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RESEARCH ARTICLE

The social contract and industrial citizenship: Nigerian trade unions' role in the recurring fuel subsidy protests

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Abstract

This article brings new perspectives on state–citizen relations in African petro-states by analysing the role of Nigerian trade unions in the recurring fuel subsidy protests. Nigerian trade unions have played an instrumental role in protests against fuel subsidy removals since the mid-1980s, most recently in the massive 2012 protest known as 'Occupy Nigeria'. Based on the idea that the fuel subsidy forms part of a social contract in Nigeria, and through revisiting T. H. Marshall's seminal work on citizenship and industrial citizenship, I propose that the protests are sites for popular assertions of broader citizenship, as people rally behind the fuel subsidy as a social right and affirm political rights to participate and civil rights to bargain. This article further argues that the trade unions act as a mediator between state and citizens – that is, embedded in their industrial citizenship with collective forms of representation, organizing and bargaining. In this way, Nigerian trade unions have kept their relevance for workers and beyond, despite eroded labour rights. However, this social contract is fragile, contextual and contradictory, and the mediating role of the unions carries challenges and ambiguities, which became particularly clear in the 2012 protest.

Résumé

Cet article apporte de nouvelles perspectives sur les relations État-citoyen dans les pétro-États d'Afrique en analysant le rôle des syndicats nigérians dans les manifestations récurrentes portant sur les subventions de carburants. Les syndicats nigérians ont joué un rôle instrumental dans les manifestations contre la suppression des subventions de carburants depuis le milieu des années 1980 et, plus récemment, dans la manifestation massive de 2012 connue sous le nom de « Occupy Nigeria ». En se basant sur l'idée que la subvention des carburants fait partie d'un contrat social au Nigeria, et en revisitant les travaux fondateurs de T. H. Marshall sur la citoyenneté et la citoyenneté industrielle, l'auteur propose que les manifestations sont des sites d'assertions populaires d'une citoyenneté plus large, les personnes se ralliant derrière la subvention des carburants comme un droit social et affirmant des droits politiques pour participer et des droits civils pour négocier. Cet article soutient par ailleurs que les syndicats jouent un rôle de médiation entre l'État et les citoyens, un rôle ancré dans leur citoyenneté industrielle avec des formes collectives de représentation, d'organisation et de négociation. De cette

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manière, les syndicats nigérians ont conservé leur pertinence pour les travailleurs et au-delà, en dépit de droits du travail érodés. Cependant, ce contrat social est fragile, contextuel et contradictoire, et le rôle de médiation des syndicats est porteur de difficultés et d'ambiguïtés, comme l'a montré clairement la manifestation de 2012.

Introduction

Protests against fuel price hikes occurred in forty-one countries between 2005 and 2018, most forcefully in the global South (McCulloch *et al.* 2022), and many were led by trade unions (Houeland 2021). The pressure for fuel subsidy reform dates to the 1980s liberalization and structural adjustment programmes. Since 2009, fossil fuel subsidy reform has been linked to the climate agenda, which has caused new actors of the political left and the environmental movement to support fuel subsidy reform (Houeland 2021; Lockwood 2015). The pressure for reform and its discontents have been exacerbated by energy crises related to Covid-19 and the Russian invasion of Ukraine. It is pertinent to understand the drivers, dynamics and significance of fuel subsidies and the associated protests, and this can shed light on state–society relations at play and the trade unions' role in this. Highlighting civic relations and popular agency, this article offers new perspectives on African state–society relations that commonly minimize such relations and are elite-centred.

Almost all Nigerian governments since the mid-1980s have attempted to remove fuel subsidies, and trade unions have consistently and successfully led protests against their removal. At least until 2012. The 2012 protest – colloquially called Occupy Nigeria – was one of the largest mass mobilizations in Nigerian history (Branch and Mampilly 2015). When the federal government removed the fuel subsidy on 1 January 2012, then opposition politician Bola Tinubu wrote that it 'breached the social contract with the people [who] feel betrayed and angry' (2012). The idea that fuel subsidies are part of a social contract is articulated by others and in other contexts, such as in China, India, Russia, North Africa and the Middle East (McCulloch *et al.* 2020; Devarajan and Mottaghi 2015; Overland 2010). Nevertheless, there is a lack of analysis on how fuel subsidies form part of such a contract and on what role labour plays in forming or upholding it. With the idea that the fuel subsidy is part of a social contract, I propose that these recurring protests are not simply about fuel prices; rather, they concern larger questions of citizenship and statehood.

