

### **III RECOGNITION**

#### **Recognition of states, and not governments – implications following coup in the Union of Soviet Socialist Republics**

On 20 August 1991 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, said in the course of an answer to a question without notice (Sen Deb 1991, p 655):

I should say that we have also expressed our concern about the implications of the coup for the conduct of Soviet foreign policy, and our concern that the foreign policy that was so successfully mapped out by President Gorbachev remain on track. I have also instructed the Ambassador in Moscow, to the extent that he is able to make contact with the new governing regime, to convey formally similar points to him...

It is, of course, not Australian practice now to do other than to recognise states. We do not recognise or de-recognise governments. Therefore, the question that is put to me about our reaction to the particular group now in authority – the State Emergency Committee – and whether we recognise it as the government of the Soviet Union simply does not arise in those terms.

#### **Recognition and independence – Baltic States – Estonia, Latvia and Lithuania**

On 12 March 1990 Senator Evans issued the following news release in response to the declaration of independence by the Lithuanian Parliament the previous day:

The Australian Government acknowledges the resolution of the freely elected Parliament of Lithuania declaring it to be an independent state. We welcome any development which lends reality to the Lithuanian independence we already legally recognise.

This declaration marks the latest and most significant stage in the tide of change sweeping Europe which we hope will lead to the peaceful re-emergence of all the Baltic States into the family of nations.

Australia has already recognised for many years the legal right of Lithuania, Latvia and Estonia to exist as independent States. Like many other Western governments we have refused to accept in international law the incorporation of the three Baltic States into the Soviet Union in 1940, rejecting the self-proclaimed Soviet sovereignty over them.

Australia thus recognises that the declaration represents the aspirations of the Lithuanian people to achieve economic and political independence through peaceful and democratic means.

The Government fully appreciates that it is the unprecedented process of reform in the Soviet Union which has made it possible for the newly elected Lithuanian Parliament to approve the declaration. The Soviet Government has already shown vision in acknowledging the validity of granting greater

economic and cultural autonomy to the Baltic States, and is currently examining constitutional changes to provide a formal mechanism for enabling secession by its constituent republics.

I urge the Soviet Union to recognise and respect the declaration, and to refrain from actions inimical to the interests of either party. I hope that both parties will now avoid confrontation, and enter into a period of constructive negotiations leading to full and viable economic and political independence for Lithuania.

On 20 April 1990 the Prime Minister said in part in a news release:

Australia has already recognised for many years the legal right of Lithuania, Latvia and Estonia to exist as independent States. Like many other Western Governments, we have refused to accept in international law the incorporation of the three Baltic states into the Soviet Union in 1940.

On 9 May 1990 Senator Evans said in part in answer to a question without notice (Sen Deb 1990, Vol 139, pp 102-3):

Australia has already recognised for many years the legal right of Lithuania, Latvia and Estonia to exist as independent states. Like many other Western governments, we have refused to accept in international law their incorporation into the Soviet Union in 1940, rejecting the self-proclaimed Soviet sovereignty over them. The Government believes that the recent declarations of independence by their freely elected Parliaments do reflect the aspirations of the Baltic peoples to achieve economic and political independence through peaceful and democratic means. Equally, we do fully appreciate that it is the unprecedented process of reform in the Soviet Union which has made it possible for the newly elected Baltic parliaments to express these aspirations. We urge – I take this opportunity to do so again – the Soviet Government to respect those declarations and to refrain from actions inimical to the interests of the parties concerned.

On 14 January 1991 the Prime Minister, Mr Hawke, issued a news release which read in part:

The Australian Government deplores the Soviet Government's use of force over recent days in Vilnius, the capital of Lithuania.

The use of force is inconsistent with President Gorbachev's past emphasis on seeking a peaceful and negotiated resolution to the question of Baltic independence...

Australia does not recognise under international law the incorporation of the Baltic States in the Soviet Union. The aspiration of Lithuania and the other Baltic States for independence has been clearly reaffirmed by their democratically elected Parliaments. The resort to force fails to acknowledge the fundamental democratic mandate of the Lithuanian Government and Parliament. Resolution of the status of the Baltic States is a complex matter, but the use of force will not produce a viable solution.

