



KFG Working Paper Series • No. 11 • February 2018

Harald Braun

Berlin – New York

A few observations on Germany in the United Nations

Berlin Potsdam Research Group „The International Rule of Law – Rise or Decline?“

KFG Working Paper Series

Edited by Heike Krieger, Georg Nolte and Andreas Zimmermann

All KFG Working Papers are available on the KFG website at www.kfg-intlaw.de.

Copyright remains with the authors.

Braun, Harald, Berlin – New York, A few observations on Germany in the United Nations, KFG Working Paper Series, No. 11, Berlin Potsdam Research Group “The International Rule of Law – Rise or Decline?”, Berlin, February 2018.

ISSN 2509-3770 (Internet)

ISSN 2509-3762 (Print)

This publication has been funded by the German Research Foundation (DFG)

Product of Humboldt-Universität zu Berlin
Commercial use is not permitted



Berlin Potsdam Research Group
International Law – Rise or Decline?

Unter den Linden 9
10099 Berlin, Germany

info@kfg-intlaw.de
+49 (0)30 2093-3322
www.kfg-intlaw.de

DFG Deutsche
Forschungsgemeinschaft

Online available at: <https://nbn-resolving.org/urn:nbn:de:kobv:517-opus4-421984>

Berlin – New York **A few observations on Germany in the United Nations**

*Harald Braun*¹

Abstract:

Beginning in January 2019, the new German government will face a particular new responsibility for world affairs: provided the elections in June 2018 lead to the desired result, Germany will be an elected member of the UN Security Council for two years from January 2019 until December 2020. However, Germany has been a respected and highly relevant member of the United Nations not only during its terms on the Security Council but also in “normal” times. The present article attempts to shed light on a few aspects of Germany’s role in the UN during Merkel’s chancellorship with an emphasis on her third term (2014-2017), such as the cooperative relationship between Germany and the UN Secretary-General in important policy fields, Germany’s financial contributions to the UN, the impact of Germany’s EU membership on its UN membership and the country’s efforts with regard to the reform of the Security Council. The paper further provides context for Germany’s abstention in the vote on Security Council Resolution 1973 on Libya in 2011. It concludes by ascertaining that Germany with its approach of active multilateralism has taken its place as one of the leading nations in Europe and is ready to take on responsibility with its partners to achieve a peaceful and stable world order.

¹ Chairman of the Board of Trustees, EVZ Foundation Berlin, Permanent Representative of Germany to the United Nations in New York from 2014 to 2017 and State Secretary of the Federal Foreign Office from 2011 to 2014, Practitioner-in-Residence at KFG "The International Rule of Law"

Contents:

- 1. The Secretary-General and the Federal Chancellor.....5
- 2. Germany, the EU and the Security Council.....8
- 3. Security Council Reform Efforts10
- 4. Libya – a low point of German UN policy?12
- 5. All opportunities grasped?13

Beginning in January 2019, the new German government will face a particular new responsibility for world affairs: provided the elections in June 2018 lead to the desired result, Germany will sit at the horseshoe-shaped table of the United Nations Security Council (SC) as an elected member for two years until December 2020. Article 24 (1) of the UN Charter confers “on the Security Council primary responsibility for the maintenance of international peace and security”. This will constitute an additional challenge for Chancellor Angela Merkel’s government during her fourth term in office. The Federal Chancellor is already familiar with this role since it will be the second time on her watch that Germany will be a non-permanent SC member after 2011/2012 during Merkel’s second term, then in a coalition between Christian-Conservatives (CDU/CSU) and the liberal party (FDP).

However, Germany has been a respected and highly relevant member of the United Nations not only during its terms on the Security Council but also in “normal” times. The present article attempts to shed light on a few aspects of Germany’s role in the UN during Merkel’s chancellorship with an emphasis on her third term (2014-2017).

1. The Secretary-General and the Federal Chancellor

New York, December 2015: For the first time in the history of the United Nations, the President of the General Assembly, Mogens Lykketoft of Denmark, and the President of the UN Security Council for the month, U.S. Ambassador Samantha Power, define the selection process of the new UN Secretary-General (UNSG) in a joint letter. In contrast to the nomination of Ban Ki-moon nine years earlier and of all his predecessors, the process was to be as transparent as possible this time around. All candidates were called upon to not only publicly declare their candidacy months before the election, but also to stand for hearings in the General Assembly (GA) and the Security Council, and to give detailed answers on their respective agenda to questions from member states, civil society and the media.

