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TOWARDS LESS DIRTY TRADE, MORE  
HUMAN RIGHTS PROTECTION, AND  
MORE PUBLIC ACCOUNTABILITY  
OVER RESOURCES

BY  
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# Towards Less Dirty Trade, More Human Rights Protection, and More Public Accountability Over Resources

Gillian Brock

In Leif Wenar's highly engaging and accessibly written *Blood Oil*,<sup>1</sup> he makes a compelling case that consumers unavoidably send money to authoritarian governments -- and so contribute to human rights abuses -- when they do their ordinary shopping. As Wenar masterfully documents, oil molecules infiltrate pretty much all our purchases. If we thoroughly consider the crucial role oil plays in how goods are produced and transported, we must appreciate our role in contributing to suffering, since oil riches support authoritarian regimes. So, with our everyday shopping, we fund human rights abuses since there is a causal chain that links our shopping acts to the oppression, conflict, corruption and poverty that many governments of oil rich states sustain. Are there ways for consumers to clean up their act?

In considering this question, Wenar usefully notes that we are not the first group of people to face such moral problems. In the eighteenth century, English consumers faced the similar issue of "slave sugar". Sugar was harvested by slaves and formed a staple of British trade strongly supported by the British elite, including powerful church members. The first consumer boycotts of the

<sup>1</sup> Leif Wenar, *Blood Oil: Tyrants, Violence, and the Rules that Run the World* (New York: Oxford University Press, 2016).

modern era were organized around this issue and they were successful in ending slavery.

Drawing attention to the case of slave sugar is a powerful strategy for several reasons. Just as purchasing sugar harvested by slaves helped perpetuate the slave system, our continuing to support the oil industry can similarly be linked to the continuation of human suffering. The direct action that was taken in response to the injustice of slavery was effective in ending the practice. And so this case may provide a hopeful message. For the most part, this strategy succeeds but there is at least one important way in which this powerful case is quite dissimilar. In ending slavery it was pretty clear what we needed to do to remove the primary injustice: prohibit practices that allowed people to legally own other people and refrain from owning any slaves ourselves. The policies we should support to sever the link between oil and human rights abuses successfully are not as clear given contemporary trade practices and the range of ways in which we contribute to suffering. There are multiple policies we might adopt in the face of the injustices Wenar presents and, in deciding which to support, key issues such as which are likely to be effective and which are likely to be implemented will play important roles. This adds more difficulty in figuring out what would constitute a solution to the ills he documents and exactly which policies we should support here and now. There are, for instance, trade offs to be made between efficacy and implementability. There are also comparisons to be made within a large policy option set. Some policies might more effectively tackle multiple injustices rather than focus on a single issue, and insofar as they can effectively do so, might well be preferable. In order to understand how some of this complexity is relevant, we should first appreciate Wenar's bold project and situate it in its contemporary context.

## I

### Wenar's project: some core issues

#### *Resources and securing human rights*

Wenar's target audience is "we in the West" (and especially those residing in the USA) who need to "put our own houses in order" with respect to the way supporting resource regimes implicates us in failures to respect and protect human rights.<sup>2</sup>

Resources, Wenar notes, are not necessary for a country to prosper. Neither Sweden nor Singapore were well endowed with resources yet both have been extremely prosperous. Resources are also not sufficient for a country's success. On the contrary, the well-known phenomenon of the resource curse shows that resources can be quite detrimental to people's well-being. What factors make a difference? A key variable is what he calls "the strength of the people" before resources are discovered. This seems to be shorthand for a cluster of factors including the quality of governance and institutions in the country before resources were discovered. Prime supporting examples of this thesis would be Norway and Botswana. Norway has immense oil riches and uses that wealth for the benefit of its people. A sovereign wealth fund pays for pensions, public health, parental leave, public day care, unemployment insurance, public goods, and so forth. Norway was a strong country before the oil money started flowing. So Norwegians were well educated and economically prosperous. There were many mechanisms in place to hold governments to account including robust rule of law, free press, regular elections, and a vigorous civil society. So when the

<sup>2</sup> Wenar, *Blood Oil*, p. xxvii. While Wenar certainly does discuss a range of resources in the book including precious gem stones, minerals, and metals, he focuses on the case of oil, as I will here as well.

oil was discovered, the people were rightly considered as key stakeholders in distributing the gains from that windfall.

