

“Yours sincerely, Hans-Dietrich Genscher” – German Foreign Policy and the Disintegration of Yugoslavia 1991

Executive Summary

Even after more than three decades, the legend persists that Germany initiated or even caused the dissolution of Yugoslavia through the “premature” or “hasty” recognition of Slovenia and Croatia in 1991. Some even claim Germany thus triggered the war in Bosnia-Herzegovina, insinuating the war would not have occurred had Slovenia and Croatia not been recognized. While a more differentiated picture evolved in recent years, the myth lives on. However, friends and foes of this “German-bashing” so far had one thing in common: They could not base their opinion on a crucial source, namely the political archives of the Federal Foreign Office in Berlin, as the respective documents were classified until 2022. Based on the material that is now available, this essay analyses how, when, and why Bonn changed course in 1991. Initially being a staunch supporter of the preservation of Yugoslavia, by the end of the year it became the leading proponent of Slovenian and Croatian independence, while at the same time it was the driving force behind the extensive legislation for the protection of the Serb minority in Croatia.

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*Easy to call it: 'misconceived politics'
Misconceived when? Today? In ten years?
Next century?*

Gottfried Benn, "Foreign Minister" (1952).¹

Reading of the Indictment

This article discusses Germany's role in the disintegration of Yugoslavia in 1991. Bonn's diplomacy at the time is subject to accusations by various sides, and with arguments of very different intellectual quality, of having accelerated the violent disintegration of Yugoslavia through the "premature" or "hasty" recognition of Slovenia and Croatia or even of having triggered it in the first place. Some of these intellectual constructs lead to the reverse conclusion that Yugoslavia could still exist today if Bonn had not brutally intervened in 1991.

One of the spokesmen of this school of thought is the American linguist Noam Chomsky. He claims that Bonn's policy in 1991 was a "recipe for civil war" in Yugoslavia. For years he has insinuated that Chancellor Helmut Kohl and his Foreign Minister Hans-Dietrich Genscher, in a continuation of Hitler's policy of conquest, revived the German alliance with the Croatian Ustasha state from 1941 to 1945. According to Chomsky, Germany had wanted the war in the Balkans in order to regain supremacy in the South-East on the ruins of the socialist multi-ethnic state.²

Although it is undisputed among experts that the intellectual quality of Chomsky's statements on Yugoslavia does not match their undoubtedly impressive quantity, one detail is remarkable: With his statements on Yugoslavia, Chomsky is (or was) in partial agreement with leading representatives of American politics, something he usually is not. In 1993, for example, the then American Secretary of State Warren Christopher claimed that "the hasty recognition of Croatia and Slovenia was the cause of the conflict."³ Christopher referred to unnamed "serious students of the matter"

who believed that "the West's problems stemmed from that recognition, which infuriated the Serbs."⁴

In her book "History of Yugoslavia in the 20th Century", the German historian of Southeast Europe Marie-Janine Calic writes: "Germany supported the independence aspirations of the republics of Slovenia and Croatia, while the UN Secretary-General, as well as the governments in London, Paris and Washington, advocated the preservation of Yugoslavia."⁵ Calic writes that in contrast to his European counterparts, Genscher had been of the opinion "as early as in spring 1991" that the independence of Slovenia and Croatia constituted a legitimate legal act. "Bonn snubbed its partners by single-handedly recognising Slovenia and Croatia on 23 December 1991."⁶ The German "Alleingang"⁷ created hard facts, Calic states.

A different case are accounts by those involved at the time, such as the memoirs of Veljko Kadijević, the last Yugoslav Minister of Defence. Kadijević's memoirs are worth examining in more detail. Not for their intellectual quality, which is poor, but because they contain all the elements of the myth that Germany in 1991 single-handedly (or with the support of the USA and the Vatican) pushed through a long-planned policy to destroy Yugoslavia. Kadijević writes that in 1991 Germany acted "openly, aggressively and arrogantly not only towards Yugoslavia", "but also towards its partners in the European Community."⁸ According to Kadijević, this was promoted by the "favouritism of German interests" of President Bush's administration.⁹ The general also claims that behind Germany's policy towards Yugoslavia in 1991 was the goal of subjugating the Balkans. In order to achieve this, Bonn "first had to completely break up Yugoslavia and suppress the individual divided states through

1 Adapted version of the translation by Martin Travers.

2 See for example: *Noam Chomsky, Yugoslavia: Peace, War, and Dissolution*, 2018.

3 USA Today, 17 June 1993, p. 1A.

4 The Times, 18 June 1993, p. 12.

5 *Marie-Janine Calic, Geschichte Jugoslawiens im 20. Jahrhundert*, Munich 2010, p. 309.

6 Calic, op. cit., p. 310.

7 Alleingang can be roughly translated as "solo act", "solo effort" or "unilateral approach". In this text, the German original word is used instead.

8 *Veljko Kadijević, Moje viđenje raspada – Vojska bez države*, Belgrade 1992, p. 11.

9 Ibid, p. 12.

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various methods.”¹⁰ Kadijević writes that Germany succeeded in this by inciting the individual states to war against each other and that in order to gain direct access to the Mediterranean, it was German policy to “break Yugoslavia into small states” and unleash a civil war.¹¹

According to Kadijević’s logic, Germany’s junior partner in this project was Serbia, from which the military force in the disintegration of Yugoslavia mainly emanated, even if the author himself does not come to this conclusion. Rather, Kadijević sees it as certain that Germany succeeded in 1991 in installing “classic agents of the German secret services” in the leaderships of Slovenia and Croatia in order to steer their policies.¹² It is regrettable that the general does not provide any names or sources for this astonishing revelation because to this day it has not been possible to identify the spies of the time, and Kadijević himself, who died in Moscow in 2014 as a Russian citizen, took this secret knowledge to his grave. But he does reveal in his memoirs the powerful coordinator of this German work of destruction: the then German Foreign Minister Hans-Dietrich Genscher. Kadijević reports that when the former American Secretary of State and then UN Special Envoy Cyrus Vance told him in 1991 that he wanted to discuss ways out of the crisis first in Zagreb with Croatian President Franjo Tuđman and then in Bonn with Genscher, he advised him “that it would be better if he went to Bonn first to talk to Genscher. He would not even have to go to Zagreb because Zagreb will literally do whatever Genscher orders.”¹³ In order not to fall under Genscher’s fatal influence himself, Kadijević had developed a strict defence strategy. After publicly accusing Germany of working to destroy Yugoslavia by unleashing a civil war, “Mr. Genscher called me to talk. I refused the conversation.”¹⁴

By now, an entire library could be stocked with books and essays on the German role in the disintegration of Yugoslavia in 1991. The literature analysing the debate itself is also growing steadily. As early as 1998, the historian Daniele Conversi presented a first overview with the title “German-bashing and the Breakup of Yugoslavia.”¹⁵ It should be added that in addition to the early literature in which Germany is often blamed, a

more differentiated picture has prevailed over the years. It is a picture that does better justice to the multitude of political, economic, sociological, historical, and military factors that contributed to the dissolution of the Yugoslav state and influenced the way it collapsed. Even in the 1990s, there were influential voices opposing the thesis of German responsibility for the bloody end of Yugoslavia. Timothy Garton Ash, for example, was quick to contradict the narrative that the Federal Republic acted as the intellectual heiress of the Third Reich in 1991.¹⁶

Western media, such as the *Guardian* and the *Christian Science Monitor*, also reported along these lines as early as 1991 or shortly after. The recognition of Croatia, wrote the latter, was not only very popular in Germany “[...] it was also the right step. This step didn’t come too early but too late.”¹⁷ Others doubted that Germany’s exposed role in 1991 was serving Germany’s interests, but at the same time rejected the alleged chain of effects according to which recognition did not follow the collapse of the state but brought it about in the first place. The British journalist John Ardagh wrote as early as 1995: “Yugoslavia would have broken up anyway, and by 1991 to keep it going artificially might have been impossible, except by force of Serb domination.”¹⁸

However, all previous accounts of the role of German policy towards Yugoslavia in 1991 have one thing in common – regardless of whether they approve of Bonn’s actions as correct or reject them as disastrous: The probably most important source for evaluating German diplomacy at the time was not evaluated. More precisely: It *could* not be evaluated because the files on German foreign policy were classified and thus not accessible to the public. Only the recent opening of these files after the usual retention period of 30 years makes it possible now to evaluate German diplomacy in 1991 on the basis of a comprehensive knowledge of the sources. This has been done for the present essay.