In political philosophy, the social contract refers to an agreement, implicit or explicit, between citizens and the state regarding mutual rights and obligations that define the moral and political foundations and boundaries of state authority (Boucher and Kelly 1994; Hickey 2011). To link the abstract ideas of the social contract to concrete rights, political processes and trade unions' roles, I revisit Marshall's (1992 [1950]) classic work on citizenship and social class and the subsequent academic literature on industrial citizenship.

This article shows how the protests are sites for asserting, contesting and reshaping citizenship. Protesters not only demanded cheaper fuel as a social right but exercised and claimed the right to participate and negotiate. In this, the trade unions played a specific and pivotal, albeit contested, role. This article claims that, based on their industrial citizenship, trade unions act as a mediator of this social contract,

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thus demonstrating their political relevance at a time when 'labor, workers, and labor action' have largely disappeared from African studies (Copans 2014: 25).

The literature on industrial citizenship has pointed out how organized labour uses its rights in the workplace and the labour market as a power base to expand social rights for workers and citizens at large. In a different context, this article demonstrates how trade unions' engagements that are embedded in industrial citizenship contribute to deepening citizenship, as they enhance civic and political rights through social mobilization and popular protest and as mediators of social rights between citizen and state. In other words, in the Nigerian political economy, dominated by a small elite and characterized by unequal access to citizen rights, the less privileged used their class positions for collective mobilization to gain not only economic benefits from the state, but also political access and influence.

This article builds on insights from previous research concerning the power and agency of the Nigerian labour movement in the political economy of oil, and the role of the fuel subsidy and popular protests in the labour movement (Houeland 2021; 2020a; 2018a; 2017; 2015). In addition to using secondary literature, I have followed Nigerian politics over several years and conducted five field visits to Lagos, Abuja and Port Harcourt between 2012 and 2020. I held formal interviews and had informal conversations with labour representatives in the two trade union confederations, the Nigerian Labour Congress (NLC) and Trade Union Congress (TUC); the two oil unions, the National Union of Petroleum and Natural Gas (NUPENG) and the Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSAN); the trade union alliance partners in the Labour and Civil Society Coalition (LASCO); and activists from environmental, youth and democracy organizations.

The article is divided into two main sections. The first presents the analytical framework. It unpacks the concept of the social contract, considers it in relation to dominant African state theory and the Nigerian context, and relates it to citizenship, rights and the specific industrial citizenship of labour. The second section details and analyses empirical data on how the Nigerian fuel subsidy protests relate to questions of the social contract, trade unions and different forms of citizenship. The first subsection gives an historical overview of the fuel subsidy, its reform and resistance to it. The second subsection details how and why the fuel subsidy is considered a social right. The third and fourth subsections analyse how protesters, led by the unions, exercised their political and civil rights. Throughout the analytical sections, I show how the three forms of citizenship link to labour and industrial citizenship. These last three subsections emphasize details and contestations around the 2012 protest, pointing to both continuation and break in terms of the role of Nigerian unions. The article then concludes with a summary of findings and reflections on their implications.

The social contract and industrial citizenship in an African context

As a philosophical idea, the social contract is about state legitimacy and popular sovereignty, while in political practice and popular understanding it revolves around concrete forms of relations and rights between state and citizens. In practice, a social contract can be loosely unpacked into its reasoning, content, bargaining process and actors (d'Agostino *et al.* 2011).

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Scholars have argued that there is little room for a civic form of the social contract in the (neopatrimonial) African state (Chabal and Daloz 1999) or in petro-states (Karl 1997). In the neopatrimonial state, elites are described as primarily obliged towards 'kith and kin, their clients, their communities, their regions, or even to their religion' (Chabal and Daloz 1999: 15), not the electorate or citizens. In petro-states, state elites rely primarily on petroleum rents rather than citizen taxes for income; therefore, the state is not accountable to the citizen (Nugent 2010). The Nigerian state is portrayed as prototypically neopatrimonial, with a 'non-existing public arena' (Bach 2012); it is located at 'the worst end of the continuum' of resource-cursed petro-states (Karl 1997). However, both perspectives are reductionist, lack contextual sensitivity and largely ignore non-elite actors' agency (Obi 2010; Mkandawire 2015).

This article shares the idea that social contracts are found across precolonial societies, under colonial rule and in non-democratic regimes (Boucher and Kelly 1994; Hickey 2011; Nugent 2010; Marshall 1992 [1950]), and that they can be usefully explored in petro-states and in African contexts – if applied with caution and empirical sensitivity (Nugent 2010).

