Federal President Frank-Walter Steinmeier
on the 1000th session of the Bundesrat
in Berlin on 12 February 2021

Celebrations are rarely held here, and they are always brief. You have a great deal planned for this milestone session.

As soon as the first order of business, the address by the Federal President, is completed, more than eighty Printed Papers will demand your attention today alone. Because, for the Bundesrat, even the thousandth plenary session is above all a working session. Your agenda includes a “Proposal for a Regulation of the European Parliament and of the Council on a pilot regime for market infrastructures based on distributed ledger technology” and a “Bill on water management development on federal waterways to achieve the management objectives of the Water Framework Directive”.

Unwieldy titles like these can sometimes raise a smile, but behind them lie major political issues such as, in this case, digitalisation or the environment. And this agenda will make it exceedingly clear to even the casual observer that the Bundesrat is a place of work. A place of, to borrow Weber’s definition of politics, unrelenting hard work that demands both passion and cool judgement. A place of work for our democracy.

As I speak here today, I look back on my own experiences and memories. For more than one third of all meetings of the Bundesrat to date, around 350 plenary sessions, I myself have held various positions of responsibility, whether at federal level or in the Länder, in government or in opposition. I thus know only too well the urgency with which Federal Government matters are brought before the Bundesrat, and the irritation that then arises in the State and Senate Chancelleries over habitual requests to bring forward deadlines. And I also know, if you will allow me to say so, how the world can suddenly look very different as soon as one changes sides, for example when I moved from a State Chancellery to the Federal Chancellery, and suddenly things cannot move quickly enough and there is sometimes a lack of understanding.
when the Länder go on to hold further consultations. Anyone who has made the move in either direction certainly has the advantage of understanding the difficulties of both sides. In my current role, that is a great help to me.

The federal structure of our country has a noble ethos, but it can be a challenge in day-to-day business. There has been no shortage of voices bemoaning the actions of supposed “veto players” and invoking the “ungovernability” of the Republic. The truth is that Germany’s federalism is a diverse chorus of different voices – and not because it has strayed from its course, but because it was intended to be this way. This is the essence of our federal system. Our democracy succeeds not despite these many different points of view, but thanks to the interplay and balancing of so many legitimate perspectives and interests. Unity in diversity, many voices creating common policies – this way of doing things has proven its efficacy on more than one occasion, particularly in times of crisis.

Amidst a crisis, the state’s ability to act is subject to very particular scrutiny.

During the financial crisis of 2008, the years of the euro crisis that followed, the so-called refugee crisis of 2015 and now, for the last year, the COVID 19 pandemic, we in Germany have always looked to the state as a whole consisting of both the Federal Government and the sixteen Länder. The federal order is an integral part of our political identity – and is protected in our Basic Law by the eternity clause. But in crises such as the current one, in particular, when 16 federal states react with 16 different ordinances to the challenges of the epidemic, the German system of federalism attracts particularly close attention.

Two waves of this pandemic have now swept over our country. Since the new year, vaccines have offered a ray of hope. But the last two months in particular were a terribly dark time. More than 60,000 people in Germany have already fallen victim to the virus. Far too many are suffering from the effects of an infection, far too many are having to fear for the lives of loved ones, far too many are grieving for friends and relatives.

Livelihoods are in danger, with shops, hotels, theatres, restaurants, schools and nurseries closed. Our day-to-day life has been turned upside down for many months now. People’s patience is being put to the test as never before. But when one third of the population wants even tighter restrictions, and one fifth is already desperately struggling to cope as things stand – and support for our current approach is ebbing away in both directions – then political decision-makers have a very, very complex task before them, both at federal level and in the Länder.
There is a dogged battle ongoing between locking down and loosening up, not for the first time and most recently this very week. All of you know that the lockdown is taking its toll on us, fraying our nerves.

In a situation like this, discord is unavoidable. What is important to me is that the fight against the pandemic must not be allowed to descend into finger-pointing between different levels of the state. We must not forget that our enemy is not headquartered in Brussels or Berlin, in State Chancelleries or pharma companies. Our enemy is this confounded virus! To all those who hold positions of responsibility in the Länder, in the Federal Government and in Europe, I say this: Prevailing over this virus will be a victory for us all. Losing the fight will be a loss for us all.

Amidst this once-in-a-century crisis, not even the thousandth session of the Bundesrat can be an occasion to sit back and reflect. The interaction of federal politics and the politics of the Länder, the collaboration of our state institutions, is now quite literally a matter of life and death. The crisis highlights the strengths of our federal structure – but also lays bare its weaknesses. And, ultimately, it is not just a question of fighting the pandemic.