To anticipate the conclusion: Not only is there no evidence in the sources of a deliberate policy on Bonn’s part to destroy Yugoslavia, rather the opposite holds true, especially for the first half of 1991: Bonn pursued

10 Ibid, p. 13.

11 Ibid, p. 19.

12 Ibid, p. 20.

13 Ibid.

14 Ibid.

15 However, Conversi rejects the accusations made against Germany as implausible.

16 *Timothy Garton Ash*, *In Europe’s Name – Germany and the Divided Continent*, Random House: New York 1993, p. 396.

17 *Christian Science Monitor*, 8 September 1993, p. 20. <https://www.csmonitor.com/1993/0908/08184.html>

18 *John Ardagh*, *Germany and the Germans – The United Germany and the Mid-1990s*, London: Penguin Books 1995, p. 582. Here quoted from the third edition.

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a policy of strict support for Yugoslavia's territorial integrity. The account put forward by Marie-Janine Calic according to which Genscher already "in the spring of 1991" was of the opinion that the secession of Slovenia and Croatia was legitimate may be substantiated elsewhere, but the directives, diplomatic cables, field reports, minutes and files from the Political Archive of the German Foreign Office (Politisches Archiv des Auswärtigen Amts, henceforth: PAAA) for this period prove the opposite. Bonn was initially very interested in maintaining a Yugoslav state and rejected any plans or initiatives to the contrary.

The fact that the knowledgeable author Norbert Mappes-Niediek in his book "War in Europe. The Disintegration of Yugoslavia and the Overstretched Continent" claims that "the official Bonn remained silent for a long time," while the EU Troika of the time (in the first half of 1991 consisting of Italy, Luxembourg, and the Netherlands) "directed its appeals to the Yugoslavs to please remain united,"¹⁹ does not do justice to his otherwise excellent work. Numerous public statements by Genscher from this period clearly show that in the first half of 1991 the German Foreign Minister indeed advocated the cohesion of Yugoslavia as a single state and therefore ruled out recognition of Slovenia and Croatia. More importantly, internal correspondence from this period tells the same story. Norbert Mappes-Niediek claims that talk behind the scenes at the Auswärtiges Amt was quite different. As evidence, he cites a document from the planning staff of the Foreign Office, which argued as early as May 1991 that Germany should "not categorically oppose" border changes in Eastern Europe since Yugoslavia and the Soviet Union would not last anyway.²⁰

Apart from the fact that the latter assumption was circulating not only in Bonn at the time and should probably be understood more as a description of the state of affairs than as a political goal, the author also contradicts himself at this point in his (otherwise excellent) book. Not only does he aptly emphasise that the planning staff is an "in-house think tank," i.e., an institution in which unconventional thinking is to take place quite deliberately, detached from the constraints and considerations of day-to-day work – but generally also without being able to develop concrete foreign policy guidelines to be applied in everyday diplomatic work. More important is what Mappes-Niediek himself states in the footnotes, where he calls his source a

"bizarre thirteen-page paper," noting that it was never published.²¹ Bizarre means "strange, unusual, out of the ordinary, odd, extravagant." And that is exactly how the paper appears when compared with the plethora of documents from the same period in the files of the Foreign Office, which prove that Bonn was still strictly committed to the preservation of Yugoslavia in the first half of 1991.

It is true, however, that Bonn's attitude changed in the second half of the year, slowly at first and then rapidly from September/October 1991 on. Not only under the impression of rampant fighting, such as the siege and destruction of Vukovar in November 1991, Genscher and Kohl gained the impression that Yugoslavia could no longer be saved from the outside. In the last quarter of the year – and in this respect the impression of a German pioneering role is indeed correct – Germany set the pace for the European recognition of Slovenia and Croatia. But there was no "Alleingang." The fact that Germany was supported by states such as Denmark, Hungary, Italy, Austria, and others, becomes clear from numerous embassy reports and other sources, which will be discussed further on.

It is not possible within the scope of this paper to do justice to thousands of pages of internal office correspondence and other files that were reviewed for this essay. But it is not necessary anyway, as a few highlights should suffice to outline Germany's policy towards Yugoslavia in 1991. Above all, it should become clear that Germany's policy at the time can only be understood if it is divided into different phases. Bonn's goals at the beginning of 1991 were quite different from those at the end of the year, and its approach changed accordingly. Anyone who, in retrospective assessment, views this eventful year as if it were monolithic and assumes that German foreign policy had a static will, without taking into account the gradual change in Bonn's attitude at the beginning and the decided and rapid change in the end, does not do justice to the complexity of the events. In this essay, Germany's policy towards Yugoslavia is therefore considered on a quarterly basis. This is done not only for the sake of a better overview, but also because such a division indeed roughly corresponds to the shift in German priorities throughout that year.

19 Norbert Mappes-Niediek, *Krieg in Europa – Der Zerfall Jugoslawiens und der überforderte Kontinent*, p. 114.

20 Ibid.

21 Ibid, p. 369.

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“The West’s Interest Must Continue to be Directed Towards the Preservation of Yugoslavia.” January to March 1991

Dated 4 January 1991, the PAAA files on Yugoslavia contain a three-page document under the simple title “Yugoslavia.” A handwritten addition at the top of the document indicates that it was a preparatory document for the Franco-German consultations that were to take place four days later. According to this paper, the Foreign Office was at that time primarily interested in determining the French position on the Yugoslav crisis. The French analysis of Yugoslavia “has so far been emphatically confident and stands out pleasantly from the dramatizing assessments of others (especially the USA’s),” it says in the introduction. However, the Foreign Office’s assessment of the situation became more pessimistic in the following weeks: “The disintegration of Yugoslavia is intensifying, the scenario of an intervention by JNA²² no longer seems out of the question. However, our position remains unchanged: Preservation of YUG by peaceful means in the interest of European stability.” For almost two pages, a depressing picture of the economic and political conditions in the state is drawn in the report, but in conclusion it nevertheless reads: “Our position in the interest of the West must continue to be directed towards preserving YUG in the interest of European stability. [...] The nationalist-fixated nations of YUG must be given a European perspective to overcome their decades-long backlog of conflicts.” Dated 11 January, the results of the Franco-German consultations are summarised as follows: “Agreed assessment of the internal political situation in Yugoslavia. France does not expect any visits from the republics, but, like us, believes that gestures which could be misinterpreted as support for secessionist efforts should be avoided.”

These sentences are characteristic of Germany’s policy towards Yugoslavia at the beginning of the last year of its existence. They can also be found in many other internal documents. The German position was clearly oriented towards preserving Yugoslavia and supporting its territorial existence. This was in the interest of European stability, according to the view in Bonn.

However, as in the previous year, the German Embassy in Belgrade and the German Consulate General in Zagreb regularly cabled situation reports to Bonn that showed just how bad the state of affairs in Yugoslavia was. On the situation in Kosovo, for example, Johannes

Haindl, the officer in charge of that region at the embassy, drew a gloomy picture after returning from a trip on 24 January 1991: “The situation is still very tense. Serbia continues to act ruthlessly and harshly to achieve its political goal of complete Serbian control of Kosovo and does not shy away from gross human rights violations (violence by the police, arbitrary arrests, summons to ‘information talks’ lasting many hours, prison sentences of up to 60 days which are imposed in summary proceedings for the purpose of political prosecution).” After several pages describing the reprisals to which the Kosovo Albanians were subjected, the report ends with the warning that Ibrahim Rugova, as the most important political representative of the Albanians, admitted in an interview “that a policy of moderation and de-escalation cannot be continued indefinitely.”

Many reports from Yugoslavia at that time, and by no means only German ones, paint a similarly pessimistic picture of the state’s prospects for survival, which became increasingly gloomy as the year went on. The flood of bad news, of course, contributed to the picture and perception that officials in Bonn had of Yugoslavia. Nevertheless, the pessimistic reports did not initially change Bonn’s line: the multi-ethnic state was to be supported. This was done not least with an eye on the Soviet Union, which was in a similar process of dissolution as Yugoslavia. The secessionist tendencies in Zagreb and Ljubljana were therefore viewed with scepticism. This also became clear when the Croatian leadership was accused of illegal arms imports from Hungary at the end of January 1991. Croatian President Franjo Tuđman and the party he led, the Croatian Democratic Union (HDZ), denied the accusations and claimed that the recordings were faked.²³ Ambassador Hansjörg Eiff, however, turns the legal principle of presumption of innocence upside down in his report of 30 January to Bonn: “Tuđman and the HDZ would be well-advised either to provide evidence for the forgery thesis as soon as possible, or to separate themselves from extremists. We have a particular interest in this, because for Germany in particular, any suspicion of the influence of Ustaša ideas would make contacts with the Croatian leadership more difficult.”

