

compelled to oppose the agreement if these changes cannot be obtained.

THE MEXICAN PROCESS

It is in Mexico where the NAFTA pact should witness the smoothest passage to ratification. Under Mexican treaty law, once the president has agreed to a proposed treaty, it will be transmitted to the Mexican Senate for approval. This will probably occur in the fall session of the Senate. Within this House, ratifica-

tion requires a two-thirds vote of approval and since President Salinas' Institutional Revolutionary Party holds 61 of the 64 Senate seats, acceptance of the agreement is a foregone conclusion.

NAFTA GOES TO WASHINGTON

Given all of the above, the North American free trade agreement will probably have received legislative ratification in Canada and Mexico by late spring 1993. If the deal is

going to encounter ratification problems they will most likely occur in Washington.

Whereas the ratification of the FTA became caught up in Canadian electoral politics in 1988, this time around it is the American elections which raise the biggest question marks.

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THE NEW CONSTITUTIONAL DEAL AT A GLANCE

by David Johnson

PARLIAMENTARY REFORM

- The Senate will be elected with six members for each province and one each representing the territories.
- The Upper House will have an absolute veto power, by simple majority vote, over natural resource taxation legislation.
- Laws materially affecting language and culture will have to receive the support of a double majority in the Senate, including the support of a majority of all Francophone members.
- In other cases a Senate defeat of legislation approved by the Commons will trigger a joint session of the two houses in which legislation will be sustained by a simple majority vote of the whole Parliament.
- The method of selecting senators will be left to the discretion of provincial governments. Quebec has indicated that the National Assembly will appoint the Senators for Quebec.
- A total of 42 seats will be added to the House of Commons, with Ontario and Quebec being granted 18 each, British Columbia 4 and Alberta 2, bringing

TABLE 1 EXISTING HOUSE OF COMMONS COMPARED TO HOUSE OF COMMONS WITH FULL REPRESENTATION BY POPULATION

Province	Population (Percent)	Current Seats	Seats Distributed on Full Rep. by Pop. Basis	Deviation from Rep. by Pop. in Current House
Ontario	10,084,885 (36.9)	99	109	-10
Quebec	6,895,963 (25.3)	75	75	0
Nova Scotia	899,942 (3.3)	11	10	+1
NB	723,900 (2.7)	10	8	+2
Manitoba	1,091,942 (4.0)	14	12	+2
BC	3,282,061 (12.0)	32	35	-3
PEI	129,765 (0.5)	4	1	+3
Sask.	988,928 (3.6)	14	11	+3
Alberta	2,545,553 (9.3)	26	27	-1
NFLD	568,474 (2.1)	7	6	+1
NWT	57,649 (0.2)	2	1	+1
Yukon	27,797 (0.1)	1	0	+1
Total	27,296,859 (100.0)	295	295	

total Commons representation to 337.

- Quebec will receive a constitutionally guaranteed 25 percent share of Commons representation in perpetuity.

ABORIGINAL SELF-GOVERNMENT

- The inherent right of aboriginal self-government is constitutionally recognized.
- All governments committed to negotiating the precise powers, jurisdiction and resources of aboriginal governments.

- There will be a five-year delay on the legal enforceability of self-government claims before the courts.
- No new land rights are created though the recognition of the inherent right; all legislation authorized by aboriginal governments must conform to laws that are essential to the preservation of peace, order and good government within Canada.
- Aboriginal governments possess the power to pass laws in order to safeguard and develop their

languages, cultures, economies, identities, and traditions.

- All aboriginal governments are subject to the Charter but these governments are entitled to make use of the notwithstanding clause.

THE DIVISION OF POWERS

- The deal largely replicates the July 7 Accord.
- Provincial governments may opt out of future shared-cost programs, with full fiscal compensation, provided they develop compatible programs meeting national objectives.
- A transfer of jurisdiction over labour-market training and culture to the provinces with the proviso that federal authority will be maintained over major cultural institutions and unemployment insurance.
- The federal government consents to relinquish authority, on provincial request, over: forestry, mining, tourism, recreation, housing, and municipal and urban affairs.
- Federal and provincial regulations respecting telecommunications are to be streamlined; both orders of government may develop co-arrangements respecting immigration and regional development policy.

TABLE 2 PROPOSED HOUSE OF COMMONS AND EXTENT OF DEVIATION FROM REPRESENTATION BY POPULATION

Province	Proposed Seats	Seats Distributed on Full Rep. by Pop. Basis	Deviation from Rep. by Pop. in Proposed Commons
Ontario	117	124	-8
Quebec	93	85	+8
Nova Scotia	11	11	0
New Brunswick	10	9	+1
Manitoba	14	13	+1
BC	36	40	-4
PEI	4	2	+2
Saskatchewan	14	12	+2
Alberta	28	32	-4
NFLD	7	7	0
NWT	2	1	+1
Yukon	1	1	0
Total	337	337	

TABLE 3 PROPOSED PARLIAMENT (HOUSE PLUS SENATE) AND EXTENT OF DEVIATION FROM REPRESENTATION BY POPULATION

Province	Proposed Seats	Seats Distributed on Full Rep. by Pop. Basis	Deviation from Rep. by Pop.
Ontario	123	147	-24
Quebec	99	101	-2
Nova Scotia	17	13	+4
New Brunswick	16	11	+5
Manitoba	20	16	+4
BC	42	48	-6
PEI	10	2	+8
Saskatchewan	20	14	+6
Alberta	34	37	-3
NFLD	13	8	+5
NWT	3	1	+2
Yukon	2	1	+1
Total	399	399	

THE MEECH LAKE PROVISIONS

- The pact enshrines most of the conditions of the Meech Lake Accord.
- Quebec is recognized as a distinct society.
- All provinces are given a veto power with regard to future constitutional reforms to federal institutions.
- The federal government is mandated to select Supreme Court justices from lists provided by the provinces.

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