Another key element of the revamped nomination procedure was to be gender equality. Member states were explicitly encouraged to present female candidates. On the initiative of the Permanent Representative and former Foreign Minister of Colombia, María Emma Mejía Vélez, a “Group of Friends in favor of a Woman Candidate for UN Secretary-General” had been established a few months before the letter by both presidents was published. Germany had joined this group early on before it grew to include some 100 other member states. The group called for the United Nations, as the paramount world organization, to lead by example and give its female representatives more say and participation in order to honour the numerous conventions and resolutions on the rights of women. After eight male Secretary-Generals, the group found it was high time to create equal access to this office for both genders.

A third criterion that was to play a role in the selection of a new Secretary-General was not mentioned in the letter: geographic allocation. Four of the five regional groups into which the 193 UN Member States are organized have produced at least one Secretary-General since 1945. The Eastern European Group is the only one which has not. Even though the principle of regional rotation is not established anywhere in writing (neither in the UN Charter, nor in secondary sources), no one openly denied the Eastern Europeans the right of first access to the office in the spring of 2016.

Aside from these criteria, but partly also guided by them, speculation about the next UNSG was rampant. Angela Merkel had never publicly expressed interest in the post, but rumors to the contrary spread throughout the editorial pages of German and international media. The New York Times published an article which emphatically summarized her merits and described it as "logically compelling" for Merkel to become UN Secretary-General. According to the article, if there were one international leadership figure that had successfully dealt with multiple complex challenges on the global scale, it was Germany's chancellor. At the same time, skeptical voices like UN analyst Richard Gowan wrote that it was hard to imagine for Angela Merkel to trade her current, powerful office to subject herself as UN Secretary-General to the five veto powers.

Today we know that none of the four Eastern European candidates took leadership of the UN Secretariat in January 2017, nor did the German chancellor or another woman. It was a male candidate from the Southwestern periphery of Europe. The former Portuguese Prime Minister and long-time UN High Commissioner for Refugees, António Guterres, held the top ranking among the 12 candidates in all five Security Council polls between July and September 2016. By early October, under Russian chairmanship, he received the endorsement of the entire Council and was subsequently elected by the General Assembly. Guterres had presented himself as a skilled communicator, a moral authority, and a candidate with managerial qualities in the public and closed hearings as well as in social media. Opinions were unanimous that the bright blue banner of the United Nations would be in good hands with him.

At the same time, the remarkable popularity of Angela Merkel inside and outside the corridors of the UN in Manhattan was and is still intact - despite the fact that she has visited the UN Headquarters only three times so far: in 2007, during her second year as Chancellor, she participated in the debate of the General Assembly. In September 2010, Merkel led the German delegation at the Millennium Development Summit which took stock of progress after ten years of implementation of the Millennium Development Goals. Five years later, in September 2015, the Chancellor spent three days in New York, spoke at the World Summit on Sustainable Development at the UN Headquarters and cast Germany's vote in the adoption of the Agenda 2030 Sustainable Development Goals by over 170 heads of state and government.

Three trips to the UN in New York in ten years is relatively little for the head of government of a country as supportive of the UN as Germany, and in comparison to the chancellor's international peers. During the same period, Angela Merkel had participated in six NATO summits, six meetings of the World Economic Forum, not to mention countless G 7, G 8 and G 20 summits and at least four yearly European Council meetings. On the other hand, it has become a German tradition for the foreign minister to represent our country at the annual General Assembly meeting. And it would be wrong to interpret the Chancellor's modest number of visits to the UN as an expression of disregard or lack of interest for the organization and its cause. In her speech before the General Assembly in September 2010, she made it clear that "because of its universality and the resulting legitimacy, the United Nations is the central forum for international cooperation for Germany." At the World Summit on Sustainable Development in 2015, she described the organization as "an indispensable solution to humanitarian questions." From the Chancellor's point of view, the UN provides the best suited forum to discuss global issues such as climate change, sustainability, migration, pandemics etc.

