

# Volume 14.1 (2009)

## Articles

### [The 19th Annual McDonald Constitutional Lecture: The Future of International Criminal Justice](#)

*Justice Richard Goldstone*

#### *Abstract*

In this article, I aim to comment on the future of international criminal justice through an examination of the development of international and universal jurisdiction over, and individual liability for, atrocity crimes. I will discuss the history of the development of international criminal law, and the establishment, jurisdiction, and contributions of the International Criminal Tribunals for Rwanda and the Former Yugoslavia, and the International Criminal Court (ICC). In regard to the ICC, I will highlight issues which the court is facing, and which are ongoing in the context of international criminal justice. In particular, I will highlight: jurisdiction, complementarity and cooperation, due procedure and confidential information, and the role of victims. Finally, I will make some brief comments on the importance of the active assistance of the United States (U.S.) and other states for ensuring the aims of the ICC and international criminal justice are achieved.

### [Dismembering Canada? Stephen Harper and the Foreign Relations of Canadian Provinces](#)

*Christopher Kukucha*

#### *Abstract*

Stephen Harper's minority Conservative government has allegedly pursued a decentralized vision of Canadian federalism. This vision includes pledges to limit the federal spending power and the declaration of Québec as a "nation." Controversially, this commitment has also extended to the foreign relations of Canadian provinces. Québec recently negotiated a bilateral labour mobility agreement with France and was also granted formal standing in Canada's delegation at the United Nations Educational, Scientific and Cultural Organization (UNESCO). Ottawa has also promised to support an autonomous subfederal role in trade promotion and the negotiation of international economic agreements. This study will argue, however, that Canadian provinces have exercised partial and significant autonomy in terms of foreign offices, trade policy, cross-border functional relations, development assistance, and the environment, long before the arrival of Harper and the Conservatives. In fact, this policy capacity is due to long-term trends related to the intrusiveness of international trade agreements, federalism's response to these pressures, and the ongoing decentralization of federal-provincial relations in Canada.

### [Representing People and Not Interests: A Rawlsian Conceptualization of the Right to Vote](#)

*Brian M. Studniberg*

## *Abstract*

The author advances a Rawlsian rationale for mandating voter equality — that is, “one person, one vote” — as a basic matter of constitutional law in support of a principled and practical interpretation of section 3 of the Canadian Charter of Rights and Freedoms. The author examines prospective bases for the right to vote, chiefly focusing on two interpretive approaches — presumptive and relative equality. Although John Rawls made it clear in his seminal *A Theory of Justice* that he favoured voter equality as the basis for political participation in a democracy, a complete account of his reasoning and arguments for this position has seemingly only been possible with the benefit of the consideration of his later works in political philosophy. The author first identifies why the need for a reinterpretation of section 3’s right to vote poses a pressing problem for Canada’s constitutional democracy and then explains the two leading accounts of presumptive and relative equality as a matter of first principles. With this essential background in place, the author proceeds to consider three broad parts of a Rawlsian rationale for voter equality. The author concludes that mandating voter equality in a democracy allows for the most stable, cohesive, and robust platform permitting individual citizens to pursue their own conceptions of the good while still allowing for the constitutional protection of the fundamental interests of minorities.

## **Book Review**

Book Review of Noah Feldman

[Back to the Future : The Paradoxical Revival of Aspirations for an Islamic State: \*The Fall and Rise of the Islamic State\*](#)

*Mohammed Fadel*