eligibility for the Recognition of Severe Natural Disaster, undergo checking of attached materials such as the outline recovery drawings, recovery cost estimation, etc., and be scored based on the items shown in Table 9 by the PCMU Secretariat. Then the candidate projects for disaster recovery will be selected and recommended to the PCMU office.

After that, following the checking and confirmation of the Application Form by the PCMU, a team of three disaster assessors (one from the implementing agency responsible for the target infrastructure, one from JICA expert dispatched to DDM and one from the PCMU Secretariat) shall conduct onsite inspection to review whether the recovery concept and scope are technically appropriate and whether it is necessary to instruct revision of the scope, etc. Upon receipt of the disaster assessment report from the assessors, the PCMU may issue provisional approval. In standard cases, provisional approval will be issued in approximately 14 days following receipt of the Application Form. Incidentally, to enhance efficiency of the provisional approval, the JICA experts and consultants may offer support for the following technical items within the application process.

- Checking of drawings and project cost and scoring of the project site.
- Accompanying the team of disaster assessor onsite and provision of technical advice.

Upon receipt of the provisional approval, project implementing agencies shall immediately implement the detailed design of the disaster recovery project, detailed cost estimation, and survey pertaining to environmental and social considerations.

Table 09 Site Selection Criteria

Selection Criteria
● Extent of Damage
- Number of affected people
- Amount of economic loss
● Extent of Assumed Damage in Future
- Expected damage to socioeconomic infrastructure (port, airport, regional road, etc.)
● Damaged Degree of Infrastructure
● Vulnerabilities of Target Upazila (Poverty Level)
- Population below the Upper Poverty Line (Bureau of Statistics 2010)

8.5.2 Approval

Simultaneous with the detailed design and review of candidate projects that have received pre-approval, it will be necessary for the PCMU to submit a brief report containing the list and outline of candidate projects to the PSC. A copy of the report shall be furnished to JICA for any further assistance.

After that, the PSC will request the PCMU to hold a “Project Assessment Meeting” in which each candidate project will be reviewed. Then, final approval for each project will be obtained from the PSC.

Normally, final approval could be obtained in approximately one (1) month after provisional approval.

To facilitate the provisional approval, the JICA experts and the consultant may offer support for the following technical items within the application process:

- Preparation of a brief report containing the list of candidate projects and outline of each project for submission to the PSC.
- Preparation of assessment materials for use in the Project Assessment Meeting.

After final approval has been obtained from the PSC, PCMU Secretariat shall file an application to JICA for the utilization of the Disaster Recovery Fund for the approved project.

After the project cost has been finalized, the BWDB-PIU, LGED-PIU and DDM-PIU, which will conduct the tender to select the works contractor, will need to report the progress of the tender and inform the selected contractor to PCMU Secretariat, PCMU, PSC and JICA Bangladesh Office.