World trade seems, in practice, to recognize the position of “might makes right”.<sup>3</sup> Whoever holds power in resource rich countries has the legal right to freely dispose of resources. But ultimately, might *there* makes right *here*. International trade permits oil purchases made with oppressive regimes to find their way into our economic system and these transactions are legally upheld on our soil. We need to change the situation so that consumers in the West are no longer in suspect relations with coercive actors in non-Western countries and so no longer provide them with a steady stream of funding for unchecked power. In fact, our commitment to human rights laws means that human rights neglect or violation is not just an internal matter but rather makes it rightfully a matter of international concern that we ought to address. We must put an end to the situation in which our international trade regimes issue licenses to sell resources to whoever is in command of those resources no matter how much they abuse human rights. And at least one important reason we must do so stems from our international agreements to protect human rights.

We should also consider how our support for authoritarian regimes threatens not just the human rights of people living in other countries but threatens our own human rights and security. Wenar carefully documents the West’s support for authoritarian regimes such as Iran, Iraq and Saudi Arabia, in efforts to show how this support, while it may have initially made sense given geopolitical interests at the time, has fuelled, and continues to fuel, decades of continuing threats. Consider the case of Saudi

<sup>3</sup> Lawyers call this the rule of effectiveness (Wenar, *Blood Oil*, p. 74).

Arabia. The particular brands of Islam Saudi Arabia supports, Wahhabism (supported by Islamic State) and Salafism (a form of seventh century Islam), are quite antithetical to the promotion of respect for human rights. Indeed, adherents of these doctrines find justification in their faith's texts for killing Westerners "as part of an effort to bring down all Enlightenment institutions worldwide".<sup>4</sup> It is worth recalling that fifteen of the nineteen hijackers on 9/11 were from Saudi Arabia. Oil money basically funded the spread of a large amount of Islamic extremism. For instance, the Saudi government spent \$70 billion to build Islamic fundamentalist institutions worldwide, in efforts to contain threats within Saudi Arabia.

So, in summary, our policies for trade in natural resources import injustice from other countries infecting our system of justice with injustice perpetrated elsewhere. These policies also perpetuate human rights abuses and continuing threats to peace, security and democracy, both in other countries and our own.

### *Popular resource sovereignty and state borders*

As Wenar moves to considering an improved state of affairs, it is natural to consider the normative standing of borders. After all, if reducing injustice on a global scale is our goal, should we not challenge the important weight given to state borders in our world, especially as state borders often function as obstacles to progressive changes? Wenar traces the history of state borders and our state system, and argues they can play a valuable role. As Wenar notes, "Stable borders keep invaders out, but they also divide up the world's natural endowments in ways that some

<sup>4</sup> Wenar, *Blood Oil*, p. 92.

philosophers believe is unfair. Compared to Westphalia, set borders are real progress, compared to some philosophical ideal, they are themselves wanting”.<sup>5</sup> He also draws attention to how state borders have led to a more peaceful international system. He says:

... the period of force-proof borders has seen the virtual elimination of a whole category of armed conflict – the war of territorial conquest – that has filled many pages of human history. Our era, with its assumption of set borders, has been more sturdily peaceful. And a more peaceful international system provides a platform, never to be taken for granted, for greater moral ambitions. Almost every plan for progress will be thwarted by widespread war. No justice if no peace.<sup>6</sup>

I think this last point needs emphasizing. Without a reasonably peaceful world order improvements in the direction of reducing injustice are unlikely. State borders have enabled and continue to enable a reasonably peaceful world order that is not to be scoffed at or abandoned in a hurry in favor of some brave new world order.

In addition, Wenar notes how popular sovereignty is widely accepted as a norm of international law. The idea is that the people of a country should rule the country. It embodies two principles:

External self-determination: outsiders should not rule the people.

Internal self-determination: the people should rule themselves.

For Wenar, the struggle for self-determination from external forces is entwined with the struggle for self-determination

<sup>5</sup> Wenar, *Blood Oil*, p. 154.

