

Ministers had agreed some time before, and I take it there was agreement last night, that the question of approval and implementation of a treaty, in practical terms, could only be discussed once we knew the shape of an agreement between Canada and the United States. So, that matter will not be addressed in any organized fashion before June or perhaps even September.

Senator Haidasz: Would the Leader of the Government at least tell us whether Quebec will be allowed to ratify any agreement between Canada and the U.S. on free trade before it becomes a signatory to the new Canadian Constitution?

Senator Murray: Honourable senators, I do not believe it is useful to mix the two issues. It is not at all clear, as I have said several times during the past week or ten days, that a ratification formula will be needed.

BILATERAL TRADE NEGOTIATIONS—NATURE OF RATIFICATION INSTRUMENT

Hon. Allan J. MacEachen (Leader of the Opposition): Honourable senators, does that mean that the government is not seeking a treaty with the United States on trade? Or is it seeking an executive agreement, which will not be a treaty?

Hon. Lowell Murray (Leader of the Government and Minister of State for Federal-Provincial Relations): Honourable senators, we are seeking a treaty with the United States on trade. But it is our position, as I believe it is his, that the federal government has the authority to conclude such a treaty and that the conclusion of such a treaty by the Canadian government is not subject to provincial veto.

Senator Frith: That is on the American side.

Senator MacEachen: Honourable senators, on that point of the congressional view, is it the expectation of the government that whatever results come about in the negotiations will be reflected at the October deadline in the form of a treaty between Canada and the United States?

● (1420)

Senator Murray: Honourable senators, I hesitate to enter into a detailed discussion of what may be the precise meaning of various legal terms. The fast-track procedure in the United States provides that Congress will have voted on this agreement very early in 1988. We have always spoken of what we propose as a treaty, a treaty to secure our access to that market well into the twenty-first century. If the honourable senator is making a distinction between an agreement and a treaty between the two governments, I would have to take counsel on the meaning of the various terms. We have always spoken of a treaty, and a treaty is what we are attempting to negotiate.

Senator MacEachen: Honourable senators, I find those comments reassuring, because it has been at least mentioned—I do not say by the government—that the results might be reflected in an executive agreement between Canada and the United States. I understand, with my very sparse knowledge of constitutional or international law, that an executive agreement would have a legal status different from that of a treaty.

That is why I asked the question about whether the conclusions would be reflected in what is described as an executive agreement, which in American law would lack the status of a treaty.

Senator Murray: Honourable senators, our objective is a treaty to secure our access to that market and to put our bilateral trading arrangements on a secure basis into the next century.

BILATERAL TRADE NEGOTIATIONS—ROLE OF PROVINCES—GOVERNMENT POLICY

Hon. Stanley Haidasz: Honourable senators, I have a supplementary question. In view of the fact that a majority of the provinces have asked the federal government for a role in ratifying a Canada-United States trade agreement, I would like to know what the federal government's policy is on giving the provinces such a role.

Hon. Lowell Murray (Leader of the Government and Minister of State for Federal-Provincial Relations): Honourable senators, I do not know on what basis the honourable senator says that a majority of the provinces have asked for a role in ratifying a treaty. All provinces sought and have received assurances of full participation in the process. As I explained the other day, the First Ministers meet quarterly to receive a report from our chief negotiator and to renew his mandate. The trade ministers meet quarterly, or as often as they need to, to go into more detail. The continuing committee of trade officials from the federal government and the provinces hold two-hour conference calls after negotiating sessions to discuss what is going on at the negotiating table. There has never been an international negotiation in which the provinces have been more fully consulted or involved.

The question is: Will the cooperation of the provinces be required to implement a treaty? The answer is: Yes, to the extent that it engages their jurisdiction. Do the provinces have a veto over such a treaty? Our reply to that question is in the negative.

Senator Frith: No constitutional veto. But they can have an effective veto if provincial legislation is needed for implementation.

AGRICULTURE

VIABILITY OF SECTOR—GOVERNMENT POLICY

Hon. Joyce Fairbairn: Honourable senators, I would like to return to the topic of the farm crisis in western Canada. It is a deep and threatening crisis to the farmers in western Canada, as it should be to non-farm Canadians all over the country. The Leader of the Government in the Senate talked about net farm income. We are told that the estimated loss in 1987 in Alberta for net farm income will be 27 per cent. I am not going to ask the Leader of the Government about specific programs but about something I and all farmers would like to hear this government tell us. Will this government tell Canadians and the international community that we are prepared to support the viability of our agricultural sector?