

Title: Kosovo: Australian recognition  
MRN: s 22(1)(a)(ii) 19/02/2008s 22(1)(a)(ii) 0  
To: Abu Dhabi; Amman; Beijing; Beirut; Cairo; Europe Posts; s 33(b) ; Jakarta; Kuala Lumpur; Kuwait City; New Delhi; s 33(b) ; Ottawa; Riyadh; Seoul; Tehran; Tel Aviv; Tokyo; UN New York; Washington; Wellington  
Cc:  
From: Canberra  
s 22(1)(a)(ii)  
From File: s 22(1)(a)(ii).  
EDRMS  
Files:  
References: s 22(1)(a)(ii):  
The cable has the following attachment/s -  
080219 Kosovo final media release recognition.doc  
080219 Kosovo final TPs on Australia's recognition.doc  
Response: Routine, Information Only

### Summary

Australia's Foreign Minister has announced our recognition of Kosovo as a sovereign state. Australia supports independence as the best way forward for regional peace and stability. Talking points for HOMs to draw on are attached.

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As at 2pm Canberra time, Australia recognised the independence of the Republic of Kosovo. This was achieved by a public statement by Foreign Minister Smith (see website and attachment).

2. Attached for Head of Mission background are talking points in relation to Australia's decision. Please note these should be used on an 'if asked' basis when in consultation with host governments if required.

3. Australia's position is that it supports independence as the best way forward for regional peace and stability. In his media release Mr Smith urged the leaders of Kosovo and Serbia to demonstrate the resolve and political determination to settle their differences peacefully. Establishment of diplomatic relations will be considered separately.

text ends

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Sent by: s 22(1)(a)(ii)  
Prepared by: s 22(1)(a)(ii)  
Approved by:  
Topics: s 22(1)(a)(ii)

▼New Distribution

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# MEDIA RELEASE

## MINISTER FOR FOREIGN AFFAIRS

### THE HON STEPHEN SMITH, MP



s 22(1)(a)(ii)

19 February 2008

#### AUSTRALIA RECOGNISES THE REPUBLIC OF KOSOVO

Australia has today formally recognised the Republic of Kosovo as an independent state.

Kosovo declared independence on 17 February 2008. Australia respects the decision of the people of Kosovo. The United States and the United Kingdom have also indicated their recognition of Kosovo's new sovereignty, and a number of others are expected to do so soon.

It has been a long and difficult road to peace for Kosovo since the devastating conflict in the late 1990s. The United Nations and NATO have worked tirelessly since 1999 to assist in setting up self-governing institutions and to help the people of Kosovo rebuild their lives. Much remains to be done, and it is important that the international community, in particular the United Nations and European Community, continue efforts to bring about a lasting peaceful future for Kosovo and the region.

Australia wishes the Government of Kosovo well in the tasks ahead. Ensuring the rights and safety of minorities, as well as protection of cultural heritage sites, must be key priorities for Kosovo. Australia strongly urges the leaders of Kosovo and Serbia to demonstrate the resolve and political determination to settle their differences peacefully. Australia hopes the Serbian Government will continue to engage with European and other partners in the interests of stability and economic development of the region as a whole.

Australia will soon consider the establishment of diplomatic relations with Kosovo.

Media contact: s 22(1)(a)(ii) (Minister's Office) s 22(1)(a)(ii)  
 Department of Foreign Affairs and Trade s 22(1)(a)(ii)

[www.dfat.gov.au](http://www.dfat.gov.au)

## **Kosovo: Australian Recognition**

- . Australia formally recognised the Republic of Kosovo as an independent state on 19 February
  - the Government of Kosovo declared independence on 17 February 2008
- . The United States and the United Kingdom and other countries have also indicated their recognition of Kosovo's new sovereignty
- . EU members agreed on Monday 18 February to send an EU police and justice mission into Kosovo to promote economic and political development in the region
- . Australia believes recognition of Kosovo's independence is the best way forward for regional peace and stability
  - ensuring the rights and safety of minorities, as well as protection of their cultural heritage sites, must be key priorities for Kosovo
  - Australia calls on all parties to continue to work towards peace and stability in the region
- . Australia acknowledges the cultural and religious importance of Kosovo to Serbia, and recognises the difficulty for the Serbian people in accepting the decision of Kosovo's independence
  - but believes that given recent history, independence with international supervision is the only politically stable and economically viable option for Kosovo.