<sup>6</sup> Wenar, *Blood Oil*, p. 154.

internally. He notes that “a large majority of countries have a written constitution that proclaims popular sovereignty”.<sup>7</sup> We find high levels of support for democracy even in countries where it does not yet exist.<sup>8</sup>

Almost everyone lives in a country which has accepted one or both of two main treaties on rights as a basis for law, namely the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural rights. So almost everyone has committed to these two principles:

1. All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.<sup>9</sup>
2. All people may, for their own ends, freely dispose of their natural wealth and resources.<sup>10</sup>

According to the doctrine of popular resource sovereignty, the resources of a country belong to its people. Most constitutions also recognize this principle. To underscore how widely accepted these principles are Wenar points out that 95% of states are party to one of the covenants and 98% of humanity lives in a country that accepts these ideas.<sup>11</sup> Fortuitously for Wenar, then, the

<sup>7</sup> Wenar, *Blood Oil*, p. 182.

<sup>8</sup> For instance, in Arab countries, support ranges between 83 and 96% (Wenar, *Blood Oil*, p. 185).

<sup>9</sup> Wenar, *Blood Oil*, p. 190.

<sup>10</sup> Wenar, *Blood Oil*, p. 190.

<sup>11</sup> The idea of “the people” plays a key role here and one complication might be that it is not always clear exactly who the people are. The people of an independent country are its citizens, according to Wenar. We might well have some cases in which a people is nested in another people (such as in the cases of Quebec within Canada or Wales within Great Britain) but this presents no real difficulty for him.

principles we need for the solutions he prefers already enjoy widespread agreement.<sup>12</sup>

According to Wenar, four conditions must obtain for the people to rightly authorize actions in relation to their resources:

1. Information: Citizens “should be able to obtain reliable general information about who is getting the revenues from resource sales and how these are being spent.”<sup>13</sup>
2. Independence: The approval must be given in a way that is sufficiently free of force.
3. Deliberation: Citizens should be able to discuss the management of these resources with each other without reasonable fears of harms.
4. Dissent: Citizens should be able to dissent without risking severe costs and there should be the possibility of reasonably responsive action on expression of that dissent.

Basically, for these conditions to obtain citizens need to enjoy basic civil liberties and political rights. If they do not enjoy these rights, it is unlikely the conditions would be met and the people cannot be said to have authorized resource sales.

Of course, it is sometimes difficult to know what exactly is happening in foreign lands and how citizens view their governments. However, even in such cases it is clear that we often have sufficient information to know that the conditions are not met. He runs through the example of Saudi Arabia to

<sup>12</sup> It is not clear whether Wenar believes that these principles are the best of all possible principles, or rather whether this is all we can reasonably hope for here and now, but at any rate these are the principles he works with in this book.

<sup>13</sup> Wenar, *Blood Oil*, pp. 227-228.

illustrate. Importantly, Saudi Arabia does not enjoy free media, citizens cannot deliberate freely in public without risks of significant consequences, and public protests are prohibited. In fact, Wenar believes that many countries in the world do not pass these tests.<sup>14</sup>

## II

### Towards Less Dirty Hands

According to John F Kennedy, “the purpose of foreign policy is not to provide an outlet for our own sentiments of hope or indignation. It is to shape real events in the world”.<sup>15</sup> Similarly, Wenar’s clean trade policy aims to affect real change in our actual world and the policies aim to “end the global trade in stolen natural resources and to *support public accountability over resources everywhere*”.<sup>16</sup>

To achieve these goals he recommends that we “disengage commercially from resource-exporting countries where public accountability is absent” and “support public accountability in countries where it is weak.”<sup>17</sup> The Clean Trade Act for which he advocates would make it illegal to purchase resources from disqualified countries. Those regime members from the disqualified countries would be barred from entering the home jurisdiction or making purchases and other transactions in it.

<sup>14</sup> Interestingly, he believes that the US adequately meets these four conditions. Considering the role of big oil, gas, coal (and so forth) in campaign funding, one might really wonder whether politicians are as free to enact the wishes of the people as some might like to believe is the case in the US.

