

2. Support for Commercial Solutions

A step from the preceding approach might entail a more active government presence, while essentially relying upon commercial entities to find solutions. Basically, a full range of government resources would be made available to Canadian companies to encourage and to assist them in resolving those difficulties arising from foreign transportation measures. For example, government's information and advisory services could be provided to companies, industry associations could be supported and strengthened, and moral suasion and representational activities could be exercised abroad as a demonstration of Canada's concern. Alternatively better relations and communication could be encouraged between Canadian concerns and foreign associations and companies that could influence their government. Finally, commercial joint ventures might be promoted so as to create a commonality of interest between Canadian and foreign commercial enterprises.

It is conceivable that the foregoing could have a positive effect upon the morale of Canadian companies, or could influence foreign governments or carriers. However, with respect to the latter, everything would be contingent upon a voluntary display of good will; nothing could be enforced or guaranteed.

3. Government-to-Government Consultation

A further step towards a more active role for government would be advocacy of consultation with foreign governments at the level of Ministers or government officials or to consider any situation raised by Canadian companies. The Canadian mechanism could take any of several forms, such as use of written or oral presentations, or employing regulatory agencies, embassies, delegations (Ministers or officials, possibly including the private sector) in meetings with foreign counterparts.

Whatever mechanism, the exchange would serve as a demonstration of interest, as a means of elaborating concerns and positions, and as a way of examining policies and practices with a view of determining a mutually satisfactory solution.

The success of such an approach is dependent upon general reasonableness and the desire amongst the parties to find that mutually satisfactory solution. Rigidities in policies or in attitudes could effectively render this approach impractical.

4. Bilateral Negotiation

Negotiations can be conducted for a variety of objectives, such as the establishment of a mixed bilateral commission mandated to review specific subjects, or the preparation of a memorandum of understanding or an exchange of letters that officially sets out points of agreement. Or negotiations could be launched towards a treaty, such as a shipping agreement or a trade or economic agreement that contains provisions governing transportation.

The content of the foregoing could range from the general to the detailed, or from establishing a system that is very open to one that may be quite closed. Duration of the negotiated instrument could range from a fairly short time frame to one that is open-ended. There could be provision for re-opening the instrument or there could be provision for a mechanism to consider any subject under dispute. Clearly there is an extremely wide range of possibilities that depend upon what the two nations involved happen to be willing to agree to. While the possibilities for accords on maritime transportation are numerous, simplistically they could vary