

IT BELONGS TO ME! A LIBERTARIAN ANALYSIS OF PROPERTY RIGHTS IN NIGERIA

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ABSTRACT: In this article the nature of private property rights in Nigeria is analyzed and a case is made for basing property rights in natural rights libertarian political philosophy. The issues of land and natural resource ownership and control in Nigeria are analyzed from a Rothbardian point of view. A Rothbardian framework of property ownership options is proposed and used. It is shown that neglect in the protection of property and the frequent abuse of property rights by the Nigerian government is the major reason for poverty in the country. Hence, using examples, a case is made for the reduction and possible elimination of government intervention in the ownership and control of land and natural resources within the Nigerian polity.

INTRODUCTION

In Nigeria, the presence of government intervention and regulation is an everyday fact of life. Although there is a general belief that it is the government's responsibility to provide food, water, shelter, education, and many other things, it provides none of those things in the quantity or quality demanded (Olayiwola, Adeleye, and Ogunshakin 2005; Bello-Schunemann and Porter 2017; and Ukanwah 2018). Public schools are decrepit, roads are in bad condition and in many parts of the country are nonexistent, government hospitals and clinics are littered with the macabre,

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and city waste systems are cesspools of diseases waiting to inflict the next epidemic on the people (Efe 2013). In short, the Nigerian government provides hardly anything of value to increase the standard of living of its people.

Not only does the government not provide public services to the people, but it also heavily regulates and restricts the market economy. Whenever people try to provide these basic services themselves, heavy licensing fees, high taxes, and embargoes are placed on them. To even use a car radio, in some states, one needs a radio permit.¹

Price controls of commodities such as electricity and petroleum products are common. This leads to shortages in those products for the people (Ogunleye 2017; Petroleum Act 1969, 2004). Although estimates show that the demand for electricity in the country is over 290,000 megawatts, installed capacity is about twelve thousand megawatts and less than 50 percent of this capacity has ever been available (Sambo 2008; Power Africa 2018). Government oil refineries are not operational, hence Nigeria, though one of the world's largest producers of oil, is still very dependent on the importation of refined petroleum products.

Even with all this, Nigerians are resilient and have taken their destinies into their own hands by providing many of these goods and services for themselves. They generally do this by staying away from the heavily regulated and unfair formal economy. In some cases, at the risk of their lives and freedom, they participate in dangerous black markets, just to improve their standard of living.

Today Nigerians provide themselves with septic tanks, for disposal of human waste; water boreholes, for their running water needs, and power generators, to provide the electricity needed for comfort and economic activities. Where feasible, especially within their local communities, Nigerians have even built their own roads and gutters.

In this article, property rights in Nigeria are analyzed in the natural rights libertarian tradition as propounded by economist and libertarian political philosopher Murray Rothbard ([1973] 2006). It is shown that the reason why Nigeria has been called the poverty capital of the world is the government's lack of protection of Nigerians' private property. If the Nigerian government respected

¹ Andrella Teroso, "Radio and Television Licence Fees in Lagos," Legit, June 7, 2016, <https://www.legit.ng/1173790-radio-television-licence-fees-lagos.html>.

the rights of its citizens to the material resources they have “mixed” their labor with and their right to transfer their property titles by exchange to whomever they wish, the Nigerian people would not be in poverty. Hence, it is argued that people’s right to property should be recognized and immune from government depredation.

POVERTY AND THE NIGERIAN ECONOMY

In 2014 Nigeria became the largest economy in Africa after the Nigerian National Bureau of Statistics (NBS) announced that it had, through a process called “rebasings,” changed how it calculated the country’s gross domestic product (GDP). This process of rebasing led to an 89 percent increase in the country’s GDP (Awojobi, Ayakpat, and Adisa 2014). Overnight, Nigeria became the twenty-first largest economy in the world but nothing fundamentally changed about the economic situation in the country. One journalist called it “a miracle borne of statistics” (U. Friedman 2014). A former US ambassador to Nigeria called it a “a matter of politics and not economics” (Campbell 2014).

A 2018 World Poverty Clock report showed that Nigeria had the most people in extreme poverty (World Data Lab 2019). With almost 90 million people in poverty, in 2018 Nigeria was also called the poverty capital of the world (Kazeem 2018).

A Poverty Work Program report by the World Bank (2016) on Nigeria stated, “Although it is one of the most rapidly growing economies in the Sub-Saharan African region, Nigeria is struggling to translate the growth into quick poverty reduction.” The report gave three causes for this unresponsiveness: it blamed the rise in population, the unresponsiveness of employment to growth, and widening inequality.

