# From Neutrality to Legitimacy: Rethinking Land, Rents, and Governance in Resource-Rich Societies

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ABSTRACT

Land has long occupied a contested place in political economy. Classical thinkers such as Ricardo, Malthus, Mill, and George emphasized its scarcity, immobility, and capacity to generate unearned rents. Neoclassical theory, however, collapsed land into capital, erasing its distinctiveness and introducing the illusion of neutrality. This article challenges that illusion by distinguishing between commodification—the transformation of land into tradable property—and commoditization—the standardization of goods into fungible units. Land can undergo the first but never the second. Its ecological burdens, cultural attachments, and political claims resist substitution, ensuring that one land is never equivalent to another.

To demonstrate this argument, the paper develops a typology of non-neutrality (cultural/identity, spatial/ecological, political, legal/institutional, and economic) integrated with the MASI framework (Mobility, Access to Voice, Spatial Burden, Institutions). Comparative case studies—Nigeria's Niger Delta and the Petroleum Industry Act 2021, Indigenous sovereignty struggles in Canada, and Norway's North Sea oil governance—illustrate how commodification without commoditization generates distributive inequality, political alienation, and conflict.

The policy implications are direct: governance regimes that assume neutrality, treating land-based rents as fungible fiscal flows, systematically fail. By contrast, institutions that acknowledge land's non-neutrality—through enforceable consent rights, territorial burden-sharing, liability funds, and transparent participatory mechanisms—can build legitimacy and stability.

The article thus restores land as a distinct factor of political economy and reframes resource governance around a simple but critical insight: commodification is possible, but commoditization is not.

**Keywords:** Commodification and commoditization**;** Non-neutrality of land**;** Petroleum Industry Act (Nigeria)**;** Fiscal federalism**;** Resource curse**;** Political economy of natural resources.

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# 1 INTRODUCTION

In orthodox economics, the factors of production are classically defined as land, labor, and capital. Yet over the course of the twentieth century, land all but disappeared from mainstream economic analysis. Classical political economists—Ricardo, Malthus, Mill—saw land as a distinct factor, irreducible to other inputs, precisely because of its scarcity, immobility, and capacity to generate rents. Neoclassical economists, however, collapsed land into capital, treating it as an interchangeable asset within smooth equilibrium models. This erasure was not merely semantic: it introduced the notion of neutrality, as if land could serve as a passive platform for production rather than an active and contested site of distributional struggle.

This article challenges that notion and conceptualization. It argues that land is *non-neutral*: its immobility, ecological embeddedness, and cultural specificity mean that it structures economic and political outcomes in ways that neither labor nor capital can. The central conceptual approach here is to distinguish between *commodification* and *commoditization*. Commodification refers to the transformation of land into tradable property—surveyed, titled, leased, and taxed. Commoditization, by contrast, refers to the standardization of goods into fungible, interchangeable units, such as wheat or steel. Land can be commodified, but it cannot be commoditized: a hectare in the Niger Delta is not equivalent to a hectare in Abuja, Nigeria. Similarly, a hectare in Alberta's oil sands is not equivalent to a parcel of Wet'suwet'en territory. Each land is unique, tied to ecological, cultural, and political contexts that resist substitution.

The guiding research question, therefore, is: Why is land non-neutral, and how does the failure to distinguish commodification from commoditization obscure this fact?

The stakes are both theoretical and practical. Neutrality assumptions have shaped how economists model growth, how states design fiscal systems, and how policymakers approach land governance. By treating land as fungible once commodified, theory and policy obscure the distributional inequalities, ecological burdens, and identity-based conflicts that land inevitably produces. This misrecognition is not simply academic, but also underpins recurring grievances in resource-rich societies, from Nigeria's Niger Delta to Canada's Indigenous territories, from Iraq's Kirkuk to Norway's North Sea oilfields.

To address these questions, the article develops a revised analytical structure:

i. Theoretical Foundations: Revisiting classical political economy, neoclassical absorption, Marx and Polanyi's critiques, and modern land-tenure debates to clarify the distinction between commodification and commoditization.
ii. Typology of Non-Neutrality: Proposing a structured framework of cultural, spatial, ecological, legal, political, and economic dimensions, integrated with the MASI model (Mobility, Access to Voice, Spatial Burden, Institutions).
iii. Comparative Case Studies: Examining Nigeria's Niger Delta and the Petroleum Industry Act 2021, Indigenous land struggles in Canada, and Norway's North Sea governance as contrasting illustrations of how commodification without commoditization produces instability.
iv. Policy Implications: Analyzing the implications of non-neutrality for land and resource governance, with particular emphasis on Nigeria's PIA 2021, and proposing reforms grounded in recognition of land's specificity.
v. Conclusion: Restating the theoretical and practical contribution: neutrality collapses because commodification does not entail commoditization.

By restoring land as a distinct and contested factor of production, this article argues for a more realistic political economy—one that sees land not as a neutral backdrop but as a structuring force whose immobility and embeddedness shape inequality, legitimacy, and conflict.

## 2 THEORETICAL FOUNDATIONS

### 2.1 CLASSICAL POLITICAL ECONOMY

Classical political economy treated land not as a peripheral input but as a foundational determinant of production, distribution, and social stability. For David Ricardo, Thomas Malthus, John Stuart Mill, and later Henry George, land's distinctiveness lay in its scarcity, immobility, and non-reproducibility. Unlike capital, which could be accumulated, or labor, which could migrate, land was fixed and finite. It was precisely this fixity that made land central to questions of rent, inequality, and justice.

Ricardo's *Law of Rent* made the point starkly. In his *Principles of Political Economy and Taxation* (1817), he argued that rents arise not from productive effort but from differences in fertility and location. The best land yielded high output with minimal input, while inferior plots required greater labor for the same result. The surplus accruing to landowners was therefore unearned, a product of land's inherent qualities rather than entrepreneurial initiative. For Ricardo, land was *commodified*—bought, leased, inherited—but never *commoditized*. One plot could not simply substitute for another, since differences in fertility and location were irreducible.