A substantial added value of the yearly mid-September opening of the UN General Assembly in New York is the multitude of bilateral talks which can be carried out on the margins without large time commitments and by saving huge amounts of kerosene as there are usually dozens of heads of state and government and hundreds of foreign and other cabinet ministers convening in the city for a few days. In addition, member states use the opportunity to organize side events to discuss current topics of interest. In September 2015, Chancellor Merkel together with Prime Minister Erna Solberg of Norway and President John Mahama of Ghana hosted a high-level panel discussion on global health issues and the lessons learned from the Ebola crisis of 2014. Participants included Secretary-General Ban Ki-moon, WTO-Director General Dr. Margaret Chan, entrepreneur Bill Gates and World Bank President Jim Jong Kim. A logical choice since during its G7 presidency in the same year, Germany devoted special attention to strengthening global public health structures.

Even without traveling to the East River every year, Angela Merkel has been strikingly present at the United Nations. One reason for this is certainly that the international policy objectives of the Federal Chancellor and those of the United Nations are congruent in many areas such as climate protection, gender equality or refugee aid, to name but a few.

Secretary-General Guterres and his predecessor Ban Ki-moon, who retired from office at the end of 2016, have always had a reliable partner in the German Chancellor and her government which has supported the UN agenda rigorously. When Chancellor Merkel decorated SG Ban in March 2016 with the Federal Order of Merit, she emphasized in her speech his commitment to climate protection, a concern which she herself had been pursuing with great passion as “climate chancellor” since taking office.

Despite the setbacks of the Copenhagen Climate Summit in December 2009, Ban Ki-moon had vigorously pushed ahead the climate change agenda. Thanks to his perseverance, combined with the clever negotiating skills of the French hosts, a legally-binding climate agreement could be adopted six years later in Paris. Led by the Federal Chancellor and attended by Ban Ki-moon just six months after his appointment as Kofi Annan’s successor, the G8 summit in Heiligendamm in June 2007 had paved the way by determining that the United Nations would serve as the forum for negotiating future global measures on climate change. With the adoption of a presidential statement on climate change and security, this issue was effectively anchored in the Security Council’s agenda under German presidency in July 2011.

There was also a considerable harmony between the Secretary-General and the Federal Chancellor concerning the largest refugee crisis since the end of the Second World War. At a joint press conference in the Federal Chancellery in 2016, Ban emphasized Merkel’s humane political leadership and Germany’s solidarity with the refugees. Where others advocated walls, the Chancellor showed moral strength and sympathy, serving as a role model for others.

As one of the largest donors of humanitarian aid worldwide, Germany exhibits a remarkable financial commitment at the UN. The Federal Republic has been the number four contributor - after the U.S., Japan and China - to both the general budget and the (much larger) peacekeeping budget of the UN. In addition, Germany has regularly made significant voluntary contributions to UN programs, funds and initiatives. For example, at the “Supporting Syria and the Region” conference in London in February 2016, co-host Angela Merkel pledged 2.3 billion euros for relief to the refugee

crisis in the region. And in 2016 alone, the federal government allocated a total of one billion euros for UN humanitarian aid programs, including 570 million euros for the World Food Program.

These examples show why the positive image of Germany within the UN community is linked to its value-based foreign policy supported by substantial financial contributions. Quite often, the UN Secretary-General and the German government have operated in close alignment.

The yearlong presidency of the General Assembly has been held by Germany twice: Ambassador Rüdiger von Wechmar, the Federal Republic's Permanent Representative, was President of the 35th GA in 1980/81, and the Permanent Representative of the German Democratic Republic (GDR) Ambassador Peter Florin of the 42nd GA in 1987/88, shortly before the GDR went out of business. In 2016 the Federal Government decided to be a candidate for the presidency 2025 when it will be our regional group WEOG's turn again.

2. Germany, the EU and the Security Council

Apart from its economic success, Germany's current standing in the world is closely linked to the sway of German foreign policy that has constantly been growing in recent years. This is quite evident in Berlin and Brussels, to a lesser extent in New York. Germany's foreign policy influence does not translate one-to-one at the UN due to historical and institutional reasons.