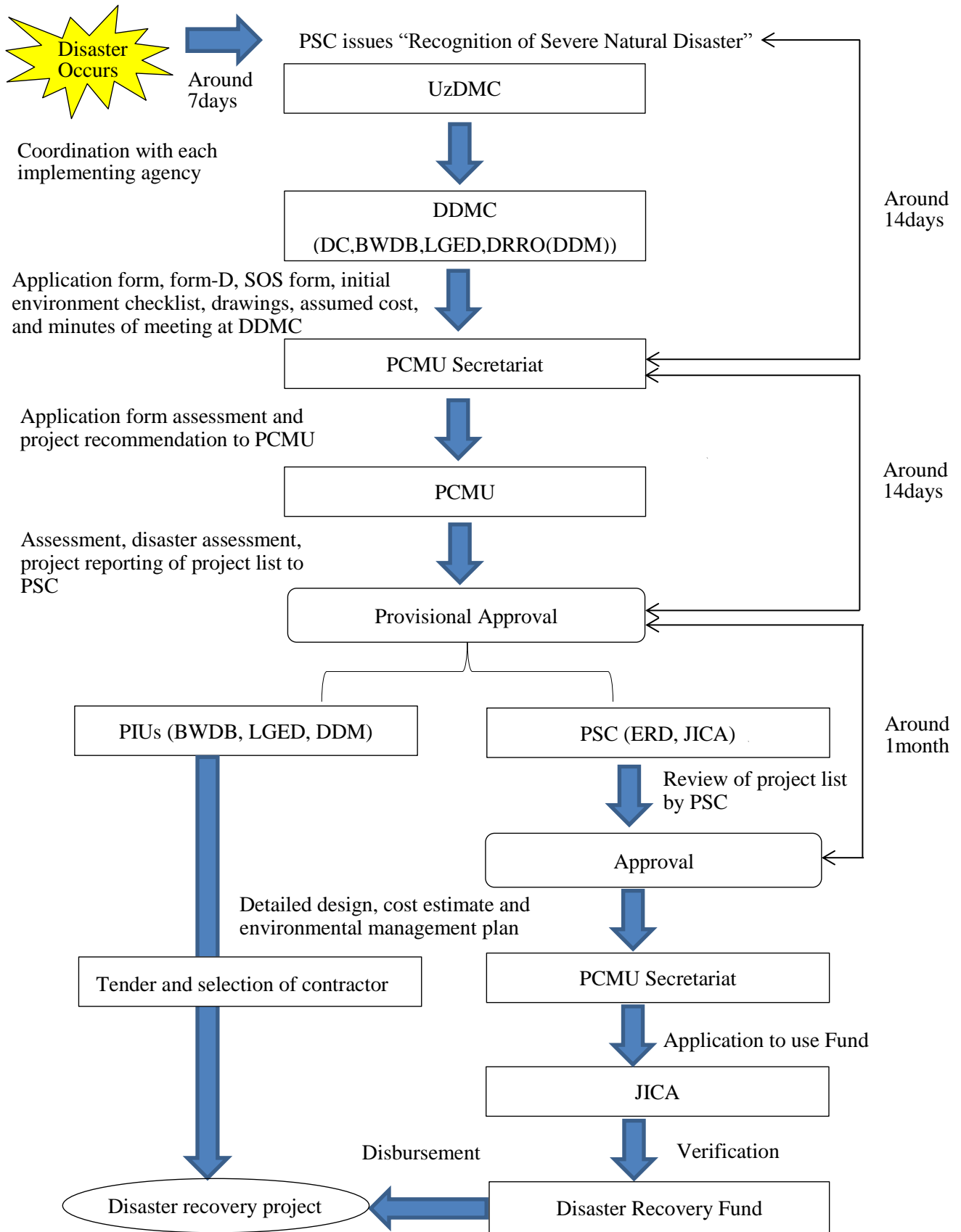
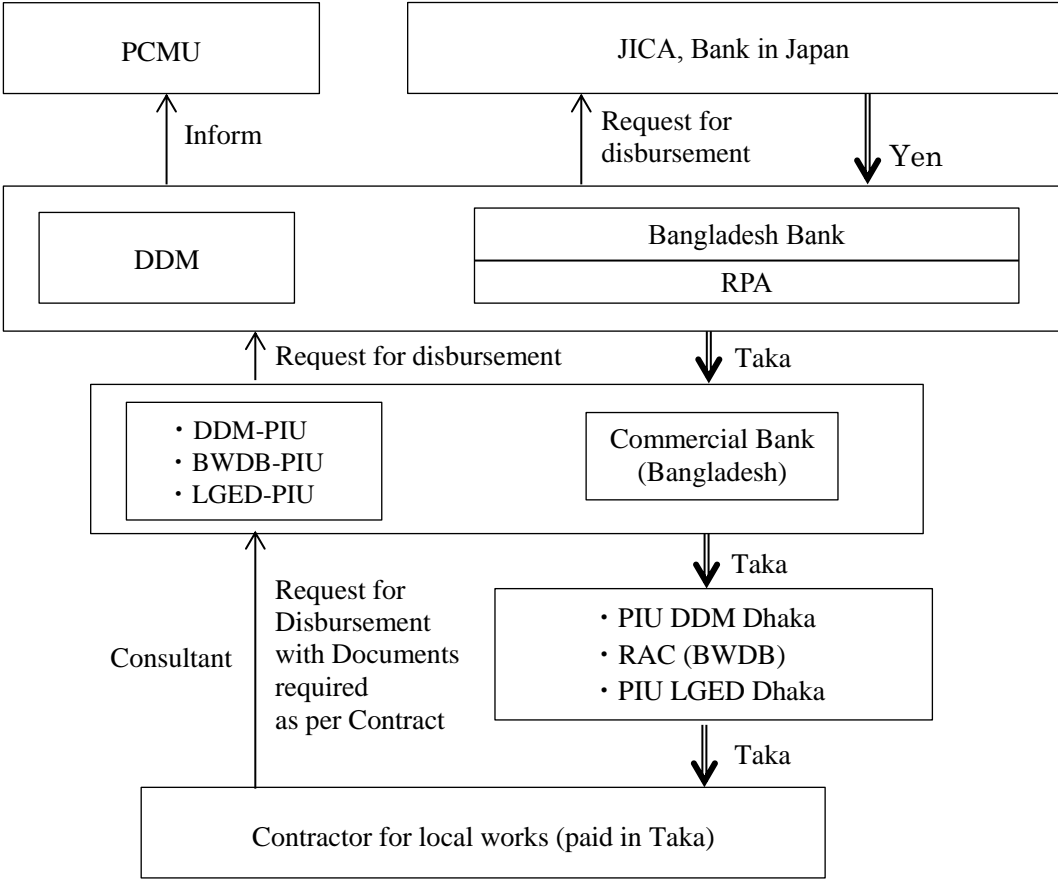