On 27 August 1991 the Prime Minister, Mr Hawke, issued a news release which read in part:

The Government has decided to establish full diplomatic relations with the Baltic States of Estonia, Latvia and Lithuania...

Australia did not recognise the incorporation of the Baltic States into the Soviet Union in 1940, but we had until today accepted the reality of Soviet de facto control over their affairs.

Now, with the events of the past week, the Baltic States have regained effective control over their own affairs for the first time since 1940. In our judgement, each of the Baltic States has now established sufficient control over its own defined territory, and is sufficiently well placed to enter into diplomatic relations with other States, to satisfy the internationally accepted criteria for independent statehood.

We look forward to building closer relations and stronger cooperation with the Baltic States. The Australian Government will seek to accredit our Ambassador in Copenhagen to Lithuania and Latvia, and our Ambassador in Stockholm to Estonia. We will move immediately to discuss the necessary practical arrangements with the Baltic Governments.

On the same day the Leader of the Opposition, Dr Hewson, issued a news release which read in part:

The Federal Opposition warmly welcomes the Australian Government's decision today to extend formal recognition to Estonia, Latvia and Lithuania as independent sovereign countries.

...

Our firm view has been that all the criteria for the independence of the Baltic States have been met. We have been consistently arguing that, as a result of developments in Moscow, recognition by the international community of the independence of the Baltic States is now critical in helping them to achieve their justified aspirations.

### **Recognition of States - Ukraine**

On 3 December 1991 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, issued a news release which read in part:

The Minister for Foreign Affairs and Trade, Senator Gareth Evans, said today that Australia welcomed the 1 December Ukrainian referendum as a democratic act which reflects the legitimate aspirations of the Ukrainian people for control over their political and economic destiny.

...

On the recognition issue, a crucial threshold question, here as with the Baltic States and Yugoslavia, will be whether the accepted international criteria for statehood are satisfied, including in particular the question of

effective control of territory in a situation where the Soviet Union authorities retain a very substantial military presence on Ukraine soil.

A number of other questions will be relevant to Australia's and the international community's consideration of the recognition issue. These would include the questions of:

- . security and central control of nuclear weapons, given Ukraine's stated commitment to become a non-nuclear state;
- . acceptance and compliance with existing Soviet arms control commitments, such as START, CFE and the Biological Weapons Convention;
- . commitment to internationally accepted agreements governing standards for observance of human rights and to protect minority rights; and
- . arrangements for meeting the Soviet Union's international obligations, particularly Ukraine's share of the Union's debt.

On 9 December 1991 he said in the course of an answer to a question without notice (Sen Deb 1991, p 4382):

The recognition of Ukraine by the great bulk of the international community does seem inevitable. We in the Australian Government certainly see our own recognition of Ukraine, within a comparatively short time, as inevitable. Our only concern at the moment is with the timing of that act of recognition, which will depend on how a number of presently unresolved issues are addressed.

### **Recognition of States – Union of Soviet Socialist Republics – transformation into the Commonwealth of Independent States**

On 23 December 1991 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, issued a news release which read in part:

The Minister for Foreign Affairs and Trade, Senator Gareth Evans, said today that the Australian Government welcomed the formation of the Commonwealth of Independent States in the wake of the dissolution of the former Soviet Union. ...

The establishment of the Commonwealth and the end of the Soviet Union obviously carry great implications for the international community's relations with the former republics. The Government is now considering the question of recognition of and diplomatic relations with the various republics and will be announcing decisions as soon as possible.

On 26 December 1991 the Prime Minister, Mr Keating, issued a news release which read in part:

Australia has decided to recognise as independent states the eleven co-founders of the Commonwealth of Independent States.

Later the same day, the Minister for Foreign Affairs and Trade, Senator Gareth Evans, issued a news release which read in part:

The Minister for Foreign Affairs and Trade, Senator Gareth Evans, announced today arrangements for Australian recognition of the eleven co-founders of the Commonwealth of Independent States.

Eleven formerly Soviet republics signed documents in Alma Ata on 21 December forming the new Commonwealth of Independent States and laying to rest the old Soviet Union. In so doing, they recognised Russia as the Soviet successor state, including by agreeing that Russia should take over the permanent Soviet seat on the UN Security Council.

