

Recognition

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Transkei. Opposition to. Reasons for. Apartheid.

On 19 October 1976 Senator Withers, the Minister representing the Minister for Foreign Affairs, was asked the following questions in the Senate:

I refer to the South African Government's proposal to make the area known as Transkei independent on 26 October, next week. Will the Government recognise the independence of the proposed state of Transkei? Will the Minister indicate the reasons for the Government's position on the matter?

Senator Withers replied as follows:¹⁹

The answer to the first question is quite simple. It is no. The answer as to the Government's general attitude is also quite simple. I will read it because it is a statement of some importance. The Australian Government's basic opposition to the philosophy of apartheid embraces also opposition to the policy of creating Bantustans, which constitutes an extension and consolidation of the apartheid philosophy. The Bantustans policy will lead not only to the fragmentation of the South African state and to the perpetuation of privilege for a minority but also to the dispossession of the majority of the people of South Africa. As such, the Bantustans policy has been condemned by the majority of the international community.

Without wishing ill to the people of Transkei, the Australian Government does not find the arguments put forward in favour of the existence of an independent Transkei convincing and has serious misgivings about the process by which it is to acquire the status of independence.

Furthermore, the recent rejection by homeland leaders of the Bantustans policy strengthens our view that the granting of independence to homelands is not the answer to the political aspirations of black people in South Africa.

Recognition

Timor question. Policy on. Informal relations on a non-recognition basis. United Nations resolutions on.

On 20 October 1976 in the House of Representatives the Minister for Foreign Affairs, Mr Peacock, was asked to clarify government policy towards East Timor in relation to United Nations resolutions. Mr Peacock replied in part as follows:²⁰

The precise form of resolutions at the United Nations is not yet known. What is involved in our stance will be the policy of the Government reflected in resolutions, hopefully, that we would be

19. S Deb 1976, vol 69, 1205-6.

20. HR Deb 1976, vol 101, 2015-6.

working to. If that sounds a vague statement, it is couched cautiously for obvious reasons. There is a variety of resolutions being discussed within the outer councils of the United Nations at this moment and it might therefore be more helpful to the House if I indicated the Government's view which is at present reflected in United Nations resolutions already standing which we supported at the last General Assembly and to which we spoke in the Security Council. The resolution in the Security Council, of course, was adopted unanimously. The bases of this Government's policies are our rejection of the use of force as a proper means of solving international problems; our belief in the democratic process and the right of peoples to determine their own institutions; and our deep concern for the welfare of the underprivileged anywhere in the world. These are fundamental to our views and policies, past, present and future, and the policy once we came to power gained international reflection in the resolutions of the United Nations that I have referred to—the resolutions in the General Assembly and in the Security Council. These resolutions continue to reflect the substance of our position. I also defined our policy in a statement to this House on 4 March.²¹ This is a policy born of a desire for an orderly and peaceful settlement in Timor and it is a policy of which we are not ashamed. As I stated in a speech which was widely distributed in May this year to the United Nations Association, Victorian Division, we have said that we must face the fact that neither Australia nor any other member state of the United Nations, nor the United Nations itself, has been able to have that policy fully implemented. Of course, there are obvious limits to what Australia alone can and indeed should attempt to do, limits that are set by the need for a careful balancing of our interests and responsibility. Our country's foreign policy, if it is to be viable, must take into account the regional environment in which it is to function and although preserving our position on principle it has not and does not serve Australia's interests to place itself on a massive collision course with its largest regional neighbour. Some people clearly balk at that viewpoint but it is a political reality and one we would do well to acknowledge. It means that we must take into account Indonesia's view that East Timor is now part of Indonesia and that this situation is not likely to change. That is Indonesia's view.

The fact that we have adopted such a stance as I have outlined, while seeking to keep it in perspective, should indicate that while differing with Indonesia over its policy toward Timor, we have nevertheless sustained the relationship between the 2 countries; a relationship that has been viewed by successive governments, and rightly so, as of great importance. On that point about Indonesia's incorporation of East Timor, there has been a lot of talk about this Government recognising *de facto* or *de jure* that incorporation. Let me say, if the

21. HR Deb 1976, vol 98, 567-570.

Opposition will permit me, that so far as de facto recognition is concerned any ambiguity which exists is implicit in that term and not in the Government's policy. Non-recognition does not necessarily signify non-intercourse. There must be a will on the part of the recognising body. There are numerous examples at public international law for this. As will be well known there are essentially 3 stages: Firstly, informal relations on a non-recognition basis, distinct from de facto recognition: secondly, de facto recognition, and thirdly, de jure recognition.

