

## Antonius “Tono” Eitel † (1933–2017)

Diplomat and international law expert “*Tono*” Eitel passed away in Münster on 25 June 2017 at the age of 84. With “*Tono*”, as all his friends called him at his request, we are bidding farewell to a man who inhabited two worlds: the diplomatic world and the world of international law. He was a recognised authority in both of these worlds and was able to engage people in an inimitable way.

*Tono Eitel as a diplomat.* Tono Eitel joined the Federal Foreign Office in 1963. In the course of his career, his postings took him from Kingston to Berne, from Beirut to New York. Having started out in Kingston, he spent five years in Beirut honing the art of diplomatic survival against the backdrop of civil war. He maintained a particular affection for Lebanon and its people throughout his life. His leadership of the Permanent Mission of the Federal Republic of Germany to the United Nations (UN) represented the culmination of his active professional life. Under his direction, Germany held a non-permanent seat on the UN Security Council for two years (1995-1996), and it was during his tenure that the historic and varied discussion surrounding an expansion of the UN Security Council experienced one of its early highlights of the past twenty years in the form of the *Razali* plan.<sup>1</sup> During this period, Germany was able to secure each and every one of its numerous candidacies for UN offices. Eitel was able to win over and impress difficult partners and rivals on the UN stage with both his sincere interest in the other and his quick-wittedness. When an opponent of new permanent seats on the Security Council once claimed that they did not want to create new permanent members as these would surely be “eternal”, Eitel promptly and cheerfully retorted that there was no danger of this happening as tempo-

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<sup>1</sup> United Nations General Assembly, Paper submitted by the Chairman of the Open-Ended Working Group On The Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council, UN Doc. A/51/47 Annex II (1997).

rary “permanent representatives” (*i.e.* the heads of mission of the UN Member States) were called “permanent representatives” and not “eternal representatives”.

In Germany, *Eitel* was held in high regard from early on as a member of the chancellery staff under *Egon Bahr* tasked with preparing the Moscow Treaty in 1970<sup>2</sup> and the Treaty concerning the Basis of Relations between the Federal Republic of Germany and the German Democratic Republic<sup>3</sup> in 1972. He published his experiences of this work, which was highly political and of great importance to German post-war politics, under a pseudonym (*Benno Zündorf*, *Die Ostverträge* (1979)). Today, this can certainly be regarded as the definitive work on the subject. Subsequent important staging posts in his career included the leadership of a task force working on the Third UN Conference on the Law of the Sea in Jamaica, and finally Director-General for Legal Affairs at the Federal Foreign Office (1992–1995). In this last role, he served as an advisor on international law to the Federal Government and chaired the Federal Foreign Office’s exclusive Advisory Council on Public International Law.

*Tono Eitel* also earned great respect *as an international lawyer*. He was, to the very last, an External Academic Member of the Max Planck Institute for Comparative Public Law and International Law. He held an honorary professorship at the Ruhr-Universität Bochum from 1991. The fact that a special publication was dedicated to him on his 70th birthday (Jochen Abraham Frowein *et al.* (eds.), *Verhandeln für den Frieden/Negotiating for Peace: Liber Amicorum Tono Eitel* (2003), 857 pages) is highly unusual for a career diplomat. Among other things, almost three dozen of his own publications on international law are listed therein. Even before his leading role in what came to be known as the Maastricht proceedings before the Federal Constitutional Court in 1993, *Eitel* was extremely well connected in the German legal scene. His profound humanistic education and outstanding intelligence manifested themselves in an ostentatious modesty, always carefully controlled demeanour and appropriate, expert contributions to what was going on around him. Many German candidates for important international offices owe their success to his support.

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<sup>2</sup> Treaty between the Federal Republic of Germany and the Soviet Union, 12 August 1970, Federal Republic of Germany-USSR, *Bundesgesetzblatt* (BGBl.) 1972 II, 354.

<sup>3</sup> Treaty concerning the Basis of Relations between the Federal Republic of Germany and the German Democratic Republic, 21 December 1972, Federal Republic of Germany – German Democratic Republic BGBl. 1973 II, 421.

Following his active career, *Eitel* devoted himself to special missions entrusted to him by the Federal Foreign Office, which never forgot how great an asset he and his network were. At the centre of his life was his beloved paternal home in Münster, whose doors were open to numerous visitors from his circle of colleagues and friends throughout the year. Alongside the old and new centre of his life in Münster, *Eitel* was also, for many years, Rector of the Postgraduate Program in International Affairs. Through this programme, which was organised and financed by the Robert Bosch Stiftung and the German Academic Scholarship Foundation, he advised and mentored twenty young scholarship holders each year in joint activities preparing them for future employment in international organisations. This work was also rewarding for him and earned him further new “fans”.

As a diplomat and person, *Tono Eitel* belonged to that very rare species that seemed to have nothing but friends. On the diplomatic and international scenes, which are not entirely without their fair share of pronounced self-confidence and ego, this is something that is particularly remarkable. He was able to achieve this feat with many great warm-hearted gestures, by reaching out particularly to those who were smaller and weaker – whether people or countries – and by getting involved in and caring about the lives of others. His spontaneous, dry, and unique humour was also legendary, and never came at the expense of others nor was it delivered without considered courtesy. Time and again, *Eitel* displayed his great skill in defusing tensions arising during discussions with short, pithy remarks, thereby restoring a positive atmosphere for talks. When he bade farewell to New York (in the summer of 1998), observers were amazed to see delegates in the General Assembly chamber rise from their seats and applaud him.

*Tono Eitel* described his personal career in a private print edition, completed one year prior to his death, entitled ‘*Schnee von gestern: zu Hause und im Amt geräumt*’ (2016, 296 pages), which offered readers even deeper insights into his personality and the factors that determined his life. *Eitel*’s childhood in pre-war and war-time Germany left its mark. He was deeply rooted in his Westphalian homeland near Münster. His early and strong proclivity for classical education manifested itself in later life when he managed, from time to time, to work metaphors from Greek mythology into speeches or talks – even in responses in the United Nations General Assembly Hall in New York – without ever appearing overly academic in the process. In later life, he im-

pressed others with the high degree of forbearance with which he approached weaknesses of others, while always being prepared to exercise restraint and self-criticism, something which is also borne out by his notes.

With *Tono Eitel's* passing, we bid farewell to a great German post-war diplomat who skilfully straddled two worlds. We have also lost an extraordinary friend and a lasting inspiration for all those who, either in a professional or private capacity, were fortunate enough to have known him.

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