

II. Background:

The current practice of extending diplomatic recognition had its origins in the political doctrines of the European monarchies and the rise of the modern nation-state and is linked to the notion of state "sovereignty". The concept of recognition, however, has never been codified and is not covered by international convention. It had once been considered that a territorial entity only becomes sovereign, and therefore subject to the rights and duties of international law, through its recognition as such by existing sovereign states. It is now accepted that **recognition is essentially a declaration by one state that it takes official note of another state's existence.** It is therefore a political act, which has been used to encourage sympathetic regimes or factions or to discourage governments for ideological reasons.

Recognition may be inferred by two acts of government: the conclusion of a bilateral treaty, or the formal initiation of diplomatic or consular relations. (Recognition is a prerequisite for diplomatic relations, but it is entirely possible to recognize other regimes and governments without having such relations; the USA recognized the Castro government in 1959, but has not had diplomatic relations since 1961). Consular activity without a formal request for exequatur (official authorization) does not imply recognition. Neither does participating in international organizations or conferences in which unrecognized entities take part. (Canadian representatives can thus sit at the same table as entities which we do not recognize and sign treaties that emerge from multilateral conferences without implications for recognition.)

There are three accepted methods of according recognition: **express recognition of governments, tacit recognition of governments and recognition of states only.**

In the case of **express recognition**, a review of generally-accepted recognition criteria is undertaken each time an unconstitutional change of government occurs, and an explicit statement according or withholding recognition is issued subsequently. Under the **tacit recognition** method, relations are maintained on a "business as usual" basis when an unconstitutional change in government occurs, but statements on recognition can be issued in exceptional circumstances, such as when domestic political concerns justify clarification, or when there may be competing factions within another state.

The third method, also known as the "**Estrada Doctrine**", consists of only recognizing new states; when a new government comes to power, irrespective of how it emerged, the relations of that state with other states remain unchanged. The doctrine, first articulated by Mexican Foreign Minister Genaro Estrada in 1930, was intended to prevent interference in the domestic affairs of one state by another through