This article argues that the rise of poverty in Nigeria, even with an average economic growth rate of 6.8 percent over the last decade (Ajakaiye et al. 2016), is due to a weak adherence to private property rights. In Nigeria, the government forcibly displaces entire communities in land-grab exercises, blatantly disregarding the property rights of its citizens and leaving thousands of people homeless in some cases. Hence, the reasons given by the World Bank (2016) study do not get to the heart of the problem and do not really help anyone understand the reasons behind the failure of so-called economic growth in Nigeria to relieve its poverty.

NATURAL RIGHTS LIBERTARIANISM

Economist and political philosopher Murray Rothbard stipulates that the libertarian creed rests on the “nonaggression axiom.” Aggression he defined as “the initiation of the use or threat of physical violence against the person or property of anyone else.” Hence, it is synonymous to invasion. Rothbard showed that for people to engage and realize their full potential they need to be able to lead a life free from aggression. That is, they must be able to use their lives and property however they see fit (Rothbard [1973] 2006). This axiom is arrived at through the theory of natural law, on which libertarianism rests.

Natural law theory rests on the insight that we live in a world of more than one—in fact, a vast number—of entities, and that each entity has distinct and specific properties, a distinct “nature,” which can be investigated by man’s reason, by his sense perception and mental faculties. Copper has a distinct nature and behaves in a certain way, and so do iron, salt, etc. The species man, therefore, has a specifiable nature, as does the world around him and the ways of interaction between them.

To put it with undue brevity, the activity of each inorganic and organic entity is determined by its own nature and by the nature of the other entities with which it comes in contact. Specifically, while the behavior of plants and at least the lower animals is determined by their biological nature or perhaps by their “instincts,” the nature of man is such that each individual person must, in order to act, choose his own ends and employ his own means in order to attain them. Possessing no automatic instincts, each man must learn about himself and the world, use his mind to select values, learn about cause and effect, and act purposively to maintain himself and advance his life. Since men can think, feel, evaluate, and act only as individuals, it becomes vitally necessary for each man’s survival and prosperity that he be free to learn, choose, develop his faculties, and act upon his knowledge and values. This is the necessary path of human nature; to interfere with and cripple this process by using violence goes profoundly against what is necessary by man’s nature for his life and prosperity. Violent interference with a man’s learning and choices is therefore profoundly “antihuman”; it violates the natural law of man’s needs. (Rothbard [1973] 2006, 32–33)

Rothbard summarizes the natural rights foundation of the libertarian creed as follows:

(1) the absolute right of every man to the ownership of his own body [i.e., self-ownership]; (2) the equally absolute right to own and therefore to control the material resources he has found and transformed; and (3) therefore, the absolute right to exchange or give away the ownership to such titles to whoever is willing to exchange or receive them. (Rothbard [1973] 2006, 85)

For the right to self-ownership, there is, in general, little contention on who should own a person's self—that person.² However, serious contention arises over control and ownership of the resources found in nature. Human beings are born into their environment and they must use the means (land, labor, and capital) which they find in their environment to attain their ends (Rothbard [1962, 1970] 2009). These “means” must be owned and controlled by some person or some entity. Rothbard ([1973] 2006) presents three possible scenarios for the right to self-ownership and the right to own the land and resources found in it:

1. The original transformer of the resource or land from the original state it was left in by nature or God, or the person who brought it into production by mixing his labor with the land should own and control it.
2. Another person or group of persons should own and control the land or resource that has already been transformed or brought into production by the original transformer.
3. Everyone in the world has a quota or equal share in the land or resources—this is the communal solution.

In this article, these scenarios will be referred to as Rothbard's options for ownership of property and the terms *option one*, *option two*, and *option three* will be used to refer to Rothbard's options.

As Rothbard shows, option three is impossible in practice. Take the example of Nigeria's oil reserves. Can any one of Nigeria's 200 million citizens take their share of their country's natural gas resources and sell it at will? No. Therefore option three becomes option two. A small handful of people will own and control the land and resources in the country. Where is the justice in this? What gives them the right to take ownership and control the fruit of someone else's labor, if indeed they did not bring the resources or land into production? In fact, option two is what the members of the Nigerian government have implemented. And this is one of the main problems preventing economic development in Nigeria. The only just alternative to the current system is option one.