<sup>15</sup> Wenar, *Blood Oil*, p. 281.

<sup>16</sup> Wenar, *Blood Oil*, p. 281. Emphasis mine.

<sup>17</sup> Wenar, *Blood Oil*, p. 281.

Any changes would need to be gradually implemented to allow time for improved performance. “A Clean Trade Act should instead be set to taper off engagement with ‘Not free’ exporters, and in a way that encourages them to rise out of that category”.<sup>18</sup>

Which metrics should we use to measure which countries should be disqualified? We can use those that evaluate civil liberties and political rights such as those of Transparency International or the Brookings Institution, or use an index of indices such as Freedom House to minimize bias.

As Wenar envisages the situation, the Act could be bolstered by numerous other individual initiatives such as clean trade mutual funds. A clean hands oil company index has already been developed. Students can create Clean Trade divestment campaigns, like the one on “Fossil Free”.

### *Some challenges to the proposals*

*Is this really clean trade, as the name suggests?*

The details of how all of the parts of the policy machinery would work are quite complicated. For instance, he envisages setting up a Clean Hands Trust to keep trade revenue in trust while the status quo persists. Here is the idea. Say China buys 3 billion of oil from a repressive ruler such as Teodoro Obiang of Equatorial Guinea, the US government should then set up a bank account that the US fills until it reaches \$3 billion made up of duties on Chinese imports as they enter the US. This money would be held in trust until a minimally accountable government is in place. On his proposal, he believes that everyone both inside and outside the country would have an economic incentive

<sup>18</sup> Wenar, *Blood Oil*, p. 286.

to improve governance in the affected state, in this case Equatorial Guinea.

But this cannot be the end of the matter in our complicated world in which there are multiple trading partners. Will we not have to set up further trust accounts to capture similar funds that come into our country via intermediary trades? So if China sells products not directly to the US but to (say) South Korea, Portugal, and Brazil (inter alia), which in turn sell goods to the US, should the US not be setting up accounts to capture stolen oil that finds its way into the US via these other avenues? If they do not, an obvious loophole has been created. So the US will have to act. But then just how many intermediary trades will the US be required to keep track of and capture in clean hands trusts, given its cleansing quest? It is unclear that any simple arrangement will be straightforwardly available, given these clear ways to circumvent penalties on goods made with stolen oil.

Even if we were to find a satisfactory resolution of this issue, it seems the quest for clean trade will remain elusive (and illusive). There is a background assumption that all the other property rights involved in world trade have sufficiently pristine lineage. So when we put our \$3 billion in a fund for the Equatorial Guineans, we can be confident that that money will be a gift that we can permissibly give back to its rightful owners, the Equatorial Guineans. But if the money we are putting in trust is just as tainted or belongs to others, one wonders just how well one has cleaned up one's act.

How might the concerns about other sources of taint arise? In multiple ways. One might wonder, for instance, how different is this stealing of oil revenue that rightfully belongs to people who own the oil, which undergirds oil property rights, from the origins of many other property rights or amassed wealth, which might be equally scarred by theft and injustice? There is after all a

certain amount of “stolen labor” that results from exploitative wages rampant throughout the world. Tax evasion and avoidance “frees up” much revenue for the evaders, revenue that rightfully belongs to a government to spend on agreed purposes, such as meeting highly disadvantaged citizens’ basic human needs. When those funds fail to be collected but are instead spent on other goods and services, those funds stolen from the people seep their way into circulation, similarly tainting the flow of money. And, more generally, much property possession in the world today has resulted from all manner of impure histories, including slavery, conquest and colonization.

If we are really talking about clean trade it seems that we should also be addressing other sources of grime such as those already highlighted. Relatedly, but changing to consider other sources of uncleanness related to the environment, another worry one might have with Wenar’s naming his initiative one concerning clean trade, is that oil extraction, distribution and consumption cause massive environmental damage, which cumulatively threaten the long-term viability of our planet, taking account effects on climate. Other policy options that Wenar does not consider might be able to address these related ills and therefore have stronger claims to being the ones we should support. We continue discussion of these ideas below.

### *Some other policy options*

As Wenar points out, there are a number of categories of action one could undertake in aiming to combat the problems he highlights.