As I said in relation to Ukraine on 3 December, we in company with other Western nations have been concerned about a number of issues associated with the independence of the formerly Soviet republics, including security and central control of nuclear weapons, acceptance and compliance with existing Soviet arms control commitments, human rights and protection of minorities, and arrangements for meeting the Soviet Union's international obligations, particularly with regard to the sharing of the Union's foreign debt by individual republics.

Australia is satisfied with Russia's assurances on these issues and now recognises the reality of Russia as an independent state. The Government accepts, as other members of the international community do, that there is continuity in statehood between Russia and the former USSR and that the former Soviet Union's international rights and obligations, including those under the UN Charter and in bilateral treaties and other agreements, will now be those of Russia. I have instructed the Australian Ambassador to the Soviet Union, Mr Cavan Hogue, to discuss with the Russian authorities the modalities of transferring accreditation from the Soviet Union to Russia. The Soviet Embassy in Australia has informed the Government that as of 19 December it is the Embassy of Russia.

Australia will also shortly commence discussions with the Governments of the other founder members of the Commonwealth of Independent States on the necessary practical arrangements for establishing full diplomatic relations with Australia.

Australia will seek non-resident accreditation with the now independent republics from the Australian Embassy in Moscow.

Australia is pleased to be taking these steps, which acknowledges that Russia is the successor state to the Soviet Union and that eleven new states have entered the community of nations.

**Recognition of States – Croatia and Slovenia – declarations of independence from Yugoslavia**

On 27 June 1991 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, issued the following news release:

The Australian Government is closely monitoring events in Yugoslavia but we regard it as premature to be contemplating recognition for Croatia and Slovenia. At this stage the two republics do not meet fully the criteria for statehood under international law.

The proclamation of independence by Croatia and Slovenia on 25 June should be seen as the commencement of a process rather than its culmination.

While the two declarations follow plebiscites in which the people voted overwhelmingly in favour of breaking with the existing Yugoslav structure, both republics acknowledge that their declarations require further negotiations to bring them into full operation.

Australia will continue to follow the situation closely and continues to urge all parties to maintain their dialogue with a view to arriving at a peaceful and democratic solution to the situation in Yugoslavia.

The following day he issued a further news release which read in part:

The Minister for Foreign Affairs and Trade, Senator Gareth Evans, expressed deep concern today over reports of serious fighting in Slovenia.

Senator Evans said that while Croatia and Slovenia did not fully meet the criteria for statehood under international law, their declarations of independence had the backing of the vast majority of the people of the two republics and represented an expression of the democratic will which could not be swept away by force.

"Australia has consistently called for a peaceful and democratic solution on the question of Yugoslavia's future", Senator Evans said. ...

Slovenia is a Republic of Yugoslavia which, along with the Republic of Croatia, declared its independence on 25 June.

On 22 August 1991 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, said in part in the course of a debate on a motion dealing with the situation in Yugoslavia (which motion read in part as follows) (Sen Deb 1991, pp 974-5):

(d) calls on the Australian Government to support international efforts for a negotiated settlement between the Yugoslav Republics, which will avoid conflict, achieve the independence the people of Croatia and Slovenia demand and protect the interests of ethnic and religious minorities; and

(e) further calls upon the Australian Government to recall its Ambassador to Yugoslavia for consultations on how Australia might, consistent with a desire to preserve peace, support the newly evolving independent states, including the most appropriate time to give diplomatic recognition.

***Senator Gareth Evans***

On behalf of the Government, I wish to support the terms of this motion. It captures the sentiment that we all feel about the very unhappy situation in

Yugoslavia, and expresses in a positive way – which we in the Government accept – the need for us to support international efforts for a negotiated settlement, which will avoid conflict and meet the aspirations of the constituent units of the republic for independence. Those aspirations are real; they have been manifested by democratic process and should be respected.

There is a difficulty in terms of the international community in general, or Australia in particular, in moving from that set of perceptions to a ready acknowledgement or recognition of statehood. There are criteria that need to be satisfied, which I spelt out in detail in answer to a question by Senator Harradine the other day, before countries externally can confidently go down the path of recognition without getting caught up in terrible inconsistencies in the way in which we deal with these situations generally.