² Though most people would endorse the principle of self-ownership, in practice the state forcibly drafts people into the military and/or for jury duty. This is arguably a violation of self-ownership.

PROPERTY RIGHTS IN NIGERIA

Property is the lifeblood of a society. And private property is the only known way to ensure the successful allocation of resources within an economy, or otherwise stated, to ensure that everyone gets what they demand in quantity and quality with little or no shortages or wastage.

Nigeria's 1978 Land Use Act grants ownership of all land "comprised in the territory of each State in the Federation" to the government. The urban areas are to be under the control and management of the state governors—except those vested in the federal government or its agencies—and non-urban areas are to be managed by the local governments. All land is to be held in "trust and administered for the use and common benefit of all Nigerians."

Ordinary Nigerians can only gain access to the land through a certificate of occupancy (C of O), given by the governor. The governors of the states have the power to give land to whomever they see fit and can decide what a specific plot land should be used for. Although, in general, Nigerians own their persons, as slavery is a crime under the 1999 Constitution of the Federal Republic of Nigeria, they cannot claim unequivocal ownership over the land they live on, which they may have gotten through purchase, homesteading, or as a gift.

Based on the libertarian theory of property, the Nigerian government is not respecting Nigerians' fundamental right to their property by stipulating that it owns and controls all Nigerian land. They violate property rights further by stating that Nigerians can only use the land by acquiring a "statutory right of occupancy" as granted by a state governor or local government chairpersons for a tenure of ninety-nine years.³ Hence, Nigerians are not truly free, since they cannot fully own or transfer the fruits of their labor in land.

If anyone homesteads unused land in Nigeria, they must register that land with the necessary authorities. However, in many cases, a piece of unused land may not yet be designated for use, which is the government's prerogative. Hence, if someone goes to an unused piece of land, clears the bush, builds a fence, and erects buildings, in essence homesteads this piece of land, the government can take that land away sometime in the future if that area has been designated for something else, such as a business district. Such

³ Land Use Act (1978).

a person would be evicted without compensation (Agboola and Jinadu 1997). This has happened so many times. The government has destroyed the wealth accumulated by many Nigerians who invested their labor in the land and resources they found, creating value for themselves in the process (Agboola and Jinadu 1997).

People only have the power to create and protect wealth when they have inviolable rights to property, which as we shall see, is an extension of their persons. Rothbard describes it this way:

A man ... can acquire "wealth"—a stock of useful capital or consumer goods—either by "producing" it himself, or by selling to its producer some other product in exchange. The exchange process reduces logically back to original production. Such production is a process by which a man "mixes his labor with the soil"—finding and transforming land resources or, in such cases as a teacher or writer, by producing and selling one's own labor services directly. Put another way: since all production of capital goods reduces ultimately back to the original factors of land and labor, all production reduces back either to labor services or to finding new and virgin land and putting it into production by means of labor energy. A man may also obtain wealth voluntarily in another way: through gifts. (Rothbard 1998, 37)

Without private property, especially in the means of production—like land—it is difficult to efficiently allocate scarce resources. Without it, no exchange can happen, and without exchange, people cannot place a value on the property to be exchanged, hence monetary prices on property cannot be established; and without a price system, effective allocation of scarce resources is impossible. Without the allocation of scarce resources to the parts of the economy that need them the most, waste and shortages arise, plunging people into untold suffering (Mises [1920] 1990). By severely limiting rights to property ownership, the Nigerian government robs its people of the opportunity to build and access an efficient system of resource allocation.

HOW NIGERIANS THRIVE DESPITE GOVERNMENT DEPREDATIONS

Nigerians have altogether disregarded the government and have decided, as they rightly should, to take their destiny into their own hands by providing for themselves the goods and services they need to raise their standards of living. The government, in some cases, has made it illegal for Nigerians to engage in certain activities, such as owning and mining natural resources, without a permit or license. People are not able to own the natural resources

discovered on their lands or the lands their ancestors have lived on for many generations. And when the people decide to engage in mining and processing natural resources on the land that is rightfully theirs according to the natural rights theory of property, the government kills, maims, or imprisons them.

In this section the status of private property rights in two key inputs of Nigeria's economy—land and natural resources—is examined, and specifically the extent to which Nigerians have thrived despite government depredations. In some cases, they have been successful; in others they have not. I present this in a “problem” and “solution” format.