Figure 01 Flow of Disaster Recovery Fund Application

8.6 Disbursement Procedure of Disaster Recovery Fund

The construction cost of the sub-projects shall be approved by DDM-PIU, BWDB-PIU and LGED-PIU, respectively. Based on the approvals, DDM shall send remittance request for its agent bank to transfer the approved amount to sub-account of each PIUs, so that each PIU shall process payment to the contractors.

The payment is implemented according to the procedure indicated below:



RPA : Reimbursable Project Aid
 RAC : Regional Accounts Center

Figure 02 Flow of Disbursement of the Disaster Recovery Fund

8.7 Implementation and Monitoring of Sub-Projects that Use the Fund

In projects where preparatory works including project cost estimate have been completed, the implementing agency shall conduct a tender to select the contractor and a contract shall be executed. It shall be necessary for the implementing agency to submit a draft of the contract to the PCMU Secretariat and obtain its approval in advance. The PCMU shall conduct periodical monitoring during

the construction work, and continue the monitoring for one (1) year following completion of the works to ascertain their effects. These project monitoring and post-implementation assessment activities will receive support through the project consultant.

(1) Contents of Monitoring during the Works

The progress of the works, safety measures and environmental issues will be primarily assessed and, if any problem is found, each implementing agency's PIU will be ordered to make improvements. Upon receipt of the recommended improvement work, the PIU will instruct the works contractor and the consultant in charge of construction supervision to carry out the improvements.

The contents and results of such monitoring shall be compiled into a report that shall be submitted to the PCMU, implementing agencies and JICA Bangladesh Office.

(2) Contents of Monitoring following Completion of the Works

Following the completion of the works, survey shall be implemented following the first rainy season to make sure the damage has not reoccurred and to check the effectiveness of the recovery project. If damage has reoccurred, the design documents shall be rechecked and each PIU shall be ordered to adopt a higher rank of design criteria and take other remedial measures in future work.

The contents and results of such monitoring shall be compiled into a report that shall be submitted to the PCMU, implementing agencies and JICA Bangladesh Office.

9. Environment and Social Management Framework

9.1 Act and Rule

The selected Sub-projects under the "Disaster Risk Management Enhancement Project" must have to comply with the relevant environmental rules and regulations of the Government of Bangladesh, as established and/or administered by the Ministry of Environment and Forest (MoEF) and Department of Environment (DoE) and other national and local jurisdictions.

A wide range of laws and regulations related to social and environmental issues are effective in Bangladesh. Many of these are cross-sectoral and only partially related to environmental and social issues.

