

but not ratified. Perhaps the only way in which these difficulties may be overcome in specific cases would be to institute an annual or semi-annual conference between the federal government and representatives of the provinces in order to review past, present and proposed treaties with a view to determining the provinces' interest, if any, in Canadian ratification. Such a procedure would enable the federal government to explain the obligations entailed and what implementing steps would be necessary in order to ratify the instruments. Provinces interested in ratification would have an opportunity to explain the reasons why ratification would be desirable.

54. We must recognize that the Canadian constitution is defective in that it is the only federal constitution which fails to establish a harmony between treaty-making and treaty-implementing powers. To accept this conclusion is, however, neither to admit that nothing can be done to improve the present situation nor to admit that radical changes must be made in the Canadian constitution in respect of treaty-making powers in Canada.

55. A course lies between these alternatives -- the course of a positive and dynamic approach to federal-provincial co-operation. The establishment of a permanent conference in which federal and provincial authorities may co-operate in relation to the making and implementing of treaties in Canada would go a long way towards enabling a handicapped constitution to work in a generally satisfactory way.

56. A permanent conference (meeting twice a year) could serve as a channel by means of which

(a) the federal government could explore provincial attitudes towards ratification and implementation of general multilateral conventions;

(b) the provincial governments could

(i) raise with the federal government specific subjects on which particular provinces might wish to see an international agreement take effect; and

(ii) discuss the ways for obtaining provincial participation in the making of such a treaty;

(c) one or more provinces could urge the others to agree to implement legislation which would make it possible for Canada to ratify a particular convention in which some but not all the provinces have an interest.