

possibly also information of a non-confidential nature from private sector sources. The agreement should also require the release and dissemination to the public of all reports by the Commission and its Advisory Board, and it should authorize the Commission to conduct public hearings on issues referred to it, so as to encourage additional public understanding and debate regarding them.

As will be evident, the work of such an Advisory Board would be central to the operation of the proposed Commission. The contribution that such a body could make to the overall management of the Canada-U.S. trade relationship is brought out clearly in the following account by Maxwell Cohen of the role of IJC advisory boards of this kind, in a 1981 review of the IJC:

"...at the very heart of the Commission's approach to its work has been the principle of common fact-finding by teams of experts chosen from the most competent members of the public services of both federal governments, the states, and the provinces. The mandate of these control boards...has always been to operate as a single body with the same obligation to maintain a bi-national, unitary, and impartial perspective as the Commission itself. If the Commission has any claim to having made a contribution to the operational side of the functioning of international organizations, it is this determined approach to shared fact-finding by joint Canada-United States teams. 'Commanded' to obtain the facts, and to present their evaluations to the Commission, these teams try to ensure a non-national view of the data. Only in this setting can an authentic, impartial, bi-national perception evolve at the board level as it does at the Commission level itself. Facts are freely shared, and the IJC has the authority to order the production of documents from all governments, an authority it rarely has had to exercise. Although some compromises are made at the board level in order to achieve unanimity in their...reports, this sensitivity to national interests is a safeguard against the crude side of compromise, just as the high target of impartial dispute-settlement is the positive side of the same compromise, within both boards and the Commission itself.

One further effect of this process has been the creation of a bi-national pool of hundreds of public servants who have learned to work together. Their expertise is shared in a bi-national forum, and this creates a mood and a framework that allows the IJC to rely upon this approach to bi-nationalism."¹⁹

Judge Cohen also noted that from its creation to 1981 only two reports by its boards have divided along national lines, only four of the reports by the IJC to the governments had carried dissenting opinion, and only two of these were along national lines. Also he noted that more than three-quarters of the