LAND RIGHTS, OWNERSHIP, AND THE ILLEGAL TRANSFER OF WEALTH

PROBLEM

Land ownership has been hotly contested in Nigeria since the nation's conception, especially in its urban areas (Okafor and Nwike 2016). Every act, policy, or law governing the ownership and control of land in Nigeria refers to unused land—that is, land still in the way nature left it—as the property of everyone. However, it is mandated to be administered (i.e., controlled) by government officials. For this reason, Nigeria's system of land ownership more accurately reflects Rothbard's second option to ownership of property than it does the third, as is commonly argued.

In urban areas the eviction of indigenous communities and slum dwellers has become commonplace (Agboola and Jinadu 1997). State and federal governments kick these people off the land they mixed their labor with. The reasons given for evicting these people and demolishing their homes largely cite concerns over unsafe and unsanitary conditions due to the overcrowding characteristic of these settlements. But in the rare case that the government relocates the displaced people, they are put in locations worse than the ones from which they were removed. Their evacuated lands are then used to develop multimillion-dollar residential and commercial properties. This was the case with the Maroko settlement eviction of July 1990, which left over three hundred thousand people displaced from their homes (Agboola and Jinadu 1997). Table 1 shows some examples of displacements of people by Nigerian governments.

TABLE 1: EVICTIONS OF CITIZENS BY NIGERIAN GOVERNMENTS

Location	Date	Number of persons evicted	Motive for eviction	Eviction agent for evictees	Compensation or offer of an alternative site
Adeniji Adele Street, Lagos	Dec. 1975	5,000	urban renovation	state gov't	no compensation
Iponri, Lagos	Dec. 1976	5,000	urban development	Lagos State Development and Property Corporation, Lagos State	no alternative site
Elekuro, Ibadan	Aug. 1976	10,000	encroachment on school land	state gov't	no resettlement
Ketu, Lagos	1976	10,000	city cleanup	state gov't	not resettled
Central Lagos	Sept. 1976	10,000	urban renovation	federal gov't	resettled
Alaba Market, Lagos	Aug. 1977	20,000	illegal occupation	state gov't	no compensation
Ebute Meta/Lagos Island Lagos	July 1985	10,000	illegal occupation	state gov't	no compensation
Iponri, Lagos	Aug. 1985	5,000	urban renewal	state gov't	only 1000 resettled
Oworonshoki, Lagos	Feb. 1988	3,000	bridge construction	federal gov't	no alternative site
Maroko, Lagos	July 1990	300,000	illegal occupation	state/fed. gov't.	no compensation
Maitama village, Federal Capital Territory (FCT)	Aug. 1990	3,000	FCT development	FCDA	resettled; ₦1,000 (\$111.11) ⁴ compensation
Lugbe (Garki), Abuja	May 1993	30,000	FCT development	FCDA	resettled

Source: Data from Agboola and Jinadu (1997, 274).

⁴ This is based on the exchange rate of 1 US dollar to 9 naira in 1990 according to the US Department of the Treasury Financial Management Service. The conversion rate as of 2020 is 1 US dollar to 387.93 naira.

The case of the people of Otodo Gbame, a fishing community in Lagos State, provides another example of the Nigerian government's abuse of property rights. Located on the edge of the lagoon on the Lekki Axis, this land contained homes, boats, and other community structures. These people set up communities along the coast of Lagos. By all indications, these people met the land in its natural state, and through the mixing of their labor with it, assumed ownership of the land; that is, it became their property. In 2016, the governor of Lagos State announced plans to demolish waterfront communities within the state. This led a nonprofit to help the community members get a court injunction against the demolition of their community. The Lagos State government blatantly disobeyed the injunction and went on with the decimation of the community. The powerful, wealthy, and politically connected laid claim to the land. Hence, the people had to be evicted (Adegbeye 2017).

The question is, what gives the wealthy, politically connected family the right to the land they had never brought into use? Nothing but aggression, personified in the state government. Aggression is the antithesis of the libertarian principle. Here we see that when the state claims to make ownership in land equal to everyone, they end up either taking control of it themselves or giving such control to their cronies.

SOLUTION

Part of the solutions to poverty in developing countries is private ownership of property. Development economist P.T. Bauer, referring to developing countries, stated that “[e]mergence from poverty requires effort, firmly established private property rights, and productive investment” (Bauer 2000). When people come into ownership of land through the fruits of their labor, they can exchange it with other parties for whatever commodity they choose and be better off.