The criterion in particular of all of them that matters most is that of demonstrable control of the territory in question by the entity in question. The big difficulty so far as Croatia is concerned is in demonstrating in present circumstances that degree of control. Accordingly, it is a situation that cries out for a negotiated peaceful solution, one that will satisfy the aspirations of the people in the way that the international community can respond to.

... once Croatia and Slovenia meet the criteria for statehood under international law Australia will be among the first to extend recognition to them.

On 23 August 1991 the Prime Minister, Mr Hawke, issued a news release which read in part:

The peoples of Croatia and Slovenia have freely and democratically expressed their desire for independence. Their aspirations must be satisfied in a just, peaceful and democratic manner. For our part, Australia will be among the first countries to recognise Croatia and Slovenia when they satisfy the attributes of statehood.

Later the same day the Minister for Foreign Affairs and Trade, Senator Gareth Evans, issued a news release which read in part:

As the Prime Minister has said, if Croatia and Slovenia come to the point where they satisfy the requirements of independent statehood, then we would recognise them.

On 5 September 1991 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, said in the course of an answer to a question without notice (Sen Deb 1991, pp 782–3):

Australia was among the first countries to acknowledge that the democratic wishes of the people of Slovenia and Croatia for independence must be respected. The principal challenge now is to ensure that the future of Yugoslavia's constituent republics can evolve peacefully and with proper acknowledgement of the rights and the interests of minorities on those areas. Against this background, we strongly condemn the use of force between

Serbians and Croats in Croatia, and in particular the unwarranted actions of the Yugoslav army against Croatia...

Obviously, the question of recognition of Croatia and Slovenia is very much on our minds. In addressing it we have had to give close consideration to the internationally recognised criteria which must be applied and which I have previously spelled out in this place. We must also consider the effect that recognition would have on the situation in Yugoslavia itself and on the European efforts to find a settlement. I have said that, when the circumstances permit, we will be among the first to recognise Croatia and Slovenia, and I am glad to repeat that undertaking in this place.

On 9 October 1991 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, said in the course of an answer to a question without notice (Sen Deb 1991, p 1661):

We in Australia and the Government accept that the desire for independence by the people of Croatia, and Slovenia for that matter as well, has been popularly and democratically expressed. As the Prime Minister has said on a number of occasions, not just last night, Australia will be among the first to recognise Croatia and Slovenia when the conditions are right; as soon as we can, in other words. What is constraining us in that respect is essentially two considerations: one is the need to satisfy ourselves that the formal international criteria for recognition are in fact satisfied, and there is a very real question, certainly so far as Croatia is concerned, on the issue of effective control of the territory in question by the government in question. It is very difficult to argue that there is such effective control in the particular military environment that Senator Harradine has just drawn attention to.

More than that, there is a concern not to go down the path of premature recognition to the extent that this, or in circumstances where this, would in fact prejudice the achievement of a comprehensive settlement of the whole sorry situation in Yugoslavia. That is very much the view that is being taken at the moment by the countries of Europe, with which we are, of course, in close consultation on this issue and with many of the foreign Ministers with whom I have had recent opportunities to talk in both Europe and New York. It is the view that is being taken in North America by the United States and by Canada. It is generally a very widespread perception that as horrifying as the conflict has become, as urgently as we all want to see it resolved, there is no basis for making the assumption that a resolution would be any faster or any more satisfactory were we to jump into recognition.

We will have regard to the various considerations that I have mentioned, just as was the case with the Baltic states, as soon as we are satisfied that it is appropriate to do so, as soon as it is possible to do so. As soon as the modicum of conditions that I have identified are satisfied, we will be among the first to recognise the entities in question as sovereign, independent countries. It is not time to do so now.



**Recognition of States – criteria for recognition – Croatia and Slovenia distinguished from the Baltic States**

On 20 August 1991 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, said in the course of an answer to a question without notice (Sen Deb 1991, pp 661–3):

Senator Harradine is right in identifying those four elements as the formal criteria for the recognition for statehood – that is, permanent population, defined territory, government and a capacity to enter into relations with other states. However, Senator Harradine needs to appreciate that those elements have in international law and practice been a little more refined to bring out their actual implications.

