

III. Recognition

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Recognition of States—Former Czechoslovak Republics

On 1 January 1993 the Prime Minister, Mr Keating, made the following statement concerning recognition of the former Czechoslovakian Republics:

Australia has decided to recognise as independent states the two former Czechoslovakian republics, the Czech Republic and the Slovak Republic.

This follows today's dissolution of the Czechoslovakian federation, which was authorised by a vote of Czechoslovakia's federal parliament on 25 November last year...

The Australian Government is pleased to enter into diplomatic relations and welcomes the advice that both republics will be represented at embassy level in Canberra.

The Australian ambassador in Warsaw will be accredited to both republics.

Recognition of States—Eritrea

Following is extracted from the press statement released by the Prime Minister, Mr Keating, on 4 May 1993, recognising Eritrean independence:

I am pleased to announce that the Australian Government has decided to extend formal recognition to Eritrea following the overwhelming vote in favour of independence by the Eritrean people in the referendum held on 23–25 April 1993.

The referendum was the final state of the peace process agreed by the provisional governments of Eritrea and Ethiopia in 1991.

Senator Kerry Sibraa, the President of the Senate, led the Australian group to observe the recent referendum. He has confirmed the view of all the international observers that the vote was free and fair and decisively in favour of independence.

The Eritrean independence struggle has attracted the sympathy and support of many Australians and has had the strong support of the Australian Parliament.

I congratulate the people of Eritrea on attaining their independence and wish them well for future.

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Mutual Recognition Agreement between Israel and the Palestine Liberation Organisation—Effect on Australian recognition of the PLO

The following is extracted from a news release issued by the Minister for Foreign Affairs, Senator Gareth Evans, on 10 September 1993:

The Minister for Foreign Affairs, Senator Gareth Evans, said today that Australia unreservedly welcomed the agreement by Israel and the Palestine Liberation Organisation (PLO) to recognise each other, formally ending nearly 30 years of unbroken hostility.

“We understand that the agreement will take the form of an exchange of letters of mutual recognition. In these letters the PLO recognises the right of the State of Israel to exist in peace and security. The PLO also commits itself to a peaceful resolution of the conflict between the Palestinians and Israel and renounces the use of terrorism and other acts of violence. For its part, Israel has decided to recognise the PLO as the representative of the Palestinian people and commence negotiations with the PLO within the Middle East peace process.”

Senator Evans said that Australia has long held the view that direct contacts with the PLO were essential to engage that organisation in a meaningful and constructive dialogue, and to strengthen the moderate elements that Australia has known exist within it. He said that was why the Australian Government had recently decided to permit an official from PLO Headquarters in Tunis to take up a position in the PLO office in Canberra.

On the question of Australia's own recognition policy, Senator Evans said that Australia had for many years accepted that the PLO represents the opinion of a significant proportion of the Palestinian people but had not, however, accepted the PLO's claim to be the sole representative of the Palestinian people.

“Now, in light of today's dramatic developments and the agreement of the Israeli Government to recognise the PLO as the representative of the Palestinian people, Australia will itself act in that same way in the future”, Senator Evans said.

Senator Evans said that this did not of course constitute recognition by Australia of the PLO as a sovereign State. The creation of an independent State of Palestine may well be the ultimate outcome of the peace process, but it is quite premature to anticipate that process at this stage.

Recognition of States—Australian non-recognition of a Palestinian State

On 23 December 1993 the Minister for Foreign Affairs, Senator Gareth Evans, made the following statement:

Australia would not be changing its policy on the question of recognising a State of Palestine, the Minister for Foreign Affairs, Senator Evans, said today.

Referring to a petition, signed by a number of Federal and State Parliamentary members of the Australian Labor Party, which urged the Government to “take immediate steps towards recognition of the State of Palestine”, Senator Evans said that Australia had warmly welcomed the Declaration of Principles signed on 13 September between Israel and the

Palestine Liberation Organisation (PLO), and remained a strong supporter of the Middle East peace process.