In Nigeria's rural communities, the 1978 Land Use Act is completely ignored. In these remote areas, where property values are low, individuals commonly purchase and sell land and conduct commerce using land with little or no disturbance from the government. As Okafor and Nwike (2016, 14) point out, “the land use Act provides that ‘all lands in rural areas, be under the control and management of the Local Government, within the area of jurisdiction of which the land [is] situated,’ which implies that there will be no more open market transaction, yet this is still in practice in the area.”

But in urban communities, where the value of land is at a premium due to the concentration of population and economic activities, property rights to land are less secure. In rural areas, Nigerians enjoy a system of de facto private property ownership, because the government does not interfere with lands of lesser value. Had the Otodo Gbame community enjoyed the same absence of government interference, they could have completely changed their economic prospects by selling their land at market value to the current developers of Periwinkle Estate, the multi-million project that was built on their land. According to a report from Amnesty International, “A plot of land in the Periwinkle estate sells for between NGN45 million and NGN200 million (US\$124,710–US\$554,269)” (Amnesty International 2017).

NATURAL RESOURCE OWNERSHIP AND THE ILLEGAL TRANSFER OF WEALTH

The Nigerian physical geography is endowed with natural resources (Adeoye 2016). But why has this not turned into prosperity for the average Nigerian? Some cite the “resource curse,” (Auty 1993). Some studies have even attempted to show a relationship between a natural abundance in resources and low economic growth (Sachs and Warner 1995). One thing that the literature on the resource curse fails to point out is that in countries where private property in natural resources exists, and the rights in these resources are clear and secure, economic development has been possible and the resource curse has never been an issue.

PROBLEM

Nigeria is a major producer of oil. Revenues from oil, mostly through joint ventures with international oil companies (IOCs) and a few local oil companies (LOCs), are a major part of the government’s revenue—41.7 percent in 2018 (BudgIT 2018). According to section 44(3) of the 1999 constitution, all natural resources within the Nigerian geographic domain are owned by the federal government:

[T]he entire property in and control of all minerals, mineral oils and natural gas in[,] under or upon any land in Nigeria or in, under or upon the territorial waters and the Exclusive Economic Zone of Nigeria shall vest in the Government of the Federation and shall be managed in such manner as may be prescribed by the National Assembly.

The government gives licenses to the IOCs and LOCs to explore and exploit petroleum resources. There are two major problems here.

First, these resources are found in communities that have been homesteaded by the people. Hence, the government, according to the libertarian theory of property, has no right to give away these people's property. But it does, and, yet again, we see a system thought to fit Rothbard's third option devolving into his second option.

Second, since the natural resources remains government owned, IOCs and LOCs have no incentive to consider the long-term capital value of the assets in their resource management schemes. Instead, they place heavier emphasis on short-term profits from exploiting the asset (Rothbard 2006). Also, since the land and natural resources are controlled by government officials who do not "own" the resources, it is not in their economic interest to protect the capital value of the resources either. Thus, natural gas, which is a by-product of oil production, is allowed to be flared off and wasted, polluting the air rather than being exploited as a resource (Udok and Akpan 2017).

The oil companies exploit these resources with reckless abandon, leaving environmental destruction in their wake. Meanwhile, the people, deprived of their rights to exploit or benefit from the resources found on their land, are left in environments made unlivable by oil spillage and the deposition of other petroleum waste products. Over 2 million barrels of oil were spilled between 1976 and 1996 (Ajide and Isaac 2013). And the flaring of gas in the Niger Delta, where most of the petroleum in Nigeria is exploited, has led to increased incidence of respiratory diseases like asthma and bronchitis among nearby populations (ERA and FOE 2009).

In addition to environmental degradation and disease, government misappropriation of so-called communal lands has resulted in political unrest and violent encounters between the oil companies and members of the communities affected by their activities. Militant groups within the communities have destroyed drilling and exploration assets. In fact, some especially frustrated community members have gone so far as to risk their own lives to reclaim the resources drawn from their lands. Oil poachers hack at pipelines to harvest crude oil, which they refine in makeshift refineries and then sell in domestic and in some cases foreign markets. This is extremely dangerous work. Not only must such people evade government security agents, but they must be

cautious lest the waste product—gas—ignite, engulfing them all in an inferno (W. Ross 2012). In response, the Nigerian government has carried out brutal military crackdowns to suppress these uprisings. With all these dangers, the benefit of these activities still outweighs the cost, as the Niger Delta, though the country's fountain of wealth, is one of the country's poorest and least developed regions (Ukaga, Ukiwo, and Ibaba 2012).