Malthus, writing in *An Essay on the Principle of Population* (1798), reinforced this view by tying land to the limits of human sustenance. While populations grew geometrically, food production expanded only arithmetically, constrained by the finite supply of cultivable land. For Malthus, the bottleneck was ecological: no matter how land was commodified through markets, it could not be commoditized into endlessly substitutable units. Its scarcity and immobility imposed structural limits that no market mechanism could dissolve.

Mill's contribution sharpened the distributional stakes. In *Principles of Political Economy* (1848), he introduced the idea of the *"unearned increment"*—the appreciation of land value that accrued not from the owner's efforts but from broader social development, urbanization, and population growth. This increment, Mill argued, was a windfall that ought to be reclaimed for the public through taxation. Like Ricardo, Mill emphasized that land was not neutral: it generated rents and value because of its embeddedness in society, not because it was a fungible commodity. Commodification enabled speculation and trade, but commoditization was impossible, since each parcel carried unique social and locational qualities.

Henry George extended this reasoning in *Progress and Poverty* (1879), advocating a *land value tax* as the most just and efficient way to capture socially generated rents. Because the supply of land was fixed, taxing its unimproved value would not distort incentives. George's proposal rested on the recognition that land was a special category of wealth: commodified into property, but never commoditized into neutral, interchangeable assets. Each plot's location and ecological context made it singular, and thus rents were socially created yet privately captured.

Taken together, Ricardo, Malthus, Mill, and George all converged on the same insight: land is a distinct, non-neutral factor of production. It could be enclosed, titled, and traded—*commodified*—but it could never be standardized into interchangeable units—*commoditized*—without erasing the ecological, spatial, and social differences that made it valuable in the first place. Their recognition of land's non-fungibility laid an intellectual foundation for later critiques, including the MASI framework, which highlights how land's immobility and specificity continue to generate inequality and conflict in contemporary resource economies.

## 2.2 NEOCLASSICAL ABSORPTION

If the classical economists elevated land as a unique and irreducible factor of production, the **neoclassical revolution** sought to erase this distinctiveness. In the pursuit of analytical elegance, land was folded into capital, stripped of its ecological, spatial, and cultural specificity, and treated as if it were fully fungible. This theoretical maneuver created the enduring illusion that land was *neutral*.

John Bates Clark, in *The Distribution of Wealth* (1899), advanced the principle of *marginal productivity*: each factor of production—labor, capital, land—would receive a return equal to its contribution to output. Yet to make this model mathematically tractable, all factors had to be treated as fundamentally alike. Clark defined capital broadly as a "permanent fund" of productive wealth, subsuming land into this category once it had been commodified. The peculiarities of immobility, scarcity, and cultural embeddedness that Ricardo and Mill emphasized were flattened into a smooth model of substitution. Land, in Clark's framework, was no longer a distinctive factor but merely a form of capital, interchangeable with machinery or buildings.

Frank Fetter reinforced this move in *Principles of Economics* (1904), where he rejected Ricardo's rent theory altogether. For Fetter, there was no special category of land rents: all returns could be understood as a form of interest on capital. By erasing the conceptual distinction between rent and profit, Fetter dissolved land's distinctiveness entirely. Land's value, once commodified, was assumed to behave like any other capital asset. The result was a vision of the economy in which neutrality reigned—land had no structural properties that could distort or condition outcomes.

This erasure became deeply entrenched in twentieth-century growth theory. Solow's neoclassical growth model (1956) included only capital, labor, and exogenous technology; land was absent. Even in later endogenous growth models, natural resources appeared, at best, as residuals or externalities. The implication was clear: once commodified, land could be treated as fungible and interchangeable with other productive inputs. Neutrality was restored at the level of theory, even though it never existed in practice.

The consequences of this intellectual shift were significant. By assuming that commodification implied commoditization, neoclassical theory obscured the very features—immobility, ecological specificity, identity attachment—that made land politically combustible. Models could predict equilibrium efficiency, but they could not account for why oil spills in the Niger Delta produced insurgency, or why Alberta's oil sands provoked intergovernmental conflict. Neutrality was a fiction purchased at the cost of empirical blindness.

It is telling, however, that modern urban economics has had to reintroduce land precisely where its absence created analytical gaps. William Alonso's *Location and Land Use* (1964) brought land rents back into focus through his bid–rent model, showing how land values structure urban form by concentrating economic activity around central locations. Paul Krugman's *Geography and Trade* (1991) expanded this logic into a theory of spatial agglomeration, emphasizing how geographic immobility shapes development and trade. In both cases, the reappearance of land in formal models underscored what classical political economy had already recognized: land cannot be neutralized into fungible capital because its location and specificity condition economic outcomes.

In sum, the neoclassical absorption of land into capital was not a neutral simplification but a theoretical gamble. Clark and Fetter gained mathematical elegance but at the cost of denying land's immobility and non-fungibility. Later growth theory perpetuated this illusion, erasing land from economic analysis altogether. Yet modern spatial economics has had to bring land back in, acknowledging that rents and immobility continue to shape inequality and conflict. The neoclassical attempt to commoditize land in theory could not overcome the reality that land, even when commodified, resists fungibility.

### 2.3 MARX, POLANYI, AND THE FICTITIOUS COMMODITY

While neoclassical economists dissolved land into capital, critical traditions insisted that land remained a category apart. For **Karl Marx**, land was not simply a productive input but a basis for unearned rents that accrued to owners by virtue of exclusion and appropriation. In *Capital, Volume III* (1894/1981), Marx argued that rent emerges not from productive activity but from property relations: the capacity of landowners to demand payment because access to land is monopolized. Land was, in this sense, a "fictitious commodity"—not created for exchange, yet treated as if it were. Its value was not grounded in labor but in control, scarcity, and the social power of ownership.