This Government has not recognised Indonesia's incorporation of East Timor. On the other hand, for quite practical reasons such as the provision of humanitarian aid and the reuniting of families, we have to accept certain realities. The alternative to doing so is to remain inactive in the face of pressing human problems, and this we are not prepared to do. I hope that in answering that general question with the problem of not knowing the nature of the resolutions at this stage, honourable members can see the background to our thinking on this matter. In my view Australia would have been remiss in our responsibility to promote a mutually beneficial relationship with our largest regional neighbour if we had taken any other course of action.

Recognition

Baltic States. Soviet claim to. Withdrawal of de jure recognition of.

On 7 April 1976 Senator Withers, the Minister representing the Minister for Foreign Affairs, was asked in the Senate what action had been taken to reverse the decision of the previous Government by which Soviet control of the three Baltic States was given international legal sanction. Senator Withers replied as follows:²²

The Commonwealth Government implemented its decision to withdraw de jure recognition of the incorporation of the Baltic States into the Soviet Union soon after its assumption of office in December 1975. On 17 December 1975 the Government instructed the Australian ambassador in Moscow that he and members of his staff should not in future make official visits to Estonia, Latvia and Lithuania. Mr R G McComas, who was the honorary consul for Latvia before the previous Government's decision in July 1974 to give de jure recognition, has been informed that he may resume his function as honorary consul. It should be observed that the question of recognition in this connection is not one of the recognition of statehood or of a government, but simply one of title to territory. This Government is thus saying no more than that it does not accept the legality of the Soviet annexation of the Baltic States. Whatever may have been said on this subject in the past cannot prevent this Government from making known its own view of the matter.

22. S Deb 1976, vol 67, 1114.

Recognition*Rhodesia. Non-recognition of. Preclusion of official representation.*

On 6 October 1976 Senator Withers, the Minister representing the Minister for Foreign Affairs, was asked in the Senate whether it would be possible to have an official representative in Rhodesia in order to ensure that Australia's interests are pursued. Senator Withers replied in part as follows:²³

Australia does not recognise Rhodesia. Ever since the Unilateral Declaration of Independence in Rhodesia Australia has regarded the Rhodesian Government as an illegal regime and therefore of no international standing. One cannot have it both ways. One cannot refuse to recognise a country and at the same time expect to have official representation there either to watch trials or to make protests.

Recognition*PLO. Reasons for non-recognition. Opposition to terrorism. Effect of entry of Palestine National Council delegation.*

On 16 February 1977 Senator Withers, the Minister representing the Minister for Foreign Affairs, was asked the following questions in the Senate:

Will the Minister confirm that admission of the Palestine Liberation Organisation members as observers in Australia does not constitute recognition either now or in the future of the Palestine Liberation Organisation? Will the Minister confirm that the Australian Government's well known total opposition to international terrorism including outrages perpetrated around the world by the PLO remains undiminished? Finally, does Australia's opposition to the United Nations according recognition to the PLO remain unqualified while that Organisation continues to have as its avowed policy the destruction of Israel, a member state of the United Nations?

Senator Withers replied as follows:²⁴

As honourable senators would know, the Inter-Parliamentary Union will meet in Canberra from 10 April to 17 April this year. Members of all delegations including observer delegations such as the Palestine National Council, will be admitted to Australia subject to the normal rules of entry. The admission of the Palestinian National Council representatives in no way involves any recognition of the Palestinian Liberation Organisation. The Australian Government unequivocally opposes the use of terrorism in all its forms, including the pursuit of political objectives and especially when that involves civilians. The PLO has been admitted to the United Nations as an observer and in that capacity it is represented at a number of international conferences. However, the Australian Government has never given any specific recognition to the PLO and will not do so while the PLO maintains its denial of Israel's right to exist as expressed in the

23. S Deb 1976, vol 69, 1019.

24. S Deb 1977, vol 71, 62.

Palestinian National Charter. The Australian Government supports all efforts to promote a peaceful solution to the Palestinian problem, based on Security Council resolutions 242 and 338. I might add that if recent media reports of moves towards acceptance by the PLO of Israel's right to exist are confirmed unequivocally, this will be an encouraging development.

Recognition

Effective control as criterion for. Normal dealings as evidence of.

On 28 April 1976 in the House of Representatives the Minister for Foreign Affairs was asked on notice:

How are Australian interests or those of the Angolan people advanced by the Government's delay in recognising the present Angolan Government?

Mr Peacock replied:²⁵

Despite serious misgivings about the part played by Cuban and Soviet intervention in Angola, the Australian Government recognises the fact that the MPLA is in effective control of that country and that consequently the Government should now have normal dealings with the Government of the People's Republic of Angola. The Australian Government has thus recognised the Government of Angola.

25. HR Deb 1976, vol 99, 1724.