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# Germany in the UN Security Council: The Past as Prologue

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NATALIE TRÖLLER, APR 18 2019

Since the beginning of 2019, Germany holds a non-permanent seat at the Security Council for the term of 2019/2020. Its last membership in 2011/12 was overshadowed by strong disagreement between Germany and its traditional allies over the establishment of a no-fly zone over Libya and also initiated a broad debate about the political role of Germany on the international level in general. As political scientists usually turn to the results of the last election in order to mark the realm of expectation for the next election, a look into the history of Germany's membership on the Council may, in a similar way, yield some insights for the current term.

### How does the Council work and how are members elected?

The UN Security Council is the only organ in the UN able to pass binding resolutions. It is traditionally concerned with the protection of international peace and security, but its tasks have been growing substantially since the end of the Cold War. Topics now also cover new causes and drivers of conflict or impediments to the restoration of international peace and security and peacebuilding. Membership in the Council is a considerable opportunity to affect world politics, even though the horseshoe table in New York, to this day, mainly reflects the World's power distribution in the aftermath of the Second World War, which has been widely criticized.[1] The Council consists of 15 members, of which five permanent members (UK, USA, France, China and Russia, the "P5") hold veto-power, enabling them to prevent a solution from passing with a simple "no".[2] The non-permanent members (or elected, "E10"), on the other hand, are elected to the Council for a period of two years by the General Assembly. They do not hold a veto but they still can play a relevant role, as a collective and individually.[3]

For a resolution to pass the Security Council it needs "an affirmative vote of nine members including the concurring votes of the permanent members" (Article 27, UN Charter). The E10 do not have a veto but if a non-permanent Member even decides to abstain from voting, it can be seen as a way of refraining from adding legitimacy to the resolution, since its vote will not help the resolution gain the necessary nine votes. Accordingly, if less than four members of the E-10 decide to vote in favor of the resolution, it is not going to pass. Going beyond this "negative" power, the E10 also have opportunities for a positive impact. The scope of this impact depends on a number of factors ranging from traditions of foreign policy to available resources, the identification and exploitation of windows of opportunity and not least the diplomatic skills of the personnel of permanent missions. In addition to that, the relationship with the Secretary-General and the Secretariat is of crucial importance.[4]

Elected members will need to understand their contribution not only as one that benefits their national interest but the work of the Council and the UN at large. Former Council member representing Belgium, Johan Verbeke, therefore encapsulates the ideal profile as being hard-working, outcome oriented and dedicated to the issues of the Council. As initiatives within the realm of crisis management are tied to the dynamics of P5 relations, the E10 have increasingly turned to cross-cutting and thematic issues as a way of strategically gaining profile in the Council. Thematic issues can be non-traditional threats to peace and security such as terrorism, organized crime or climate change. Non-permanent members can secure a recognized leadership role regarding thematic issues especially through chairing a working group or a committee. The high-time for the E10 in order to strengthen their profile often is the month in which they take over the presidency of the council and their "agenda setting power" can be experienced

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in a very literal way.[5] Non-permanent membership in Council for member states of the United Nations is also a way of proving themselves on the international level and often serve as practical tests for further political ambitions. Germany's term can also be regarded as a way of presenting itself as a possible candidate for permanent membership during its time on the Council.

## Germany's foci during past Council memberships

The current term is the sixth time that the (reunified West-) Germany is part of the Council. West Germany and the German Democratic Republic both joined the United Nations in 1973. West Germany was elected to the Council in 1977/78 and 1987/88; the GDR in 1980/1981. After its reunification, Germany held a seat in the council roughly every ten years: in 1995/96, 2003/04 and 2011/12.

German self-perception regarding its role on the international stage has changed over the years. Before reunification, East- and West Germany acted in strong accordance with their respective allies on the Council. West Germany additionally struggled with its colonial past in Namibia (former German South-West Africa) which led to a relatively strong involvement in the negotiations towards independence from South Africa. Both East and West Germany were keenly aware of the fact that they had to operate under the special context of the Cold War. This was one of the reasons why both countries did not engage substantially in peacekeeping operations for fear of getting too close to confrontation with one another in crisis situations.