Two framed documents dated 12 June 1973 hang on the 21st floor of the German UN Mission building on First Avenue in New York, flanking the entrance to the Permanent Representative's office. They illustrate the accession of the Federal Republic and the GDR to the United Nations on the same day. Germany not having been a founding member of the organization in 1945, the UN consisted already of more than 130 member states by the time both German states officially joined in 1973. The post-war order of the late 1940s, the height of the Cold War in the '50s and the decolonization of the '60s were all significantly shaped by the world organization without Germany participating as more than an observer in the processes and emerging structures.

Quite a while before 1973, the Federal Republic had solidified its international ties by joining NATO, the European Economic Community, the Council of Europe and other international bodies without being a member of the UN. The GDR took a similar path in the communist world before its institutional structures disappeared with the reunification in 1990. Therefore, it comes as no surprise that the German state's institutional framework, established largely in the fifties, refers only marginally to the UN. By now, almost every federal ministry has its own EU department or division, whereas a UN department exists only in the Foreign Office. Bundestag and Bundesrat have EU main committees. The Bundestag subcommittee on the United Nations exists more in the shadows as a subsection of the Foreign Affairs Committee. Outside the Foreign Office, United Nations aspects are often an afterthought in the public German decision-making process. This stands in stark contrast to the capitals of other UN members, especially the founding members, and amongst them most particularly the five permanent members of the Security Council.

Germany has been an elected non-permanent member of the Security Council six times including one term for the GDR in 1980/81. The federal government has set itself the goal of running for a non-permanent seat every eight year or less and is currently campaigning for the 2019-20 term.

The Security Council and its 15 members form the ultimate threshold for influence and relevance in the UN system. In turn, this means that 178 out of a total of 193 members automatically have fewer opportunities to contribute to legally binding resolutions on matters of peace and security or to participate in the preliminary vote for the new Secretary-General. Those who are not represented in the Security Council are dependent on strong and reliable partners who regularly provide information on current discussions and resolutions from inside the Council.

The European Union (not being a state) is not a member of the UN but enjoys a special observer status that enables it to speak in the General Assembly and its committees, and in the Security Council when invited. The EU delegation in New York has played an increasing role in coordinating the 28 EU Member States, mainly by organizing regular weekly meetings of the Permanent Representatives, topical retreats and working groups on expert level.

Yet when it comes to the Security Council, EU member countries play in different leagues. France and the United Kingdom both have permanent seats with veto power. Usually two to three other EU countries are represented on the SC as elected members. This depends on slots allotted to the three regional groups in which current EU members find themselves due to the distribution scheme that has not been changed after the Cold War. Two non-permanent seats with two-year terms are reserved for the “Western European and Others Group” (WEOG). The Eastern European Group is allotted one non-permanent seat and covers EU states in that region. Both of these groups also include states not belonging to the EU. Cyprus is, for historic reasons difficult to understand, part of the Asia-Pacific regional group.

In 2017, the EU was well represented on the Security Council with Italy and Sweden in addition to France and the UK. This year the number of EU members has risen to five with the Netherlands, Poland and Sweden complementing the two European P 5 members. This means that one third of the Council is comprised of EU member states in 2018 and also in the first three months of 2019 - provided both Belgium and Germany should be elected to succeed the Netherlands and Sweden. With Brexit becoming effective in March 2019, the departure of the United Kingdom would reduce the number of EU countries on the Security Council.

It is difficult to estimate the strategic consequences of Brexit but regardless of the outcome of this process, Great Britain should remain an important partner and mediating element with Washington in the SC. At the same time, the pressure on France as the only remaining permanent member from the EU will grow to take European interests even more prominently to the forefront of its own SC politics.

Franco-German cooperation has been a fixture for the permanent missions of both countries in New York as well. In the run-up to the COP 21 climate accord, Berlin and Paris advocated jointly in New York to underscore the shared desire for a binding agreement. Chancellor Merkel did this in her speech before the General Assembly in September 2015 and during a working dinner for heads of delegation at the invitation of SG Ban Ki-moon and co-host President Hollande on the margins of the adoption of the 2030 Agenda. Foreign Minister Frank-Walter Steinmeier and his French colleague Laurent Fabius conducted a joint press conference in the German UN Mission a few days later to advertise the forthcoming climate conference in Paris.