After an almost hour-long conversation he had with Tuđman on 30 January, Eiff reported to his ministry: “Tuđman concluded the conversation by saying that he was flying to Vienna where he would meet with President Waldheim and Chancellor Vranitzky. The im-

²² This refers to the Yugoslav People’s Army: Jugoslavenska Narodna Armija, JNA.

²³ In fact, it has been proven that they were genuine, but partially manipulatively edited.

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plication was unmistakable that he hoped for the same treatment in Bonn,” reports Eiff and suggests: “Since Austria, as my Austrian colleague has confirmed to me, allows the presidents of all the republics to meet with the head of state and government in the context of working visits, we should also consider relaxing the rule that has applied up to now.” By this rule, Eiff referred to what was still a standard practice in Germany at this time: delegates from the Yugoslav republics would be received by state secretaries as a maximum, but not at any higher level.

However, Eiff's proposal did not go down well in Bonn. An official – most likely it was Michael Libal, the head of the newly created Unit for South-East Europe in the Auswärtiges Amt, the “Referat 215” – added a handwritten note under the document: “Austria is NOT a standard for us.”

The political line was clear: Yugoslavia must be preserved. Dated 1 February, a note says that the disintegration of the state was “not only a danger to the internal peace of Yugoslavia, but also threatens the stability of the region and Europe as a whole.” German support for the preservation of Yugoslavia was not unconditional, however. In keeping with the spirit of the “wind of change” that was blowing through Eastern Europe, it was linked to the expectation of democratic and constitutional reforms. This was the case in all 12 member states of the then European Community. Anything else would have been anachronistic.

The fact that this was Bonn's policy was also experienced by Slovenian President Milan Kučan at his meeting with Genscher on 20 March. The German preparatory documents for the meeting emphasise that it was important to dissuade Kučan “from unilateral steps by Slovenia which could only further complicate the situation in YUG. [...] Slovenia is seeking support from foreign, including German, authorities in several areas, including the introduction of its own currency, foreign loans, and equipping Slovenia's territorial defence. Since these steps are not coordinated with the [...] Yugoslav federal bodies, foreign involvement in such initiatives would be interpreted as support for Slovenia's unilateral detachment from YUG. We will not respond to such Slovenian initiatives.” Germany could not “respond to wishes of individual republics based on unilateral political steps not coordinated with the federal Yugoslav bodies responsible under the Yugoslav Constitution. We advise Slovenia to refrain from

such initiatives, as they can only further complicate the situation in YUG.”

“Slovenes and Croats Cannot Expect Carte Blanche for Secession.” April to June 1991

Slovenia, however, stuck to the goal of secession. In letters to the European heads of state and government, for example to Helmut Kohl on 18 March 1991, Kučan appealed for support. Dated 17 April, a note from the Foreign Office deals with the question of how to react to the letter. A consensus of the 12 EC member states says that it would be desirable to answer the letter “at the level below the heads of government [...] We support GB's proposal (enclosed) to answer the letter not by the heads of government but by foreign ministers or secretaries of state, emphasising the unity of Yugoslavia.” A reply by Kohl would be tantamount to a “protocol upgrading” of Kučan and the Slovenian secession policy, and Bonn wanted to avoid that.

A first slight shift in emphasis becomes visible in an internal note dated 24 May which again concerns internal coordination with France. “So far, France has placed great emphasis on preserving the unity of Yugoslavia and on supporting the federal government of PM Markovic.²⁴ From our point of view, dialogue with individual republic leaders is becoming more and more important, as the situation in the individual republics determines whether internal peace can be preserved.” However, there is still no mention of a possible recognition of Slovenia or Croatia in the internal documents of the office – apart from the above-mentioned ideas of the planning staff. For the time being, it is only a question of who to talk to in order to preserve Yugoslavia.

However, even the simple fact that Germany in principle was willing to talk to the leaders in Zagreb and Slovenia was enough to arouse suspicion in some Western capitals. This is shown in a report by Wolfgang Ischinger, then head of the political department at the German embassy in Paris, dated 14 May 1991. The previous day, Ischinger had met Pierre Morel, the diplomatic adviser to French President François Mitterrand. Morel was obviously not holding back with his criticism of Germany, as can be seen even in Ischinger's cable, which was written in a diplomatic tone. “Paris is intensively following the worrying developments in Yugoslavia. The activities of the Croats, among others, in the Federal Republic of Germany are also being observed.

24 The Croatian Ante Marković (born 1924 in Konjić, today Bosnia and Herzegovina, died 2011 in Zagreb) was the last Prime Minister of Yugoslavia until December 1991.

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Apparently, parts of the German press sympathise with the efforts of the Croats and Slovenes," Ischinger quotes Morel's reproaches. Morel also seems to have suspected a cooperation between Germany and Austria. "Paris is also carefully following the policy pursued in Vienna towards the Yugoslav republics. There are apparently forces in the Austrian government that lack the necessary restraint," Ischinger sums up the words of his French interlocutor. Ischinger also explains what "the necessary restraint" should have been from Paris' point of view: "From the context it became clear that with these remarks Morel wanted to allude to speculations according to which a convergence of the northern Yugoslav republics to Austria could indirectly lead to a strengthening of the German-speaking influence vis-à-vis this region (...). Behind this, lies the suggestion – not by Morel himself, but by others – that there could also be forces in our country that could promote such a development as being in the German interest." Ischinger recommended that this view be corrected at the approaching first Franco-German ambassadorial conference in Weimar.

The fact that Germany was not striving for a policy of the kind Morel was apparently implying, not even behind the scenes, is clear from a report from the German embassy in Belgrade from this period. One day after Ischinger had met Morel in Paris, Ambassador Eiff met Franjo Tuđman in Zagreb for another conversation. In the course of the forty-minute conversation, Tuđman announced that if no consensus could be reached "soon" on the transformation of Yugoslavia into a confederation, Croatia would secede from Yugoslavia by referendum on 30 June 1991. In accordance with the line of his ministry, Eiff countered this. "I then thought it necessary to ask the President whether he had considered that a recognition of Croatia as a subject of international law would be extraordinarily difficult if Croatia's independence were disputed in YUG," he reported to Bonn. "Tuđman reacted agitatedly to this with the remark that he knew all this and expected understanding from the Europeans, which unfortunately left much to be desired in the case of Germany." Eiff calls Tuđman's remarks "concerning" and adds: "The most serious fear is that Croatia's unilateral secession from Yugoslavia without prior agreement with Serbia on the status of Serbs living in the border areas could actually lead to violent clashes of civil war-like proportions."

Eiff's argument, which had apparently enraged Tuđman so much, could be heard often at the time: The recognition of Croatia would become difficult or even impossible unless Croatian independence was achieved

in a Yugoslav consensus. This was also the conclusion at the first Franco-German Ambassadors' Conference in Weimar on 16 and 17 May 1991, as a note from the PAAA shows: "It is hardly to be expected that Slovenia and even more so Croatia would be recognised by the rest of Yugoslavia as subjects of international law. This would also make recognition by the international community extremely difficult. The two republics would therefore do well not to push ahead with their project, but to postpone it." The note continues by highlighting that although it was not the business of third parties "to impose one or another form of existence and coexistence on the peoples of Yugoslavia from the outside, there are a number of crucial reasons that speak for the preservation of Yugoslavia at least as a confederation with a certain subjectivity under international law, a form which also seems acceptable in principle to the Yugoslav parties to the dispute." This Franco-German line of thought was apparently less concerned with Yugoslavia than with Gorbachev's Soviet Union, for it was stated that a Yugoslav disintegration would "[...] reinforce similar processes in other multinational states." Besides that, the EC had an interest in Yugoslavia "becoming increasingly closely linked to the EC as a whole."

Informative for the further course of Bonn's policy on Yugoslavia is the in-house debate following the Franco-German consultations in Weimar. Dated 6 June 1991 and bearing the subject line "Our position on Yugoslavia," it presents "theses on the current crisis in Yugoslavia". The five-page document is signed by Jürgen Chrobog, who had been appointed political director of the Foreign Office only a few months earlier. "1. the Yugoslav state founded by Tito has failed," it says by way of introduction, and then continues: "This is at least as much due to the behaviour of the only superficially 'Yugoslav'-minded Serbia as to the secessionist tendencies of the Slovenes and Croats. 2. the federal government and the People's Army can no longer save the Yugoslav state in its present form. 3. the intertwined areas of national settlements – with the exception of Slovenia – renders the foundation of closed nation-states on Yugoslav soil impossible. Any such attempt must lead to border conflicts with the consequence of civil war-like confrontations. 4. for this reason, some kind of joint structure based on constitutional or international law – no matter how loose – must be maintained for the entirety of the Yugoslav republics. Because this is the only way to prevent the emergence of permanent trouble spots in the Balkans which is also in the interest of the European Community." On the further course of action, Chrobog's paper reads: "It should be made clear to the Serbian side

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that their strategy of denial and conflict is obvious, and to the Slovenes and Croats that they cannot expect *carte blanche* for secession and must bear the risks themselves.”

