Preliminary Syllabus

The course aims at providing a conceptual introduction to the legal system as an organised mechanism to produce and enforce legal rules, which in turn creates a set of incentives to the social and economic actors. Topics to be covered include: the sources of the law; the structure of a legal system, including the key institutions of which it is composed (with examples from various countries, relevant for “Risk Regulation”); the transnational dimension of the law (very important in the field of disaster risk management); the role of international organisations. The course would also offer a basic introduction to the Economic Analysis of Law (EAL) – including some notions of behavioural law and economics – and to the regulation of financial and insurance markets.

Session 1

Incentives, law, and regulation in emergency

This session will introduce the key concepts of EAL to understand what role the law might have in regulating risk and emergencies. To this aim different behavioural models will be introduced to illustrate how legal constraints might affect human behaviour. The following key concepts will be analysed and discussed:

- Law and risk
- Efficiency and rationality
- Behavioural law & economics

References:

Source of law and legal approaches to risk and emergency regulation
This session aims at presenting more in details the legal devices in the toolkit of policymakers. The key components of the legal system will be presented to understand the nature of legal norms and how they are generated. A comparative approach will illustrate how countries opt for different sources of law and legal approaches to cope with emergencies and risk. The following key concepts will be analyzed and discussed:
- Sources of law
- Separation of powers theory
- Formal and informal rules

References:

Session 3
The international dimension of risk and emergency regulation
This session aims at introducing the key concepts of international public and private law to understand the role and the functions of international organization in risk and emergency regulation. The legal status and legislative process of the European Union will be illustrated and compared with the roles played by different international bodies, namely: the Organization for Economic Co-operation and Development (OECD), the United Nations (UN), and the World Bank (WB). The following key elements will be analyzed and discussed:
- EU legislative process for risk and emergencies
- European Commission and the EU Civil Protection
- The applicability of international and EU law in domestic legal systems

References:
- EU Civil Protection: http://ec.europa.eu/echo/civil_protection/civil/index.htm
- World Bank Disaster Risk Management Projects: http://go.worldbank.org/WJBQY43AF0

Session 4
The role of tort law and insurance law in emergencies
This session will present the how the private sector (insurance and re-insurance) might contribute to prevent and minimize the risks related to disasters. To this aim the Law & Economics approach will illustrate the how tort law and insurance law might serve different purposes. The session offers the possibility to acquire a governance perspective and, in the light of the legal and economic reasoning so far conducted, will allow students to compare different policy approaches with specific references to the existing laws and regulations, as well as insurance and re-insurance practices. The following key elements will be analysed and discussed:
- Liability for mass disasters
- Insurance and re-insurance vs. tort law
- Negative Externalities
References

- Daniel A. Farber (Ed.), Disaster Law, Edward Elgar 2010