However, the Franco-German tandem in New York is not limited to high-level cooperations; the close bilateral ties are often taken into account in daily work, too. In October 2015, for the first time in the history of the UN, the ambassadors of both countries pronounced a joint statement in an open debate in the Security Council to outline the significant intersection of German and French interests with regard to the Council's working methods. Furthermore, both Germany and France jointly support an initiative to prevent the use of the veto in the Security Council in cases of severe human rights violations. The veto initiative brought forth by France and Mexico urges the P5 States to abstain from using their veto power if the Security Council is called to action in cases of mass atrocities. This project garnered strong political support among UN member states during the 70th General Assembly. Germany and France endorsed the project together with more than 100 other states.

As commendable as it may be to alter the working methods of the Security Council regarding veto power, Germany and many other member states recognize that the very structure of this central UN organ is in dire need of reform. France has been the most open-minded on this topic among the five permanent members, especially in terms of readjusting veto power.

3. Security Council Reform Efforts

Security Council reform has occupied the General Assembly for over thirty years. Although the number of member states has nearly quadrupled since the UN was founded, the Security Council has only been expanded once: in 1965, four non-permanent seats were added, bringing the total number to fifteen. Yet the number of permanent seats with veto power has remained unchanged since day one. The P5 include no countries in Africa or Latin America. Japan, the second largest contributor to the UN budget, is not represented as are the growing regional powers India and Brazil.

Since the establishment of a working group in the General Assembly in the early 1990s, Germany has campaigned for the expansion of the Security Council in both categories of seats, permanent and non-permanent.

In his speech before the General Assembly in September 2003, Federal Chancellor Gerhard Schröder pointed out that the Security Council's legitimacy depends on its ability to represent all peoples and regions. Reform and enlargement were urgently needed, especially to include countries from the global South. Schröder noted that Germany was also ready to assume more responsibility within such a reform. Four years later, Angela Merkel repeated this call and further clarified „the present composition of the Security Council no longer reflects the world today. There is therefore no alternative to adapting it to political realities. My country has over the past years been actively involved in this debate. Germany is prepared to assume more responsibility, and take on a permanent seat on the Security Council.”

As part of the G4 Group, Germany has been advocating with Brazil, India and Japan to increase the number of permanent members on the Security Council from five to eleven. The G4 partners also support each other in their endeavors to each gain a permanent seat. Two additional seats would be reserved for African states. The G4 reform draft also proposes an expansion of non-permanent seats from the current ten to fourteen or fifteen. It envisions new permanent members abstaining

from vetoes for an initial period of fifteen years. Herein lies a contrast to proposals from the African group, which also advocates an expansion in both categories of seats but expects all permanent members to have equal status from the start, including the veto power. A third movement, the group *Uniting for Consensus* (UfC), only accepts an expansion of non-permanent seats, but not permanent ones. There are other models for reform: some states prefer the creation of an entirely new category, long-term non-permanent seats, with the possibility of an immediate reelection.

In order to merge the many, often contradictory positions into a single draft for Security Council reform, member states have been negotiating since the mid-2000s in a plenary called *Intergovernmental Negotiations* (IGN). Indications of progress finally appeared toward the end of the 69th General Assembly in 2015 when member states unanimously commenced text-based negotiations on Security Council reform that would lead to a resolution text.

Reform of the United Nations Security Council encompasses five key issues: categories of membership, the question of the veto held by the permanent members, regional representation, the size of an enlarged Council and its working methods, and the Security Council-General Assembly relationship. Any reform of the Security Council would require the agreement of at least two-thirds of UN member states in a vote in the General Assembly and must be ratified by two thirds of member states. In the end, all of the permanent members of the SC would also have to agree. Currently, no one can say whether or when a draft resolution will be submitted to a General Assembly vote. The negotiations in the IGN are progressing at a very slow pace.

High level meetings of the G4 group during the General Debate in September are now part of the established program of the attending heads of state/government and foreign ministers. Chancellor Merkel, Japan's Prime Ministers Abe, Indian PM Modi and Brazilian President Rouseff convened on the initiative of the Indian delegation in September 2015 in order to devote attention to this topic at the highest level. A year later, the G4 foreign ministers met at the German mission and welcomed the founding of a new *Group of Friends of Security Council Reform* in which representatives of different regional groups discuss possible points of convergence and compromise.

