

recommendations by the IJC arising from its investigative and advisory function had been adopted by the governments in one form or another.<sup>20</sup>

There are of course well established precedents, both in Canada and the United States, for the creation and operation of domestic, independent bodies with mandates to investigate, report and advise governments on trade and other issues. In Canada the Tariff Board, the Canadian Import Tribunal (formerly the Anti-dumping Tribunal) and the Textile and Clothing Board are regularly requested by the federal government, under relevant legislation, to advise on sensitive issues in Canadian import policy. In the United States the International Trade Commission performs similar functions. In both countries there is also a long history of permanent bodies of this kind in other policy areas.

It is suggested that an Advisory Board of the kind proposed above would not itself be charged with a basic research function, although its operations, by their nature, would necessarily involve the generation of a good deal of data and analysis. The Advisory Board, however, might be expected to identify issues and areas where basic economic and legal research on issues of common concern is needed, and to suggest where and in what manner such work might be pursued in universities, by research institutes or elsewhere in the private sector. The Commission, with the advice of its Advisory Board, could then organize and commission any needed independent research efforts, and would need to be given the resources to have these undertaken.

If the Commission and its Advisory Board are to perform an effective and credible function of investigating and advising on bilateral issues, it seems important that they should operate as collegial bodies, and not along national lines. The Commission should not become another body for bargaining and negotiation, but rather for the tendering of impartial, objective advice on issues in the bilateral trade relationship. This basic principle of collegiality should be observed by the two governments in drafting the relevant provisions of the agreement, in making appointments to the Commission, and in conducting their business with it; for its part, the Commissioners would need to follow this principle in adopting procedures for their own work and the work of the Advisory Board, and in conducting their day-to-day business. The success of the all-important Advisory Board would depend, in large part, on the ability of its members to serve not as representatives of the departments and organizations from which they are drawn, but to pool their knowledge and talents in joint efforts to deal with problems of common concern.

### **Dispute Resolution**

The operation of an effective Canada-U.S. institution for joint fact-finding and analysis along the lines proposed above could be expected to lessen bilateral conflict over trade and related issues and foster a process for reaching common solutions to bilateral conflicts where these arise. Moreover, the GATT rules and procedures for dispute resolution would remain accessible to both countries where disputes which fall within the scope of the GATT. However, as noted above, several prominent legal and other authorities in Canada and the United States have in recent years proposed the creation of more formal bilateral arrangements for dispute resolution in trade areas as well as in other areas. The