When we talk in terms of a government, accordingly, we do not talk just in terms of whether there is somebody elected or otherwise that seems to be exercising some authority within the territory in question but we look at whether that government is in effective control of that territory. When we talk in terms of a capacity to enter into relations with other states, we have regard not only to whether it is perceived as it stands by other states as an international entity capable of entering into such relations but also to whether in practice it is so able to exercise that degree of substantive independence in the conduct of all its relations that it ought genuinely to be regarded as a state.

The difficulty and the problem with the Baltic states and Croatia – the situation may be a little more ambiguous with Slovenia in Yugoslavia – is that they are manifestly not in control of their own territory. The ability of the military of the parent state to exercise its will, its authority, is all too unhappily still evident. That is the reason why the international community, including Australia, has been slow to react to the requests that have been received for formal recognition.

... I have given a very full explanation of the criteria we apply in determining whether or not to recognise a particular entity as a state. It is essentially based on objective criteria and analysis of the kind I have described. We no longer apply the notion of recognition or derecognition of governments because, to be frank, there never was any firm objective foundation on which that recognition issue was applied or not applied. It was a matter of wholly subjective government and an expression of moral reaction, if you like, more than any reaction to the objective situation on the ground.

When I said that we no longer recognise governments but we recognise states, I was not in any sense meaning to imply that we have picked up all the kinds of value judgements that we used to apply to the question of recognition of governments and brought them straight over into the recognition of states, so that if we like a particular entity or the people

running it we will henceforth give them recognition; if we do not like them we will not. That is not the principle we are operating under at all. We are operating under the principles that I have described.

That does not mean that we are reduced to impotence if we do not like what a particular government in charge of, or assuming power within, a particular state is doing. We can express negative reactions in all sorts of ways. We can join with the international community in doing that and there are various other forms of sanctions that can be applied in appropriate circumstances. But it is a very different issue from the one of recognition of statehood and I hope that will be appreciated.

### **Recognition of States – unification of states – Yemen – Germany**

On 1 June 1990 the Acting Minister for Foreign Affairs and Trade, Dr Blewett, issued the following news release:

The Acting Minister for Foreign Affairs and Trade, Neal Blewett, has welcomed the announcement of the unification of the Yemen Arab Republic and the People's Democratic Republic of Yemen, to form the Republic of Yemen.

"Australia for several years has enjoyed good relations with the two sovereign states, and we look forward to the strengthening of our bilateral ties with the newly formed Republic", Dr Blewett Said.

"The visit to North Yemen by the former Minister for Foreign Affairs and Trade, Mr Hayden, in 1988, demonstrates the value Australia places on this relationship, which is firmly based on strong trade links."

He said that both the previous Yemen Arab Republic, (North Yemen), and the former People's Democratic Republic of Yemen, (South Yemen), had been important markets for Australian wheat, with exports to the South currently worth around \$40 million annually.

Dr Blewett said that the unification of the two Yemeni nations, announced on 22 May, had the potential to improve the stability and security of the region, and Australia hoped that with its new status the Republic of Yemen would be able to concentrate more of its resources on development.

"Australia's Ambassador in Riyadh is accredited to both the Yemen Arab Republic and the Democratic People's Republic of Yemen, and it is expected that he will be accredited to the new state", he said.

On 13 September 1990 the Prime Minister, Mr Hawke, said in part in answer to a question without notice (HR Deb 1990, Vol 172, pp 1840):

The Government and I welcome the historic treaty, which settles the remaining aspects of German reunification, settled yesterday and signed yesterday by the Foreign Ministers of both Germanies and the four wartime allies.

The treaty ends the four occupying countries' special powers over Germany, including the withdrawal of Soviet troops from East Germany by 1994. Importantly, it ensures that existing external borders will be maintained. It is indeed truly the final settlement to World War II. ...

The signing of this Treaty removes the last obstacles to unification and allows a united sovereign Germany to take its place among the community of nations by 3 October. I and the other members of the Government welcome unequivocally German unification and it is our wish to see a unified Germany fully and harmoniously integrated with the rest of Europe.