Past memberships in the Security Council have been very diverse for Germany, each term characterized by a different composition of the national government, different acting diplomats, different political crises playing out in the Council as well as various thematic initiatives by Germany. Even though dedication in earlier years seemed at bit weaker than it is today, the principle importance of the United Nations was rated high by all German governments. Diplomats which were sent to New York were always high-ranking senior officials with broad experience and political skills.

To get a better overview over the past terms, similarities and differences will be briefly sketched. In terms of party politics, all three memberships have seen differently composed governments. During its first term as a reunified country from 1995 to 1996, Germany struggled with its role on the international level. Under the conservative-liberal coalition government of Chancellor Helmut Kohl and his foreign minister Klaus Kinkel, the main emphasis in international relations was put on European integration and good relations with neighboring France as Germany tried to find its place within a completely transformed international context. The basis of a coalition government in Germany is the coalition agreement in which the goals and objectives of government are laid out. They give interesting insights regarding the value a government attributes to certain aspects. The 1994 coalition agreement did not mention the German role within the UN specifically but reiterated German responsibility on the international stage after reunification. The first diplomat for reunified Germany at the United Nations was Detlef Graf zu Rantzau who was later followed by Tono Eitel. Eitel had previously led the division on international law at the Foreign office and worked as Ambassador in Beirut from 1982 to 1987.

During its second term from 2003 to 2004, Germany was led by a social-democratic green coalition. Under Chancellor Gerhard Schröder and Foreign Minister Joschka Fischer of the green party, Germany stressed the importance of international organizations and of the United Nations in general as the epitomization of multilateralism. The UN and the various possibilities of multilateral politics on the international level were prominently featured in the coalition agreement. The government underlined its commitment to a broadened concept of security, embracing the concept of human security, stressed its dedication to the international rule of law and also underlined its wish for a permanent European, and if the European option cannot be achieved, also a permanent German seat in the Council. Ambassador to the UN was Günther Pleuger, former secretary of state in the foreign office who was promoted by Fischer to the posting in New York.

During its term of 2011/2012, Germany was led by a conservative liberal coalition under Chancellor Angela Merkel and Foreign Minister Guido Westerwelle. Ambassador to the United Nations was Peter Wittig who had previously led the division on global issues, the United Nations, human rights and humanitarian aid in the Foreign Office. Contrary

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to the previous term, the United Nations were not mentioned as prominently in the coalition agreement. Still, the government underlined the importance of multilateral cooperation through international organizations, the importance of the rule of law and the protection of human rights and reiterated the willingness to take over the responsibilities of a permanent member.

From the start of its first term at the Security Council, Germany was hesitant to contribute to international military operations. The German Constitutional Court had in 1994 opened up the possibility for the deployment of German soldiers in the pursuit of collective security and tied it to a relatively strong role of parliament in the decision process. But Germany remained hesitant, as foreign minister Klaus Kinkel underlined: "Following reunification and the restoration of our full sovereignty, Germany is now fully capable of playing its role in international affairs and of meeting its Alliance obligations. [...] This does not, however, mean a militarization of German foreign policy: the culture of restraint will be maintained. Germany cannot and will not play the world's policeman and its military options will remain limited in factual and political terms".

Regarding the issues with which Germany had to deal in Council, its first term was seen as a test run for the reunified Germany on the international level. From 1995 to 1996, one of the most pressing issue in Council was the war in former Yugoslavia. Germany supported and also initiated resolutions on humanitarian aid, condemning the grave violations of international humanitarian law in Srebrenica. Especially in regard to Srebrenica, Ambassador Eitel was "appalled and alarmed" since "several weeks after the fall of Srebrenica and Zepawe [we] still do not know about the whereabouts and the fate of about 7,000 to 8,000 unfortunate male Bosnians who were taken prisoners by Bosnian Serbs and led away. Where are they? What has happened to them? Are they alive and well?". This ultimately led to Resolution 1034, reiterating "that all those who commit violations of international humanitarian law will be held individually responsible in respect of such acts".

