

# Thomas Cottier / Shaheeza Lalani / Clarence Siziba (eds.): Intergenerational Equity: Environmental and Cultural Concerns

Reviewed by Nicky van Dijk

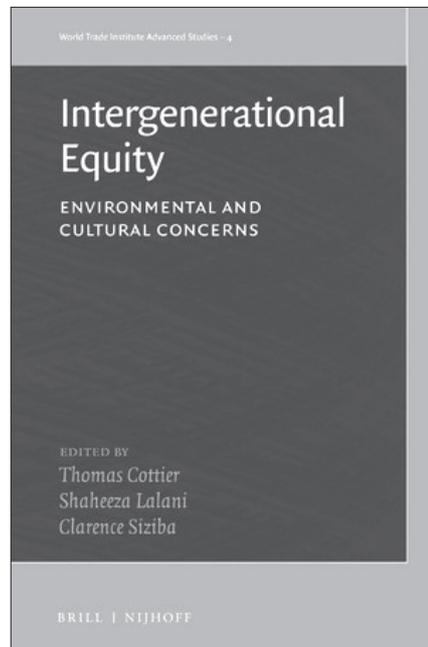
This monograph asks the timely question of intergenerational equity – how to best balance the interests of today with those of the future – and does so from a multidisciplinary perspective. Already complex areas such as ocean governance, migration and genocide get an even more complex additional dimension when including their possible influences on the long-term future. While most of the chapters focus on the preservation of natural resources and cultural heritage across generations, some chapters analyse the general theoretical background of intergenerational equity, and propose solutions to formally protect the interests of the future. Hence, *Intergenerational Equity* may be of interest to lawyers, philosophers, historians, political theorists, economists and others interested in intergenerational equity concerns.

The volume is a collection of legal, philosophical and historical papers about intergenerational equity, selected for presentations at the Doctoral Conference “Law, Ideas and Politics of Europe” on 9 October 2015. This conference was hosted by the Rectors’ Conference of the Swiss Universities (CRUS) joint doctoral programme of the Universities of Fribourg and Bern. This volume is the fourth in the World Trade Institute Advance Studies series, with three earlier volumes focusing on other topics in the area of international economic law and trade regulations.

Before more generally addressing the appeal of this book and raising a few concerns that remain, I will first briefly summarise the content of each chapter.

The book opens with a preface from Professor Edith Brown-Weiss, a leading legal scholar who put the question of intergenerational equity on the map in international law over thirty years ago. This preface is followed by an introduction by Severn Cullis-Suzuki. While now a scholar at the University of British Columbia, in 1992 at the age of 12 Cullis-Suzuki urged global leaders at the UN Conference on Environment and Development in Rio de Janeiro to think and act more towards the long-term future. Both Brown-Weiss and Cullis-Suzuki offer powerful emotional and philosophical reasons for caring for a healthy living environment for people in the future. More importantly, (again, now 30 years later) they state the need to legally and politically protect intergenerational equity.

The following chapters are divided in three parts. Part I introduces the intergenerational equity debate more generally, while the chapters in Part II and Part III respectively discuss environmental



and cultural concerns more specifically.

Part I starts off with Thomas Cottier’s helpful summary of the history of the use of “equity” in international law – from the classics to law of natural resources, and from Brown-Weiss leading the movement embracing equity in the sustainable development discussion, to our current use of intergenerational equity. Next, Michael Rose offers a valuable philosophical perspective on the relationship between intergenerational justice and democracy. He develops a conceptual foundation of proxy representation of future generations, cleverly drawing on the all-affected principle and Andrew Rehfeld’s theory of political representation. Following this conceptual foundation for proxy representation, Catherine Pearce offers a succinct overview of national implementations of guardians, commissioners and committees intended

to guard the interests of future generations. While discussing the different roles and functions of these forms of proxy representation on a national level, she argues for the importance of a similar safeguarding mechanism at the international level.

Part II reflects on environmental issues that transcend the current generation into the future. The first three chapters focus on water as a resource, and deliberate on the appropriate allocation of this resource among generations. Judith Scháli argues for the need to revise current ocean governance, as the current territorial mechanism hampers effective protection of water resources into the future. She suggests the development of the concept of common concern for humankind, which could provide a basis for coordinated action and reform. Similarly, Otto Spijkers also asks the question of appropriate resource allocation between generations, but focuses on fresh water. Spijkers elaborately shows the diverging ways in which existing water law mentions intergenerational equity. While some countries aspire to equality of resources between generations, others merely mention keeping the interests of the future in mind without necessary commitment of compliance to acting on this. In the last short chapter focusing on water as a resource, Karolis Gudas and Simona Weber explain the importance of actively preventing water scarcity when promoting renewable energy, possibly though the framework of sustainable development, as energy policies ignoring intensive freshwater use could be problematic.