On 3 October 1990 the Prime Minister, Mr Hawke said in the course of a speech at the German Embassy in Canberra on the occasion of the unification of Germany:

I am sure I speak for all Australians when I express my congratulations to you, Ambassador, and through you to the people of Germany, on their grand achievement of unification.

As I said recently in Parliament, the Government of Australia unequivocally welcomes this historic event – an achievement the German people have built in jubilation, optimism and above all in a spirit of peacefulness.

#### **Recognition of States – non-recognition of governments – Burma – Cambodia**

On 13 November 1990 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, said in part in answer to a question without notice (Sen Deb 1990, p 3975):

Perhaps I can say by way of footnote that the Senate will have noticed that I have used more or less throughout this answer the expression "Burma" rather than "Myanmar" to describe the country. This follows some consideration that I have been giving recently as to what should be our practice so far as the names of the country and its capital are concerned. The standard practice is, of course, to accept, for both formal and informal purposes, the English language version of the name that a country gives to itself. But occasionally some variations are justified by circumstances. The present military regime, SLORC, advised us in June 1989 of its desire to change the familiar names "Burma" and "Rangoon" to "Myanmar" and "Yangon" respectively, and we have been following that practice hitherto. However, it remains the case that these names have not commanded widespread acceptance in international usage, particularly in the United States and Europe, or by Burmese expatriates abroad, or by the opposition NLD, which was so overwhelmingly supported by the people in the election of May this year. For all these reasons, while we still use "Myanmar" in formal communications with the present Government, for all other purposes we will henceforth revert to the more familiar and much more widely understood and accepted "Burma" and "Rangoon".

On 20 December 1990 Senator Evans said further in answer to a question without notice (Sen Deb 1990, pp 6160-1):

As to the specific Australian policy in relation to all of this, while the Australian Government has made known our concern over the repression of democracy in Burma, which has led to the announcement of this provisional government does not arise as, of course, it is now the case that Australia recognises states and not governments. We do consider that the establishment of a provisional government reflects the failure of the Burmese regime to honour the results of the May elections and the severe repression and intimidation that has been directed at the NLD, many of whose leaders have been arrested in recent months. We consider that the political crisis in Burma cannot be resolved without genuine democratic change. We call on the military regime in Burma to accede to the widespread popular desire for representative government.

On 6 December 1990 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, said in the course of a statement on the Cambodian Peace Settlement (Sen Deb 1990, p 5166):

Australia, under the Fraser Government, made clear in 1980 its decision to derecognise the DK regime and formally did so in February 1981. No Australian Government has recognised either the SOC or the NGC since, although the recognition issue has been academic since our 1988 decision to recognise henceforth only states and not governments. (On the question of who should have credentials to occupy the Cambodian seat in the United Nations, Australia has abstained since 1981).

**Recognition of States - China - Taiwan - implications of commercial relations - establishment of a commercial office in Canberra - establishment of air links**

On 21 August 1990 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, provided in a written answer to a question without notice a list of countries which recognise the authorities on Taiwan as the "Republic of China", and of the international organisations of which Taiwan is a member: see HR Deb 1990, Vol 172, p 1210.

On 12 November 1990 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, issued a news release announcing Australian policy towards Taiwan, part of which read as follows:

The Australian Government today completed a review on Australia's policy towards Taiwan. The review covered developments since December 1986, when the Government had last conducted an in-depth survey of Australian policy towards Taiwan.

Cabinet agreed that there was no basis for variation of our basic "One China" policy, to which all Australian governments - Labour and Coalition alike - have adhered since 1972. Under this policy, we continue to recognise

the PRC as the sole legal Government of China and acknowledge its claim that Taiwan is a province of China...

The following measures have been taken by the Government since 1986 to encourage Australian/Taiwan trade and investment:

- . establishment of the Taiwan Market Service (TMS) in Australia, complementing the Australian Commerce and Industry Office (ACIO) operated by the Australian Chamber of Commerce, enabling both offices to operate a fully professional commercial advisory and assistance service for Australian business and government clients;
- . active support for the setting up of a visa facilitation service in ACIO, which enables Taiwan residents to visit Australia with the minimum of fuss and delay;
- . facilitation of the establishment of an Australian Education Centre on Taipei, to promote the sale of Australian education services to Taiwan;
- . passage of legislation, which has the effect of removing all doubt about the security of Taiwan investments in Australia; ...