We must also fight for the future of democracy.

Our democracy is not immune to challenges. The image presented by our state in its entirety shapes people’s trust in democracy, in its institutions and processes. While the diversity of our regions is seen as a wonderful asset, people expect unity when it comes to tackling crises and catastrophes. And so people’s trust in these times of crisis depends not just on the performance of individual representatives but on the coordinated efforts of the Federal Government, Länder and municipalities, and on clear and comprehensible explanations of the decisions that are made. In short, on our shared ability to bring the pandemic under control.

Whether in the Bundesrat or at the Conferences of Minister-Presidents, in talks with the Federal Chancellor or at ministerial meetings on particular topics, no matter how much passion is involved, we must never forget that, when it comes to the common good, there is no such thing as a Bavarian, Thuringian or Hamburg brand of democracy. Much more important is people’s trust in the actions of the state as a whole!

Our federal state did not emerge in a constitutional vacuum after 1945. Anyone who engages with the issue of German federalism for the first time is likely to see, above all, historical continuity. Germany has always been a country of many Länder, as it were. Today’s Bundesrat is certainly formed in the image of the Bundesrat that Bismarck once established for the North German Confederation and later for the German Empire. But that council had nothing to do with democracy – on the contrary, it primarily served to protect the sovereignty of the
principalities from parliamentarism and democratic participation. A closer look at the principles of our constitution quickly makes it clear that sharing the same name is no indicator of seamless historical continuity.

On the contrary, Germany needed time to cautiously develop a working federal order, to gradually find a way to involve its constituent states in the governing of the country as a whole. The federal order of the German state was long shaped by the hegemony of Prussia. This order lacked freedom and dialogue with all of the Länder on an equal footing – which had an impact on the functioning of the state in its entirety. John Röhl discussed “the ‘unfinished’ character of the Reich’s structure” as of 1871, writing that “the development towards a modern, unitary constitutional state had stopped at the half-way mark.” Some of the rulers of individual principalities even continued to exchange envoys – within the country! – and, according to Röhl, the Reich “in many respects continued to be governed by foreign policy methods.” Broader responsibility for the common good was neglected, if not entirely disregarded.

In the Weimar Republic, too, the federal state was on a precarious footing. For the enemies of the Republic, federalism was further evidence of weakness. The destruction of the Weimar democracy had begun by 1932 with the Prussian coup against the federal order. The Nazi regime then swept aside the federal state entirely. It enforced conformity with an iron grip, installing a dictatorship and a cult of personality around the Führer; Germany became the epicentre of a genocide and a war of extermination. Following this devastation, the federal system had to be built anew, for a fresh start rooted in freedom.

The establishment of the Länder even before the restoration of a federal state, and the strong constitutional status granted to the Länder in the Basic Law, did reflect existing tendencies. However, our federalist structure in its modern form embodies deep anti-totalitarian and anti-centralist convictions, not only on the part of the Allies – the US in particular pushed for this outcome – but also among the majority at the time in the German Parliamentary Council.

The German Democratic Republic, too, consisted of individual Länder when it was founded in 1949. But just a few years later, in 1952, it became clear once again that federalism and dictatorship cannot coexist. The regime under the Socialist Unity Party dissolved the Länder, and replaced them with centrally dominated districts in line with the principle of the “custodial state” that Rolf Henrich so strikingly described in 1989. It was one part of the democratic revolution, and it was a sign of liberation, when in 1990 – before reunification took place – the Länder were re established in East Germany. They found their place in the structure of the Federal Republic and, above all, these eastern Länder did a great deal to create a positive and healing sense of identity in the
difficult years following reunification. That is not just a platitude – it is rooted in my profound personal experiences in one of the former East German Länder where for many years I found my political home.

The federalism of the Basic Law was never immutable. There have been regular shifts in the distribution of competences and in the financial relationships, accompanied by an ongoing debate on potential functional improvements. The Länder tend to complain that their competences are being diminished, while the Federal Government would like to have a greater say and invest more in some areas, but is not permitted to. The constitutional aim of ensuring equal living conditions in every part of Germany is a major challenge for our society as a whole, and so too is the issue of establishing strong education policy across the country – particularly when people are moving around more over the course of their lives and are increasingly unlikely to end their career in the same place where they started out 45 years ago.