### ***If raised: Does Australia's recognition of Kosovo imply support for the policies of the Government of Kosovo?***

- . Australia recognises states, not governments. Our recognition of a state does not imply our support for the policies of the authorities in power.

### ***If raised: How will Australia react if Serbia implements diplomatic sanctions against it?***

- . Australia hopes any diplomatic action Serbia may wish to take over Australia's recognition of Kosovo will not affect our long-term and constructive relationship
  - the Australian Government remains committed to the maintenance of peace and stability in Southeastern Europe.

### ***If raised: Will Australia open an embassy in Kosovo?***

- . Australia will soon consider diplomatic relations with Kosovo.

### ***If raised: Does the government expect any community protests in Australia?***

- . There was a demonstration by around 200 of the Serbian community outside the US Consulate in Melbourne yesterday (Monday)
  - a police car received minor damage but there were no injuries reported
  - we urge the Serbian and Albanian communities in Australia to express their views peacefully.

## **Background (not for public use)**

**Recognition by other countries:** Kosovo declared independence on Sunday 17 February. The United States, the United Kingdom and other European Union members have also indicated their recognition of Kosovo's new sovereignty. France, Germany, Italy, Ireland and Finland have either recognised or signalled their intent to recognise Kosovo soon while Spain, Cyprus, Greece, Romania, Bulgaria and Slovakia are opposed to recognition. The international media has reported several other countries have also recognised or indicated their intention to recognise.

**History:** The Serbian province of Kosovo has long been the subject of a bitter dispute between the Serbian (and previously the Yugoslav) government and Kosovo's largely ethnic Albanian population. Since 1999 Kosovo has been under the administration of the United Nations (UN) Interim Administration Mission in Kosovo (UNMIK) with security provided by the NATO-led Kosovo Force (KFOR). In 2001, local Provisional Institutions of Self-Government were established including an elected Kosovo Assembly, Presidency and office of the Prime Minister. International negotiations to determine Kosovo's status have been ongoing since 2006. [s 33\(a\)\(iii\)](#)

**EULEX mission:** The EU mission (EULEX), comprising around 1800 people, will take over Kosovo's interim administration from the United Nations Mission in Kosovo (UNMIK) to continue the work of capacity-building. The NATO-led Kosovo Force (KFOR) will maintain a strong presence to discourage violence.

**Diplomatic reaction:** [s 33\(a\)\(iii\)](#)

**Australian Recognition:** The Foreign Minister's statement of 19 February is sufficient to formally recognise Kosovo's independence. In 2006, the Foreign Minister released a statement recognising Montenegrin independence. US Secretary of State Condoleezza Rice has issued a statement on behalf of the US recognising Kosovo and UK Secretary for Foreign and Commonwealth Affairs David Miliband has spoken publicly of UK recognition of Kosovo and will make a statement in parliament on 19 February. On Monday 18 February Mr Smith took a question from Ms Vamvakinou MP about recognition of Kosovo where he indicated Australia was very favourably disposed (Hansard 18 February 2008, p28).

**Australian Policy on Recognition of States vs Governments:** Since 1988 Australia's practice has been to recognise states, not governments. This practice, known as the Estrade Doctrine, seeks to avoid judgment on the internal affairs of governments while recognising the state as a juridical entity - that is, one which satisfies the objective legal criteria of statehood and is capable of exercising rights and obligations at international level. Recognition of a state does not imply acceptance of the authorities in power as the legitimate government of the state

concerned. Whether a regime is considered to be the legitimate government of the country concerned is inferred from the nature and level of Australian official contact with the regime and any official statements made by Australian authorities.

**Diplomatic Relations:** We will consider diplomatic relations with Kosovo in the near future. It will likely be non-resident accreditation from an appropriate European mission, depending on resources and location. Due to the tension between Kosovo and Serbia, Belgrade is unlikely to be an appropriate choice.