**Karl Polanyi** deepened this critique in *The Great Transformation* (1944), where he famously described land, labor, and money as fictitious commodities. Land, Polanyi argued, is part of nature, embedded in ecological and cultural systems, and cannot be produced at will for sale. Yet market societies seek to commodify it—surveying, titling, leasing, and pricing it as though it were fungible. This disembedding of land from social life produces what Polanyi called "systemic dislocation." The attempt to commoditize land generates social resistance: communities mobilize to defend their livelihoods, identities, and ecologies against the fiction that land is just another market good. For Polanyi, the history of capitalism was marked by this *"double movement":* the drive to commodify land and the countermovement of social protection.

The distinction between commodification and commoditization sharpens both Marx's and Polanyi's insights. Land can certainly be commodified—treated as property and traded in markets. But it cannot be commoditized into interchangeable units like wheat or steel. Each parcel remains tied to specific ecologies, histories, and identities. The fiction lies not only in treating land as a commodity, but in assuming it can behave like a fungible commodity. It is this fiction that makes neutrality an illusion.

Where Marx and Polanyi emphasized exploitation and systemic instability, Elinor Ostrom offered a different perspective. In *Governing the Commons* (1990), Ostrom challenged the idea that land and natural resources must be either privatized or nationalized to avoid tragedy. Instead, she showed how communities around the world successfully manage common-pool resources through rules, norms, and institutions that recognize land's embeddedness. Ostrom's empirical work on fisheries, forests, and irrigation systems demonstrated that resource governance is most sustainable when it reflects the specificity of place and the knowledge of local users. Rather than treating land as fungible, Ostrom highlighted its heterogeneity and the ways communities build governance systems around its non-neutrality.

Taken together, these traditions highlight three dimensions of critique. Marx underscored how land generates rents and inequality because it is not produced but appropriated. Polanyi warned that treating land as if it were fungible destabilizes societies, provoking resistance. Ostrom showed that sustainable governance emerges precisely when institutions acknowledge land's specificity and embed collective management in local contexts. All three converge on the same principle: land cannot be neutralized. It may be commodified through property regimes, but commoditization is impossible because land's ecological, cultural, and institutional embeddedness resists substitution.

### 2.4 COMMODIFICATION VS. COMMODITIZATION

The persistent conflation of commodification and commoditization lies at the heart of neutrality illusions. The two processes are analytically distinct, yet in economic theory and policy they are often treated as equivalent. Clarifying the distinction is essential for understanding why land cannot be reduced to a neutral factor of production.

Commodification refers to the transformation of land into tradable property through enclosure, survey, titling, and legal recognition. It marks the moment when land enters markets as an object of exchange. Commoditization, by contrast, refers to the standardization of goods into fungible, interchangeable units—wheat, steel, or crude oil barrels that can be traded without reference to origin.

Land can undergo commodification, but it resists commoditization. Every parcel is embedded in ecological, cultural, and political contexts that make it non-fungible. This resistance is what produces inequality and conflict: commodification generates rents and revenues, but commoditization fails, ensuring that land remains contested and specific.

*Table 1* ***Commodification vs. Commoditization***

| **Dimension** | **Commodification** | **Commoditization** | **Why Land Resists Commoditization** |
|---|---|---|---|
| Definition | Transformation into property (survey, title, lease, tax). | Standardization into fungible, interchangeable units. | Land is immobile, scarce, identity-laden, and ecologically specific. |

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|---|---|---|---|
| Mechanism | Legal regimes, property rights, fiscal systems. | Market exchange in standardized commodities (grain, metals, oil). | Land cannot be replicated or relocated; each plot is unique. |
| Economic Implication | Generates rents, allows taxation, enables investment. | Enables global trading of goods as equivalent units. | Commodification produces value, but commoditization fails—differences persist. |
| Social/Political Effect | Formalizes ownership, opens land to markets. | Erases differences by assuming equivalence across units. | Cultural meaning, ancestral attachment, and ecological burdens ensure non-fungibility. |

**Illustrative Cases**

- **Niger Delta (Nigeria):**

  Oil-bearing lands have been commodified through concessions to multinational and national firms under state authority. Yet commoditization fails: ancestral attachments, ecological devastation, and immobility mean these lands cannot be treated as equivalent to others. The fiction of fungibility fuels resistance, from Ken Saro-Wiwa's Ogoni activism to struggles and ongoing militancy across the Niger Delta region.

- **Alberta Oil Sands (Canada):**

  Land has been commodified through leases and royalties, integrated into Canada's fiscal federalism. But commoditization is impossible: the ecological burdens, such as tailings ponds, carbon emissions, local health impacts, are territorially specific and cannot be neutralized by equalization transfers. Political alienation follows because Albertans perceive burdens as non-fungible.

- **Norway (North Sea):**

  Oil resources have been commodified into leases and fiscal flows, stabilized through redistribution and the sovereign wealth fund. Yet even here, commoditization does not occur. North Sea oil is embedded in Norway's maritime identity and collective stewardship narratives. Stability rests not on fungibility but on embedding specificity within legitimate institutions.

By distinguishing commodification from commoditization, it becomes clear why land's neutrality is a fictional notion. Commodification allows land to be priced, leased, or taxed, but commoditization never follows: land's immobility, cultural embeddedness, and ecological specificity make it resistant to interchangeability, and places a non-marketable premium to its commodified value. Neutrality assumptions collapse because they mistake the one process for the other.

## 3 TYPOLOGY OF LAND'S NON-NEUTRALITY

The neutrality of land has long been assumed in economic theory once it is commodified, but this assumption collapses when land's embeddedness is examined across multiple dimensions. Land is not merely a productive input: it is cultural, ecological, political, legal, and economic all at once. To capture this complexity, we can develop a typology of non-neutrality that demonstrates how land resists commoditization.

This typology also aligns with the MASI framework—Mobility, Access to Voice, Spatial Burden, and Institutions—originally developed in Resource, Region, and Ruin. Each dimension of non-neutrality corresponds to one or more MASI categories, showing how land's specificity translates into structural inequalities and conflict.