When it comes to the Middle East, the résumé was rather mixed. Here, Germany shied away from taking a position of its own and coherently voted in accordance with its European partners on the Council to avoid any confrontation. In contrast, the German work chairing the sanctions committee on Iraq was taken up positively, whereas its ultimately failed attempts to mediate between France and the US regarding a second term of Boutros Boutros-Ghali were at least acknowledged. On the personal level, Tono Eitel, who took over from July 1995 as Permanent Representative, was regarded as a charismatic and approachable diplomat. In 1996, he emphasized the "transparency offensive", resulting in him briefing member states which were not part of the Council regarding Council proceedings. This new approach also entailed a high density of press conferences.

In 2003, German membership in Council was mostly characterized by the German-American divide regarding the war in Iraq. The German "no" to the war was in line with public opinion on the national level but was met with harsh criticism on the side of the United States, resulting in the famous quotation by Donald H. Rumsfeld regarding the "old and new Europe". In their opposition to the war in Iraq, France and Germany stood together, a situation which would not be repeated in the case of resolution 1973, where, as it will be shown below, both partners took different stands. Germany dedicated its membership in Council to issues of international accountability and the protection of Human Rights. It devoted its 2003 presidency to targeted sanctions, followed by post-conflict management during its presidency in 2004. It was also appointed again to chair the commission which monitored Iraq's sanctions in 2003. Germany also put the situation in Darfur on the Council's agenda – Kerstin Müller, green Minister of State, was the first national representative before the Council to point attention towards the possibility of genocide in Dafur. The Council moved the case to the ICC a year later. Germany also reiterated and intensified its efforts for increased transparency, which had begun in 1995, repeatedly calling for open debates, allowing other member states to be informed about the workings of the council.

Its following membership from 2011 and 2012 was probably the term with the most demanding situations in the Security Council for Germany to date. Tasks were diverse: Germany used its Council presidency in July 2011 to promote the issue of "Children in Armed Conflict" and chaired the respective working group. This resulted in the establishment of Resolution 1998, focusing on the protection of schools and hospitals. The UN now lists parties that attack schools and hospitals, making them accountable for the consequences of their actions. During its Council presidency in 2012, Germany put the topic of climate change and human security on the agenda, strongly advocating

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for the acceptance of climate change as result of human actions and as a non-traditional threat to international peace and security. It was also successful in becoming the pen-holder[6] for resolutions regarding Afghanistan, a position usually reserved to P5 members. Germany was also the lead country in the Council on Afghanistan, took part in the P5+1 Baghdad talks with Iran and chaired the Al-Qaida and Taliban sanctions committee. The P5+1 is a group of countries consisting of the P5 and Germany, it was developed during the negotiations with Iran regarding its nuclear program. Negotiations initially started out between France, Germany, the UK and Iran in 2004 and 2005, and in 2006 were joined by China, Russia and the United States, composing the "P5+1".

Still, the most remarkable incident remains the German abstention from Resolution 1973 – intended to establish a no-fly zone over Libya including the use of force for the protection of civilians, which resulted in controversies with traditional partners, such as France, Great Britain and the United States. Germany argued that it saw "the danger of being drawn into a protracted military conflict that would affect the wider region. We should not enter into a militarily confrontation on the optimistic assumption that quick results with few casualties will be achieved. [...] Furthermore, Germany will not contribute to such a military effort with its own forces. Germany therefore decided to abstain in the voting". This decision was on the other hand applauded by non-Western member states such as Russia, which welcomed the German abstention and marked it as a favorable exception to "interventionistic tendencies", such as in the case of Kosovo.[7]

## ***Germany's current term in the Council – what to expect?***

Given the overview of previous memberships, the experience regarding a seat in the most important organ of the United Nations has been mixed for Germany. On the national level, the German public did not regard a German Seat in the Council as something of grave importance. This attitude changed slowly with the German "no" to the Iraq war in 2003, which was largely met with sympathy and interpreted as a sign of regained international self-confidence. Interest in German politics at the Security Council was reiterated after its abstention from resolution 1973. The decision started a heated debate about the German role in international affairs with many German foreign policy analysts criticizing that there was no such thing as a German foreign policy concept, let alone a concept of German foreign policy within the United Nations.

