

1-2018

51(1) Front Matter

Follow this and additional works at: <https://commons.allard.ubc.ca/ubclawreview>

Recommended Citation

(2018) "51(1) Front Matter," *UBC Law Review*. Vol. 51: Iss. 1, Article 1.

Available at: <https://commons.allard.ubc.ca/ubclawreview/vol51/iss1/1>

This Front Matter is brought to you for free and open access by the Journal and Peer-Reviewed Series at Allard Research Commons. It has been accepted for inclusion in UBC Law Review by an authorized editor of Allard Research Commons. For more information, please contact petrovic@allard.ubc.ca, elim.wong@ubc.ca.

UBC LAW REVIEW

Volume 51 · Number 1 · January 2018

Published by the UBC Law Review Society

University of British Columbia, Vancouver, Canada

Website: www.ubclawreview.ca

Email: lawrev@interchange.ubc.ca

© 2018 UBC Law Review Society; all rights reserved. Permission to reprint excerpts from any issue of the *UBC Law Review* must be obtained in advance from the UBC Law Review Society.

The *UBC Law Review* is a peer-reviewed journal published by JD students in the Peter A. Allard School of Law at the University of British Columbia. The opinions expressed herein are those of the individual authors and are not necessarily representative of the views of the Editors, the Faculty of Law, or the University. The *UBC Law Review* is in the *Index to Canadian Legal Literature*, as of Volume 19 (1985) (cited as UBC L Rev). Printed in Canada by West Coast Reproduction Centres Ltd, Vancouver, BC.

SUBSCRIPTIONS: Three issues comprise a volume of the *UBC Law Review*. Periodic special issues are received by subscribers at no extra cost. The annual subscription price is \$50 in Canada and \$55 elsewhere. These prices are subject to taxes and may change without notice. PLEASE NOTE: Subscriptions are automatically renewed annually. Advance notice of cancellation is required.

PROFESSIONAL NOTICES AND ADVERTISING: Notices of any size may be placed in the *UBC Law Review*. Please address all inquiries to the UBC Law Review Executive Business Manager at lawrev@interchange.ubc.ca.

PATRONS: Donations are important in defraying publication costs and are greatly appreciated. Patrons' contributions also support the annual scholarship offered in their name, and entitle the donor to a complimentary subscription to the *UBC Law Review*.

TABLE OF STATUTORY LIMITATIONS: The UBC Law Review Society also publishes the annual *Table of Statutory Limitations* ("*TSL*") for British Columbia. This looseleaf publication contains the verbatim limitation provisions of all statutes for the commencement of actions and appeals, applications for judicial review, and numerous other notices required by statute. The 41st edition of the *TSL* (updated to 1 January 2017) is available at a cost of \$70. Updates are automatically sent to existing subscribers. Prices are subject to applicable taxes and may change without notice.

COMMUNICATIONS: Please forward correspondence to the Editors-in-Chief, UBC Law Review Society, 1822 East Mall, Vancouver, BC, V6T 1Y1. Email: lawrev@interchange.ubc.ca.

SUBMISSIONS: Articles should not exceed 20,000 words, case comments should not exceed 10,000 words, and book reviews should not exceed 2,000 words. Suggested word counts are inclusive of footnotes. Manuscripts must be submitted electronically in Microsoft Word format and must include an abstract of no more than 250 words. Text and citations must conform to the *Canadian Guide to Uniform Legal Citation*, 8th ed, and the *Chicago Manual of Style*, 17th ed. The Editors reserve the right to make such editorial changes in manuscripts as are necessary to ensure correctness of grammar, clarification of obscurities, and conformity to style and the Canadian spelling of words. Please note that the *UBC Law Review* does not accept simultaneous submissions.

BACK ISSUES: Copies of back issues may be obtained from: William S Hein & Co Inc, 1285 Main Street, Buffalo, NY 14029. Back issues are also available electronically on www.heinonline.org and on LexisNexis Quicklaw. The five most recent issues may also be obtained directly from the Law Review office.

ISSN 0068-1849

UBC LAW REVIEW

Volume 51 · Number 1 · January 2018

BOARD OF DIRECTORS 2017–18

- EDITORS-IN-CHIEF: Kai Ying Chieh, Catherine Wang
EXECUTIVE EDITOR: Sarah Hannigan
EXECUTIVE BUSINESS MANAGER: Dan Fogarty
ASSOCIATE EDITORS: Cristina Borbely, Alexander Bres,
Chris Fukushima, Pujan Modi,
Hannah Rawling, Julia Riddle
ASSOCIATE BUSINESS MANAGER: Sherry Yu
SUBMISSIONS MANAGER: Alison Colpitts
PATRONS & SPECIAL PROJECTS: Eugenia Adamovitch
SUMMER EDITORS: Pujan Modi, Hannah Rawling
SUMMER BUSINESS MANAGER: Sherry Yu

MEMBERS 2017–18

- ASSISTANT EDITORS: Melanie Alcorn, Dylan Braam,
Lauren Chancellor, Francis
Chang, Victoria Chen, Kyla
Cooper, Lisa Crossley, Chelsea
Gardner, Courtney Gibbons,
Katrin Iacono, Julianna Ivanyi,
MaryGrace Johnstone, Paul Jon,
Shawn Kanda, Lucie Krajča,
Emily LeDue, Joey Levesque,
Shirley Li, James Long, Heather
Mallabone, Luke Morassut,
Patricia Neijens, Michael
Ochotta, Mark Robinson,
Hannah Roche, Nicholas Russell,
Saheli Sodhi, Celine Wlasichuk,
Kyleen Wong, Lily Zhang,
Katherine Zhou

FACULTY ADVISORS 2017–18

Associate Professor & Associate Dean Natasha Affolder

Professor Elizabeth Edinger

Professor Benjamin Goold

Professor & Associate Dean Bruce MacDougall

Instruction Librarian George Tsiakos

PATRONS

The *UBC Law Review* wishes to extend its sincere thanks to the following patrons for their generous support:

Farris, Vaughan, Wills & Murphy LLP

Gall Legge Grant & Zwack LLP

Hunter Litigation Chambers

Norton Rose Fulbright Canada LLP

Sangra Moller LLP

Slater Vecchio LLP

CONTENTS

VOLUME 51, NUMBER 1, 2018

ARTICLES

- Constituting Bodies into the Future: Toward a Relational Theory of Intergenerational Justice
Jessica Eisen, Roxanne Mykitiuk & Dayna Nadine Scott 1
- The “Individualistic” Approach to Arbitrariness, Overbreadth, and Gross Disproportionality
Colton Fehr 55
- Agreeing to Share: Treaty 3, History & the Courts
Kate Gunn 75
- Spaces for Sharing: Searching for Indigenous Law on the Canadian Legal Landscape
Alan Hanna 105
- A Crisis of Conscience: Miscarriages of Justice and Indigenous Defendants in Canada
Malini Vijaykumar 161
- Paradigm Shift: Towards a New Model for Refugee Status Determination in Canada
Pia Zambelli 229