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**Basic Legal Problems of Disaster Protection**

The presentation first deals with basic normative issues of disaster protection (I.), then with the possibilities and limits of legal disaster regulation (II.) and finally with the problem of legislative competences concerning disaster protection in a multi-level system (III.).

The first part is about the general problem of states being challenged by emergencies such as disasters. The author suggests that in case of an emergency a state can gain or lose political legitimation depending on how effective his disaster protection turns out to be. The Federal Republic of Germany, as a constitutional state, is subject to general duties of protection and precaution in cases of disasters and has to guarantee compliance with the principle of »justice in disasters«.

The second part points out the necessity of conceptual distinctions while discussing the regulatory potential for controlling disasters. According to different kinds of disasters one can differentiate between natural and technical disasters. Furthermore, one can differentiate between prevention, precaution, combating and after-care according to the typical phases of disasters. The author comes to the conclusion that, in general, disasters can be legally regulated, but often only in a relatively vague way. Law can only refer to human beings, not to »nature« itself.

The third part deals with the problem of legislative competences for disaster protection. International law, up to now, plays a rather marginal role in disaster law, due to - inter alia - only a handful of binding contracts in this regard. Disaster protection in the European Union follows the primary legal objective of creating an „area of security“. The so-called Seveso-Directives aim for the prevention and minimization of the effects of industrial accidents involving hazardous substances. In European primary law, Art. 6 phrase 2 lit. f TFEU emerges as the legal basis for European Union acts of supporting and coordinating character. The member states of the European Union thus stay completely responsible for the regulation of disaster protection. With regard to the Federal State of Germany, the question concerning the allocation of responsibility for disaster protection between the Länder and the Bund still seems to remain largely unsolved. To that extent it is the author's view that only a change of the Grundgesetz would prove sufficient as a real remedy.

**CV**

Kloepfer, Michael, born 1943, 1962 - 1967 course of studies of jurisprudence at the Free University Berlin, research assistant in Berlin and Munich, 1969 doctoral thesis, 1973 postdoctoral thesis (Habilitation) at the University of Munich. 1974 - 1976 professor at the Free University, Berlin, from 1976 - 1992 professor at the University of Trier.; since November 1992, Professor of constitutional and administrative law, European law, environmental law, financial and economic law, director of the Research Centre for Environmental Law at the Humboldt-University, Berlin; Director at the Institute for Public and International Law, at the Walter-Hallstein-Institute for European Constitutional Law. 1977 - 1996 additional function as judge at the Higher Administrative Court of Rheinland-Pfalz, 1979 - 1982 member of the OECD Experts' Group "Chemical Glossary", Visiting professor at

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