The key national policies, guidelines, rules and regulations relevant to environmental management are briefly discussed below:

- **Bangladesh Environment Conservation Act (ECA), 1995**

The Environmental Conservation Act (ECA) of 1995 is the main legislative framework relating to environmental protection in Bangladesh. This umbrella Act includes laws for conservation of the environment, improvement of environmental standards, and control and mitigation of

environmental pollution. This Act has established the Department of Environment (DoE), and empowers its Director General to take measures as he considers necessary which includes conducting inquiries, preventing probable accidents, advising the Government, coordinating with other authorities or agencies, and collecting and publishing information about environmental pollution. According to this act (Section 12), no industrial unit or project shall be established or undertaken without obtaining, in a manner prescribed by the accompanying Rules, an Environmental Clearance Certificate (ECC) from the Director General of DoE.

In accordance with this Act, the Sub-project under the Component 3 must have to obtain Environmental Clearance Certificate from DoE before commencing the project following procedures given in the Environment Conservation Rules (ECR) 1997 (discussed below). Also the Ecologically Critical Areas in coastal zone, defined by DoE under this act, will be considered while planning and designing of the Sub-project interventions.

- **Bangladesh Environment Conservation Act (ECA), (Amendments) 2010**

The ECA 1995 has amended in 2010, which provided clarification of defining wetlands as well as Ecologically Critical Areas and included many important environmental concerns such as conservation of wetlands, hill cutting, ship breaking, and hazardous waste disposal. This amendment empowered the government to enforce more penalties than before. Moreover, affected persons were given provision for putting objections or taking legal actions against the polluters or any entity creating nuisance to affected person.

- **Bangladesh Environment Conservation Rules (ECR), 1997**

The Environment Conservation Rules, 1997 were issued by the Government of Bangladesh in exercise of the power conferred under the Environment Conservation Act (Section 20), 1995. Under these Rules, the following aspects, among others, are covered:

- ✧ Declaration of ecologically critical areas
- ✧ Classification of industries and projects into four categories
- ✧ Procedures for issuing the Environmental Clearance Certificate
- ✧ Determination of environmental standard

The Rule 3 defines the factors to be considered in declaring an area “Ecologically Critical Areas” (ECAs) as per Section 5 of ECA’95. It empowers the Government to declare an area “ECAs”, if it is satisfied that the ecosystem of the area has reached or is threatened to reach a critical state or condition due to environmental degradation. The Government is also empowered to specify which of the operations or processes shall not be carried out or shall not be initiated in the ecologically critical area. Under this mandate, MoEF has declared Sundarban, Cox's Bazar - Teknaf Sea Shore, Saint Martin Island, Sonadia Island, Hakaluki Haor, Tanguar Haor, Marzat Baor and Gulshan - Baridhara Lake as ECAs and prohibited certain activities in those areas. Beside these, recently the Government of Bangladesh has

declared four rivers such as Buriganga River, Turag River, Shitalakha River and Balu River around the Dhaka City as ECAs.

The Rule 7 classifies industrial units and projects into four categories depending on environmental impact and location for the purpose of issuance of ECC. These categories are: Green, Orange-A, Orange-B, and Red.

All existing industrial units and projects and proposed industrial units and projects, that are considered to be low polluting are categorized under "Green" and shall be granted Environmental Clearance. For proposed industrial units and projects falling in the Orange-A, Orange-B and Red Categories, firstly a site clearance certificate and thereafter an environmental clearance certificate will be required. A detailed description of these four categories of industries has been given in Schedule-1 of ECR'97. Apart from general requirement, for every Red category proposed industrial unit or project, the application must be accompanied with feasibility report, Initial Environmental Examination (IEE), Environmental Impact Assessment (EIA) based on approved TOR by DoE, and Environmental Management Plan (EMP).

The ECR'97 describes the procedures for obtaining Environmental Clearance Certificates (ECC) from the Department of Environment for different types of proposed units or projects. Any person or organization wishing to establish an industrial unit or project must obtain ECC from the Director General. The application for such certificate must be in the prescribed form together with the prescribed fees laid down in Schedule 13, through the deposit of a Treasury Chalan in favor of the Director General. The fees for clearance certificates have been revised in 2010. Rule 8 prescribes the duration of validity of such certificate (three years for green category and one year for other categories) and compulsory requirement for renewal of certificate at least 30 days before expiry of its validity.

