

It is probably correct to claim that globalization "presents new opportunities as well as unparalleled risks" (Bohman and Lutz-Buchmann 1997, 8). The heightened authority of multilateral institutions to intervene within national states to protect human rights is not, for instance, an entirely bad thing (though it certainly can lead to bad results). The formation of a transnational "civil society" comprising non-governmental groups working for human rights, the environment, or women's rights, place further pressures on states to conform to human rights norms. The mobilization of an international indigenous rights movement has enlarged the political space for indigenous peoples to fight for decolonization, and these are claims that otherwise have been marginalized settler societies (see Martinez 1999). But it also is the case that globalization, particularly in its economic guise, has generated significant constraints on the ability of national states to promote and protect human rights. This is clearly so as regards those rights to basic social assistance, like food, clothing and shelter, that require the pooling and sharing of risks -- the redistribution of wealth -- through the welfare state.

### NAFTA

In North America, globalization often is associated with the disciplines imposed by the North American Free Trade Agreement. NAFTA concerns the free movement of goods, persons, services, and investments across the borders of Canada, the United States, and Mexico. NAFTA institutionalizes free trade and privileges economic over political life. It is not just about the free movement of goods; it also is about disabling state capacity to regulate economic activity. Numerous techniques of state regulation are prohibited (performance requirements and technology transfers, for instance) and state measures that impose burdensome limitations on foreign investment are caught by NAFTA's expropriations clause. We have seen this clause invoked repeatedly by American transnational corporations. It has been used to attack public auto insurance in Ontario, mandatory plain packaging of cigarettes across Canada, nullification of contracts to privatize Terminal 2 at Toronto's Pearson airport, prohibitions on the import or export of the toxic gasoline additive MMT, temporary stoppage in the export of hazardous waste to the United States, and the curtailing of water exports from British Columbia. In a number of these instances, large American corporations have threatened to sue for hundreds of millions of dollars in compensation for the impairment of their investment interest protected by NAFTA. Whatever may be the economic benefits, Canada's short experience under NAFTA reveals how political life is sacrificed at the altar of competitiveness and "economic well being."

There are provisions in NAFTA concerning labour and the environment, but these clauses are not enforceable as are the investment protection provisions of NAFTA. There is, in other words, no equivalency between the economic rights of foreign investors and the social rights of ordinary citizens to a clean and safe environment and to healthy and safe working conditions. Nor are meaningful social protections available in the World Trade Organization, rather, that body functions to protect and promote the rights of states as economic actors.

As a consequence, schemes that helped to generate pan-Canadian social solidarity are under threat by economic globalization. Seemingly lacking in the capacity to regulate or tax economic actors residing within the geographic boundaries of the state -- firms simply flee any jurisdiction, it is feared, where rogue governments attempt to extract rents -- political actors have far less capacity to deliver those social programs that helped to forge Canadian national identities (Graves, Dugas, and Beauchamp 1999).