Chrobog's paper has the character of a draft. It is revised in many parts, full of handwritten additions and deletions. There is, however, a strikingly similar document in the PAAA that is written very neatly. It is entitled “Disintegration and Re-foundation of Yugoslavia. Theses and Anti-Theses.” The 13-page document is neither dated nor signed, but its filing in the archive suggests that it was also written in June 1991, possibly as a revised version of Chrobog's draft. It could be a paper from the planning staff to which various experts and departments contributed. The content reveals a deep knowledge of Yugoslavia's present and past. In the first parts, arguments are listed that make the disintegration of Yugoslavia, including the independence of its republics, seem inevitable and worthy of support.

Anyone who reads only this first part must come to the conclusion that the authors argue for an end of Yugoslavia as soon as possible. But in the second part, in the “anti-theses,” the line of reasoning is turned around. “Notwithstanding all that has been said under 1,” it reads there, “some form of unity of Yugoslavia must be preserved. The main reason for this lies in the fact that, apart from the Serbian heartland, the settlement areas of Serbs, Croats, and Bosnian Muslims are so intertwined that the creation of pure nation-states is impossible.” Peace in the region depends on “Croats and Serbs getting along peacefully within a larger institutional framework and not succumbing again to the temptation of wanting to annex Bosnia-Herzegovina, including the Muslims living there, for themselves.” The conflict over Kosovo is cited as another reason for Yugoslavia's continued existence: “The preservation of a Yugoslav state could also help facilitate a solution to the Kosovo problem. An isolated Serbia is likely to show even less inclination to revise its policy in Kosovo than one which, together with the other republics, is seeking rapprochement with Europe [...]”

Contrary to the myth of Bonn's one-sided partisanship for Croatia (and Slovenia), this comprehensive paper from 1991 also takes a thorough and critical look at the Croatian situation: “As unacceptable as the attempt by Serbian politicians is to discredit the development of a democratic national movement in Croatia by equating it with the Ustaša dictatorship, the Croatian national movement cannot be released from the obligation to

prove through its behaviour towards the Serbs in Croatia that it is indeed not inspired by Ustaša traditions. Unfortunately, the Croatian national movement does not show sufficient sensitivity to this,” reads the judgment by the anonymous authors, noting that there are signs “that the original sin of Croatian nationalism is becoming virulent again: an ethnic and religious conceit of superiority, which is expressed above all in the attempt to exclude the Serbs from the common European heritage by absolutizing the dividing line between the Catholic West and the Byzantine East.” The preservation of Yugoslavia, the paper argues, is therefore not least a question of Slovenia, because a Slovenian secession would “weaken all non-Serbian forces in their efforts to oppose the Serbian efforts for hegemony even within the framework of a possible Yugoslav confederation. In this respect, full Slovenian independence is not desirable as long as there is still a chance for a confederal transformation of the Yugoslav state.”

Of course, it is impossible to say what effect this paper had and by whom it was read. However, the neat revision and the intellectual effort that went into its preparation are remarkable. In any case, the paper does not confirm the assertion that the Foreign Office was already intent on the dissolution of Yugoslavia from the beginning of 1991. This is also clear from the external and internal communication of the Foreign Office after the declarations of independence by Slovenia and Croatia on 25 June 1991. The embassy in Belgrade and the consulate general in Zagreb were informed on the same day from Bonn which statements they were to make on the declarations. In response to questions about a possible recognition of Slovenia and Croatia, the following was to be answered: “The question of a recognition of the independence of Slovenia and Croatia does not arise at present. The preconditions under international law for such recognition do not exist.”

Although the qualification “at present” in the language prescribed by Bonn should not be overlooked, it would be a mistake to conclude from this that the Foreign Office was already working purposefully towards a later recognition of Slovenia and Croatia. At the very least, such a hypothesis is not supported by the documents kept in the PAAA. Rather, in an addendum to the Bonn's directive for the German diplomats in Belgrade and Zagreb, which was not intended for publication, it reads: “It is not foreseeable to what extent there will be a *de facto* solution from the YUG state federation and to what extent this will be done in agreement with the YUG federal authorities and with the other

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republics. Under these circumstances, premature recognition would be tantamount to interference in the internal affairs of YUG. In any case, the exercise of the right of self-determination cannot be seen in isolation from the obligation to refrain from unilateral acts to the detriment of the other members of a multi-ethnic state and to seek an amicable solution with them." While such a wording does not categorically exclude the possibility of subsequent recognition, it does not anticipate it either. Rather, it reveals a process of carefully weighing the pros and cons, which also becomes clear from many other internal German documents of the time. Genscher assured Yugoslav Foreign Minister Budimir Lončar in June that only Yugoslavia is recognised, and that its territorial integrity was supported. In an assessment of the situation from that time, it stated almost hopefully: "The declarations by Croatia and Slovenia are [...] not a definitive break. Rather, they represent a dramatically sharpened demand for the reorganisation of Yugoslavia." Regarding the upcoming tasks for German diplomacy, it is further stated: "Possibly influence Austria to join this hesitant course. Austria openly shows sympathy for Slovenia's (and Croatia's) independence course."

"The Use of Armed Forces is Unjustifiable". July to September 1991

June 1991, with the armed intervention of the "Yugoslav" (in reality mainly and soon entirely Serb) People's Army in the conflict, ushered in a turning point not only in the German view of events in Yugoslavia. People across the continent were stunned by the bloody escalation in Yugoslavia. What was thought to be impossible had occurred: War in Europe. For the first time since 1945. Genscher now sharpened his tone. Talking to Ante Marković in early July, he underlined his commitment to the right of a people to self-determination and said, according to the summary of the conversation: "All forces in Yugoslavia must know that the degree of cooperation with Germany and the European Community depends on whether the use of the military is renounced in the future." He made a similar remark to the (Croatian) Chairman of the Yugoslav State Presidency, Stjepan Mesić. According to Genscher, Germany would not leave any doubt that the use of the armed forces would make any cooperation with Germany impossible.

These statements were made in talks that Genscher held in Belgrade on 1 and 2 July. He had accepted the

repeated invitations of Foreign Minister Lončar, whom he knew from the latter's time as Yugoslav Ambassador in Bonn, to visit Yugoslavia. At a press conference in Belgrade, Genscher was extremely clear: "The deployment of armed forces, moreover without the mandate of the constitutionally appointed bodies, cannot be justified by anything, by nothing at all. I want to leave no doubt that for Germany, further cooperation with Yugoslavia depends crucially on the refraining from any use of military force or even the threat of it." At that time, Genscher's first and only meeting with Serbia's President Slobodan Milošević also took place in Belgrade. At this meeting, Genscher apparently gained the worst possible impression of Milošević, which may have been mutual. Twenty years later, Genscher still told the author about his encounter in Belgrade: "It was absolutely clear to me then that the man wanted Greater Serbia."²⁵

The most visible sign of a gradual German rethinking was when Franjo Tuđman was received in Bonn in July 1991. The meeting aroused much suspicion in the EC capitals and in Washington at the time. It was in retrospect often reinterpreted as the beginning of German "unilateralism," as the first muscle-flexing of the newly united Germany, demonstrating its power to the continent. However, anyone who looks at the genesis of Tuđman's visit will hardly agree with this interpretation. Tuđman had been trying for months to be received by the German government, for example through the German Consul General in Zagreb, Hans-Julius Boldt. Boldt was quite sympathetic to Tuđman, as many of his reports show. The fact that Tuđman was finally able to meet Kohl and Genscher on 18 July 1991 was a concession that had not been made lightly in Bonn. The visit was preceded by weeks of internal discussions. A note from Department 215, dated 4 July and sent "with the request for approval and forwarding to the head of the Federal Chancellery" bears witness to this. Since in all likelihood the Croatian-Serbian relationship would increasingly become the focus of the Yugoslav problem, "an open, substantive discussion" with Tuđman would be desirable, it says in the introduction. The paper emphasises that receiving Tuđman would not be a precedent, as at the time the Croatian president had already developed a remarkable travelling activity with visits to Vienna, Budapest, London, and Rome. During his visit to Rome in May, Tuđman had been received by President Cossiga and Head of Government Andreotti. It was nevertheless important "to avoid any appearance of recognition during the visit. Mere talks, which

25 "Von einer Sonderrolle Deutschlands kann nicht die Rede sein", Hans-Dietrich Genscher on the path to the recognition of Croatia and Slovenia exactly 20 years ago, in: F.A.Z., 23.12.2011, p. 5.

