

Congress has grown increasingly assertive, and the Senate in particular is exercising its constitutional power in respect of treaty ratification in a way that is frustrating the President's foreign policy responsibilities, at least so far as Canada is concerned. Relations between the two countries are suffering as a result, even if only one of them seems to be aware of this to date.

Fishing
problems

Fish are not usually associated with the layman's idea of diplomacy, except perhaps in the form of caviar. Fish, however, have occupied a very important part in the relations — and confrontations — of Canada and the U.S.A. from colonial times to the present. Again today they are at the centre of what is for Canada our most serious bilateral issue with any country, but for the U.S.A. is simply a "regional problem" left for determination by two or three senators in accordance with their local concerns. Once more, note the difference of perspective.

I am referring of course to two inter-related treaties dealing respectively with international adjudication of the Gulf of Maine maritime boundary dispute and with co-operative fisheries management and reciprocal fishing rights off the east coast of Canada and the U.S.A. These treaties were referred to the Senate by President Carter in April 1979, with the message that they were "in the best interests of the United States". They remain unratified to this day. Meanwhile stocks are being overfished; fishermen are growing increasingly frustrated; the boundary issue festers; prospects of escalation of the dispute begin to arise; and the Canadian side must patiently await the U.S. Senate's "take-it-or-leave-it" proposals for amendments to a treaty which was concluded only after long and difficult negotiations. Clearly, this is not acceptable. Clearly, differences in approaches to foreign policy here reach a point where rational management of a crucial bilateral relationship may no longer be possible.

I do not wish to call into question U.S. constitutional requirements and realities, or the motives of the senators who are blocking these treaties, or the democratic right of their fishermen-constituents to press for such action. Canada too is a democratic, federal state, and the conclusion of the two east coast agreements required long, delicate and even painful consultations with our fishermen and provincial governments before conflicting interests could be reconciled and an internal consensus achieved which enabled us to say to the U.S. negotiators — naively perhaps — "it's a deal". We understand the internal difficulties arising in the U.S.A., but we must ask why these cannot be resolved before a treaty is solemnly concluded. We must wonder too about the wisdom of Congress in institutionalizing these difficulties and weakening the executive in the field of international fisheries relations through legislation giving substantial powers over foreign interests to regional fisheries management councils. To see the matter in the round, one has only to imagine what the U.S. reaction would be if it were Canada which could not deliver in respect of the east coast agreements.

Treaty-making
procedures

I recognize, of course, that the U.S. constitutional procedures for treaty ratification are indeed more complex and unwieldy than Canada's. In Canada, parliamentary approval is sought only for some of the very most important treaties, and treaty negotiation and ratification is a matter of executive authority as an element of the Royal Prerogative. It is important to remember, however, that in Canada, unlike the