

from Canadians and all interested parties, including social policy experts, private sector and voluntary organizations.”

The fact of its completion together with popular discourse around "reinvestment," suggests that the Social Union may yet prove to be an important vehicle through which to implement international human rights commitments. The Committee on Economic, Social and Cultural Rights called on the federal government to reestablish national standards with respect to social assistance and adequate levels of support for child care, housing, and other redistributive measures. The Committee also admonished Canada for failing to alleviate the "gross disparity between Aboriginal peoples and the majority of the Canadian public with respect to the enjoyment of Covenant rights." The Social Union could be the vehicle for enhanced cooperation between governments to address social conditions for Aboriginal peoples living off-reserve. Were the federal government to have the political and fiscal will, all of this could be done, outside the province of Quebec, through the Social Union framework agreement.

Federal Legislation

As mentioned above, there is a lively academic discussion about the ability of the federal government to force provincial compliance with international trade obligations. If the federal government has the constitutional capacity to enforce the terms of the economic union, why not also the social union? We should be wary of drawing equivalencies between the economic and the social realms, but there is merit to the argument. Fewer federal powers would be available in which to ground federal authority, though it could be a matter of concern for the country as a whole that it falls under the federal authority to make laws for the peace order and good government of Canada (pogg). Certainly, the federal government could exercise the jurisdiction it already possesses to address housing and poverty in Aboriginal communities.

A unilateral federal initiative around human rights would force provincial governments to declare their interests in the project. But a strategy of unilateralism also could backfire. My own work in the area suggests that, given the significant levels of distrust that exist across Canada's political communities, it is preferable to have these communities themselves involved in defining and reconstructing Canada's national human rights regime (Schneiderman 1998a).

International Agreements

During the debate around the MAI, there were calls to add labour and environment clauses to the agreement. The intention was to buffer the effects of undisciplined global capital on the local lives of citizens. The strategy appears to accept as inevitable the kinds of constraints on state action that are imposed by rules to protect and promote foreign investment.

The preferable option may be to insist that the Government of Canada not enter into these agreements without first consulting with important stakeholders and NGOs with knowledge and expertise in the area. It also would be preferable to have the Government of Canada negotiate international agreements that control or place restraints on global capital. The Government of Canada is beginning such an initiative in regard to cultural measures. Similar initiatives could be undertaken in regards to a wider number of important human rights issues.

Charter Litigation