

Fighting Back

It remains the case, however, that the national state is the focal point to mobilize resistance to the forces of globalization. Indeed, it is often state actors themselves who commit to the binding rules and institutions that make up globalization. The negotiations leading to the completion of Multilateral Agreement on Investment (MAI) (investment rules like those found in NAFTA) that began in 1995 eventually were scuttled by the withdrawal of France from the bargaining table in late 1998. It is through the agency of the state, then, that opposition to the excesses, if not some of the underlying ideological assumptions, of globalization can be expressed.

In a federal state, which level of government is best situated to perform this countervailing or checking function? The federal government represents Canada on the global stage, and so it is the national government that is best situated to perform this function. Provinces increasingly are consulted regarding the substance of international negotiations, are called upon to implement commitments made in international agreements, and are insisting upon an enhanced and independent role in international forums. There also clearly is a role for provincial governments to play in helping to reshape globalization discourse in more positive directions.

Some Options

This concluding section -- necessarily brief -- explores some of the options available to respond to the challenges posed by federalism and globalization. The focus is particularly on the role of Parliament in securing human rights commitments made internationally. They appear in no particular order.

Human Rights Audit

In order to ensure adhesion to international human rights commitments it would be appropriate for Parliament to ensure that all governments in Canada honour the commitments made in international human rights instruments. The federal government has jurisdiction over Aboriginal issues and has a financial stake in numerous programming areas that honour these commitments. The federal government also reports periodically to international bodies regarding Canada's performance. Particularly in the absence of provincial representation before these panels (in the case of the Committee on Economic, Social and Cultural Rights, no provinces other than Quebec made submissions) an enhanced federal role would be appropriate. This auditing function would be more credible, however, if it were performed by an independent arms-length reporter, like the Canadian Human Rights Commission. This appears to be analogous to the proposal made by Martha Jackman and Bruce Porter to establish a special social rights sub-committee in the Commission "with responsibility for promoting compliance with social and economic rights" (Jackman and Porter 1999, 83). All of this is consistent with the recommendation made in the U.N. Human Rights Committee's concluding observations concerning Canada: that "consideration be given to the establishment of a public body responsible for overseeing the implementation of the Covenant and for reporting on any deficiencies" (par. 10).

It remains a delicate matter to have an auditor, even independent of the federal government, reporting on provincial performance. It may be preferable to coordinate this auditing function with provincial human rights agencies that may wish to report on compliance or establish similar