*Table 2* ***Dimensions of Land's Non-Neutrality***

| Dimension | Key Features | Illustrative Examples | MASI Link |
|---|---|---|---|
| **Cultural / Identity** | Land anchors identity, spirituality, and belonging; place attachment makes land irreplaceable. | Wet'suwet'en resistance to pipeline routes; Aboriginal Dreaming sites; Jerusalem as sacred territory; Nigeria's ethnic identities tied to land. | *Mobility + Access to Voice* – cultural and spiritual ties limit ability to escape burden or substitute one land for another, hence demand recognition; refusal to accept fungibility fuels sovereignty struggles. |
| **Spatial / Ecological** | Land carries uneven ecological burdens that cannot be shifted elsewhere. | Niger Delta oil spills; Alberta tailings ponds; Brazilian Amazon deforestation. | *Spatial Burden* – costs of extraction are territorially concentrated, while benefits are dispersed nationally or globally. |
| **Political** | Land generates distributive and sovereignty conflicts over rents, representation, and autonomy. | Nigeria's Niger Delta militancy; Iraq's Kirkuk as an ethno-regional flashpoint; Alberta's federal fiscal disputes. | *Access to Voice + Institutions* – conflicts arise when land-based communities lack effective representation in fiscal and political systems. |

| | | | |
|---|---|---|---|
| **Legal / Institutional** | Land regimes (property rights, tenure, taxation) formalize commodification but cannot erase specificity. | Nigeria's Petroleum Industry Act (2021); Canada's equalization framework; colonial land titling. | *Institutions* – legitimacy hinges on whether laws recognize non-fungibility or assume neutrality. |
| **Economic** | Land produces rents (Ricardo), unearned increments (Mill), and socially generated value (George). Taxation debates reveal non-neutrality. | Land value tax debates (George vs. Tideman); fiscal equalization conflicts in federations. | *Mobility* + *Institutions* – rents cannot be redistributed as fungible flows; immobile burdens persist in producing regions. |

***Synthesis***

This typology underscores that land's non-neutrality is multidimensional. Cultural identity ensures that land cannot be substituted; ecological burdens remain territorially fixed; political disputes arise over rents and autonomy; legal regimes struggle to legitimize property without denying specificity; and economic rents resist neutral redistribution.

The MASI framework provides the connective tissue. *Mobility* highlights the fixity of populations tied to land; *Access to Voice* captures the political contestation that arises when cultural claims are denied; *Spatial Burden* demonstrates how ecological costs concentrate locally; and *Institutions* reveal how neutrality assumptions erode legitimacy.

In combination, the typology and MASI framework provide a systematic way of analyzing why land cannot be commoditized, and why policies that assume neutrality consistently produce conflict and instability.

# 4 COMPARATIVE CASE STUDIES

## 4.1 NIGERIA: THE NIGER DELTA AND THE PETROLEUM INDUSTRY ACT 2021

Few regions illustrate the non-neutrality of land more vividly than Nigeria's Niger Delta. Home to some of the world's most prolific oilfields, the Delta has also been the epicenter of ecological devastation, militant insurgency, and persistent disputes over ownership and distribution of oil rents. At the heart of these struggles is the tension between *commodification* and *commoditization:* oil-bearing lands have been commodified into concessions and leases, but they cannot be commoditized into fungible assets. Their ecological burdens, ancestral attachments, and cultural meanings ensure that neutrality remains a fiction.

### *Legal Provisions of the Petroleum Industry Act 2021*

The *Petroleum Industry Act (PIA) 2021* was passed to overhaul Nigeria's oil and gas governance. Among its key provisions are:

- **Ownership and Control of Petroleum (Section 1):**

  All petroleum resources are vested in the Federal Government of Nigeria, held in trust for the people. This formalizes the commodification of oil-bearing land, centralizing ownership in the state rather than recognizing community or regional rights.

- **Host Community Development Trusts (Sections 234–257):**

  Oil companies are required to contribute 3% of their operating expenditures to Host Community Development Trusts (HCDTs). The goal is to deliver tangible benefits—schools, clinics, infrastructure—to oil-producing communities.

- **Centralization of Rents and Royalties (Chapters 4–5):**

  Revenues from petroleum—royalties, profit oil, gas flaring penalties—are collected centrally by federal institutions such as the Nigerian Upstream Petroleum Regulatory Commission (NUPRC). Distribution is managed through national budget processes and derivation formulas, with only a fraction reaching producing states and communities.

### Commodification without Commoditization

On paper, the PIA commodifies land by converting oil-bearing territories into legal and fiscal assets. Petroleum is leased, royalties are assessed, and rents are centralized for redistribution. Yet the illusion of commoditization—the idea that these assets are interchangeable and fungible—collapses in practice.

- **Ecological Burdens:** Oil spills, gas flaring, and soil degradation remain territorially fixed in the Niger Delta. Compensation schemes fail because no other land can substitute for lost fishing grounds or ancestral farmland.
- **Cultural Attachment:** For Ogoni, Ijaw, and other Delta communities, land is more than property—it is identity and livelihood. Attempts to substitute monetary payments for ecological and cultural loss are rejected as illegitimate.
- **Political Alienation:** Centralized rent distribution fosters resentment. Communities perceive that they bear disproportionate costs while benefits flow to distant regions and

federal elites. The 3% allocation to HCDTs has been widely criticized as insufficient compared to earlier demands for 10% equity participation.

***Community Reactions***

Reactions to the PIA underscore the persistence of land's non-neutrality:

- Niger Delta stakeholders such as the Ijaw National Congress and Movement for the Survival of the Ogoni People (MOSOP) have condemned the Act for entrenching federal control and marginalizing local voices.
- Critics argue that 3% contributions to HCDTs are inadequate and risk being captured by elites, failing to address ecological remediation or community sovereignty.
- The Act's centralization provisions have been seen as a continuation of the *Petroleum Act of 1969*, which first vested all petroleum in the federal government, sparking decades of insurgency.