Yours sincerely, Hans-Dietrich Genscher

we are prepared to have in principle with everyone, cannot alone bring about recognition.”

Genscher's officials came up with a number of ideas to avoid any “appearance of recognition.” In terms of protocol, the visit was apparently to be carried out at the lowest possible level, just above an insult. “Regarding protocol, the visit could be handled as follows,” suggests the responsible department: “Pick-up at the airport by protocol officers (not chief of protocol), no red carpet, police escort vehicle (no motorcade (motorbikes)), no Croatian (car) flags, if necessary accommodation in a hotel (not at the Petersberg)²⁶ [...], conversation with the Federal Chancellor (no meal).” And that's how it was done. The eleven partner states of the European Community were informed in advance: “Germany would like to inform partners that Federal Chancellor Kohl will meet with Croatian President Tuđman in Bonn on Thursday, July 18th, 1991. Afterwards, Federal Foreign Minister Genscher will receive Tuđman as well. Both meetings will be of informal nature without any genuine protocol arrangements.”

In a so-called “Gesprächsführungsvorschlag” (“proposal on how to conduct the talks”), the Foreign Office suggested to the Minister that he begin his part of the conversation with a question: “How does the Croatian leadership intend to reliably guarantee the protection of minority rights for the Serbs within Croatia? It seems to us – also in view of the undeniable experiences of the war²⁷ – particularly important psychologically to reduce mistrust by granting political autonomy.” The second proposed question was also a tough one: “Is it true, as reported in the media, that Tuđman is in favour of dividing Bosnia-Herzegovina between Croatia and Serbia? How is this compatible with the free self-determination of the constituent republic of Bosnia-Herzegovina? New border demarcations within Yugoslavia would not be acceptable without full consideration of the rights of other republics [...]”

In the event that Tuđman confirmed the Croatian appetite for the destruction of Bosnia, the officials suggested that Genscher respond with a warning: “Anyone who questions the borders of one republic implicitly puts the borders of all republics, including his own, up for grabs.” Many of the other questions the ministry advised the minister to address to Tuđman were marked by clear scepticism towards the Croatian plans for state independence, such as: “Don't all republics

need each other for the urgently required socio-economic recovery and shouldn't the ‘Common Market’ of the EC also be the forward-looking model for YUG?” Should Tuđman urge Germany to recognise Croatia, the recommended response was: “This (question) does not arise at present. Recognition would mean interference in the intra-Yugoslav clarification process.” Tuđman was also to be dissuaded from any ideas of a special German-Croatian relationship: “We are interested in good and balanced contacts with all young nations and republics. The development of special relationships, zones of influence, etc. would be a relapse into outdated ways of thinking and detrimental to the overall European integration process.” Such a policy could not be implemented in the European Community; Genscher's diplomats advised their minister to say.

As can be seen from the German summary of the Genscher-Tuđman conversation, Croatia's president did not raise the question of a German recognition, though. He did, however, talk about a division of Bosnia-Herzegovina between Serbia and Croatia. The Bosnian borders had been determined “in a historically and geopolitically absurd way by the communists. The Croatian-populated part of Bosnia-Herzegovina had already been part of Croatia before the Second World War,” Tuđman said. On the question of possible “solutions,” he added, according to the minutes: “In this context, one must recall the historical division of the Balkan area into a Western Roman and an Eastern Roman part, or the division into a Catholic and an Orthodox area, as well as the percentages agreement between Churchill and Stalin.”

Meanwhile, the German embassy in Belgrade, whose reports continued to show a tendency to preserve Yugoslavia, kept sending new negative assessments of the situation in the country. It became increasingly clear that the JNA had long since ceased to be a neutral institution. If it intervened in the fighting, it did so on the side of Serbian forces. In a report from 26 July, it says: “On the basis of the reports of the embassy and the Federal Ministry of Defence, the following statements can be made: 1. For months, the JNA has been accused by the Croatian side of protecting or promoting Serbian irregular fighters in mixed settlement areas. In view of the disproportionate number of Serbs in the officer corps, these accusations are plausible, but not verifiable. Recently, there has been increasing

26 The Grand Hotel at the Petersberg near Bonn is the federal government's guest house.

27 The authors were not referring to the war against Serbian aggression which Croatia had to fight at that very moment, but to the Second World War, when a Croatian fascist puppet regime had committed mass crimes against Serbs, Jews, and Roma.

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evidence of lower ranks taking sides in favour of the Serbian irregulars, whether by passing on material or by taking part in combat operations themselves [...]. From a political point of view, it is significant that the JNA limits itself to the physical separation of the combatants, as long as it is not itself involved in the fighting. This way, it prevents persecution of the Serbian irregulars, but without persecuting them itself or preventing them from further fighting.”

Dated 5 August, the embassy reports on the danger of a possible disintegration of Bosnia-Herzegovina: “The Serbian gains in Croatia can only be maintained in their majority if Serbia also gains control over the adjacent areas in Bosnia, which in turn presupposes the de facto disempowerment of the Muslims as the leading nation of B.-H.. There are already increasing signs that this republic is being deliberately destabilised. The Muslim leadership has so far always threatened that it would fight back. A civil war in Bosnia would be far more extensive and merciless than what has taken place so far in the Croatian periphery, given the settlement conditions there.” This section is one of many pieces of evidence showing that the claim according to which Germany recognised Croatia and Slovenia in 1991 without any awareness of the dangers such a decision could pose for Bosnia-Herzegovina is not true. The dangers were repeatedly pointed out in reports of the German embassy, and they were also discussed in Bonn.

Another question is which conclusions were drawn from those repeated warnings. The above-mentioned report from 5 August states: “It follows from what has been said that there can no longer be a question of maintaining Yugoslavia as a unit for its own sake, out of nostalgia, as it were, for the principle of territorial integrity. The Serbian action has revealed the real core of the problem: Finding a solution to the problem of coexistence between the potentially overpowering Serbian nation and the other peoples and national communities in Yugoslavia.” Therefore, the argument against recognition continues: “The question of recognising Slovenia and Croatia does not arise at present for the following reasons. Firstly, it would be difficult to win the support of our partners for this; however, we should not act without them. Secondly, such recognition would not contribute to a comprehensive solution of the problem but would only play into the hands of the Serbian leadership. Particularly worrying would be the likely secondary effect on Bosnia-Herzegovina and on Macedonia, possibly also on Kosovo: B.-H. and

Macedonia would also take refuge into seeking independence in order to escape the threat of Serb domination. [...] The Albanians in Kosovo would be tempted to join the civil war by intervening, in order to at least draw international attention to their own problem. A large-scale fire in the core areas of the Balkans with incalculable consequences would be the result.”

Genscher himself was not yet pushing the recognition policy at that time either, but by the time internally he no longer justified this as a matter of principle, but above all with the impossibility of finding partners for such a step in the EC. On 6 August 1991, he reported to the Foreign Affairs Committee of the Bundestag. In the note prepared at the Foreign Office it reads: “On the question of the recognition of Slovenia and Croatia, he remarked that it had not been possible to delve deeper into the subject at the present time.” When Croatia’s Foreign Minister Zvonimir Šeparović asked for German recognition of Croatia at a meeting with Genscher in Bonn on 20 August in order to internationalise the conflict against the militarily superior Serbia, this was met with rejection. The Foreign Office’s note of the conversation says: “BM²⁸ explained that a unilateral German move on recognition (even if others such as Austria and Denmark went along) would be detrimental to Slovenia and Croatia at the moment.”

Meanwhile, signs of disintegration became increasingly evident in the Yugoslav diplomatic corps as well. This became obvious also when Genscher invited Yugoslavia’s ambassador in Bonn, Boris Frlec, to his private residence for talks on 26 August. At the end of rather lengthy expostulations by the German minister concerning the worrying developments in Yugoslavia, Genscher “threatened” the diplomat: “If the ceasefire will not be honoured immediately, the German government must consider the recognition of Slovenia and Croatia. It will also lobby for this in the EC.” Frlec, a Slovene, not only did not contradict Genscher, but explicitly agreed. “What you say is correct,” the ambassador began his reply, stating that the JNA had long since ceased to be a people’s army, “since Slovenes, Croats and Macedonians are no longer represented. It is therefore a purely Serbian army that carries out acts of aggression against Croatia.” In response to the ambassador’s question about the German government’s position on the issue of recognising Slovenia and Croatia, Genscher replied, according to the minutes: “If recognition is granted, then it should be within the correct borders.”

