

reporting bodies themselves. If provinces remain uncooperative, it would then be appropriate to solicit the assistance of credible, local non-governmental human rights organizations.

The Social Union framework agreement, discussed next, commits governments to monitoring and measuring “outcomes” of their social programs, sharing that information with the public, and using third parties, “where appropriate, to assist in assessing progress on social priorities.” This commitment, together with its monitoring mechanism and consultative orientation, provides an opportunity to discuss with the provinces a wider audit of programs so far as they impact on international human rights commitments.

One of the problems with the Social Union agreement, according to Barbara Cameron, is the inadequate reporting mechanism to Parliament and to the legislatures. One gets the impression, she writes, that the framers of the agreement “hoped to depoliticize the fundamentally political conflicts surrounding social programmes by recasting them as technical or administrative issues” (Cameron 1999). The intention of the auditing mechanism proposed here, in contrast, is to politicize government’s human rights records. Information collected under the auspices of the audit would form part of a permanent record, tabled in each provincial legislature and Parliament. In this way, these reports become part of the public record, and those governments that have failed to live up to international human rights commitments may be censured in the public sphere. Reports of non-compliance also could help generate a record for a human rights complaint or Charter challenge. To further that effort, a fund, along the lines of the Charter Challenges Programme, could be instituted (also a recommendation of the U.N. Committee on Economic, Social and Cultural Rights, para. 59).

The Social Union

The Social Union framework agreement proposes an intergovernmental vehicle for the promotion of the Canadian social union. The agreement was signed by the Prime Minister of Canada and nine Premiers, excluding the Premier of Quebec, in February 1999. At the same time as they hammered out the framework agreement, all of the Premiers accepted \$6 billion in federal funding over three years for spending in the areas of health and education. Either the Social Union agreement is an act of high-minded statesmanship, with implications for future federal-provincial cooperation, or simply is an instance of crass provincial self-interest dictating consensus around a number of hollow commitments.

In the framework agreement, the Premiers (outside of Quebec) acknowledge the validity of the federal spending power -- the power to spend money in areas of provincial jurisdiction. The federal government commits to consult with the provinces in the development of any new Canada-wide spending initiatives and undertakes not to introduce new programs without the agreement of a majority of the provinces. Provinces accepting these new federal transfers will satisfy agreed upon Canada-wide objective and accountability mechanisms. The federal government also agrees to consult with the provinces whenever it wishes to direct spending to individuals or organizations, rather than provide services through provincial agencies.

The operative mechanisms of this framework agreement have yet to be made public. There is provision made for “full review of the Agreement and its implementation” in February 2002. The Agreement states that this review “will ensure significant opportunities for input and feed-back