Today, Germany is again led by a coalition, this time by a conservative/social-democrat coalition under Chancellor Angela Merkel and Finance Minister Olaf Scholz. Heiko Maas, a social democratic, serves as Foreign Minister. The government was formed in July 2018 after lengthy and contested negotiations since alternative efforts to coalition building had failed and forced the two big parties into yet another "grand" coalition. The Permanent Representative at the United Nations is Christoph Heusgen who has previously worked as foreign policy advisor to Merkel. His move to New York can also illustrate the importance that is attached to the UN in German diplomatic circles. The current government is placing more emphasis on the United Nations in the coalition agreement. Although not as prominently as the social democratic-green coalition, it still reiterates the importance of the UN for international peace and security and underlines German commitment to the institution but also, and more broadly speaking, to the underlying principle of multilateralism. Foreign Minister Maas' initiative for an "alliance of multilateralists" against "those who have declared war on the multilateral world order" which he started in 2018, underscores the importance of multilateralism as a procedural but also normative principle.

The agenda for the German campaign for a seat in the Council is linked to this general outlook of German UN policy. Transparency is crucial here as well. The five issues that already formed the platform of the German campaign for membership in the Council do indeed link up to and echo foci that were pursued by different government coalitions and actors: 1. Conflict resolution and conflict prevention, 2. Climate change and security policy, 3. Women, peace and security, 4, Strengthening the system of international humanitarian law and 5. Disarmament.

For the month of April, the programme of work for the Council highlights several German priorities, especially with regard to the thematic sessions of the Council. The strengthening of international law was debated in the briefing on the promotion and strengthening of the rule of law, here regarding international humanitarian law on April 1<sup>st</sup>, followed by a briefing on non-proliferation on the 2<sup>nd</sup> of April, highlighting the importance of non-traditional threats to security. An open debate on 11<sup>th</sup> of April will discuss Women in peacekeeping and another open debate on Women, Peace

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and Security with emphasis on sexual violence in conflict will take place on the 23th of April. Through its work for the security and integration of women, Germany wants to strengthen Resolution 1325 on “Women, Peace and Security”. It aims to co-chair the informal group on “women, peace and security” and together with Peru and the UK co-hosted and chaired an Arria-formula meeting[8] on January 24<sup>th</sup>, entitled “What’s next for Women, Peace and Security in the Middle East and North Africa: The Potential National Action Plans”.

Besides its traditional policies in Council, Germany explores some non-traditional approaches regarding its current term. It shows a visible interest in engaging the public. Examples range from a blog to the establishment of the hashtag #GERinUNSC and the increased activity of the German mission on twitter to create greater visibility. This may be inspired by the example of Sweden which had made its time on Council very transparent and visible.

A remarkable and unprecedented event in the history of the Council is the joint presidency between Germany and France for the months of March and April. This was made possible by the fact that the presidency in the Council rotates alphabetically, which would have resulted in a French presidency in March and a German presidency in April. The joint presidency “is the expressed hope of both France (a permanent member) and Germany (an elected member) that this coordination will be the means for making greater progress with respect to both substantive issues before the Security Council and its working methods”. It can be seen as a concrete expression of the spirit of the recently signed treaty of Aachen which stressed German-French friendship – especially in times of heated Brexit debates. There has been some irritation in the perception of this “jumelage” as it coincided with individual calls by German politicians for a joint or shared seat on the Council. Nathalie Loiseau, minister for European Affairs in the Macron cabinet, stressed on March 11<sup>th</sup>: “no, we will not share our Permanent Seat at the Security Council, neither with Germany nor with anybody else”. Here again we can see that political and normative stands in the Council are always tied to status and that the work of the Council offers ample opportunity and indeed necessity to take a stand.

