

# Trilemma, complexity, administration, and exceptional events

Prof.ssa Loredana Giani Maguire - Prof. Beniamino Murgante - Dr. Valentina Santarsiero - Dr. Alessandra Cutolo

Contact: [loredana.giani@unier.it](mailto:loredana.giani@unier.it)

## Objective

The aim of the research is to identify the relationship between technology and law and in particular land regulations, in order to define dialogue mechanisms that enable the prompt adaptation of spatial planning systems to scientific information.

## Metodology

In relation to some specific areas of the country that present a high volcanic risk, we proceeded to analyse not only the reference regulatory framework, both national and regional, but also the planning documents in order to verify whether and in what terms the real characterisation of the territory has been taken into account and in what terms it has been transformed into a concrete implementation of the principles of prevention and precaution.

## Background

The Italian regulatory system has demonstrated a limited sensitivity to risks despite a high capability to manage emergencies.

Exceptional events, in fact, are normally considered from a perspective that is not peculiar to the principles of prevention and precaution but, rather, from a perspective that is peculiar to an emergency law, allowing efficient interventions after the occurrence of an exceptional event, transferring the exceptionality from the event to the rules applied to face it. This has caused problems related to

- exceptions to the ordinary regulatory framework unsuitable for managing the emergency, and the lack of guarantees connected to the exceptionality;
- increase of costs dependent on the failure to take into account the risk, so to apply precautions and procedures that could have contained the negative effects related to the occurrence of the exceptional event
- costs related to emergency management ex se

## Conclusions

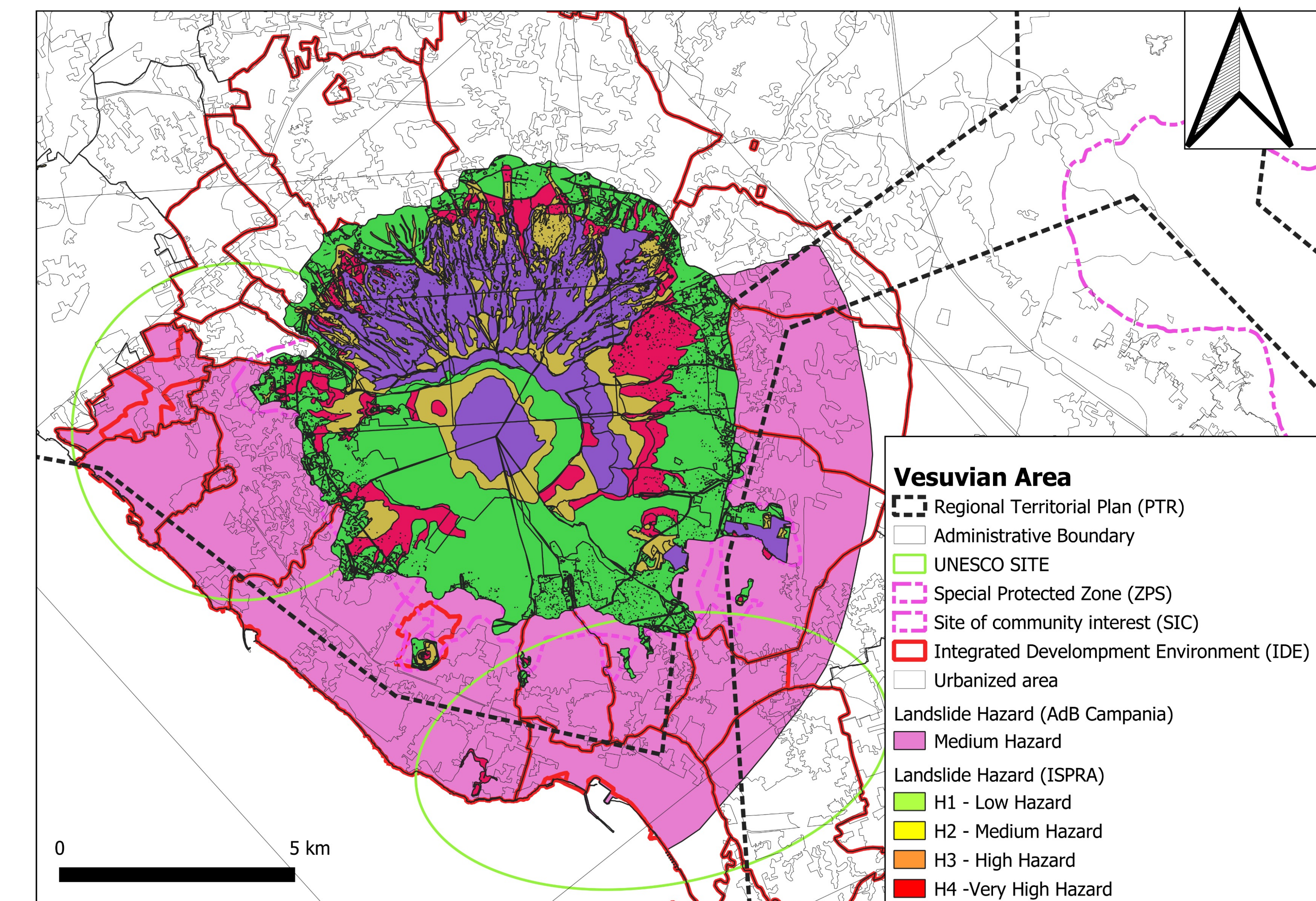
The management of exceptional situations with an *extraordinem instrumentarium* does not allow the identification of appropriate spatial planning and advanced risk management tools.

The separation of the moment of risk assessment from the decision-making processes leads to an incomplete representation of the facts with a consequent thwarting of the effectiveness of the principles of prevention and precaution, threatening the very resilience of the territories.

The technical standard, therefore, should assume a value conditioning the contents of public choices, using elastic and functional formulas and procedures, in terms of adaptation to the interference communications required of a reflexive administration.

## Areas under analysis

The analysis focused first and foremost on the Vesuvius and Phlegrean Fields area and the profiles inherent to: (i) risks; (ii) national and regional regulations; (iii) territorial planning; (iv) impacts of the legislation on legal amnesties for unauthorized constructions.



## References

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