- **Bangladesh Environment Court Act, 2010**

Bangladesh Environment Court Act, 2010 has been enacted to resolve the disputes and establishing justice over environmental and social damage raised due to any development activities. This act allows government to take necessary legal action against any parties who creates environmental hazards/ damage to environmentally sensitive areas as well as human society. According to this act, government can take legal actions if any environmental problem occurs due to interventions of Sub-project under the Component 3 of 'Disaster Risk Management Enhancement Project'.

- **Environmental Enforcement Agency**

Department of Environment (DoE)

The primary institution for environmental management in Bangladesh is the Department of Environment (DoE), under the Ministry of Environment and Forest (MoEF). The DoE is the authority with the mandate to regulate and enforce environmental management, and the setting

and enforcement of environmental regulations. The Department was created in 1989 to ensure sustainable development and to conserve and manage the environment of Bangladesh. Creating public awareness on environmental management and legal obligations are needed for this. Above mentioned Acts and Rules facilitate the activities of the Department; The principal activities of the DoE are given as follows:

- ✧ Defining Environmental Impact Assessment (EIA) procedures and issuing environmental clearance permits - the latter being legal requirements before proposed projects can proceed to implementation;
- ✧ Providing advice or taking direct action to prevent degradation of the environment;
- ✧ Pollution control, including the monitoring of effluent sources and ensuring mitigation of environmental pollution;
- ✧ Setting the Water Quality Standard (WQS) for particular uses of water and for discharges to water bodies; and
- ✧ Declaring Ecologically Critical Areas (ECAs) where the ecosystem has been degraded to a critical state.

Department of Forest (DoF)

The Forestry Department is responsible for Sensitive area protection in four types of legally protected areas- wildlife sanctuaries, game reserves, reserved forests, and natural forests.

9.2 Environment and Social Compliances - Component 3

9.2.1 Legal Consideration

Environmental and Social Compliance by the selected Sub-project under the Component 3 to avail “Disaster Recovery Fund” shall subject to the following Rules and Regulations of Government of Bangladesh:

- Environment Conservation Act 1995 and subsequent amendments 2010;
- Environment Conservation Rules, 1997 and subsequent amendments 2006, 2015;
- The Land Acquisition Act, 1894 and The Acquisition and Requisition of Immovable Property Ordinance 1982 and subsequent amendments in 1994, 1995 and 2004;
- Bangladesh Environment Court Act, 2010; and
- Other relevant National Policy, Guideline, Act , Rules and Regulations.

It should mention that LGED and BWDB have their own guidelines i.e “Environment Assessment Guidelines 2008” and Water Resources Planning Organization (WARPO) Guidelines for Environmental Assessment of Water Management Projects, 2003, respectively that have been followed in conducting Environmental Study to obtain ECC from DoE. These guidelines have been prepared in line with the Environmental Conservation Rules, 1997 and “EIA Guidelines for Industries, 1997” published by the DoE.

Therefore LGED and BWBD guidelines shall be applicable to comply with the Environmental and Social Considerations for the Sub-project under the Component 3 of “Disaster Risk Management Enhancement Project” subject to inclusion of up to date National Rules and Regulations.

9.2.2 Sequence of Compliance Activity by Phase

Environmental and Social Management compliance tasks have been grouped into four phases. Respective Executing Agency shall undertake required compliance activities in different phases of the Sub-project as described in subsequent sections. Flow of Environmental and Social Considerations Compliance is shown in Figure 04.

Incidentally, all the following activities will receive support through the project consulting service. The phases are:

- i) Sub-project Identification and Preparation Phase
- ii) Detail Design and Planning Phase
- iii) Construction Phase
- iv) Post-Construction Phase

i) Sub-project Identification and Preparation Phase

Environmental and Social Screening shall be done in two stages during this phase using prescribed Forms as mentioned below:

Form-03: Sub-Division Engineer of BWDB, Upazila Engineer of LGED, and Upazila Project Implementation Officer (PIO) of DDM shall fill up the “Initial Environmental and Social Investigation Checklist” according to instruction during identification of respective candidate Sub-project. Executive Engineer (XEN) of LGED and BWDB and DRRO of DDM shall summarize the findings along with determination of Sub-project category prior to attach filled Form-03 with loan application.