Successive Nigerian governments, basing the ownership of petroleum on Rothbard's option 3 and attempting to utilize the revenue from it to increase the standard of living for all Nigerians, have failed to reduce poverty and instead have enriched themselves and their supporters. Nigerian historian Max Siollun illustrates this trend, describing the Nigerian oil boom, which resulted from the Arab embargo in the 1970s:

The influx of petrodollars into government coffers also amplified both the Nigerian government and people's developmental ambition.... The FMG [federal military government] proved ineffective at managing the wealth, and was unable to use it to significantly increase Nigerians' living standards. Although the oil boom created a tiny coterie of powerful economic oligarchs and [a] patronage system amongst senior military officers, their families and their civilian associates, living conditions for the rest of the population either remained stagnant or deteriorated. This created the paradox of a rich country with poor people. Gowon [the head of state] described the problem as "want in the midst of plenty" and observed that Nigeria's problem was not lack of money, but how to effectively spend its sudden new found wealth.

Civil perceptions that Nigeria was "rich" also made the population impatient for the oil boom wealth to trickle down to the society at large. In an attempt to distribute federal wealth to workers, the FMG in January 1975 decided to award public sector employees massive pay rises exceeding 100%....

The increased spending power of public sector workers led traders to increase their prices, fueling inflation and wiping out the economic benefits the pay rises were intended to create. Private sector workers then went on strike to demand pay rises for themselves. (Siollun 2009)

This situation has remained fundamentally unchanged. Only a handful of Nigerians, usually those with cozy relations with the government officials who control these resources, have benefited from the nation's oil wealth. For example, between 1970 and 1999 the Nigerian government generated about \$231 billion from oil, or \$1,900 for every man, woman and child in that same period (M. L. Ross 2003). But according to the World Bank, most of Nigeria's oil wealth

is siphoned off by 1 percent of the population (Junger 2007). This is either done through blatant criminal activity in the form of missing oil tankers, falsified bills of ladings (B/L), and bogus contracts between international oil companies and government officials (Katsouris and Sayne 2013). A 2016 Oxfam briefing paper stated that “[c]onditions written into the contracts of international oil companies requiring them to partner with local companies have been exploited by corrupt political elites who have created shell companies to capture a slice of the rewards” (Hardoon, Ayele, and Fuentes-Nieva 2016). Here, again, Rothbard’s second option is at play.

SOLUTION

Many environmental advocates have said that the government needs to hold the oil companies accountable for the environmental degradation they cause, as oil spillage has destroyed local fishing and farming communities (Lugard 2016). They try to separate property, human, and environmental rights. But this misses the point. Not only are environmental and human rights property rights, but when anything of value is owned by everybody, it is owned in reality by no one and will come under the control of a handful of people who are able to use the threat or force of violence to cement their control, which eventually leads to the misuse and abuse of that thing of value. Those who eventually get to control these things of value that are supposed to belong to everyone are usually those in government and those in their patronage networks.

The injustices of Nigeria’s petroleum industry reveal the inherent enmeshment of human rights, property rights, and environmental rights. While government ownership of valuable oil sources has led to poverty, waste, pollution, and disease, the application of private property to Nigeria’s petroleum industry would bring an end to these issues.

The reason why there is pollution in the air, waters, and land is that there is little private ownership of those resources (D. Friedman 1973). There is extensive pollution of the lands in oil-producing communities in the Niger Delta, because there is little private ownership of those lands. Discussing this issue more generally, economist David Friedman puts it this way:

If the pollution were done to something that belonged to someone, the owner would permit it only if the polluter were willing to pay him more than the damage done. If the polluters themselves owned the property

they were polluting, it would pay them to stop if the damage they did were greater than the cost of avoiding it; few of us want to dump our garbage on our own front lawns. (D. Friedman 1973)

A good example would be the case of the Audubon Society, a private nature conservancy that purchases and manages ecologically important wildlife and wilderness preserves, such as the Paul J. Rainey Wildlife Sanctuary. The Rainey Wildlife Sanctuary is a 26,800-acre marshland which is “home for deer, armadillo, muskrat, otter, mink and more than 50,000 snow geese ... also is the site of a number of oil and gas wells, and provides grazing land for private cattle herds” (Baden 1986). Why would an organization like the Audubon allow oil and gas wells on their lands? Are they not worried about environmental pollution caused by the oil and gas exploration and exploitation?