**Community reaction:** There was a protest of around 200 members of the Serbian community outside of the US Consulate on St Kilda Road Melbourne on Monday evening 18 February. The protest lasted an hour and police reported "a couple of flares" were thrown. The rear window of a police vehicle was damaged by a bottle. The DFAT media unit has also reported lobbying by a community group associated with the former Yugoslav Republic of Macedonia to recognise that country under its constitutional name Republic of Macedonia.



THE HON STEPHEN SMITH MP

MINISTER FOR FOREIGN AFFAIRS  
PARLIAMENT HOUSE  
CANBERRA ACT 2600

H E Mr HashimThaçi  
Prime Minister  
REPUBLIC OF KOSOVO

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Your Excellency

Thank you for your letter dated 17 February 2008 requesting that Australia recognise Kosovo and establish formal diplomatic relations.

It is with pleasure that I can advise that Australia recognised Kosovo on 19 February. I extend my congratulations on the independence of Kosovo and enclose a copy of the statement I made to the Australian Parliament at the time.

I agree that we should proceed with arrangements for establishing diplomatic relations and suggest that we formally announce relations be in effect from 21 May 2008. With regard to the establishment of a diplomatic mission to Kosovo, we propose non-resident accreditation from the Australian Embassy in Vienna.

I welcome your commitment to a democratic Kosovo that will ensure the safety of minorities as well as the protection of cultural heritage sites. This will be essential to long-term stability in Kosovo. I wish you well with the challenges ahead and wish every success for Kosovo as an independent state.

Yours sincerely

Stephen Smith







Her Excellency Ms Quentin Bryce AC  
Governor-General of the Commonwealth of Australia

19 December 2008

His Excellency Dr Fatmir Sejdiu  
President of the Republic of Kosovo  
Priština

*Your Excellency.*

On the occasion of the National Day of the Republic of Kosovo, I wish to convey to you and the Government and people of Kosovo my warmest wishes, together with those of the Australian Government and people.

Australia was one of the first countries to recognise Kosovo's independence on 19 February 2008 and officially established diplomatic relations on 21 May 2008. It is with great pleasure that Australia now congratulates Kosovo on its first anniversary as an independent State.

Australia's Ambassador to the Republic of Kosovo, His Excellency Mr Peter Shannon, presented his credentials on 15 September 2008. The Ambassador's visit presented an excellent opportunity to discuss Australia's support for Kosovo, including for the development of commercial opportunities, for educational and cultural exchanges and relations between the parliaments of our two countries.

May I express my confidence that the friendly relations between our two countries will continue to prosper in the coming year.

Please accept, Your Excellency, my personal congratulations and the assurances of my highest consideration.

Yours sincerely

*Quentin Bryce*

























**Title:** Kosovo: Diplomatic Relations: Building a new government  
**MRN:** s 22(1)(a)(ii) 23/06/2008 02 47 03 PM CEDT  
**To:** Canberra  
**Cc:** RR Europe Posts, Ottawa, UN New York, Washington, Wellington  
**Ministers:** Parliamentary Sec IDA  
**From:** Vienna UN  
**From File:**  
**EDRMS**  
**Files:**  
**References:** s 22(1)(a)(ii)  
**Response** Routine, Information Only

### Summary

The Kosovo Government warmly welcomes Australia's early recognition of Kosovo's independence on 19 February. The President's office is coordinating a reply to Mr Smith's letter proposing Australian diplomatic accreditation. s 22(1)(a)(ii)

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Post visited Pristina, Kosovo on 12–13 June for discussions on establishing bilateral diplomatic relations and meetings with international institutions. s 33(a)(iii)

2 s 22(1)(a)(ii)

### New constitution

3 Post's visit preceded the entry into force of the Kosovo constitution on 15 June  
s 22(1)(a)(ii)

s 22(1)(a)(ii)

**Bilateral diplomatic relations**

6. s 33(a)(iii), s 33(b)

7. Advisers to Foreign Minister Hajredin Kuji and President Fatmir Sejdiu warmly welcomed the Australian Government's early recognition of Kosovo's independence. They asked that the Kosovo Government's thanks be passed to Canberra. s 22(1)(a)(ii)