Senator Evans said that the Declaration of Principles, which provided for the gradual transfer of authority in the occupied territories to the Palestinian people, made clear that negotiations on the permanent status of the occupied territories would commence no later than the beginning of the third year of the interim period of Palestinian self-government. Under the timetable established in the Declaration of Principles, permanent status talks would commence in April 1996, Senator Evans said.

Senator Evans said that the creation of an independent state of Palestine may well be the outcome of the peace process, but it would be quite premature to anticipate that outcome at this stage. Australia had recognised the PLO as the representative of the Palestinian people, but had not recognised a "State of Palestine". In fact, the Government was not aware of any Western government having gone so far as to recognise the existence of a "State of Palestine", said Senator Evans.

Senator Evans said that the Government did not accept suggestions that Australia's Middle East policy was not even-handed. Australia's policy towards the Middle East remained firmly based on two main premises: a total commitment to Israel's right to exist within secure and recognised boundaries, and a recognition of the right to self-determination of the Palestinian people—including their right, if they so choose, to independence and the possibility of their own independent state.

Senator Evans said that Senator Cook had signed the petition in his capacity as a Senator and not in his capacity as a Minister within the Foreign Affairs and Trade portfolio.

Admission of States to United Nations—Recognition by Australia and other States

On 27 October 1993 the Minister representing the Minister for Foreign Affairs in the House of Representatives, Mr Bilney, answered a question on notice from Mr Melham (ALP, Banks). The question and answer, in part, were as follows (House of Representatives, *Debates*, vol 190 (1993), p 2700):

(Q2) Which states have been admitted to membership of the UN since 1989? With respect to each state referred to in Part (2), (a) on what date was it admitted, (b) when and how were its borders delineated, (c) has a national day been assigned to it; if so, what is the significance of the date, (d) on what date was it recognised by Australia and (e) was the state recognised elsewhere before Australia did so; if so, (i) by which states and (ii) on what date in each case.

(A) The following states have been admitted as Member states of the United Nations since 1989: Andorra (28 July 1993), Armenia (2 March 1992), Azerbaijan (2 March 1992), Bosnia and Herzegovina (22 May 1992), Croatia (22 May 1992), the Czech Republic (19 January 1993), the Democratic People's Republic of Korea (17 September 1991), Eritrea (28 May 1993), Estonia (17 September 1991), Georgia (31 July 1992), Kazakhstan (2 March 1992), Kyrgyzstan (2 March 1992), Latvia (17 September 1991), Liechtenstein (18 September 1990), Lithuania (17 September 1991), the Marshall Islands (17 September 1991), Micronesia (17 September 1991), Moldova (2 March 1992),

Monaco (28 May 1993), Namibia (23 April 1990), the Republic of Korea (17 September 1991), San Marino (2 May 1992), the Slovak Republic (19 January 1993), Slovenia (22 May 1992), Tajikistan (2 March 1992), The Former Yugoslav Republic of Macedonia (provisional name) (8 April 1993), Turkmenistan (2 March 1992) and Uzbekistan (2 March 1992).

With respect to the states referred to in part (2):

- (a) The dates are set out in the answer to part (2) above;
- (b) Specific determination of a state's borders is not a requirement for its admission to the United Nations, and admission does not in itself affect delineation of the borders. The borders of the above states follow, in general terms, the borders of their prior administrative entities, but in some cases remain in dispute.
- (c) the Australian Government has been advised of the following states' national days:

Azerbaijan (28 May), Croatia (28 May), the Democratic Peoples Republic of Korea (9 September), Georgia (26 May), Kazakhstan (16 December), Kyrgyzstan (31 August), Liechtenstein (15 August), the Marshall Islands (1 May), Micronesia (3 November), Moldova (27 August), Monaco (19 November), the Republic of Korea (15 August), San Marino (3 September), Slovenia (25 June), Tajikistan (9 September), Turkmenistan (27 October) and Uzbekistan (1 September).

