

Ethics & International Affairs

VOLUME 36 • NUMBER 2 • SUMMER 2022

ROUNDTABLE:

Vulnerable Communities, Future Generations, and Political Representation in Climate Policy and Practice

*Morten Fibieger Byskov, Simon Caney,
Stephen M. Gardiner, Marco Grix, Colin Hickey,
Keith Hyams, and Krushil Watene*

ESSAY

The Terra Nullius of Intellectual Property

Eva Hilberg

FEATURE

Getting Real about Taxes: Offshore Tax Sheltering and Realism's Ethic of Responsibility

Gordon Arlen and Carlo Burrelli

REVIEW ESSAY

Holding International Organizations Accountable: Toward a Right to Justification in Global Governance?

Theresa Reinold

REVIEWS

The Meaning of Terrorism

C. A. J. Coady

REVIEW BY MARK RIGSTAD

Sharing Responsibility: The History and Future of Protection from Atrocities

Luke Glanville

REVIEW BY MELISSA LABONTE

Ethics & International Affairs

VOLUME 36 · NUMBER 2 · SUMMER 2022

CARNEGIE
COUNCIL *for Ethics in
International Affairs*

Ethics & International Affairs

THE JOURNAL OF THE CARNEGIE COUNCIL

EDITOR IN CHIEF *Joel H. Rosenthal*
EDITOR *Adam Read-Brown*
ASSOCIATE EDITOR *Priya Chokshi*
EDITORIAL FELLOW *Drew Thompson*
GUEST EDITORS *Morten Fibieger Byskov and Keith Hyams*
EDITORIAL INTERN *Keya Bartolomeo*
COPY EDITOR *Jana Weinstein*

EDITORIAL ADVISORY BOARD

<i>Christian Barry</i>	<i>Joy Gordon</i>	<i>David Rodin</i>
<i>Alex J. Bellamy</i>	<i>Nikolas Gvosdev</i>	<i>Jennifer Rubenstein</i>
<i>Daniel Brunstetter</i>	<i>Ian Hurd</i>	<i>Henry Shue</i>
<i>Allen Buchanan</i>	<i>Anthony F. Lang, Jr.</i>	<i>Anna Stilz</i>
<i>Deen K. Chatterjee</i>	<i>David Luban</i>	<i>Jennifer Welsh</i>
<i>Robyn Eckersley</i>	<i>Darrel Moellendorf</i>	<i>Leif Wenar</i>
<i>Toni Erskine</i>	<i>Valerie Morkevičius</i>	

Carnegie Council for Ethics in International Affairs

The Carnegie Council for Ethics in International Affairs is an independent, nonpartisan, non-sectarian, tax-exempt organization founded in 1914 by Andrew Carnegie. Since its beginnings, the Carnegie Council has asserted its strong belief that ethics, as informed by the world's principal moral and religious traditions, is an inevitable and integral component of all policy decisions, whether in the realm of economics, politics, or national security. The interrelationship of ethics and foreign policy is thus the unifying theme of all Carnegie Council programs. By promoting a greater understanding of the values and conditions that ensure peaceful relations among nations, the Carnegie Council hopes to contribute to a better life for people everywhere.

BOARD OF TRUSTEES

<i>Maxmillian Angerholzer III</i>	<i>Stephen D. Hibbard,</i>	<i>Joel H. Rosenthal,</i>
<i>Kathleen Cheek-Milby</i>	<i>Chairman</i>	<i>President</i>
<i>Aine Donovan</i>	<i>Haris Hromic, Treasurer</i>	<i>Ronnie Saha</i>
<i>Richard A. Edlin</i>	<i>Kristen Edgreen Kaufman</i>	<i>Robert G. Shaw,</i>
<i>Anthony L. Faillace,</i>	<i>Susan King</i>	<i>Secretary</i>
<i>Vice Chairman</i>	<i>Robert Perlman</i>	
<i>Jonathan Gage</i>	<i>Alexander H. Platt</i>	

Contents

Contributors 123

ESSAY **The Terra Nullius of Intellectual Property**
Eva Hilberg 125

ROUNDTABLE: VULNERABLE COMMUNITIES, FUTURE GENERATIONS, AND POLITICAL REPRESENTATION IN CLIMATE POLICY AND PRACTICE **Introduction: Representing Vulnerable Communities and Future Generations in the Face of Climate Change**
Morten Fibieger Byskov and Keith Hyams 135

Global Climate Governance, Short-Termism, and the Vulnerability of Future Generations
Simon Caney 137

On the Scope of Institutions for Future Generations: Defending an Expansive Global Constitutional Convention That Protects against Squandering Generations
Stephen M. Gardiner 157

Climate Justice and Informal Representation
Colin Hickey 179

Who Should Represent Future Generations in Climate Planning?
Morten Fibieger Byskov and Keith Hyams 199

Communities and Climate Change: Why Practices and Practitioners Matter
Marco Grix and Krushil Watene 215

FEATURE **Getting Real about Taxes: Offshore Tax Sheltering and Realism's Ethic of Responsibility**
Gordon Arlen and Carlo Burelli 231

REVIEW ESSAY **Holding International Organizations Accountable: Toward a Right to Justification in Global Governance?**
Theresa Reinold 259

REVIEWS ***The Meaning of Terrorism***
C. A. J. Coady
REVIEW BY MARK RIGSTAD 273

Sharing Responsibility: The History and Future of Protection from Atrocities
Luke Glanville
REVIEW BY MELISSA LABONTE 275

SUBMISSIONS **Guidelines for Submission** 279

RESOURCES For additional Carnegie Council resources on the topics addressed in these pages, please visit www.eiajournal.org.