Form-06: Recruited Environmental Consultant under project consulting service shall fill up the “Environmental and Social Screening Checklist” to draw wide range of environmental and social impact issues according to instruction during joint verification of candidate Sub-projects under PCMU.

Consultant shall review and summarize the findings of environmental and social impact issues. Conclusion must be drawn on “categorization” of proposed candidate Sub-project and recommendation shall be drawn regarding follow-up environmental and social studies that are to be required to obtain “Environmental Clearance Certificate (ECC)” from Department of Environment (DoE). Consultant must consult with DoE to determine category and requirement of document for any such Sub-project that are not mentioned in the table below.

Filled Environmental and Social Screening checklist along with summary, conclusion and recommendation regarding sub-project category and document requires for ECC shall be attached with the application document so that PSC can make decision during approval of any candidate Sub-project.

ii) Detail Design and Planning Phase

If the proposed Sub-project is classified as “RED category” or “Orange-B category” upon environmental and social screening taking into account of scale of the project, its impacts and condition of receiving environment, respective PIU shall be responsible for conducting necessary environmental and social studies, Submission of Application to DoE and obtaining of ECC from DoE.

Environmental Studies

Respective PIU shall be responsible for preparation, submission and approval of TOR of EIA study from DoE and accordingly conduct of EIA study (in case of Red Category) and EMP study (in case of Orange-B Category) and to prepare reports to comply with the national acts, regulations, and guidelines during “detail design phase” to obtain ECC from DoE, GOB. The PIUs may refer to the IEE study reports of 5 sub-projects that have been prepared by the Disaster Risk Management Enhancement Project. Scope and contents of Environmental Study and document are provided in the Manual.

Respective PIU will receive support through the project consulting service to conduct those studies. Therefore, consultant recruitment process should be initiated as soon as any applicant (candidate Sub-project) will receive provisional/ final approval to receive Disaster Recovery Fund.

Social Studies

If require, land acquisition process shall be undertaken according to national acquisition and Requisition of Immovable Property Ordinance. Respective PIU shall be responsible for preparation of ”Relocation and Rehabilitation Plan” and shall be incorporated in environmental study document to submit to DoE.

iii) Construction Phase

Environmental and Social Monitoring

Respective PIU shall be responsible to undertake “Environmental Monitoring Program” according to the monitoring plan that is to be prescribed in the EIA/EMP report. The monitoring report shall be submitted to PCMU, DoE and JICA.

iv) Post-Construction Phase

An environmental and social audit shall be carried out by respective PIU in assistance with environmental consultant immediately/ within 6 months after completion of construction activity. Audit program shall include monitoring of environmental and social quality component (similar scope of monitoring study) and inspection of de-mobilization activity/ site closeout status of labor camp, storage yard, dumping yard, etc. The audit report shall be submitted to PCMU, DoE and JICA.

9.2.3 Environmental Clearance and Renewal Process

i) Sub-project Category and Documentation

As per ECR'97, candidate sub-project under the component 3 falls under “Orange-B” and “Red” category project. Categories of sub-projects and document required for obtaining Environmental Clearance Certificate (ECC) from DoE are described below:

Table 10 Requirement of “Environmental Clearance Certificate (ECC)”

SL NO	Targeted Infrastructure	Category according to Schedule-1 of ECR'97	Document requires for ECC (according to Clause-7.(6) b & C of ECR'97)
1	Construction, re-construction and extension of road (feeder road, local road)	Falls under Item-63 of ORANGE-B category.	-EMP report -and other documents
2	Construction, re-construction and extension of road (regional, national and international road)	Falls under Item-67 of RED category.	-EMP report -and other documents
3	Construction, re-construction and extension of bridge (length below 100 meters)	Falls under Item-64 of ORANGE-B category.	-EMP report -and other documents
4	Construction/reconstruction/expansion of bridge (length 100 meter and above)	Falls under Item-68 of RED category.	-Submission and approval of TOR of EIA study. -EIA report -and other documents
5	Construction/reconstruction/expansion of flood control embankment, polder, dike, Sluice gate etc.	Falls under Item-66 of RED category.	-Submission and approval of TOR of EIA study. -EIA report -and other documents

Source: Environment Conservation Rules, 1997

ii) Process to Obtain Environmental Clearance Certificate (ECC)

No new project shall be considered under the Component 3, which means no requirement of Site Clearance Certificate.