Because the land is privately owned, the owners benefit from the natural resources found on and in the land through royalty checks—over \$25 million—from the oil companies that exploit the petroleum resources on the land. The oil companies have an incentive to take the utmost precaution when exploiting the resources; they have an incentive not to destroy the land, because they want to be allowed access to the oil and gas that they intend to sell. They know that if they polluted the land the Audubon would not only expel them from their property but could also sue them for damages. This is a win-win situation. Audubon and the oil companies both benefit from this relationship. The Audubon, the owners of the land, have an incentive to protect the environmental integrity of the land but also an opportunity to benefit from the economic value of the natural resources on it, and they are in full control of their property. Hence, there is no environmental pollution and there is an economic benefit for the owners of the land. All this is possible because the Rainey Wildlife Sanctuary is privately owned and the Audubon’s property rights to the Wildlife Sanctuary are secure (Baetjer 2017).

The simple solution to poverty and environmental pollution in the Niger Delta, and all other places in Nigeria where other natural resources can be found, is the establishment and protection of private property in the lands and what nature has left in, on, or above them. If this occurred, IOCs and LOCs would be able to cut deals with the oil-producing local communities in the Niger Delta with little to no interference from the government. These

communities would benefit directly from the billions of dollars in oil revenue, and poverty for them would be a thing of the past. For example, the IOCs and LOCs could lease the land directly from the communities and agree to pay royalties at an agreed amount. The structure of these contracts would be left to the communities and the companies. As shown above, many of these communities have traditional structures for land use and tenure that they could extend to the IOCs and LOCs during exploration rights negotiations. The IOCs and LOCs would also have an incentive to be careful as they exploit the oil resources, because they would understand that if they do not, they could be kicked off the land. These companies currently enjoy protection from the government irrespective of the damage they do to the land. They would also be incentivized to employ locals, first for unskilled and semiskilled labor and eventually, after the necessary training and education, in skilled positions. Hiring locals does not just cost less than hiring expatriates but locals also understand cultural nuances that may be difficult for expatriates to grasp.

This is Rothbard option 1 in the ownership of land.

A WAY FORWARD

For the Rothbardian libertarian, calling for the abolishment of the Nigerian government would not be out of bounds. And it should not be. The Nigerian government is the entity that acquires its revenue through physical coercion through taxation or through the misappropriation of revenue from the exploitation of natural resources. It has the compulsory monopoly of force and is the ultimate decision-maker within the territorial area called Nigeria. The goal should be to create a Nigerian society in which there is no apparatus of coercion that preys on the lives and property of Nigerians.

We now know where we are and where we need to be, hence we what we need is a plan to transition from having an all-encompassing Leviathan government to having little to no government, or a government, as Henry L. Mencken put it, “which barely escapes being no government at all.” This makes the development of a strategic framework important. Rothbard (1977) thought deeply about the importance of being strategic in bringing about libertarian change, asking, “[N]ow that we know the nature of our social goal, how in the world do we get there?” He went on to quote a 1976 unpublished white paper on the Massachusetts

libertarian movement to buttress his point about the importance of strategy in bringing about our goal:

[A] strategic framework may be viewed as performing a function similar to the function of the price mechanism within the economic system: the allocation of scarce resources among competing goals. In other words, strategy enables a political movement to undertake a systematic and explicit ordering of priorities which in turn enables the movement to allocate its scarce human and financial resources in the most efficient manner possible. (qtd. in Rothbard 1977, 1)

We have looked at how the Nigerian government, as a result of suppressing private property, especially for land and natural resources, has caused avoidable suffering for its citizens. To ensure the prosperity, peace, and economic development of Nigerians, a strategy is needed that involves Nigerians considering what the role of government, if it any, should be.

BUILDING A LIBERTARIAN MOVEMENT

There is an important need to build a movement to bring about libertarian social change in Nigeria, where the tenets of liberty and private property are the order of the day. The movement would spread libertarian ideas into mainstream political discourse in Nigeria. According to Rothbard, “ideas do not spread and advance by themselves, in a social vacuum; they must be adopted and spread by people, people who must be convinced of and committed to the progress of liberty... this means that liberty can only advance by means of developing a libertarian movement” (Rothbard 1977, 2).

Once a full movement has taken root the need for a political party would potentially become inevitable. Political parties in Nigeria are fronts for acquiring power and are ideologically decrepit. Though Nigeria has a multiparty system, only two political parties dominate Nigerian politics. Thus far, the other parties have not been able to put forth a formidable third-party candidate (Kazeem 2019). Nigerians are looking for an alternative, and only a party with a consistent ideology can provide that. It is time for a libertarian party of Nigeria.

