

EVALUATION OF FLOOD LEGISLATION AND LEGAL GAP ANALYSIS

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EXPERTISE THESIS ABSTRACT

Flood is one of the most important issues both globally and in Turkey. Thus, flood disaster ranks after earth quakes as a cause of loss of life and property in our country.

In Turkey, alongside population movements, rapid urbanization, serious steps taken in industry and production, big projects which are initiated or at process, sensitivity and awareness about the risk of flood disaster are increasing gradually.

In this context General Directorate of Water Management which was founded within Ministry of Forestry and Water Management in 2011 has prepared the first flood management plan in our country.

General Directorate of Water Management prepares flood management plans on the basis of river basins. Basins are considered upstream and downstream, as a whole. As a result of this, many structural and non-structural precautions are formulated against flooding.

Engineering is only one part of coping with floods. Another part of coping with floods is to introduce legal basis about flood disaster. Flood management plans can be implemented and coping with floods can be possible only if the legislation is forceful.

The scope of this thesis is the evaluation of the flood legislation related to the floods in our country. Within the scope of this study, we have examined 31 national codes, 9 regulations, 4 circulars and notice and strategy documents and action plans related to the floods of our country.

The European Union's Flood Directive has also been examined and information on the status of EU Member States in terms of flood legislation has also been given.

Legal opinions and practices on the issue have been compiled by examining ruling cases of Supreme Court and Council of State.

A legal gap analysis has been carried out in the light of all these studies and the gaps of the current flood legislation have been determined for our country. After that, an effect analysis

was carried out and it was concluded that preparing an independent flood law for filling these gaps was the best solution.

As a result, the legal flood analysis and impact analysis were carried out by examining the flood legislation in the country, and a Draft Flood Law was prepared accordingly.

Key words: Disaster, Flood, legislation on flood, Flood Law Draft