Besides its focus on multilateralism and partnership, Germany seems to test the waters regarding a more outspoken tone at the Council. On 26<sup>th</sup> of March, the Council discussed the situation in the Middle East, including the Palestinian question and the implementation of Security Council resolution 2334 (2016). Nikolay Mladenov, Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General briefed the Council on the proceedings of the implementation of resolution 2334. When it was his turn to speak, Ambassador Heusgen moved away from protocol and openly criticized the formalized way in which the Council discusses issues of utmost importance:

I must say that our discussions with Nikolay Mladenov and the briefings he presents belong to the most depressing exercises undertaken by the Security Council. [...] We have heard nothing about steps that have been taken to actually implement that resolution. Today, just a few days before the Israeli elections, a new element has been added. We have heard our American colleague tell us that the United States is now violating resolution 497 (1981) by recognizing Israeli sovereignty over the Golan Heights. That comes a year and a half after a violation of resolution 478 (1980), on Jerusalem and the establishment of embassies there. In a few minutes, we will hear our Israeli and Palestinian friends deliver statements that will be full of accusations against one another and how each is violating international law. I would ask them to do as I have done by putting their speeches aside and telling us how they are implementing resolution 2234 (2016). What is the Israeli Government doing to implement that resolution? How is it stopping the settlements? What is it doing to agree with Jordan on how to ensure calm on the Al-Haram Al-Sharif/Temple Mount?

His approach resonated with the Council and during the following statements the discussion became more open.

Germany knows that the Council is difficult to navigate, that diplomatic relations are challenging and follow their own rules, and that establishing one’s own profile – especially as a non-permanent member – is a demanding task. It will thus try to play an active part among the E10 but will also try to link up to the P5 in an echo to the P5+1 model. It will further its work in improving council working methods to present itself as reliable member, dedicated to the effective working of the organization. In that regard, two rather symbolic gestures do indeed fall in line with priorities of German UN policy: Germany opened the drapes in the Council’s meeting room and introduced an oversized hourglass to stop debates from expanding to lengths. Reactions to this symbolic “reform” efforts ranged from

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enthusiasm to cynism and in that sense also marked the spectrum of expectations for the German membership at home and abroad.

## Notes

[1] Regarding the unequal distribution of power in Council, discussions about a reform started in 1993 and are still ongoing. Demands for Council reform and extension are numerous. Among those, one proposal calls for four additional permanent members, the so called G-4, consisting of Brazil, India, Japan and Germany.

[2] For an overview of vetoed resolutions, see: The Security Council Report, *The Permanent Members and the Use of the Veto: An Abridged History*

[3] For an overview of the election process, see: The Security Council Report, *Security Council Elections 2017*

[4] For further discussion of the special relationship between the UN Secretary-General and the Security Council, see: Fröhlich, Manuel/Williams, Abiodun (Eds.), *The UN Secretary-General and the Security Council*, Oxford 2018

[5] For more information on the relationship between elected and permanent members, see: Power Dynamics between Permanent and Elected Members by C. Keating in: *The UN Security Council in the 21<sup>st</sup> century*

[6] For more information on the pen-holder system, see: The Security Council Report, *The Penholder System*

[7] For a Russian perspective on the German term, see: D. Kiku, The Federal Republic of Germany as an Active Player in the UN Security Council, in: *International Affairs* (2013), Vol. 59(2), pp. 32-41. For an comparative overview of German votes in the Security Council, see Manuel Fröhlich, Christian Langehenke, *Enthaltensamkeit bei Enthaltungen*

[8] Arria-formula meetings are meetings between Council members and states which are not part of the Council but parties to a conflict. The format was quite popular during the 1990s, declined in the beginning of the 2000s and hit a low during 2010-11. They are now slowly rising to popularity again.

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