28 BM = Bundesminister, meaning the federal Minister.

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Four days later, on 30 August, Genscher told the Foreign Affairs Committee of the Bundestag: “The EC climate has changed [...] ITA has declared that recognition could be considered, support also from POR, LUX, BEL and DK, among others. [...] In the ‘worst case’ of a rejection [of a peace conference by Serbia, *author’s note*] we would propose to the EC to recognise Slovenia and Croatia. If a common position of the Twelve is not achievable (probably rejection by GRC), there is nevertheless the prospect of agreement by some partners, but also a willingness to recognise on the part of YUG’s immediate neighbours. BM reported that there is also willingness on the part of the Nordic states once recognition of the Baltic states has been clarified. The decisive factor would be the attitude of the UK and F; therefore, the personal involvement of President Mitterrand would be important.” Genscher announced that he would propose to the German government at the next cabinet meeting on 2 September the joint recognition of Slovenia and Croatia by the EC, but, if necessary, also the consideration of recognition by Germany alone. However, he still seemed to be uncertain about this: “A German *Alleingang* in the Balkans should not be taken lightly, one has to weigh up whether politics is heading for a dead end or whether the basic tendency is towards the independence of SLOV and CRO, which could be accelerated by us. In any case, D is not completely alone.”

The end of August 1991 can thus be identified as the time when Genscher, albeit for the time being only in-house, brought up the recognition of Slovenia and Croatia as a possible way out of the Yugoslav crisis. There were no detailed plans or deadlines for this, yet, but the idea of recognition was now taking shape. However, it quickly became clear that, from the German point of view, Croatia would first have to pass a comprehensive law to protect the Serbian minority. One of the earliest references to this can be found in a report by Geert-Hinrich Ahrens, who, as one of the leading experts on Yugoslavia in the Auswärtiges Amt, was seconded to the Conference on Yugoslavia led by Lord Carrington. Ahrens suggested in a report to the Minister’s Office on 17 September with the subject line “Impressions from Yugoslavia” that it would be “helpful” to get the Croats to “really enact laws in line with international standards to protect the Serbs in Croatia [...]. Precisely because the Croats pin their hopes on us, we can tell them this.”

In a further report to the Bundestag’s Foreign Affairs Committee on 19 September, Genscher stated that the question of recognising Slovenia and Croatia was not on the agenda “at present,” but “must be available as a

possible instrument of influence.” Genscher did not repeat his announcement from August that he would propose to the Federal Cabinet that Germany would even recognise by itself, if necessary. “A German *Alleingang* would be out of the question,” he now said instead, according to the minutes of the talks, and explained: “The decision would also depend on the partners, and the development of the position of France would be particularly important, because (President Mitterrand) in the meantime no longer ruled out independence for the two republics as the final point in the negotiation process.” In the European Community, moreover, Belgium and Denmark were close to the German position, and Italy and Luxembourg were showing “a certain open-mindedness,” Genscher explained. At that time, the German Foreign minister was under growing pressure from public opinion in Germany. Within the Christian Democratic Union (CDU), the party of Chancellor Helmut Kohl, who was governing Germany in a coalition with Genscher’s Liberals, there was a strongly growing sentiment for immediate recognition. At its regional party congress in Ludwigshafen in September, the CDU of Rhineland-Palatinate (Rheinland-Pfalz, the home turf of Helmut Kohl) had called on the government “to recognise the republics of Slovenia and Croatia immediately – if necessary unilaterally.” In addition, there was a clear tendency in the media, especially in some newspapers, to regularly demand that the right to self-determination, which the German people had claimed just the previous year at reunification, should not be denied to Croatia and Slovenia.

“Yours sincerely, Hans-Dietrich Genscher”. October until December 1991

The basic direction of Germany’s policy towards Yugoslavia was now clear: to work towards the international recognition of Croatia and Slovenia. In the case of Slovenia, this was relatively easy; in the case of Croatia, a comprehensive settlement for the protection of the Serbian minority was still pending. This was described in Bonn as an indispensable prerequisite for recognition. Many documents from the Foreign Office show that Bonn’s diplomats were seriously convinced that the Serbian-Croatian conflict could only be permanently pacified with such a settlement in accordance with the highest European standards. Moreover, this was seen as the only chance to convince as many other states as possible to recognise Croatia. Therefore, in the early autumn of 1991, Genscher initially made it his task – again contrary to the myth of Germany rushing the recognition issue through – to slow down the Croats on their way to independence, as long

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as a minority statute was not passed by parliament. This is shown, for example, by a meeting at Köln-Wahn airport on 7 October 1991, at which the Croatian Foreign Minister Šeparović announced that his country “could not wait any longer to declare independence.”

Genscher asked Šeparović what Croatia would gain from an immediate declaration of independence and expressed doubts about the wisdom of such a move. He pointed out to Šeparović that much had already been achieved and how important it was not to make any mistakes now. Šeparović heard the same argument during his subsequent conversation with Helmut Kohl. “We are ready to do everything humanly possible to help Croatia. However, Croatia must understand that we cannot revive the coalition of 1941, namely Germany, Italy, and Hungary, when it comes to the question of recognition,” Kohl said, according to the minutes of the conversation prepared in the Chancellery. Kohl added that “in long talks” he had succeeded to persuade French President Mitterrand on this issue. Kohl emphasized that for him, it was important that nobody in the European Community contradicted when Croatia declared its independence. Furthermore, it was now crucial to solve the question of minorities, Kohl highlighted. He also told Šeparović that he was certainly aware that Croatia “did not behave well on this issue at the beginning.” Kohl told the Croatian Foreign Minister he had said this very openly to President Tuđman. Šeparović then declared Croatia’s readiness in principle to adopt a minority statute, whereupon Kohl assured him once more that his government “would do everything humanly possible to help Croatia. The very next morning he would deal with the problem in a coalition meeting. But he had to make sure that he got a majority in the EC on our side. A German *Alleingang* on the question of recognition is not possible.”

First minority rights, then recognition, and no German *Alleingang* – that was the trilogy of Germany’s policy towards Croatia in November 1991. In yet another report to the Foreign Affairs Committee on 11 November, Genscher informed the chairpersons of the parties about the upcoming visits of the presidents of Croatia and Slovenia. He said that it should be “clearly stated that we will only recognise the republics if they [...] have satisfactorily settled the minority issue.” Complaints from Zagreb as to why the Serbs in Croatia

should be granted extensive privileges while Belgrade was not even remotely prepared to grant the Albanian population in Kosovo or the Croatian minority in Vojvodina equal rights were not accepted in Bonn. Although the principle of reciprocity was basically correct, Croatia wanted something from the international community and therefore had to set a good example, was the motto at the Foreign Office.²⁹ In Zagreb, the leadership understood well it had to submit to the German conditions. Genscher’s “offer” to send an expert on minority issues to Zagreb for advice was of the kind no one should refuse.

On the evening of 12 November, Tuđman met with the German Consul General Boldt in Zagreb to discuss how to proceed on the minority issue. Boldt reported to Bonn the next day that Zagreb would immediately send an invitation to deploy a German expert. “Tuđman wrote down that the minority regulation, which according to him was already in the works, should be completed by mid-December 1991.” Apparently, however, not only Tuđman expected great difficulties in getting the legislation through parliament in view of the ongoing Serbian war against Croatia. Yet Consul General Boldt emphasised Zagreb had apparently understood “that the alternative would be the surrender of Croatia to Serbian expansionism. In this respect, it could even be helpful for Tuđman if a domestic impression is created that he is only passing the law for the protection of the Serbian minority under German pressure, Boldt argued: “If I am not mistaken, the Croatian political leaders need the unsuspecting pressure of their German friends to push through an effective and hopefully pacifying minority regulation among their own followers and to stand up to the demagoguery of the still unhealed Croatian national fanatics.”³⁰

During a conversation with Stjepan Mesić, who was formally still the chairman of the ousted Yugoslav state presidency, but who by then in fact of course stood up for the interests of the future state of Croatia, Genscher repeated on 14 November: “The condition for the recognition of Croatia lies in safeguarding minority rights. If this was not possible through a contractual agreement because of Serbian refusal, then this would have to be anchored unilaterally by Croatia in its legislation and constitution.” Germany insisted in particular that the rights of the Serb minority had to be adopted

29 The German line of reasoning is well-summarised in a note by Geert-Hinrich Ahrens, which was sent to the Embassy in Belgrade and the Consulate General in Zagreb on 26 November 1991. Regarding the (not only Croatian) demands to give the Albanian population in Kosovo the same rights as the Serbian minority in Croatia demanded, the note says: “In principle, this is of course a correct demand. However, the Croats currently want recognition, and to this end they should quietly go ahead with a reasonable minority regulation. This will secure them recognition, will make them more acceptable to the whole of Europe and will ultimately also set a standard for YUG that Europe will certainly hold up to the Serbs.”

