Desirable legal framework to support an integrated approach to flood management

Joachim Saalmüller
Project Officer
WMO/GWP Associated Programme on Flood Management
Integrated Flood Management

Integration of land and water management in a river basin within the context of Integrated Water Resources Management (IWRM)

Aim => Minimize loss of life from flooding
=> Maximize the efficient use of flood plains
Role of Law

FM Policy

Implementation

LAW

Provides for Mechanism for Dispute Settlement

Determines & protects rights and obligations

Flood / Water Resource Managers

Other Stakeholders

Defines institutional roles & responsibilities

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Other Stakeholders

LAW
Requirements on the national level

National Legal Issues

During Flood
- Forecasting and Warning
- Evacuation & Relief
- Flood info/data incl. hydrol. Networks
- Ecosystem protection
- Building regulation
- Reservoir operation rules
- Land Use Planning Controls, floodplain zoning

Pre-flood
- Flood Fighting
- Flood info/data incl. hydrol. Networks
- Ecosystem protection
- Building regulation

Post Flood
- Pollution control
- Flood Fighting
- Assessment
- Flood Insurance
- Liability for Flood Damages
- Rehabilitation

Forecasting and Warning
Evacuation & Relief
Flood info/data incl. hydrol. Networks
Ecosystem protection
Building regulation
Reservoir operation rules
Land Use Planning Controls, floodplain zoning
Pollution control
Flood Fighting
Assessment
Flood Insurance
Liability for Flood Damages
Rehabilitation
Selected focus themes

- Land Use Planning Controls
- Legal aspects of flood forecasting and warning
- Legal aspects of public participation
Land use planning controls

- Flood hazard identification (hazard maps)
- Regulated development of flood plains (spatial planning/land use legislation)
- Flood proofing of structures (building codes)
- Introduction of flood risk assessment to development activities (urban, forestry, agriculture)
- Guidance on best practice for agriculture
- Regulation through incentives and disincentives (insurance)
Flood Forecasting and Warning

- Define responsibilities for provision of flood forecasting, warning and emergency response
- Rights of access to relevant data and ensuring their availability (basin wide)
- Obligatory broadcasting of flood warnings on the mass media
- Define liability issues in cases of failure (warn too late, inaccurately or where no warning is required)
Public participation

• Granting rights of access to adequate information to the public for informed decision making
• Establishing procedures for environmental impact assessment in planning decisions
• Institutionalizing community participation in flood management activities on the local level
  → Formal constitution of Community Flood Management Cells
• Providing for flood preparedness of the population (e.g. emergency drills)
Key Considerations for International Water Courses

- IFM as part of wider legal frameworks for protection and utilization of int. water courses
- Reconciliation of conflicting interests through “Equitable and reasonable utilization”
- Procedural rules for
  - Exchange of data and information
  - Public participation
  - Dispute settlement
  - Specifying the role of joint institutions
Concluding Remarks

- Provisions to be mainstreamed into a broad range of sectoral legislation on all administrative scales
- Due consideration of enforceability
- Issues of wider sustainability to be mainstreamed into flood policy and legislation
- Policy, legal and institutional arrangements to be harmonized and flexible enough to provide for changing environment
- Legislative arrangements to be complemented by other available mechanisms (economic, social and cultural)
Thank you!

Further Information:

www.apfm.info

Apfm@wmo.int