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
Captive in a hazard zone?

- About the liability subjects for prevention of landslide risk for the built environment
Who is responsible for prevention and to what extend?

Landslide prevention for the built environment
Unclear legal status

Building planning process
Delimited to new and planned buildings

Imminent danger
Directly threatening
Delimited to emergency preparedness and rescue measures

Incident Landslide triggered
Replacement/reconstruction
Insurance Compensation

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

Who takes one step forward if the others steps back?

The impossible is no legal obligation / Inability excuses the law
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).

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 fragmentated 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
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