

Under the division of powers, authority over international treaty making resides with the federal government. Though the proposition has been contested by some of the provinces, the federal executive appears to have exclusive authority to enter into international treaties, and thereby has the exclusive responsibility to commit Canada to international obligations. The treaty making power does not confer on the federal government the power to implement these obligations, however. Implementation requires the participation of the level of government authorized to make laws regarding the subject matter of the treaty (*Labour Conventions*).

Generally speaking, many of the international obligations concerning human rights will fall under the authority of both levels of government. Consequently, the participation of the provinces is essential to their performance. Indeed, the provinces have played an active role in the international arena in the modern era. Provincial governments actively cultivate economic, political, and cultural ties internationally - they really are "international actors" (Feldman and Feldman 1990, 176). Provinces also have been consulted by the federal government in the course of international trade negotiations (Brown 1993) and have participated with the federal government in the promotion of trade and economic development (through Team Canada missions). The Governments of Quebec and New Brunswick are participants in La Francophonie and Quebec has announced it will begin pressing for an even greater role on the international stage. In its March 1999 declaration, the Government of Quebec announced that it would seek an independent presence and voice in all international forums dealing with "education, language, culture and identity."

Legislating Compliance

An interesting question concerns the ability of the federal government unilaterally to force provinces to comply with international trade and investment agreements -- commitments made, for instance, in the North American Free Trade Agreement (NAFTA) and the Uruguay round General Agreement on Tariffs and Trade (WTO). The concern is that, in so far as these commitments affect provincial jurisdiction, a provincial government may refuse to comply with either the terms of the treaty or the decision of a dispute panel, giving rise to retaliatory measures that will harm Canadian economic performance abroad. In such a situation, it has been argued, Canadian authority under the division of powers - under the "trade and commerce" power and under the general authority to make laws for the "peace, order, and good government of Canada" ('pogg') -- would entitle the federal government to enact laws to enforce provincial compliance (Howse 1994). For the most part, this argument has been confined to trade matters. I discuss below what relevance it may have in so far as it concerns compliance with international human rights commitments.

Charter of Rights and Freedoms

If Canada's constitutional regime largely sidelined human rights considerations, things changed drastically in 1982. The Charter gives voice to the post World War II consensus around human rights, as expressed initially in the Universal Declaration of Human Rights (Weinrib 1999). The Charter binds both levels of government equally; they are prohibited from infringing certain human rights and fundamental freedoms unless those limitations are reasonable and demonstrably justifiable in a free and democratic society. To some extent, then, the problem of adherence to international human rights norms by national and sub-national governments in