**Analysis through Commodification/Commoditization**

The PIA illustrates the central argument of this paper. Land in the Niger Delta has been commodified: oil is surveyed, titled, leased, and taxed. But it cannot be commoditized. A hectare of Ogoni farmland polluted by oil cannot be substituted by cash payments or alternative land elsewhere. The ecological burdens are fixed, the cultural attachments are irreplaceable, and the political voice of communities cannot be neutralized.

Through the lens of the *MASI framework,* the failures become clear:

- *Mobility:* Communities cannot relocate when lands are degraded.
- *Access to Voice:* Federal centralization excludes host communities from meaningful participation.
- *Spatial Burden:* Pollution and health risks remain concentrated locally.
- *Institutions:* The PIA's neutrality assumptions erode legitimacy, treating oil rents as fungible fiscal flows rather than territorially embedded claims.

In sum, the **PIA 2021** codifies commodification but perpetuates the illusion of commoditization.

By assuming that revenues can be redistributed as if they were neutral fiscal flows, the Act obscures the lived reality of land's non-neutrality—ensuring that conflict and alienation persist in the Niger Delta.

### 4.2 CANADA: INDIGENOUS LAND AND FEDERAL-PROVINCIAL CONFLICT IN ALBERTA

Canada provides a dual perspective on the non-neutrality of land: one rooted in Indigenous sovereignty and cultural identity, the other in federal-provincial disputes over rents and redistribution. Both demonstrate how land can be commodified through leases, titles, and fiscal transfers, but not commoditized into fungible assets. Each parcel remains bound by identity, ecology, and territorial burdens that resist substitution.

#### 4.2.1 Indigenous Sovereignty: The Wet'suwet'en and Beyond

For Indigenous nations in Canada, land is not merely property but the foundation of sovereignty, spirituality, and survival. The Wet'suwet'en resistance to pipeline projects exemplifies this. Proposed natural gas corridors through Wet'suwet'en territory were framed by governments and corporations as rights-of-way—commodified into contracts, compensation packages, and regulatory approvals. Yet hereditary chiefs rejected this framing, asserting that no sum of money could substitute for sacred territory.

The Truth and Reconciliation Commission (2015) recognized that Canada's history of dispossession—through doctrines like *terra nullius*, the reserve system, and residential schools—was predicated on denying Indigenous relationships to land. While commodification reduced territory to titles and leases, commoditization failed: Indigenous cosmologies view land as a living relation, not a fungible asset. This is why monetary compensation or relocation schemes often fail; they assume fungibility where none exists.

From the MASI perspective:

- Mobility is constrained because ancestral ties prevent substitution.
- Access to Voice is demanded through *Free, Prior, and Informed Consent* (FPIC), yet often denied in practice.
- Spatial Burden manifests in ecological and cultural losses that remain localized.
- Institutions lose legitimacy when they treat Indigenous territory as neutral property rather than embedded identity.

The Wet'suwet'en case, like Aboriginal land rights in Australia or Niger Delta indigenous struggles in Nigeria, demonstrates that commodification cannot erase cultural specificity. Land's non-neutrality is most visible where it intersects with identity and sovereignty.

### 4.2.2 Federal-Provincial Conflict: Alberta's Oil Sands

The **Alberta oil sands** highlight a different dimension of *non-neutrality*: the spatial and fiscal burdens of extraction within a federal system. Oil sands lands are commodified through leases granted by the provincial government, with royalties and taxes integrated into Canada's fiscal architecture. Rents flow into provincial coffers and, indirectly, into the national system through taxation and equalization transfers.

Yet neutrality assumptions collapse when *commoditization* is presumed. On paper, oil revenues collected in Alberta can be redistributed to less resource-rich provinces as fungible fiscal flows. In practice, Albertans contest this redistribution, arguing that the ecological and social burdens—tailings ponds, carbon emissions, public health impacts—remain immobile in their region. No fiscal transfer can substitute for these localized costs.

The introduction of *carbon pricing* deepened this tension. Ottawa's carbon tax framework treats emissions as fungible externalities priced into markets. But for Alberta, carbon rents are experienced as disproportionately punitive because they are tied to the unique geography and intensity of oil sands production. Again, commodification (pricing carbon) did not result in commoditization (neutralizing spatial burdens).

Through MASI, the dynamics are clear:

- Mobility: Extraction sites and affected communities cannot relocate; costs are locked in place.
- Access to Voice: Alberta demands greater influence in federal policy, framing itself as marginalized in national debates.
- Spatial Burden: Ecological harms remain territorial, while fiscal benefits disperse nationally.
- Institutions: Equalization and carbon regimes, designed around neutrality assumptions, are contested as illegitimate in producing regions.

***Synthesis***

Canada thus reveals two layers of land's non-neutrality. For Indigenous nations, commodification cannot erase cultural and spiritual sovereignty: land is identity itself. For Alberta, commodification through leases and fiscal systems collides with the impossibility of commoditization: ecological burdens cannot be neutralized through redistributive transfers. In both cases, neutrality is an illusion. The state's attempt to treat land and rents as fungible generates resistance, whether in the form of Indigenous sovereignty struggles or provincial alienation within the federation.

### 4.3 NORWAY: NORTH SEA OIL AND INSTITUTIONAL EMBEDDING

Norway is often presented as the model case of successful resource governance, frequently contrasted with the instability of Nigeria or the intergovernmental disputes of Canada. At first glance, the country seems to defy the "resource curse": it has avoided authoritarianism, sustained equitable growth, and accumulated one of the world's largest sovereign wealth funds. Yet even here, the stability does not arise from land's neutrality. Rather, it is the product of institutions that recognize land’s *non-fungibility* and embed it in collective stewardship, rather than attempting to commoditize it.

**Commodification of North Sea Oil**

The discovery of oil in the North Sea in the late 1960s transformed Norway’s economic trajectory. Through a carefully constructed legal and fiscal regime, the state **commodified** oil-bearing seabed lands into:

- Licenses and Leases: The state retained ownership of resources while granting production licenses to firms under strict regulation.
- Petroleum Taxation *(Petroleum Tax Act 1975):* Companies faced a high marginal tax rate (78%) on profits, ensuring that the bulk of rents accrued to the state.
- Statoil (now Equinor): The creation of a state-owned company ensured direct public participation in extraction.
- Sovereign Wealth Fund (1990): Revenues were consolidated into the Government Pension Fund Global, designed to benefit future generations.