The next chapter in Part II on environmental concerns looks at current environmental and climate destruction from a much broader perspective. Anna Asseeva correlates the ineffectiveness

of past and present international environmental treaties to them being limited by state sovereignty and market economies. Looking at the history of the international climate regime, she cleverly highlights times that had potential to disrupt the capitalist narrative and promote more effective environmental policies. In the last chapter of Part II, Sonia Gawlick and Jean Brice Audoye conclude Part I and II, and consider the role and responsibility of businesses in society.

Part III focuses on intergenerational justice issues related to human culture. The chapters discuss a past or current wrong in society, and show the need to prevent this wrong from disadvantaging groups into the future. Melanie Altanian opens by vividly demonstrating how genocide is not just a horrid act with immediate victims, but how genocide denial is also a matter of intergenerational justice towards the descendants of the direct victims. Altanian convincingly argues how keeping genocide in the cultural memory of society is valuable, as it disqualifies the perpetrator group's claim to existential superiority, and acknowledges the victim group as credible authorities on the matter. Later in the book Aryn Lajji's chapter builds on this, discussing how cultural genocide – i.e. the practice of purposefully destroying the practices of a group that allow them to continue as a group – is a matter of intergenerational injustice. He uses Canadian residential schools as a case study. Here, Canadian Indigenous children were (involuntarily) separated from their family to attend schools that would prevent them passing on indigenous knowledge to the next generation. Lajji persuasively stresses the importance of providing spaces for Indigenous institutions to thrive again, thus going beyond talking of reconciliation without action or merely replacing stolen indigenous land.

Focusing on a different phenomenon influencing intergenerational equity, Philip C. Hanke looks at migration. As migration redistributes wealth not just among individuals but through this also across generations, both short-term mobility and circular migration will have winners and losers across generations. In the next chapter, Xenia Karametaxas discusses the intergenerational responsibility of Sovereign Wealth Funds, proposing a government vehicle that could contribute to intergenerational justice. These state-owned investment vehicles manage assets on behalf of the state to meet citizens' future economic needs. They are well equipped to contribute to intergenerational justice because of their large size, long-term horizon and highly diversified portfolios. Last, Roberto Claros discusses how cultural heritage could be safeguarded in international investment agreements. As protecting cultural heritage may interfere with the international obligation to protect foreign investment, Claros looks for a balance between protecting foreign investments as well as cultural heritage. The epilogue is written by Jona David, a 10-year-old writer of

books for the United Nations and Voices of Future Generations Children's Book Series. Similar to the introductory chapter by Cullis-Suzuki, Jona David makes an emotional appeal for the protection of a healthy living environment for the future, and offers ideas for how we could achieve this.

The editors of this monograph aimed to produce a broad-based volume on intergenerational equity, and they definitely succeeded in this. The topics of the chapters are impressively diverse – from the short-term mobility of people to genocide denial, and from the practicalities of freshwater governance to the influence of a capitalist narrative in climate negotiations. The book will broaden the reader's ideas about which areas of policy-making should include intergenerational justice concerns. The chapters also range from fairly theoretical (e.g. the philosophical non-identity problem or analysing epistemic injustice) to fairly practical and solution-oriented (e.g. the potential of Sovereign Wealth Funds or guardians of the future to protect future generations' interests). On top of this, one can appreciate the inclusion of views on intergenerational justice from a wide range of people – from well-respected scholars known in the field, to children.

While the broad scope of this book may be a virtue, I also identified some minor shortcomings linked to this. First, though the volume focuses both on environmental and cultural concerns of intergenerational justice issues, very little time is spent on linking these two. This is surprising, as environmental and cultural concerns are often intertwined (both in cause and in solution). For example, the views of vulnerable groups in society, such as indigenous people and women, are often underrepresented in political debates, which is worrisome as it is often said that they are the primary victims of environmental degradation, as well as hold alternative solutions to prevent environmental degradation.

Second, while the preceding conference aimed to reflect on the philosophical notions guiding intergenerational equity debates, little normative philosophical reflection is included about the basic ethical concepts used. Last, very few chapters reflect on the practical implementation on their proposals, e.g. the feasibility concerns. However, maybe this thoroughness on both the theoretical background and implementation side of intergenerational justice cannot be expected from one volume. The editors have done an excellent job at collecting a wide variety of papers that offer food for thought for scholars interested in intergenerational justice concerns.

*Cottier, Thomas / Lalani, Sabeeka / Siziba, Clarence (eds.) (2019): Intergenerational Equity: Environmental and Cultural Concerns. Leiden, Boston: Brill Nijhoff. 220 pages. ISBN 978-90-04-38799-7 (hardback), ISBN 978-90-04-38800-0 (e-book). Price: €132.00.*