30 Citissime nachts. Encrypted telex from the Consulate General in Zagreb to Department 215 in the Foreign Office, 13.11.1991.

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in a law on constitutional level, so that the corresponding regulation could not be abolished by a simple majority in parliament once Croatia had reached recognition. When Mesić, referring to the situation of the Croatian minority in Vojvodina, pointed out the lack of reciprocity of minority rights in Yugoslavia, Genscher replied, “that in principle the rights should be the same for all minorities in all territories. In the present situation, however, it would be advisable to enshrine these minority rights unilaterally without waiting for a corresponding regulation in Serbia.” Foreign Minister Šeparović, whom Genscher received again for talks barely 10 days later, on 25 November, received the same message: Bonn would propose the recognition of Croatia within the EC, “provided that the minority issue was settled. [...] Croatia would have to do this in any case in order to join the democratic states in Europe. [...] This would be in Croatia’s interest and should therefore not be regarded as an ultimatum,” the German summary of the meeting reads.

Although Germany was clearly the driving force behind the adoption of the Croatian legislation on the protection of minorities and insisted, among other things, that the respective laws should in the future also be subject to control by the European Court of Human Rights, Bonn tried to avoid the impression of playing the decisive role in this question. “Minority regulation must be a realisation of the EC concept but must not appear as a regulation initiated by Germany,” it says in a note. The German embassy in Belgrade warned in a report from 1. December 1991, the public perception that the minority concept of Croatia was a German order should be avoided at all costs. “In order to avoid this risk, we believe that before a final decision is taken on the recognition of Croatia in particular, it must be ensured that a minority concept that we approve of can be presented as an EC concept.” There should also be understanding on the Croatian and Slovenian side that the display of a bilateral agreement with Germany on the preconditions for recognition would not be in the interest of the two republics.” In addition, the Embassy recommended not to raise unrealistic hopes in talks with the Croatian side: “At least part of the Croatian leadership seems to associate international recognition with the expectation of

international military aid, which was openly demanded by Reißmüller in the FAZ, among others. From our point of view, it would be advisable to clarify this in the talks on future relations.”³¹

From 27 to 29 November, the expert provided by the federal government, the German law professor Christian Tomuschat, held extensive talks in Zagreb on the minority statute. He had been told by the Auswärtiges Amt in Bonn that the standard of Croatian legislation should be based on the particularly comprehensive autonomy statute for South Tyrol in Italy. The aforementioned Yugoslavia expert Geert-Hinrich Ahrens writes on a conversation he had with professor Tomuschat in Bonn before he travelled to Zagreb: “I asked Mr. Tomuschat to carry out the mission discreetly. If the Croats wanted to bring the media into play, he could perhaps tell them that it was not in their interest at the moment. Of course, this does not mean that we Germans have something to hide in that matter.”³²

After his return from Zagreb, Tomuschat submitted a report to the German Foreign Office on his talks, which had apparently been successful. Three decades later, during a conversation in Berlin, Mr. Tomuschat recalls: “My suggestions and comments were probably taken seriously by the Croats also because they regarded me, so to speak, as a messenger of Foreign Minister Genscher. It was Genscher who had given me the assignment to go to Zagreb. That’s why I wasn’t just any professor from Bonn but was endowed with a certain authority and legitimacy by my assignment.”³³ Tomuschat went through the draft law in detail and called for an extension of minority protection in several cases. For example, Serb municipalities should be given the right to appeal to the Constitutional Court in the event of any violation of their autonomy by the central authorities in Zagreb. Guaranteed mandates for members of the Serbian minority in the Croatian parliament were also agreed upon. In his report to the ministry after returning from Zagreb he summed up: “In my opinion, if the law is passed as it stands according to the draft with the promised amendments, it will secure a standard of minority protection that hardly needs to fear comparison with other European regulations.”

31 Johann Georg Reißmüller (1932-2018), one of the editors of the daily paper Frankfurter Allgemeine Zeitung (FAZ) from 1974, until his retirement in 1999, exerted a certain influence on the German government of the time with his commentary on the Yugoslav crisis. Since Reißmüller called for armed support for Croatia in many commentaries in 1991, it is not clear to which text the embassy’s reference refers. Possible texts include: „Verlassen von den Völkern“ (16.11.1991), „Das Existenzminimum für Kroatien“ (11.10.1991), „Kroatien vor der Vernichtung“ (4.10.1991), „Dem Gemetzel ein Ende machen“ (27.08.1991) or „Kroatien kann sich nicht selber retten“ (1.08.1991).

32 Although Tomuschat did indeed not speak to the press in Zagreb, Bonn’s decisive role in the passing of the Croatian minority legislation did not, of course, go unnoticed. The Belgrade embassy reported on 14.12.1991: “In contrast, the Croatian minority law is either passed over or briefly dismissed in the Serbian media. Belgrade television reported yesterday [...] that the law was ‘made in Germany’. This is quite sufficient to justify its unacceptability.”

33 Statement in an interview with the author, conducted 8.11.2022 in Berlin.

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On 4 December, Consul General Hans Julius Boldt reported from Zagreb under the classification “citissime nachts”³⁴ that Croatia’s parliament had on the same day “after dispassionate debate unanimously adopted the ‘Constitutional Law on human Rights and Freedoms and the Rights of Ethnic and National Communities or Minorities in the Republic of Croatia’ [...]” The law had been sent to the MPs only in the morning of the day of the vote. The time pressure was possibly also built up “in order not to give the parliament extensive possibilities for alternative proposals,” Boldt speculated and reported: “The law was unanimously adopted as a constitutional law. There was no notable resistance to either the content or the fast-track procedure.”

When Tuđman came to Bonn for talks on 5 December, he could thus refer to the newly passed law as demanded by Germany. Kohl and Genscher now assured him “to take the decisive step towards recognition together with the largest possible number of states in the EC before Christmas.” Five days later, UN Secretary General Javier Pérez de Cuéllar made an apparently British-inspired last-minute attempt to dissuade Germany from the recognition course. In a letter to Genscher he wrote: “I am deeply worried that any early, selective recognition could widen the present conflict and fuel an explosive situation especially in Bosnia-Herzegovina and also Macedonia; indeed, serious consequences could ensue for the entire Balkan region. I believe, therefore, that uncoordinated actions should be avoided.” Bonn reacted in a self-confident and unflinching manner that surprised and probably also dismayed long-time observers of German foreign policy.³⁵ On 13 December, again with the urgency of “citissime nachts,” the Foreign Office sent a terse reply from Genscher to Pérez de Cuéllar in New York. “Dear Mr. Secretary General,” it said, “the refusal to recognise those republics that desire independence would have to lead to further escalation of the use of force by the People’s Army, because it would see this as a confirmation of its policy of conquest.” The confident tone is remarkable also because at that time the German government could not be sure how many member states of the EC would ultimately support the recogni-

tion decision. The Belgrade embassy seems to even have assumed that Kohl and Genscher would proceed alone if necessary. On 16 December, the Embassy asked in Bonn for instructions on how to comment on German policy in case it was being asked. “If the Federal Government goes ahead with recognition against the majority of EC partners, it would be particularly helpful to give reasons for this decision,” the embassy wrote.

The head of the Federal Chancellery, Peter Hartmann, had also previously inquired at the Foreign Office what support Germany could count on for recognition. The answer on 16 December was: “Only at today’s meeting of the EC’s foreign ministers will it be possible to determine exactly who from the EC members will join us in the recognition of Croatia and Slovenia. As things stand at present, Italy will probably join us in recognising Croatia immediately; Denmark, Belgium and Luxembourg want to follow very soon. Provided that the German-French proposal for a catalogue of principles for the recognition of new states in Europe is accepted by the EC foreign ministers today, it cannot be ruled out that France will also follow in the short term, as soon as it has checked whether the recognition criteria are fulfilled. The Netherlands are also not against recognition in principle, but due to its presidential role, it probably feels it has to wait out of politeness.” Outside the EC, Austria can be expected to recognise immediately, as well as Hungary and the Vatican, the notification said.

It seems that at the time, the Foreign Office was prepared to bear the consequences of the perceived pioneering role of an *Alleingang* and had prepared itself for this. In the reply to the head of the Federal Chancellery, the ministry says: “Even if we express recognition together with other states, Germany – together with Austria – has long been regarded as the most ardent advocate of recognition. A corresponding hostile mood could well backfire on the embassy, its staff as well as on the Germans in the country.” Therefore, a crisis plan had been prepared: “Already at the end of October, the family members of Germans working in the country were advised to leave the country. A

34 From Latin “citius/citissime” (urgent, most urgent) and German “nachts” (at night). A term used in the German Foreign Office since the time of Bismarck for communication and reports of such importance, that even the minister or at least the higher officials should be woken up at night to be informed.