1. One might focus on combating corrupt sales, or corruption more generally, through legal reforms.

2. One could try to strengthen transparency, as NGOs such as the *Extractive Industries Transparency Initiative* or *Publish What You Pay* do.
3. One could support resource validation initiatives like certification programs, such as the Kimberley Process.
4. One could endorse commercial disengagement programs that support sanctions.
5. One could support revenue distribution programs, whereby revenue from resource sales is distributed to benefit citizens more directly, such as is the case with the Alaska Fund or with Sovereign Wealth Funds.

Wenar focuses much of his energy on initiatives such as how to manage a just disengagement scheme skillfully that would, at the same time, incentivize positive change. But one might wonder whether he has backed the right horse. Might some of these other plans of action not yield better results more efficiently? Instead of doing a detailed comparison of these five options, I want to shift our perspective to consider some other salient issues that are not part of Wenar's core focus. This will also allow us to see that there are many other possible courses of action and the policy option set we should consider is wide. It is to that project that I turn next.

### *Has Wenar backed the right policy? Effectiveness and Implementation Likelihood*

In getting behind a particular policy we will want to know that implementing the policy is likely to be (1) adopted and implemented (or at least that it could feasibly be adopted and implemented in some reasonable time frame) and (2) effective at bringing about the desired change without compromising other

important goals. Both (1) and (2) raise a host of important issues worthy of consideration. In addition, there are sometimes tensions between (1) and (2) that affect judgments about what we should support here and now.

The responsibilities we have must track effective remedies for the problems documented. So it matters whether the proposed policies are likely to be effective at securing the goals aimed at, such as ending suffering and promoting public accountability over resources. It also matters whether they are the right ones for our current political moment, as this affects implementation possibilities.

While it is possible the proposals could be adopted and be effective under the leadership of some politicians (President Obama in his first term, perhaps), my judgment is that this agenda has about zero chance of being enacted in the US in the next 4-8 years. For instance, recently President Trump signed a \$110 billion package of trade in weapons to the Saudi Arabians, weapons that will further entrench an authoritarian regime that continues to show scant regard for human rights. Trump has made it abundantly clear through his actions and words, that he plans to prioritize trading relationships, especially ones that promote American jobs, and human rights protection is not a major policy concern for him. These sorts of trading activities pave the way for yet further erosion of respect for human rights, which is likely to exacerbate the problems we are seeking to address rather than helping us orient in the right direction.

But perhaps Wenar has a longer time frame in mind, perhaps more like a target of 15-30+ years? If this is the time horizon, we must consider also the multiple pressures concerning resource extraction and use likely to be brought to bear from various quarters. Notably, this will include stronger pressures to address the fallout of climate change, and are likely to make even more

urgent policies that incentivize innovation and growth in clean, renewable energies. Might incentivizing such policies not in fact also be a way to reduce the suffering of those who currently must endure the authoritarian regimes they do?

The growth of affordable, renewable, clean energy forms is likely to be advantageous to those in developing countries as well as those in developed ones. Focusing on developing countries (as Wenar does), such renewable energy options are likely to offer those citizens further beneficial development opportunities<sup>19</sup> and might well reduce the power of those authoritarian regimes under which they suffer. Oil prices have already fallen dramatically over the last three years, especially as alternative energy sources have become more available. If the price of oil reduces to a level at which oil extraction becomes much less profitable, this might mean that for those authoritarian governments that are our focus, they can no longer rely on oil sales to consolidate the power they once secured through oil revenues. If they are less dependent on resource sales they will need to look for alternative ways to secure power. In other non-resource rich countries this typically takes the form of becoming more reliant on taxing citizens. Such dependence in turn requires governments to be more responsive to citizens' interests or citizens will not pay the taxes owed. In addition, relying on revenue from citizens means it becomes

<sup>19</sup> Consider how China has benefited from taking up new manufacturing opportunities to produce solar panels. In fact, it has become the leading supplier of solar panels globally, providing many job opportunities that were not in existence prior to the uptake of this commercial opportunity. See, for instance, World Bank and Development Research Center of the State Council, and the People's Republic of China. "China 2030: Building a Modern, Harmonious, and Creative High-Income Society" *Report from the World Bank* (Washington, DC: World Bank, 2012). Available here: <https://openknowledge.worldbank.org/handle/10986/12925>.

more beneficial and rational for governments to invest in citizens' education, training, health and well-being, so that citizens can be economically productive and thus return more tax revenue to governments. And history has shown that, in general, the more a government is reliant on revenue from citizens the more accountable it needs to be in the exercise of power. The dynamics for a natural evolution towards more responsive, accountable and democratic governments might well be set in motion, the less governments can rely on oil revenue for funding their activities.