On 13 March 1991 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, said in the course of an answer to a question without notice (Sen Deb 1991, pp 1785-6):

The Australian Government very strongly supports the development of a mutually beneficial, unofficial, commercial relationship between Australia and Taiwan. ...

An unofficial visit for commercial purposes does not imply any movement away from the Government's strict adherence to a one-China policy. I make that clear for the record because there has been some questioning about it.

I am now able to say in relation to the proposal to establish a commercial office in Canberra that the Government has recently advised the Taiwan authorities, through ACIO, that we agree that such an office may be opened - the timing of that move is still under consideration by the two sides.

On 3 September 1991 the Minister for Foreign Affairs and Trade, Senator Gareth Evans, said in the course of an answer to a question without notice (Sen Deb 1991, p 1013):

Following several years of negotiations, a commercial aviation understanding which provides a framework for establishing Australia-Taiwan air services was signed on 25 March this year. On 28 March Australia-Asia Airlines, a Qantas subsidiary, successfully concluded talks on technical and commercial issues with Taiwan aviation interests and a technical agreement was initialled by both sides. The Taiwan authorities have indicated that the arrangements which have been negotiated are acceptable, but they have yet to sign a

technical agreement. A signature is required before airlines from both sides can lodge applications for operating approvals. ...

May I just say, in respect of the visa disclaimer, that its purpose is to make clear that the issue of a visa and its subsequent insertion into a Taiwanese passport does not in any way imply Australian recognition of the Republic of China – so called – or the status of its officials. Given that Australia's one-China policy is now so well understood on both sides of the Taiwan Straits, I have asked officials to report to me on whether such a disclaimer is necessary any longer.

### **Recognition of States – non-recognition of "Palestine" – status of the Palestine Liberation Organisation in Australia**

On 30 May 1990 the Minister representing the Minister for Foreign Affairs and Trade, Senator Robert Ray, said in answer to a question without notice (Sen Deb 1990, Vol 139, pp 1433–4):

The Governor-General, Mr Hayden, met the Palestine Liberation Organisation representative in Australia, Mr Ali Kazak, at Government House yesterday. This, of course, was recorded in the Vice-Regal notice in today's major newspapers. The Governor-General had advised the Government beforehand of his intention to meet Mr Kazak, who, of course, is an Australian citizen. Mr Hayden had previously met Mr Kazak in Mr Hayden's former capacity as Foreign Minister.

This meeting does not signify any change in the Government's policy on the Middle East or its attitude to the PLO and it is entirely consistent with the Government's policy on contacts with the PLO. The Australian Government acknowledges that the PLO represents the opinion of a significant portion of Palestinian people and must be involved in negotiations towards settlement of the Middle East dispute. However, the Government does not recognise the PLO as the sole legitimate representative of the Palestinian people.

On 15 December 1988, Senator Evans announced that statements made by the PLO Chairman, Yasser Arafat, on the previous day in Geneva had satisfied the Australian Government's three conditions for direct dealings with the PLO. These were, firstly, that the PLO expressly accept Israel's right to exist without any accompanying qualifications; secondly, that it renounce all forms of terrorism; and thirdly, that it accept the United Nations Security Council resolutions 242 and 338 as a basis for negotiation.

The Australian Government does not recognise the state of Palestine, proclaimed by the Palestine National Council in 1988. The Government has made it clear that the question of Australian recognition of a Palestinian state will arise only in the context of an overall peace settlement. As the Government recognises states, not governments, recognition of the PLO is not a relevant consideration.

In 1982 the Palestinian Information Office was established in Australia. In March 1989 Senator Gareth Evans announced that the Government had no

objection to this office being called the Palestinian Liberation Organisation Office, thus acknowledging its representative status without conferring diplomatic or consular status. The Australian Government representatives maintain contacts with the PLO up to and including ambassadorial level. Ministers can avail themselves of opportunities for meeting with PLO officials as they arise, as have at least two members on the Opposition front bench over the last two years.