My own political memories also include the two federal reform commissions which were set up to look at establishing a greater and clearer separation of the competences of the Federation and the Länder. Today, looking back, I can confess that only a fraction of these great expectations were ever fulfilled. Much more significant, to me, are the major practical achievements made in the last decades by the Federal Government and the Länder working as one. First and foremost among these achievements is the solidarity which they displayed in the development of the former East and in the fostering of national unity. The reception and integration of hundreds of thousands of refugees should also be recognised as proof of our federal state’s capability. And I hope that our efforts to fight the COVID 19 pandemic – a true test of our mettle – will one day be counted among these achievements, too. That is in the hands of the decision-makers in the Federal Government and the Länder.

Federalism means, above all, the limitation of power. Sovereignty is shared vertically as well as horizontally. Because the Länder have a say in the legislation and administration of the Federal Government, very little is decided with complete autonomy, and a great deal only by mutual consent. In short, no single holder of power can ride roughshod over the rest. Of course, compromises are often a painstaking and laborious process – particularly now that there are no longer just two sides, but nine different combinations of seven political parties. The involvement of the Länder brings new political dynamics and fresh experience into play. The composition of the Bundesrat reflects the political changes taking place in the regions – just as the Basic Law intends.

I am firmly convinced that the Bundesrat embodies a thoroughly democratic and republican interpretation of federalism. It is anything but a relic from the long-gone days of sovereign principalities. It stands for
the parliamentary system and the rule of law as enshrined in our constitution, for democracy, freedom and human dignity!

We Germans owe a great deal to our strong, federal, democratic order – and we must work together to nurture this order.

The last few months and years have shown us how vulnerable liberal democracy is. We have borne witness as it has come under siege, as its elected representatives have been physically threatened. In the US capital a few weeks ago, insurrectionists violently occupied both chambers of Congress. And last year here in Germany, in an image of appalling contempt for democracy, the Reichskriegsflagge – the war flag of imperial Germany – was waved on the steps of the German Bundestag.

We are seeing, in real life, a minority using digital manipulation and flagrant demagoguery in an attempt to discredit our democracy. I want to state quite clearly that, as democrats, we must not trivialise this and we must certainly not accept it!

Democracy is sustained by strong institutions; it does not mean radical individualism, nor ruthless majority rule. No, democracy means debate and persuasion, reason and a desire for truth. Democracy means negotiated common ground – and not just between parties and parliamentary groups, or between different schools of political thought. But also between city and countryside, between different cultures, characters and needs, between the whole and its individual sovereign parts. It is our institutions that create spaces for democracy where these negotiations can take place in a spirit of reason and civility.

Looking back, we can see how effective and versatile the Bundesrat as a constitutional tool turned out to be. It entwines the Federal Government and the Länder, the executive and legislative branches, politics and administration, parties and coalitions. It elects constitutional judges, its president can serve as the acting head of state, it has its own bench and the right to speak in the Bundestag. The Bundesrat brings regional and local interests to be discussed in Berlin and, in a significant change that took place almost 30 years ago, at European level, too. Its work generates very little noise. Even when tensions rise, the proceedings are generally extremely civil – I have witnessed just one exception to this rule, in March 2002. The important mediation committee meets behind closed doors and only very rarely fails to reach an outcome that can win a majority.

Almost one thousand sessions later, it can safely be said that the Bundesrat has done a great deal for the stability of Germany's democracy!

It is encouraging to see that, despite all of the challenges that have been mounted, people’s trust in politics and in democracy remains strong here in Germany. We are rightly proud of the strength of our
constitution – and it falls to all of us to preserve this strength for the future.

We can be pleased with the way that our democracy of debate has kept its footing even in this crisis, while at the same time our state has remained capable of rapid responses and decisive action. The pandemic has shown how fundamentally the Federal Government and the Länder depend on one another. And in the middle stands the Bundesrat, a bastion of our working democracy.

For seven decades it has played its part, stabilised our country, often to little acclaim. It does a great deal to ensure that our federal system is a success and that not just federal policy but also European policy is adapted to the realities of people’s lives and is well received across the country. Foreign delegations come here to Leipziger Strasse to study the Bundesrat as a functioning form of federalism.

The Bundesrat, Mr President, can be relied upon, even if many a special session in times of crisis demands a great deal of you. For this vital contribution to the success of our democracy, I would like to offer all of the members of the Bundesrat and the staff of this house my heartfelt thanks!

We must come together and rise to this responsibility, so that those who come after us can celebrate federalism and democracy at the two-thousandth and three-thousandth plenary session of the Bundesrat, too.

As always, of course, only briefly – before, as now, getting straight back to work.