These measures commodified oil rents by channeling them into state structures, making them legible as fiscal assets.

**The Impossibility of Commoditization**

Despite this, commoditization never occurred. Norwegian oil was never treated as fungible revenue flows that could be separated from their territorial and political meaning:

- **National Identity:** North Sea oil became central to Norway’s modern national narrative—a collective patrimony rather than a neutral commodity. The phrase *“the oil belongs to the people”* reflects this framing.
- **Spatial Burdens:** Offshore extraction produced localized environmental risks (oil spills, seismic disruptions, carbon emissions), which could not be erased through fiscal redistribution. Mitigation efforts—including strict safety regimes and environmental standards—acknowledged the persistence of these territorial burdens.
- **Institutional Design:** The sovereign wealth fund stabilized rents, but its legitimacy derived from transparency, intergenerational equity, and a narrative of stewardship. The

fund did not commoditize rents into neutral flows; rather, it embedded them in a story of national solidarity.

**Contrast with Nigeria and Canada**

Norway's success lies not in neutralizing land's specificity but in designing institutions that accommodate it. Unlike Nigeria's Petroleum Industry Act, which centralizes rents while marginalizing host communities, Norway distributed benefits broadly while maintaining regional legitimacy. Unlike Canada's equalization system, which assumes fungibility of oil rents and generates resentment in Alberta, Norway's model integrated specificity into its national identity and institutional architecture.

**MASI Perspective**

From the MASI lens:

- *Mobility:* Offshore resources are fixed; communities and industries cannot relocate. Institutions acknowledged this by investing in safety and remediation rather than assuming substitution.
- *Access to Voice:* Political debates over oil management were embedded in democratic processes, with strong parliamentary oversight and public discourse shaping outcomes.
- *Spatial Burden:* Environmental risks were territorially concentrated; Norway's high regulatory standards sought to mitigate rather than deny them.
- *Institutions:* Rather than assuming neutrality, Norwegian institutions gained legitimacy by explicitly treating oil as a shared but place-specific inheritance.

***Synthesis***

Norway's experience demonstrates that stability does not come from commoditization but from institutional embedding of land's non-neutrality. Oil rents were commodified into fiscal flows and invested globally, yet they remained politically anchored in national identity, ecological risk, and democratic legitimacy. Norway did not overcome land's non-fungibility—it governed it.

This contrast underscores the broader thesis: neutrality is always a fiction, and the durability of resource governance depends on whether institutions recognize or deny that fact.

# 5 POLICY IMPLICATIONS

## 5.1 NIGERIA'S PETROLEUM INDUSTRY ACT (PIA) 2021

Nigeria's PIA 2021 codifies a comprehensive commodification of petroleum: the state vests ownership, issues licenses, sets fiscal terms, and centralizes revenue collection. Yet it does not resolve the core problem identified in this article—the impossibility of commoditization. Oil-bearing lands in the Niger Delta remain ecologically and culturally specific; burdens remain immobile; and communities remain culturally and politically tied to place. The result is a persistent legitimacy gap: a legal regime that treats land-anchored rents as fungible fiscal flows while affected communities experience non-fungible loss.

i. **Land ownership and community rights**

- **What the PIA does:** Reaffirms federal ownership and control over petroleum, operationalized through upstream licenses and leases. Property regimes are designed to make subsurface value legible to the state and investors.
- **Why neutrality fails:** By treating land primarily as a state-controlled revenue base, the PIA commodifies access for operators but does not recognize the non-fungible cultural, livelihood, and identity claims of host communities. Title and licensing do not substitute for ancestral ties or place-based livelihoods.

***Implication (MASI):***

- **Mobility:** Communities cannot relocate to "equivalent" lands; degradation is borne in situ.
- **Access to Voice:** Absent direct, justiciable participation rights, political voice is mediated—and often muted—through distant institutions.

ii. **Rent distribution and host communities**

- **What the PIA does:** Creates Host Community Development Trusts (HCDTs) funded by a fixed percentage of operators' qualifying expenditure. It also maintains centralized collection of royalties, taxes, and penalties, distributing via national formulas.

- **Why neutrality fails:** A uniform percentage formula treats harms as if they were equivalent across space and time. In practice, spill frequency, gas flaring, and cumulative ecological damage vary widely at the asset and community level. A flat contribution **commoditizes** harms that are in fact non-fungible, inviting perceived inequity and elite capture.

***Implication (MASI):***

- **Spatial Burden:** Ecological and health costs are territorially concentrated while fiscal benefits disperse nationally.
- **Institutions:** Where HCDTs are not paired with enforceable transparency, grievance, and audit mechanisms, legitimacy erodes.

**iii. Spatial burdens (pollution concentrated locally)**

- **What the PIA does:** Provides for operational standards and penalties (e.g., flaring fees), largely funneled through federal accounts and general frameworks.
- **Why neutrality fails:** Penalties priced at national scales neither reflect localized damage nor guarantee site-specific remediation. Monetary flows elsewhere cannot substitute for destroyed fisheries, farmlands, or cultural sites.

***Implication (MASI):***

- **Spatial Burden + Mobility:** Damage is fixed to place, and affected populations cannot "trade" burdens away. Neutral pricing without local remediation deepens grievance cycles.