However, cooperation with the individual G4 partners is not limited to this issue alone. In the fall of 2013, Germany and Brazil introduced a joint draft resolution titled "*Right to Privacy in the Digital Age*" in the Human Rights Committee of the General Assembly. The text was adopted a few weeks later as Resolution 68/167. The right to a sphere of privacy, i.e. protection against random intrusions into one's private life, residence or correspondence, is governed by the Universal Declaration of Human Rights of 1948 and the International Covenant on Civil and Political Rights (Civil Pact) of 1966. In the wake of the revelations by former CIA employee Edward Snowden in summer 2013, the wider global public was faced with the fact that increasing digitalization enabled governments to intercept, collect and analyze personal data and communication on a massive scale. The German-Brazilian resolution made it clear that the same rights that people have offline must also be protected online. On the basis of this resolution, the UN Human Rights Council in Geneva appointed a Special Rapporteur on the right to privacy in the digital age in March 2015. The goal was to produce a yearly report on the latest developments in this field. The political dynamic and pressure to act upon Snowden's revelations were able to be transformed into a project to expand and modernize the protection of human rights.

In past years, Germany actively set an agenda in many other areas, not only cooperating with larger member states, but also choosing its partners based on their own exposure to specific dossiers. In December 2013, Germany and Gabon founded a group of friends dealing with poaching and illegal wildlife trade. The goal of the initiative was to anchor this issue in the consciousness of the international community, in view of the alarming decimation of wildlife populations on the African continent, as well as the fact that proceeds from poaching and illegal trade in ivory and rhinoceros horn are being used to finance armed conflicts and terrorism. The group has since grown to more than 25 countries from all over the world and provided crucial support in July 2015 when Germany and Gabon presented the first-ever General Assembly resolution to contain illegal wildlife trafficking and poaching. The text, which was unanimously adopted, laid bare the drastic consequences of these criminal activities on the unique fauna of Africa, as well as the effects of poaching and wildlife trafficking on development policy. Governments across the globe were called upon to adapt their national legislation to effectively counter the negative developments.

4. Libya – a low point of German UN policy?

It is hard to write about Germany in the UN without mentioning its voting record on SC Resolution 1973, brought forth by the United Kingdom and France to establish no-fly zone over Libya and protect Libyan civilians “by all means necessary”. It was the Security Council's response to the violent suppression of civilian protests by the Gaddafi regime.

The vote on Resolution 1973 took place on March 17, 2011, with ten members in favor securing the necessary majority. Five of the members at the time abstained: Brazil, China, India, Russia - and Germany. There were no vetoes in opposition, so the Resolution was adopted. The fact that Germany did not vote in line with its traditional partners on this decisive issue, but rather with Russia and China, led to one of the most heated foreign policy debates in the country. The media response was by and large a negative one. Former Foreign Minister Joschka Fischer was cited as saying that the ambition of having a permanent seat on the Security Council “was scrapped once and for all”.

Political analyses traced Germany's voting decision back to a combination of three factors. First, the U.S. government's last-minute change of heart played a significant role. Right up until the vote took place, the German government had assumed that the USA would abstain, and it had good reasons for this assumption: U.S. Permanent Representative Susan Rice was openly skeptical about the British-French intervention plans while waiting for instructions from Washington. This position was reversed only shortly before the session in the Security Council when Secretary of State Hilary Clinton had gained the upper hand and convinced President Barack Obama to support a military intervention. The White House's switch from skepticism to support came as a surprise to the German embassies in Washington and New York, to the Chancellery and the Foreign Office in Berlin - despite open channels of communication with their respective counterparts in Washington.

A second factor was the German government's conviction that military intervention without a clear exit strategy could unleash a protracted conflict with the potential to envelop the entire region. Berlin found it best to exhaust other options first, such as economic and financial sanctions. Foreign Minister Guido Westerwelle held that voting in support of military action would obligate

Germany to provide its own troops to the cause, a step that was opposed by a majority in the German population as well as in the Bundestag.

And thirdly, at the end of March, Landtag elections were to take place in two German federal states. An unpopular foreign policy decision like sending troops to North Africa had the potential to negatively impact the outcome of the elections for the incumbent government coalition.