LIBERTARIANISM IS NIGERIAN

The Nigerian political elite could lay spurious accusations of “Western imperialism” at the feet the movement. These accusations usually claim that African, and more specifically Nigerian,

cultures are collective in nature and that private property in land and natural resources is un-African, therefore un-Nigerian. This is false. Ghanaian economist George Ayittey showed that factors of production could be privately owned in many indigenous African societies and communities (Ayittey 2006). Ayittey stated:

In indigenous Africa, all the factors of production were owned by the natives or extended families, not by their rulers, the chiefs, or by tribal governments. Feudalism was not commonplace in Africa, except in Abyssinia (Ethiopia). That means, in popular language, that the means of production were privately owned. The hunting spears, fishing nets, cattle, pots, huts, farm produce, fish, textile looms, gold jewelry shops, and various tools and products were all privately owned. (Ayittey 2006, 322)

Specifically, of land and natural resources Ayittey writes:

Land was widely and erroneously regarded by the experts as “communally owned.” This confusion arose ... from ... improper interpretation. Whereas the American could say, “This land belongs to *me*” — the individual being the basic social and economic unit—the African would say, “This land belongs to *us*” — the “*us*” connoting the extended family. Unfortunately, early Europeans in Africa misinterpreted the “*us*” to mean the entire village or tribe.... A river “belonged to all,” but a dam across the river was private property. *Once someone applied his labor to something*, it became a personal property. The same attitude was extended to land. Once a family settled on an unoccupied piece of land and farmed it, it became theirs. (Ayittey 2006, 322–23)

As can be seen, once someone “mixed his labor” with the land or natural resources and transformed it from the state nature left it in, it became private property. This is in harmony with Rothbardian libertarian tradition.

An old proverb of the Yoruba people of Nigeria goes thus, “*Teni n Teni, takisa n taa tan,*” which could be loosely translated as, “Whatever is yours is yours; regardless, you shouldn’t despise your brother because he is at the bottom of the barrel.” Hence, while private property was important mutual aid and voluntary charity were also important. Stakeholders of the movement must consistently drive home the idea that the tenets of libertarianism are Nigerian.

CONSENSUAL GOVERNMENT

Finally, part of the strategic framework should involve informing the Nigerian people that without their consent the government cannot oppress them.

The nineteenth-century French economist Frédéric Bastiat stated:

It is not because men have made laws, that personality, liberty, and property exist. On the contrary, it is because personality, liberty, and property exist beforehand, that men make laws. What, then, is law? As I have said elsewhere, it is the collective organization of the individual right to lawful defense. Nature, or rather God, has bestowed upon every one of us the right to defend his person, his liberty, and his property, since these are the three constituent or preserving elements of life; elements, each of which is rendered complete by the others, and that cannot be understood without them. For what are our faculties, but the extension of our personality? And what is property, but an extension of our faculties? If every man has the right of defending, even by force, his person, his liberty, and his property, a number of men have the right to combine together to extend, to organize a common force to provide regularly for this defense. (Bastiat [1850] 2007)

Hence, the protection of life, liberty, and property should be the bare minimum that Nigerians should accept from their government. Not one that preys on those who gave it the right to exist.

This also is consistent with the writings of John Locke:

To understand political power right, and derive it from its original, we must consider, what state all men are naturally in, and that is, a *state of perfect freedom* to order their actions, and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature, without asking leave, or depending upon the will of any other man. (Locke [1690] 1980)

Therefore, if ever the government did more than the bare minimum of protecting the life, liberty, and property of its people or became destructive to those who instituted it, it would become incumbent on the people to abolish or disregard it altogether.

CONCLUSION

Nigerians are already disregarding the government in many ways. They enter the market to provide security and judicial services for themselves. They pay private security guards to protect their homes and property. They buy and sell important, but heavily regulated, commodities like petroleum products and electricity on the black market, at the risk of their lives. They avoid the overly regulated formal economy to do business. Soon the costs of doing business in black and informal markets will outweigh its benefits due to its inefficiencies in the allocation of resources. When this occurs, Nigerians will decide that enough is enough and demand admittance to the

formal economy with the condition of limited government interference in it, by any means necessary. The period of militancy in the Niger Delta and the recent clamor for the secession of the south-eastern part of the country are just symptoms (Akpan, Nwokah, and Andem 2018). It would be wise for the government and its officials to relent before it gets to that point.

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