

## A social dilemma



How would you feel if you were in his shoes?

Captive in a hazard zone? In a situation where you suddenly live in a landslide-prone area



UiT Norges arktiske universitet

Uarctic Grad Seminar Series febr. 27th 2023:

**Captive in a hazard zone?**

**- About the liability subjects for prevention of landslide risk for the built environment**

Landslide in Valsøyfjord 2022

Photo: Emilie Sørsdal/NTB



# Who is responsible for prevention and to what extend?

## Landslide prevention for the built environment Unclear legal status



Landowner

Supreme Courts statement in Rt-2011-105 (40)

The Municipality

Natural Damage Act § 20

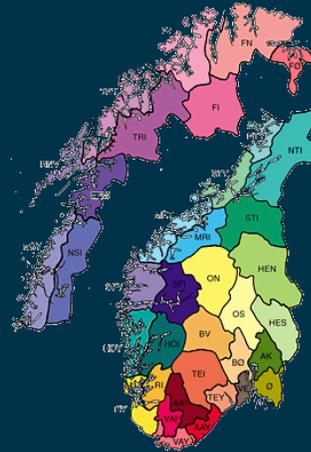
The State

Manual for the compensation scheme

## Diffusion of responsibility



The Landowner



The Municipality



The State

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Who takes one step forward if the others steps back?

The impossible is no legal obligation / Inability excuses the law

## Prevention before recovery -

In the light of climate change and societal changes, the goal is to create stronger incentives to reduce land slide risk and prevent damages (proactive measures), rather than to compensate the loss, rebuild or replace (reactive)

## Interdisciplinary



Several disciplines work together to reach a common goal.

I focus on law.

## A legal concern?



Research question: How can law contribute to increase incentives for preventive measures?



The applicable regulations are unfortunately very fragmented and unclear

A key is to make it clear who the liability subjects are, and clarify the scope of responsibility

## Disposition

Part I Current state of the law (De lege lata)

Legal dogmatic method, derives the legal rule by interpreting the legal sources

Part II Comparative studies

Quick clay: Norway, Sweden, Finland and ~~Russia~~

Alaska and Canada (Common Law)

Part III Legal policy discussion (De lege ferenda)

What is considered to be a reasonable and appropriate distribution of responsibility for preventing land slide risk for the built environment



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Thank you for your attention 😊

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Please don't hesitate to contact me, if you want to discuss landslide risk reduction management or incentives for prevention