Five years later, the decision on Libya was no longer an issue in New York. While the experienced German diplomat Martin Kobler had become the UN Special Representative and Head of the UN Support Mission in Libya (2015-2017), power in the country was fragmented and until today it remains impossible to form a unified government capable of action. Militia and terrorist organizations such as the Islamic State have benefited from the power vacuum. The smuggling of weapons from Libya to the neighboring regions has helped destabilize countries like Mali and has led to further military operations. The collapse of the state system also provided fertile grounds for criminal smuggling rings that resulted in uncontrolled migration across the Mediterranean. Taking these developments into account, the German government's abstention from military intervention without a clear exit strategy had become all the more legitimate.

5. All opportunities grasped?

Over 70 years since its founding, the world needs an effective UN more than ever. As the world's only truly international organization, it possesses the necessary legitimacy to confront the global challenges of our time. The Charter of the United Nations was mankind's response to the war and inhumanity that had originated in Germany. In the decades since then, Germany has managed to be readmitted into the heart of the international community. The European integration process, the Franco-German partnership based on the Elysée Treaty, close transatlantic ties and Germany's contributions to NATO are examples of this. In the second decade of the 21st century, Germany has become more willing to take on international responsibility and contribute to the cause of peace and security. By chairing international fora such as the G7, the OSCE and the G20, or participating in negotiating formats such as E3 + 3 in the nuclear negotiations with Iran and the International Syria Support Group, German foreign policy has noticeably come into its own over the past few years. Berlin has been a key actor in dealing with the Euro crisis and the security challenge brought about by Russia's illegal annexation of the Crimea in spring 2014. In the latter case, conflict was prevented from spreading further in Eastern Europe through the Minsk agreement and the Normandy format talks Germany established with France, Russia and Ukraine.

On the other hand, Germany joined the UN rather late. The accession had to wait until the clarification of the relationship between the two German states in the 1972 Basic Treaty. Accession finally came in 1973, 18 years after being admitted to NATO, 16 years after the Treaty of Rome and ten years after the signing of the Elysée Treaty. Since then, Germany has been actively involved in virtually all areas of the UN. This commitment is also reflected in Germany's financial contribution to the UN budget - over \$1.3 billion, more than six percent of the total budget, in 2016-17 alone.

But Berlin has also increased its contribution of troops and equipment to peacekeeping missions. Currently Germany is providing roughly 3.500 Bundeswehr troops and 130 policemen and -women

for international peace missions. For MINUSMA in Mali alone, Germany is providing up to 650 Bundeswehr soldiers as well as reconnaissance drones and helicopters.

In the human rights sector, the second major task field of the United Nations, Germany is a heavyweight in New York and Geneva, devoting special attention to the rights of women and children and the protection of minorities. It took on a crucial role in this area by chairing the Human Rights Council in 2015, and was re-elected for the period 2016-2018 in what can be interpreted as a sign of particular appreciation by the international community.

Furthermore, Germany has long been an active and reliable partner in the development of international law. In November 2016, Professor Georg Nolte from the Humboldt University of Berlin was reelected for a third term on the United Nations International Law Commission. In the fall of 2016, Ban Ki-moon visited the City of Hamburg, his tenth trip to Germany as UN Secretary-General, to attend a 20th anniversary celebration of the International Tribunal for the Law of the Sea at its seat in Northern Germany.

Hamburg is not the only UN location in Germany. For more than 20 years now, the former federal capital Bonn has hosted 20 UN institutions with more than 1,000 employees, particularly in the climate and sustainability sector. Prominently, the secretariat of the Convention on Climate Change (UNFCCC) is located on Bonn's UN campus.

In the third major field of UN activity, sustainable development, Germany plays a pioneering role in the UN system that actively helps shape the UN 2030 Agenda. Former federal president and International Monetary Fund chair Horst Köhler belonged to a high-level expert committee appointed by SG Ban Ki-moon, which produced a blue-print for what later became Agenda 2030: the 17 Sustainable Development Goals (SDG). The German delegation was also prominently involved in the drafting of catchy core messages to better communicate the somewhat complicated 17 SDGs with a total of 169 targets. In July 2016, the first year of the 2030 Agenda's implementation, Germany was among the first 22 countries to present their national sustainability strategies during the High-Level Political Forum in New York.

Germany's excellent reputation in the UN as a key player on environmental and sustainability issues is not only owed to its active role in international negotiations, but also largely because of its own experience from the 2011 energy transition ("Energiewende"). SDG number 7 - to "ensure access to affordable, reliable, sustainable and modern energy for all"— has enjoyed consensus in Germany for many years already.