In case of existing sub-project under Red Category, implementing agency must prepare and submit the TOR of EIA study to DoE for approval. Environment Consultant shall conduct and prepare the EIA report according to the approved TOR.

In case of existing sub-project under Orange-B Category, Environmental Management Plan (EMP) Report needs to be prepared to obtain ECC.

Executive Agencies shall require to follow the process mentioned in Figure 3 to obtain Environmental Clearance Certificate (ECC) from Department of Environment (DoE):

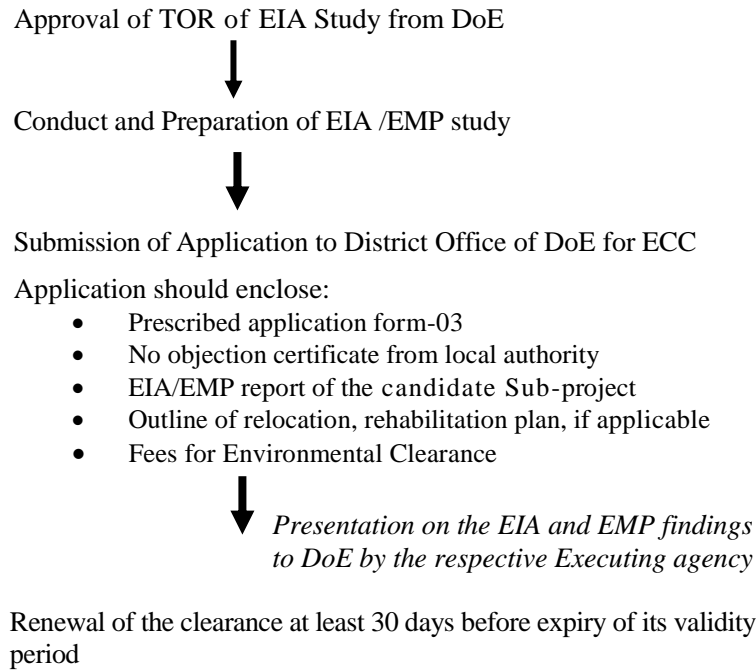


Figure 03 Process of Obtaining Environmental Clearance Certificate from DoE

Approval of EIA/EMP report and Issuance of Environmental Clearance Certificate by DoE shall require necessary time prescribed in ECR'97. After ECC is obtained, project construction may start, subject to availability of fund. If the construction is expected to start after the expiry of validity period, Executing agency will renew the Environmental Clearance Certificate (ECC) at least 30 days before the expiry date. Validity of ECC by Sub-project category is mentioned below:

Table 11 Validity Period of Environmental Clearance Certificate

Categories of Project	Validity	Renewal Period
Green	3 year	At least 30 days before expiry of its validity period
Orange-A & B	1 year	
Red	1 year	

Flow of environmental and social considerations compliance is shown below:

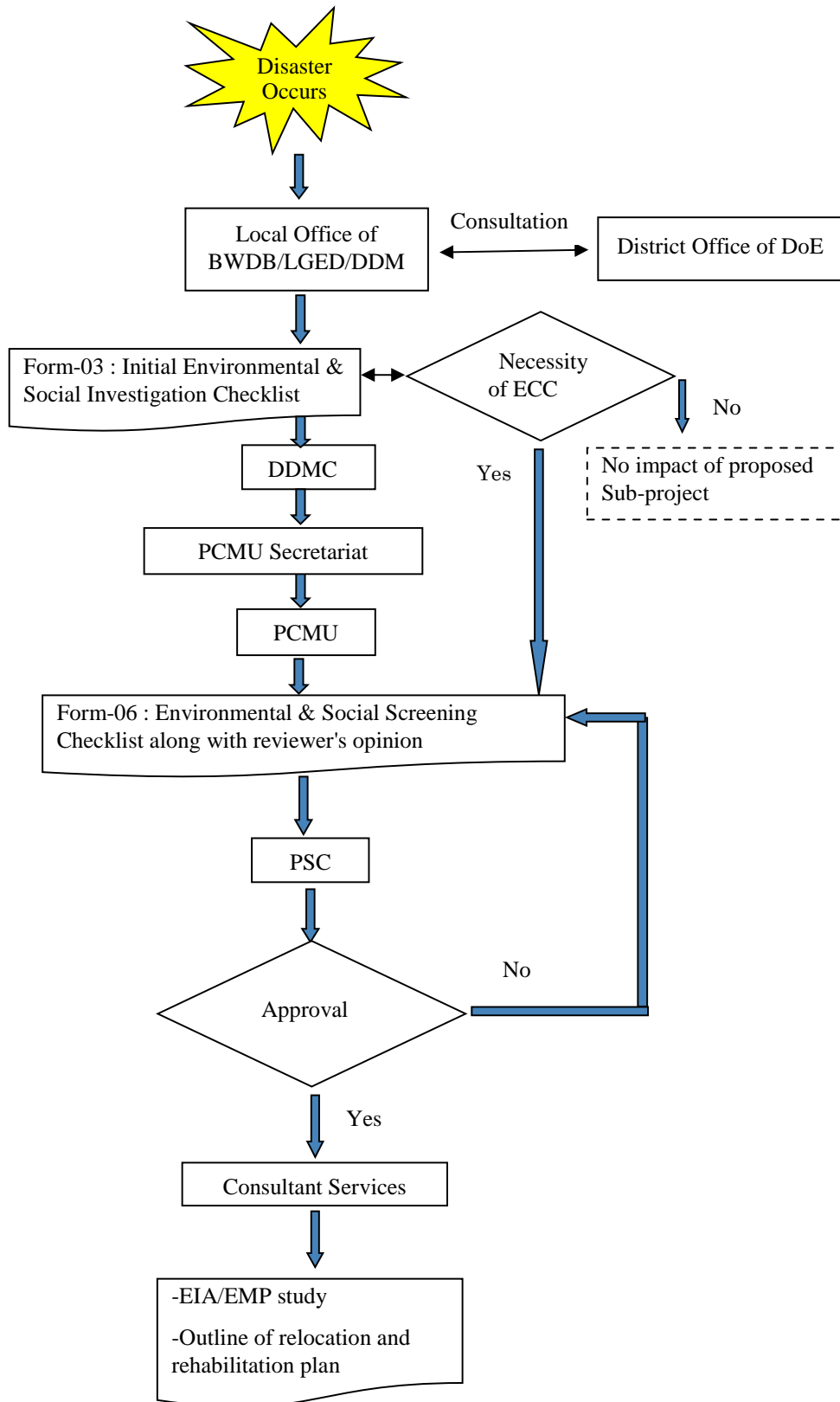


Figure 04 Flow of Environmental and Social Consideration Compliance

10. Information Disclosure concerning Use of the Disaster Recovery Fund

PCMU Secretariat shall report to the Implementation Monitoring and Evaluation Division (IMED) and JICA the expenditures on each sub-project from the Disaster Recovery Fund. PCMU Secretariat shall also successively disclose the records and results on the MoDMR homepage, prepare an annual report of use of the Disaster Recovery Fund, submit and explain this to the relevant agencies, and share information on the effectiveness and ways to improve the Fund.

The disclosed contents shall include contract amounts, contract dates, names of the contracting parties, project names, and chronological record of events (tender day, signing of agreement with contractor, etc.) from the day of disaster up to completion to show how quickly recovery works have been done. These records will become important support information for deciding future budget allocations to the Fund in Bangladesh.

11. Revision of the Guideline

The Guideline shall be reviewed by the PSC for revision when changes arise in the social and economic situation and when requests are made by the PIUs or PCMU with a view to enhancing the operating efficiency of the Disaster Recovery Fund. The final approval of revisions can be done through discussion with the PSC and JICA.

Establishment of the “National Disaster Management Fund” and the “District Disaster Management Fund” in Bangladesh has already been planned, and it is envisaged that these funds and the Disaster Recovery Fund will be unified at some point in the future.

In case the establishment of the “National Disaster Management Fund” and the “District Disaster Management Fund” will take a long time, it is desirable that a setup for realizing rapid recovery of infrastructures following a disaster be sustained by having the GOB allocate the budget and development partners will provide financial assistance to the Disaster Recovery Fund.

End