ETHICS & INTERNATIONAL AFFAIRS (ISSN 0892-6794 print; ISSN 1747-7093 online).

Publisher

Ethics & International Affairs is published quarterly by Cambridge University Press, One Liberty Plaza, 20th floor, New York, NY 10006.

Information for subscribers

Ethics & International Affairs is published four times per year, in March, June, September, and December, by Cambridge University Press, One Liberty Plaza, 20th floor, New York, NY 10006. Periodicals postage rate paid at New York, NY, and at additional mailing offices. POSTMASTER: Send address changes in the USA, Canada, and Mexico to: *Ethics & International Affairs*, Cambridge University Press, Journals Fulfillment Department, One Liberty Plaza, 20th floor, New York, NY 10006. Send address changes elsewhere to *Ethics & International Affairs*, Cambridge University Press, Journals Fulfillment Department, UPH, Shaftesbury Road, Cambridge CB2 8BS, England. Subscription prices for 2022 are: Institutions print and online: US\$690 in the USA, Canada, and Mexico; UK£425 + VAT elsewhere. Institutions electronic only: US\$599 in the USA, Canada, and Mexico; UK£365 + VAT elsewhere. Individuals print only: US\$51 in the USA, Canada, and Mexico; UK£34 + VAT elsewhere. Individuals electronic only: US\$38 in the USA, Canada, and Mexico; UK£26 + VAT elsewhere. The price includes online access to the current and all online back files to January 1st 1997, where available.

Delivery Terms and Legal Title

Prices include delivery of print journals to the recipient's address. Delivery terms are Delivered Duty Unpaid (DDU); the recipient is responsible for paying any import duty or taxes. Legal title passes to the customer on despatch by our distributors.

Production Editor: Katrina Swartz (email: kswartz@cambridge.org).

Electronic Access Access to this journal is available free online within institutions in the developing world through the AGORA initiative with the FAO, the HINARI initiative with the WHO and the OARE initiative with UNEP. For information, visit www.aginternetwork.org, www.healthinternetwork.org, www.oarescience.org.

Abstracting and Indexing Services The Journal is indexed by Academic Search (EBSCO), Academic Search Premier (EBSCO), CSA Environmental Sciences & Pollution Management Database (CSA/CIG), CSA Sustainability Science Abstracts (CSA/CIG), Current Abstracts (EBSCO), Current Contents®/Social and Behavioral Sciences (Thomson Reuters), Expanded Academic ASAP (Thomson Gale), IBSS: International Bibliography of the Social Sciences (LSE), InfoTrac, International Political Science Abstracts (IPSA), Journal Citation Reports/ Social Sciences Edition (Thomson Reuters), OMNIFILE Full Text Mega Edition (OMNIFILE), PAIS: Public Affairs Information Service (CSA/CIG), Proquest 5000 (ProQuest), Proquest Discovery (ProQuest), Proquest Platinum (ProQuest), Proquest Research Library (ProQuest), Proquest Social Science Journals (ProQuest), Social Sciences Citation Index® (Thomson Reuters), Social Sciences Index/Abstracts (HW Wilson), Student Resource Center College (w/ Academic ASAP), Wilson OMNIFILE Full Text Select (HW Wilson) and Worldwide Political Sciences Abstracts (CSA/CIG).

Disclaimer The Publisher, Carnegie Council, and Editors cannot be held responsible for errors or any consequences arising from the use of information contained in this journal; the views and opinions expressed do not necessarily reflect those of the Publisher, Council and Editors, neither does the publication of advertisements constitute any endorsement by the Publisher, Council and Editors of the products advertised.

Copyright and Photocopying Copyright © 2022 Carnegie Council for Ethics in International Affairs. All rights reserved. No part of this publication may be reproduced, in any form or by any means, electronic, photocopying, or otherwise, without permission in writing from Cambridge University Press. Policies, request forms, and contacts are available at: <http://www.cambridge.org/rights/permissions/permission.htm>
Permission to copy (for users in the U.S.A.) is available from Copyright Clearance Center, <http://www.copyright.com>, email: info@copyright.com.

Printed in USA by The Sheridan Press.

View this journal online at journals.cambridge.org/EIA.

ISSN 0892-6794 (Print)

ISSN 1747-7093 (Online)

Ethics &
International
Affairs