The Australian Government has also been advised of the following states' independence days, which are regarded as national days:

Lithuania (17 September 1991) and Namibia (21 March)

The Australian Government has not been advised of the national days of the remaining states listed above.

Unless otherwise stated, the significance of the national day, if any, of a state is a matter for that state, and not one for the Australian Government to interpret for itself.

- (d) Australia has made statements declaring its recognition of the following states on the dates indicated:

a statement by the Minister for Foreign Affairs and Trade, on 26 December 1991, announcing the recognition of the following states following the dissolution of the USSR: Armenia, Azerbaijan, Estonia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Tajikistan, Turkmenistan and Uzbekistan;

a statement by the Prime Minister on 16 January 1992, announcing the recognition of the Republic of Slovenia and the Republic of Croatia;

a statement by the Prime Minister on 29 March 1992, announcing the recognition of the Republic of Georgia;

a statement by the Minister for Foreign Affairs and Trade on 1 May 1992, announcing the recognition of the Republic of Bosnia-Herzegovina;

a statement by the Prime Minister on 1 January 1993, announcing the recognition of the Czech Republic and the Slovak Republic; and

a statement by the Prime Minister on 4 May 1993, announcing the recognition of Eritrea.

Australia has not, to date, made any statement formally declaring recognition of the remaining states referred to in Part 2 above. In the absence of an express statement of recognition, Australia cannot be taken to have recognised a state by implication arising out of any other act or statement.

- (e) Recognition practices of states differ greatly. A number of states follow a practice of not making formal statements of recognition, and instead assert that recognition must be inferred from the level and nature of their dealings with other states. For example, many of these states would assert that their co-sponsorship, or vote in favour, of a General Assembly resolution admitting another state to the United Nations constitutes their recognition of that state. On the other hand, other states, including Australia, follow a practice of making express statements of recognition, and, in the absence of a statement, their recognition cannot be inferred from any other act or statement. Thus it is not possible to say with certainty when, or indeed whether, a particular state has been recognised by other states before Australia, except by examining every other state's relationship with the state in question. Even then, it may not be possible to obtain a conclusive affirmation.

Recognition of States—Australian non-recognition of Macedonia

On 28 October 1993 the Minister representing the Minister for Foreign Affairs in the House of Representatives, Mr Bilney, responded as follows to a question on notice concerning recognition of Macedonia from Mr Hollis (ALP, Throsby), (House of Representative, *Debates*, vol 191 (1993), p 3374–75):

(Q1) How many countries recognise Macedonia?

(Q2) What impediments are there to Australia recognising Macedonia immediately?

(Q3) Will Australia recognise Macedonia; if so, when; if not, what difficulties would arise in Macedonian authorities opening an office in Australia to perform consular and other functions?

(A1) As at 12 November 1993, forty (40) countries are known to have announced, or acknowledged, recognition of the Former Yugoslav Republic of Macedonia (FYRM). For many of these countries recognition flowed automatically from their support for the FYRM's membership of the United Nations in April 1993. Many recognised the Republic as the "Former Yugoslav Republic of Macedonia", the interim name under which it was admitted to the UN, some as the "Republic of Macedonia" and some have avoided specifying the name under which they have recognised.

(A2) and (A3) Australia, along with a number of other nations, has been awaiting the outcome of bilateral attempts between Greece and the FYRM to resolve the name and associated issues before moving to recognition of the FYRM. Australia supported UN membership of the FYRM but this did not in itself amount to recognition, which in Australian practice requires a separate and deliberate act and cannot be inferred from any other action taken by the

Government. Only duly accredited consular or diplomatic representatives can carry out the functions which are the sole prerogative of a consul. The opening of an office by the FYRM to perform consular functions and the accreditation of a consular representative cannot proceed until Australia recognises the Former Yugoslav Republic of Macedonia. The issue of recognition remains under continuing review.