**Reform Agenda: Aligning PIA with Land's Non-Neutrality**

i. **Constitutionalized FPIC (Free, Prior, and Informed Consent)**

- **Change:** Enact FPIC as a statutory right for defined host and corridor communities (including customary authorities), with clear thresholds for consent and documented, time-bound consultation protocols.
- **Why:** Converts "advisory" voice into justiciable Access to Voice; acknowledges non-fungibility of sacred and livelihood lands.

ii. **Community Benefit and Governance Upgrade**

- **Change:** Replace flat HCDT contributions with a hybrid formula: a base rate + risk-and-impact multipliers (spill history, flaring intensity, habitat sensitivity). Mandate independent fiduciaries, public dashboards, and third-party audits; require community-elected trustees with recall provisions.
- **Why:** Ties benefits to actual Spatial Burdens and reduces elite capture; improves Institutions via transparency and accountability.

iii. **Environmental Liability & Remediation Trusts (site-specific)**

- **Change:** Require operators to pre-fund ring-fenced escrow accounts sized to project risk and cumulative impacts; funds legally restricted to local remediation, health surveillance, and livelihood restoration.
- **Why:** Acknowledges non-fungible ecological loss; ensures in-place redress rather than distant fiscal substitution.

iv. **Flaring and Spill Penalties—Local Earmarks**

- **Change:** Statutorily earmark a major share (e.g., ≥60%) of flaring and spill penalties to the affected license area's remediation and community health programs; publish monthly receipts and disbursements.
- **Why:** Converts abstract penalties into concrete, local mitigation; internalizes costs where damage occurs.

v. **Cumulative Impact Assessments (CIA) & Adaptive Caps**

- **Change:** Make project approval contingent on *CIA* at the corridor/basin level (not only project-by-project EIAs). Introduce adaptive production or flaring caps when threshold indicators (water quality, morbidity, fish stocks) are breached.
- **Why:** Recognizes spatial externalities as stacking over time; embeds precaution into Institutions.

vi. **Place-Based Livelihood Restoration Guarantees**

- **Change:** Require detailed, budgeted restoration plans (fisheries, agriculture, mangroves), co-designed with communities, with **performance bonds** released only upon verified outcomes.
- **Why:** Addresses Mobility constraints by rebuilding livelihoods **in place**, not via cash that presumes substitutable land.

vii. **Revenue Transparency & Grievance Adjudication**

- **Change:** Mandate license-level publication of all fiscal flows (royalties, taxes, penalties, HCDT payments) and create a specialized tribunal with standing for communities to challenge non-compliance; provide interim relief powers.
- **Why:** Strengthens Institutions and Access to Voice; converts information asymmetry into enforceable rights.

viii. **Customary Tenure Recognition in Project Siting**

- **Change:** Require mapping and statutory recognition of customary and sacred sites before licensing; establish no-go zones and alternative routing mandates for pipelines and rights-of-way.
- **Why:** Materializes cultural non-fungibility within the siting process; prevents ex post conflict.

ix. **Derivation+ Mechanism for Producing Regions**

- **Change:** Layer a **derivation-plus** transfer that increases with measured ecological burden (verified by independent monitors), credited directly to state and local governments **and** HCDTs.
- **Why:** Aligns national solidarity with territorial justice; acknowledges that not all producing lands bear equal costs.

x. **Local Health & Environmental Surveillance**

- **Change:** Fund permanent, community-governed clinics and labs to track exposure (PAHs, heavy metals), publish open data, and trigger automatic operator-funded interventions when thresholds are exceeded.
- **Why:** Makes Spatial Burden visible and actionable; ties penalties to real-time human impacts.

Bottom line is that *the PIA succeeds at commodifying petroleum but stumbles precisely where land cannot be commoditized*. A legitimacy-restoring reform package must abandon neutrality assumptions and legislate for specificity—place-based consent, place-indexed benefits, place-funded remediation, and enforceable, transparent institutions. Only by aligning the Act with land's non-neutral character can Nigeria convert recurring grievance into durable stability.

## 5.2 BROADER LESSONS FOR LAND AND RESOURCE GOVERNANCE

The analysis of Nigeria's PIA 2021 underscores a larger truth: neutrality-based governance frameworks consistently fail because they presume fungibility where none exists. This failure is not unique to Nigeria—it reverberates across Canada, Norway, and other resource states. The policy lesson is that sustainable governance must embed land's non-neutrality into law and institutions rather than attempting to erase it.

i. Respect for Land's Non-Fungibility

- **Lesson:** Land can be commodified into titles and leases, but it cannot be commoditized into interchangeable units.
- **Reform tools:**

    - Institutionalize Free, Prior, and Informed Consent (FPIC) not as a procedural courtesy but as a legal right.
    - Mandate Cultural Impact Assessments alongside Environmental Impact Assessments (EIAs) to acknowledge spiritual and identity dimensions of land.

- **Comparative insight:** Indigenous struggles in Canada and Australia show that monetary compensation schemes fail because they assume substitutability where none exists.

ii. Redistribution of Spatial Burdens

- **Lesson**: Extractive industries concentrate ecological and health costs locally while dispersing benefits nationally or globally.
- **Reform tools**:
    - Establish territorial burden-sharing funds that directly compensate producing regions for ecological and social costs.
    - Embed environmental liability escrows into project finance, dedicated to local remediation.
- **Comparative insight:** Alberta's disputes with Ottawa reveal how fiscal transfers are delegitimized when they ignore localized burdens; Nigeria's HCDTs similarly fail when they assume flat equivalence.

**iii. Institutions for Legitimacy, Not Neutrality**

- **Lesson:** Institutions that treat land as fungible lose legitimacy; those that recognize specificity gain trust.
- **Reform tools:**
    - Strengthen resource trust funds with dual governance: national transparency and regional participatory mechanisms.
    - Empower specialized tribunals or ombudsman systems to adjudicate land and resource disputes with community standing.
- **Comparative insight:** Norway's sovereign wealth fund has legitimacy not because it neutralized rents, but because it embedded them within narratives of stewardship and intergenerational justice.

**iv. Mobility Constraints and Livelihood Alternatives**

- **Lesson:** Communities cannot simply "move" when land is degraded or seized; immobility is structural.
- **Reform tools:**
    - Pair extraction projects with place-based livelihood restoration programs that rebuild local economies.