So there is a plausible story to be told about how helping wean economies off oil revenue dependence might more effectively promote accountable governments that respect and protect human rights. We are, of course, quite a far distance from abandoning oil-based economies, so it is not clear that governments have sufficient incentive to wholeheartedly embrace such alternatives now. But momentum towards this might well build in 15-30+ years. Complementary policies that contribute to such momentum or change the background conditions under which decisions are made might hasten the day in which authoritarian governments evolve in a more responsive and democratic direction. And so it may well be that these are the kinds of policies we should support, rather than those that help tidy up trade through a technological mode bound to become obsolete.

So should we be supporting policies that strengthen initiatives that promote the development and use of renewable energies? Would that be a better bet at this political moment? Does Trump's recent withdrawal from the Paris Climate Agreement not suggest that this path is equally fraught with obstacles? The response to Trump's withdrawal has been revealing. Instead of a collapse of the climate accord, we have seen an outpouring of resistance and renewed resolve from leaders across the USA and

the world. Indeed, this is at some level perfectly understandable. It is a huge advantage that the actors have strong economic incentives for staying on their current course, whatever additional motives are also in play. Many CEOs, industry leaders, mayors and local government officials have already made the decision to back increasing reliance on renewable energies and made important investments in bringing this about. Financial and policy commitments have already been made and, as the California governor, Jerry Brown, recently emphasized, there are perfectly good economic reasons to stay on their current course.<sup>20</sup> Job growth in the renewable energy sector far outpaces job growth in other areas, including many of the sectors that Trump is hoping to revive (notably coal). Far from a collapse of commitment we have witnessed a wave of solidarity in staying on track with efforts to limit global warming.

Having raised some skeptical concerns about the policy Wenar believes we ought to back, let me emphasize some areas in which I agree that his chosen scaffolding is sturdy, even if we should use it in the service of alternative construction, before returning to make some further remarks about the policy options in the final section.

*Has Wenar chosen the best principles to guide institutional reform?*

Wenar's guiding principles are ones of respect for popular sovereignty, property rights, human rights, the rule of law and the importance of peace. Some might wonder whether we would further the cause of a more just world using other principles. As he puts it: "Are there points on the moral horizon that we should

<sup>20</sup> Interview on CNN news channel, 1 June, 2017.

recommend humanity sail toward instead?”<sup>21</sup> For instance, would a view according to which all natural resources everywhere belong to everyone lead to better results in terms of promoting justice? There certainly are philosophers who hold such alternative positions, for instance, according to which there is common ownership of the earth.

According to Wenar these positions are not preferable since they cannot counter power now. In his view such principles are not likely to gain traction in our current world. In fact invoking such principles may be counter-powerful.

So while there are many attractive ideals of justice what we need is to find “the paths that will actually achieve these worthwhile ends”.<sup>22</sup> We must pay attention to the world as we find it now.

With the globally shared vocabulary that we have now – which includes concepts about the importance of human rights and popular sovereignty – Wenar judges that his program is more achievable. I think he is importantly right about this.<sup>23</sup>

*Has Wenar taken seriously skeptical concerns about why people would make the changes he thinks are needed?*

Wenar outlines three concerns readers might have about reforming our current arrangements in the direction of justice. First, readers might worry that people are not prepared to bear

<sup>21</sup> Wenar, *Blood Oil*, p. 344.

<sup>22</sup> Wenar, *Blood Oil*, p. 350.