The list of German assets in UN operations has become a long one in the years since 1973. Germany today makes a considerable effort and devotes significant resources to help the UN progress in its daily work. But does this enormous potential translate into political influence within UN structures? The reality of the situation is quite complex. The preponderance of the Security Council in the UN system and the need for reform is well known. Without a non-permanent or, better yet, a permanent voice at the core of the global peace order, Berlin's abilities and political will can only gradually be transformed into concrete political measures. With the reform effort of the Security Council trailing, Germany's effort to be elected periodically to the Security as a non-permanent member is a rational and well-justified choice.

High-ranking positions within the UN Secretariat are one further strategic area where Germany has not fully exploited its potential yet, despite being its fifth-largest source of expert staff. Germany is still underrepresented at the level of Under-Secretary-General (USG) or Assistant Secretary-General (ASG), the top management levels below the Secretary-General and his deputy. Currently USG Achim Steiner is Executive Director of the United Nations Development Programme, and ASG Ursula Müller is Deputy Humanitarian Relief Coordinator at OCHA. The federal government has intensified its efforts to place more Germans in the UN system over the past decade. With over five hundred German nationals working for the UN, the potential for more high-level appointments is growing - provided they receive the necessary national support needed to arrive in high-level positions at the UN.

Germany's international stature has grown over recent decades. More and more often, the country is adopting an approach of active multilateralism and assuming responsibility together with partners in the face of international challenges. Berlin is increasingly turned to for political solutions, and Germany's foreign policy faces growing expectations in the international arena. Radek Sikorski, then Poland's foreign minister, summed it up perfectly when he said that he feared German inactivity more than strong German leadership. At the 2014 Munich Security Conference, federal president Joachim Gauck demanded that as a good partner, Germany must "step in earlier, more decisively and more substantially." This also includes military operations, to which Germany should "neither say 'no' as a matter of principle, nor 'yes' as a reflex." While the President's speech stoked the debate on the positioning of German foreign policy, then Foreign Minister Frank-Walter Steinmeier strategically restructured his ministry. The process, referred to as "Review 2014", was one of the most far-reaching reforms to the German diplomatic service. New structures, instruments and processes were introduced in order to react more flexibly, quickly and effectively to foreign policy challenges.

Germany has taken its place as one of the leading nations in Europe and is ready to take on responsibility with its partners to achieve a peaceful and stable world order. To this end, the United Nations is the most appropriate forum on many issues.

The Author



Ambassador Dr. Harald Braun is Chairman of the Board of Trustees, EVZ Foundation Berlin, and Dean of the Agora Strategy Institute in Munich. He was the Permanent Representative of Germany to the United Nations in New York from 2014 to 2017. In 2016/17 he also served as Vice-President of the 71st General Assembly. Prior to his nomination as Permanent Representative, Ambassador Braun was State Secretary of the Federal Foreign Office. His previous diplomatic postings included Beirut, Bujumbura, London, Paris and Washington. From 2005 to 2008 he was Senior Vice President for Global Government Affairs at Siemens AG, and in 2008 he was appointed Research Professor at the State University of New York at Stony Brook.

The Kolleg-Forschergruppe “The International Rule of Law – Rise or Decline?” examines the role of international law in a changing global order. Can we, under the current significantly changing conditions, still observe an increasing juridification of international relations based on a universal understanding of values, or are we, to the contrary, rather facing a tendency towards an informalization or a reformalization of international law, or even an erosion of international legal norms? Would it be appropriate to revisit classical elements of international law in order to react to structural changes, which may give rise to a more polycentric or non-polar world order? Or are we simply observing a slump in the development towards an international rule of law based on a universal understanding of values?

The Research Group brings together international lawyers and political scientists from five institutions in the Berlin-Brandenburg region: Freie Universität Berlin, Hertie School of Governance, Humboldt-Universität zu Berlin, Universität Potsdam and Social Science Research Center Berlin (Wissenschaftszentrum Berlin). An important pillar of the Research Group consists of the fellow programme for international researchers who visit the Research Group for periods up to two years. Individual research projects pursued benefit from dense interdisciplinary exchanges among senior scholars, practitioners, postdoctoral fellows and doctoral students from diverse academic backgrounds.