

exercise its authority over the territory and population.

These criteria would appear to be objective. They provide grounds, for example, for failing to recognize a Biafran statehood, in the absence of a government with effective authority over the territory of Biafra. They might also provide grounds for withholding recognition from a new, independent Croatia, given the occupation of part of its territory by Serbia and the largely undefined territory and borders which it might eventually claim. On the other hand, we do not necessarily recognize countries which meet all three criteria, such as the Democratic Peoples' Republic of Korea, in view of other, over-riding political concerns.

Adoption of the Estrada doctrine alleviates some political problems associated with recognition. But the legal framework for addressing recognition issues is far from comprehensive, and is largely over-shadowed by political considerations which impinge on recognition whenever the question arises. Recognition remains important because it is associated with the concept of "state sovereignty". But it is of declining usefulness in a modern era where many actors--not merely states--occupy the international stage, and where pragmatic, functional concerns have led to relationships which are now increasingly difficult to characterize.

IV. Political judgments:

If we judge from past practice, political judgments largely inform decisions as to (a) whether to recognize a state and (b) when to announce recognition. Canadian practice since the change of recognition policy in 1988 is too brief to shed much light based on precedent. If we include the experiences of other countries, as well as political judgments based on earlier policy, the following factors are relevant in the decision-making process:

1. Viability and real independence of the new state:

The viability and the real independence of a new state are among the first issues considered in weighing recognition. The staying power of its leadership, the strategic significance of its geographical situation and its military and economic capabilities have an impact in assessing whether a state will endure. Although Israel declared its independence on May 14, 1948, Canada waited for satisfactory proofs of compliance with the essential conditions of statehood to announce de facto recognition on December 24, 1948. De jure recognition was only granted on May 16 1949. The