<sup>23</sup> This is not to deny that what it is possible to do now may be a highly contested notion. We need arguments to support judgments. I provide some in this paper.

costs for the sake of change. Second, there is a first mover fear: no nation will be willing to start the reform process. Third, short term thinking will always dominate, blocking the path to long-term reforms.

He offers responses to these concerns. Illustrating with the case of the Atlantic slave trade, he shows how boycotts cost thousands of Britons their jobs and about two percent of national income was sacrificed for sixty years. Another response to the cost issue is that failing to make reforms will be more costly than making reforms if we consider the costs imposed on us through hostile authoritarians, extremism, terrorism and economic crises. In response to the second and third concerns, he argues that because of the close connection between sticking to principles and our identities he is more optimistic that people are prepared to take a moral stand when injustice is grave. So good responses are available to all of these concerns.

As I signaled earlier, however, there are other more serious concerns that he fails to address, which mean the issue of sufficient motivation for change in his preferred direction lingers. I return to these issues below.

*The path ahead: Towards less dirty trade, more human rights protection, and more public accountability over resources*

So, to recap, first note some points of agreement. I agree with Wenar's view that we need to work within the state system and within some of the widely accepted international points of intersection. I do not side with those who would prefer to challenge popular sovereignty. We do have to work with some of the constraints we face for our policies to have traction. And there are perfectly worthwhile projects to be pursued by looking

at our current entrenched commitments and showing what is feasible within them. My central worries lie elsewhere.

In considering effectiveness and implementation issues, we notice that judgments about the policies we should support depend on our assessments of what we can do effectively here and now, given (possibly conflicting) judgments about what is achievable at our current political moment.<sup>24</sup> When we are in a position where likelihood of implementation seems at best unclear or suggests that there will be a delay, we should consider broadening our target timeframe and we should consider whether there are other policies that are likely to be better ones to support on a more extended timeframe for implementation. Here we should widen our search to consider the convergence of other agendas and the likelihood that support for those might bring about more profound desirable change. Also, given that one of Wenar's other stated goals is to bring about more human rights protection and public accountability over resource use in the future, we should also consider whether securing these goals is even more likely if we move to supporting other policies that might align better with all of these goals as well.

Given this broad collection of issues and the supporting reasons offered for them previously, it seems to me that a strong case can be marshaled for backing a set of policies that incentivize development and uptake of renewable energies. I also believe there is a compelling case to be made that supporting such policies will help Wenar better realize some of his stated objectives, such as incentivizing better protection and promotion of human rights and accountability. In fact, if he truly has in

<sup>24</sup> We also may have different assessments about what to regard as a relatively fixed point and what is subject to alteration, given our current political moment.

mind that we ought to “support public accountability over resources everywhere”,<sup>25</sup> accountability in the use of resources will require accountability to both internal and external stakeholders. We see how this is a quite familiar notion in international practice today. Consider, for instance, that with the Paris Climate Agreement each sovereign nation decides what commitments to make in our shared goal of limiting global warming. Popular sovereignty and popular resource sovereignty are fully respected on this strategy. Failure to make any commitments at all, as only three states (Syria, Nicaragua, and the USA) intend to do, means a failure of accountability to partners and stakeholders in the international community, along with a failure of accountability to citizens (for instance, in helping them discharge their local and global duties). This is a more comprehensive notion of public accountability over resources, as it more fully respects the internal and external communities who are properly owed accountability. And it is a model of accountability that Wenar should endorse given his project, core assumptions, goals, and chosen framework.

While the oil economy will not end tomorrow, it is likely to end at some point in the future. Anyone who has lived through at least the last four decades must be impressed at how the rate of technological change has accelerated and radically altered the way we live. It seems to me entirely possible that within the next forty years there will be a phasing out of an oil economy, to be replaced with one based on renewable energy options. The momentum is already growing in this direction and support for this goal can be found from multiple quarters. This is likely to increase as effects of climate change become even more profoundly visible. So a plausible case can be made that we

<sup>25</sup> Wenar, *Blood Oil*, p. 281.

should put our energies into supporting policies that will further incentivize or hasten the arrival of these more planet and people friendly options. Policies that aim to disengage with, disinvest from and in other ways dis-incentivize oil trade might well be more fertile areas for our activism and support.

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