    - Require performance bonds for livelihood outcomes (e.g., fisheries recovery, agricultural productivity) before releasing funds to operators.
- **Comparative insight:** Displaced farmers in Sudan and Ogoni communities in Nigeria could not exchange ancestral lands for "equivalent" sites. Restoration in situ is critical.

**v. Beyond Market Mechanisms**

- **Lesson:** Market instruments (carbon pricing, titling, concessions) commodify land but cannot commoditize it.
- **Reform tools:**
    - Complement market tools with deliberative forums where communities, governments, and firms negotiate legitimacy.
    - Develop hybrid governance models that recognize customary tenure alongside statutory law.
- **Comparative insight:** Brazil's Amazon shows that titling schemes deepen dispossession when they assume neutrality; Ostrom's commons research demonstrates that collective rules often manage land more sustainably.

### 5.3 TOWARD A NON-NEUTRALITY GOVERNANCE FRAMEWORK

Pulling these lessons together, a governance framework aligned with land's non-neutrality would include:

i. Consent-based regimes (FPIC, Cultural Impact Assessments).
ii. Burden-sharing mechanisms (territorial funds, liability escrows).
iii. Legitimacy-focused institutions (trust funds with dual governance, grievance tribunals).
iv. Place-sensitive development (livelihood restoration, in-situ remediation).
v. Plural governance systems (customary + statutory + human rights law).

The MASI framework provides a useful diagnostic:

- *Mobility* requires in-place restoration.
- *Access to Voice* requires enforceable consent and representation.
- *Spatial Burden* requires territorialized compensation and liability.
- *Institutions* require legitimacy by embedding specificity, not neutrality.

### 5.4 SYNTHESIS: FROM NEUTRALITY TO LEGITIMACY

The comparative analysis of Nigeria, Canada, and Norway highlights a consistent pattern: neutrality-based governance fails because it treats land as if it were fungible, while legitimacy-based governance succeeds because it embeds land's specificity into law and institutions.

- In **Nigeria**, the PIA 2021 commodifies oil-bearing land into leases and fiscal flows but assumes that redistribution can neutralize ecological and cultural burdens. The result is persistent insurgency and distrust.
- In **Canada**, Indigenous resistance demonstrates that land cannot be substituted or compensated away, while Alberta's disputes show that ecological burdens tied to oil sands extraction cannot be balanced by fiscal transfers alone.
- In **Norway**, stability rests not on commoditization but on institutional embedding: rents are framed as collective patrimony, ecological risks are acknowledged, and revenues are transparently managed as intergenerational wealth.

The lesson is clear: **commodification may be unavoidable, but commoditization is impossible.** Treating land as if commodification implied fungibility blinds policymakers to the lived reality of immobility, cultural attachment, and spatial burden. Governance that assumes neutrality courts resistance, grievance, and instability. Governance that acknowledges specificity—through consent rights, burden-sharing mechanisms, and transparent institutions—can achieve legitimacy and stability.

The MASI framework crystallizes this shift:

- Mobility reminds us that communities cannot relocate when land is degraded.
- Access to Voice requires legally enforceable mechanisms of consent and representation.
- Spatial Burden demands territorialized compensation and liability schemes.
- Institutions must gain legitimacy by embedding cultural and ecological specificity rather than denying it.

In short, moving from *neutrality* to *legitimacy* requires abandoning the fiction that land can be commoditized. Policies should instead embrace land's non-neutrality as the foundation for just and sustainable governance.

## 6 CONCLUSION

This article has argued that land must be restored to the center of political economy, not as a neutral input but as a structuring force whose immobility, scarcity, and cultural embeddedness make it categorically distinct from labor and capital. The guiding research question—*why is land non-neutral, and how does the failure to distinguish commodification from commoditization obscure this fact?*—has been answered by tracing the theoretical, empirical, and policy dimensions of land's irreducible specificity.

The analysis began by revisiting classical political economy, where Ricardo's rents, Malthus's scarcity, Mill's unearned increment, and George's land value tax each recognized that land could be commodified but never commoditized. It then showed how the neoclassical absorption of land into capital created the illusion of neutrality, an illusion later challenged by Marx, Polanyi, and Ostrom, who each emphasized land's fictitious commodification, destabilizing effects, and collective governance potential.

A typology of non-neutrality—cultural/identity, spatial/ecological, political, legal/institutional, and economic—was introduced, integrated with the MASI framework (Mobility, Access to Voice, Spatial Burden, Institutions). This clarified the multiple dimensions through which land resists fungibility.

The comparative case studies reinforced this argument:

- In **Nigeria**, the PIA 2021 commodifies oil-bearing land but perpetuates conflict by treating localized burdens as if they were fungible fiscal flows.
- In **Canada**, Indigenous sovereignty struggles and Alberta's intergovernmental disputes demonstrate that land cannot be substituted, compensated, or neutralized by redistribution.
- In **Norway**, stability has been achieved not by erasing land's specificity but by embedding it in national identity, transparent institutions, and intergenerational stewardship.

The policy implications are clear: neutrality assumptions must be abandoned. Governance that assumes fungibility generates alienation, insurgency, and distrust. Governance that acknowledges land's non-neutrality—through FPIC, territorial burden-sharing funds, liability escrows, transparent trust funds, livelihood restoration, and hybrid tenure recognition—has a better chance of achieving legitimacy and stability.

The central conclusion is that commodification is possible, but commoditization is not. Land can be titled, leased, and taxed, but it cannot be standardized into fungible units. Its ecological burdens, cultural meanings, and political claims make neutrality an illusion. Recognizing this distinction transforms both theory and practice: it restores land as a distinct factor in political economy and provides a roadmap for designing institutions that respect specificity rather than deny it.

By reframing land in this way, the article contributes to both scholarship and policy. Theoretically, it clarifies the conceptual error that has long obscured land's role in inequality and conflict. Practically, it offers principles for reforming land and resource governance in ways that build legitimacy rather than perpetuate instability. The broader implication is that sustainable development and durable peace depend not on treating land as fungible, but on embracing its non-neutrality as the foundation for just and resilient governance.

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