

the granting or withholding of recognition. Initially popular in the developing world, it has now been adopted by many countries in the developed world.

There is a distinction between **de facto recognition** and **de jure recognition** which goes beyond Latin translation. In the case of the Baltics, many countries, including Canada, acknowledged the *de facto* incorporation of the Baltic republics into the Soviet Union between 1940 and 1991, but did not accept that they were legally part of the Soviet empire (hence withholding *de jure* recognition). In 1948, when Canada recognized Israel, then in the midst of its war of independence, we withheld *de jure* recognition, presumably until its borders were more clearly established and its status as a state capable of standing on its own was demonstrated.

### III. Canadian policy:

Canada used the **express recognition** doctrine until 1973, when it shifted to a policy of **tacit recognition**. (A number of other countries shared our difficulties with express recognition, and it is no longer common practice.) In 1988, and in light of problems with tacit recognition as a practice, Canada adopted the **Estrada doctrine**, which was perceived as giving a measure of flexibility in our relations with new regimes, and avoiding the need to face difficult questions associated with recognizing governments which may have come to power through what we considered to be illegitimate means. With the practice of recognizing states, our attitude towards a regime is expressed, not through the "black or white" act of recognition, but through political declarations and the intensity of the relationship we wish to develop with a new government.

In conformity with this policy, Canada has contacts with liberation groups and so-called "governments-in-exile", but it does not "recognize" them as the sole legitimate representative of a state (nor, indeed, in any other capacity). The issue of recognition of governments in exile once arose when Canada had an express recognition policy (eg., Free Poland), but should not be an issue under the Estrada doctrine.

As to the conditions under which the Estrada doctrine would be invoked, three criteria have traditionally been advanced in international law and practice as constituting the elements essential to statehood. These are:

- a relatively well-defined territory;
- a settled population; and
- a government independent of any other state and having the capacity to