35 One example of many for the astonished reactions was an article titled “Bold New Germany: No Longer a Political ‘Dwarf’”, published in the New York Times on December 16th, 1991. “Postwar West German leaders so assiduously avoided bold foreign policy confrontations that they earned the Germans the epithet of economic giants but political dwarfs”, the article starts out. “This weekend an era drew to a close as a united and enlarged Germany challenged the authority of the United Nations Secretary General and Washington (...) and caused its closest European allies, Britain and France, to back off over the thorny question of how to end the war in Yugoslavia. (...) Germany offered for the first time since World War II a display of political might. (...) The firmness of Mr. Genscher, who rejected the Secretary General’s arguments in a strongly worded letter, prompted first France and then Britain to soften their opposition to Germany’s plan for recognizing the dissident republics, whose declarations of independence last June were followed by the Yugoslav civil war. (...) By sweeping away British and French objections, reunited Germany did for the first time what rump West Germany never dared, forcefully elbowing through an unpopular move it perceived as crucial to its own interests.”

Yours sincerely, Hans-Dietrich Genscher

'snowball-like' information system independent of the public telephone network was organised – at least for the Belgrade area – and a leaflet was issued on private crisis precautions, which, among other things, called for the stockpiling of food and fuel, the preparation of emergency luggage and the strict fulfilment of all obligations towards the Yugoslav authorities (payment of taxes and registration with the authorities). The fulfilment of these obligations may be a prerequisite for permission to leave the country." According to the Auswärtiges Amt, a general request to immediately leave Serbia and Serb-controlled areas of Yugoslavia was not issued though, as such a step could have been perceived as provocative in Belgrade.

Then, on 19 December Genscher declared to the Federal Cabinet: "If Slovenia and Croatia confirm before 23 December (the date was not a coincidence!) that they fulfil the conditions set by the EC, the conditions for immediate recognition will be met. We can then, as announced by the Federal Chancellor, formally pronounce recognition before Christmas."

Germany and the Destruction of Yugoslavia. Remarks on a Myth

On the 20th anniversary of recognition, on 23 December 2011, an interview with Hans-Dietrich Genscher appeared in *Frankfurter Allgemeine Zeitung* in which he confidently recapitulated the policy Germany had pursued towards Yugoslavia in 1991. The recognition of Slovenia and Croatia had only recognized a development that had long been irreversible, Genscher said and speculated that with their criticism of Germany others were trying to distract from their own role: "Of course, these are also the attempts of some others involved at the time to come to terms with their mistakes." There could be no question of a special role of Germany, Genscher claimed, adding Bonn had granted recognition on 15 January 1992, like the rest of the European Community. To the objection that the date of German recognition was in fact 23 December 1991, Genscher replied: "No, no, no! At the last cabinet meeting of the year, on 19 December 1991, a perfectly normal meeting, we confirmed that the Federal Republic of Germany would recognise Slovenia and Croatia on 15 January 1992, including by opening embassies. Nothing at all happened before that. We only prepared for it."

Shortly after the interview was published, *Frankfurter Allgemeine* received a letter to the editor from Michael Libal, who had headed the Southeast Europe Department of the Federal Foreign Office from 1991 to 1995. Libal wrote that Germany should indeed not have to

put up with criticism for recognising Croatia and Slovenia, as this had proven to be the right policy. "Perhaps with one exception: the announcement of our decision, brought forward three weeks earlier and accompanied by misplaced triumph, proved to be a serious psychological mistake. Germany overlooked the fact that it would thus provide welcome fodder for the critics and detractors of German politics." But it had been right to deprive Milošević's policy of the myth that it was defending a "Yugoslavia" that no longer existed. "Why the legend of an allegedly unilateral and premature recognition, characterised by ignorance of the decision-making processes in the EU since the summer of 1991, has been parroted in German media is beyond me," Libal wrote.

On 18 December 1991, the German embassy in Belgrade had warned in a cable to the ministry: "The leadership of Bosnia-Herzegovina is faced with a difficult decision: either apply for recognition with the risk that Serb areas secede or even seek to take control in B-H with the help of the JNA, or renounce early recognition with the risk that the Muslim-Croat majority will be absorbed by a Serb-controlled rest of Yugoslavia." The open war in Bosnia broke out just four months later, as we now know. The extent to which it was already known in Bonn at the end of 1991 that the attack on Bosnia-Herzegovina had long been prepared, that troop deployments were underway, that war would therefore break out on Bosnian territory as well, quite independently of the developments in Croatia and Slovenia, cannot be inferred from the available archive material. What can be proven is that warnings of a spill over of the conflict into Bosnia were often discussed at the Foreign Office. The question of what conclusions were drawn from this can be answered, among other things, by a "proposal for the conduct of talks" which the Office drew up before a meeting between Genscher and the Dutch Foreign Minister Hans van den Broek in December 1991. In it, Genscher is advised to respond to warnings of further military escalation in the event of recognition of Croatia and Slovenia: "This will only take place if and because Serbia and the JNA have an interest in it and hope for further gains. It would be better to firmly warn those responsible for a possible escalation not to look for a pretext for a further aggravation of the situation instead of providing them with the justification for further misdeeds in advance by admonishing us."

This line of argument raises questions. Can it be argued that there would not have been a war in Bosnia had the recognition of Croatia and Slovenia been postponed for two, five or even more months? Would

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men such as Milošević, Radovan Karadžić, or Ratko Mladić have stopped their plans, had Slovenia and Croatia been denied independence for some more time? Would the international community, which largely stood by idly and watched the bloodshed in Bosnia for years, eventually even allowing the genocide of Srebrenica to happen in 1995, have taken a fundamentally different approach to the conflict in Bosnia if Croatia and Slovenia had been recognised later, for example in mid or late 1992? All these are speculative questions, since they refer to an alternative course of history that we cannot know. However, a look at what actually did happen from 1992 onwards, after it had been prepared in the “Yugoslav People’s Army” as well as in various newly established units of irregular fighters from as early as the end of 1991³⁶ allows one conclusion: a postponement of the recognition of Croatia and Slovenia could hardly have prevented the war from spreading to Bosnia.

In an interview with the author in 2012, Marie-Janine Calic supposed it was “(...) questionable whether the war in Bosnia-Herzegovina could have been avoided at the time the decision was made to recognize Slovenia and Croatia. All sides had been preparing for war since 1991 at the latest. Probably there would have been a war in Bosnia in any case, with or without the recognition of Slovenia and Croatia.”³⁷ She did add, however, that the extent and consequences of the hostilities in Bosnia could have been limited, “had the regional extensions of the recognition policy been considered more precisely.” When asked how such considerations should have looked in practice in 1991, Calic answered that Germany should not have been following the illusion that the issue of Croatia and Slovenia could be separated from the rest of the Yugoslav problem.

Calic criticized that there had not even been an attempt to lay out a preventive policy towards Bosnia. Such a policy, she added, should have consisted of combining the recognition of individual Yugoslav republics with security guarantees for the states concerned. With her arguments, Calic did indeed expose a weak point in Germany’s Yugoslavia policy of 1991, because at that time any deployment of the Bundeswehr outside the area of NATO member countries was still forbidden by the German constitution. But even the European Community as a whole did not have any

foreign and security policy instruments at its disposal to robustly support any potential security guarantees, while the US was not yet involved in the Balkans to the same extent as it was later, least of all militarily. In order to put the West in a position to be able to provide robust security guarantees, supported by NATO if necessary, the recognition of Slovenia and Croatia would thus have had to be postponed not by a few months but probably by several years. In view of the events of 1991 and what was known then, i.e. without our hindsight knowledge of today, was that a realistic option?

36 A good overview of how hostilities against Bosnia were prepared on the Serbian side as early as 1991 is provided, among others, in the book “Srebrenica – Chronologie eines Völkermords oder Was geschah mit Mirnes Osmanović” (Hamburg 2015) by *Matthias Fink*. A source containing an abundance of evidence for how the war against Bosnia-Herzegovina had already been prepared in 1991 are various final verdicts of the International Criminal Tribunal for the former Yugoslavia.

37 https://www.faz.net/aktuell/politik/ausland/im-gespraech-marie-janine-calic-die-deutschen-waren-eingeschuechtert-11605776.html?printPageArticle=true#pageIndex_2