While acknowledging that there are multiple social contract relations, and that in African contexts it can be useful to distinguish between patronage- or kinship-based and civic forms of social contracts (Hickey 2011; Kew 2010; Ekeh 1975), there is a tendency to overemphasize traditional and clientelist relations at the expense of civic relations and the state (Mamdani 1996; Branch and Mampilly 2015; Nugent 2010: 37). This article is primarily concerned with civic actors and relations.

In Nigeria, relations between state and citizen are weak. The state is deeply elite-driven and said to operate 'in spite of its own citizens' (Aiyede 2010: 178). There is a 'citizen deficit' in which the state neglects, oppresses and violates its citizens and their basic rights (Obadare and Adebanwi 2010). Jibrin Ibrahim (2021) describes a three-dimensional crisis of public corruption, ethno-regional violence and limited democracy that has 'largely broken the social pact between citizen and the State'. However, that does not mean that there are *no* civic relations or citizenship, or no social contract.

Rights, work and industrial citizenship

Citizenship is at the core of the social contract. It defines mutual rights and obligations between a state and its citizens, and work plays a key role. Marshall (1992 [1950]) presents three main types of citizenship that involve corresponding rights and state institutions: civil, political and social. *Civil* citizenship implies the right to justice and individual freedoms, such as freedom of speech and property rights. This includes the right to participate in a free market, where a person may offer property or labour and bargain over its value. The court system is the protector of civil rights. *Political* citizenship provides the right to participate, to organize and to represent or be represented, and it operates through legislatures and government. *Social* citizenship gives socio-economic rights, such as social welfare and education (*ibid.*).

Writing in the UK in the 1950s, Marshall (1992 [1950]) notes that duties follow rights. With the political right to vote follows the civic duty to cast a ballot; following the social right to education it is a public duty to exercise that right. The civil right to 'work where and at what you pleased under a contract of your own making' is of

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'paramount importance' (*ibid.*: 14, 45). Marshall highlights how trade unions attempt to link work to a general sense of duty to society and the larger economy beyond the individual relation between workers and employers. With the liberal turn in the 1980s and the 'Third Way' of labour, work was increasingly considered a citizen's duty as a member of society and as a basis for the welfare state, under a 'no rights without responsibility' motto (Dwyer 2010: 74). As Fudge (2005: 645) argues: 'Increasingly there is an obligation either to work or to engage in training as a condition for obtaining entitlement to social assistance, although the paradox is that work for welfare is excluded from labour protection.'

With South Africa as a case study, Barchiesi (2011) cautions against defining wage work as the foundation for citizenship in a context of the simultaneous erosion of workers' rights and conditions under aggressive (neo)liberalization and pressure on employment. Similar tendencies are found in Nigeria. Despite the oil-fuelled economic growth in the first decade of the millennium, the unemployment rate increased from 14 to 24 per cent between 2000 and 2011.[1] Since then, multiple economic crises have increased the unemployment rate to 33 per cent, and higher for youth,[2] and labour rights are 'systematically violated' (ITUC 2022). In contrast to Barchiesi, and with a case study of how domestic workers struggle for recognition as workers (to access workers' rights), Jordhus-Lier (2017) makes the case that industrial citizenship can be a useful analytical concept applied in the global South, but argues that the concept needs to be recontextualized.

The work ethos of citizenship is related to workers as key taxpayers, as tax is key in '[trading] citizenship rights, including the vote and identity documents' (Nugent 2010: 65). Most African states have poor tax collection capacities, large informal sectors and a history of coercive and illegitimate tax collection systems – or a 'coercive' form of social contract (*ibid.*). This is also the case in Nigeria. However, informal sector businesses, despite being considered unregistered and often evading taxation, do pay a range of public taxes as fees and informal payments (Meagher 2018). Unwillingness to pay taxes may be explained by a broken social contract (*ibid.*), and the formalization and taxation of the informal economy are often assumed to strengthen state accountability and the social contract through increased state ability to deliver social services. However, tax collection is not merely a technocratic exercise but hinges on renewing citizens' faith in public institutions and social welfare (Nugent 2010; Meagher 2018).

Marshall (1992 [1950]: 21) was concerned with class inequalities and how 'the modern [social] contract' was 'an agreement between men who are free and equal in status, though not necessarily in power'. Building on civil, political and social citizenship, Marshall claims, trade unions created 'a secondary system of industrial citizenship parallel with and supplementary to the system of political citizenship' with their collective rights to represent, negotiate and participate (*ibid.*: 26). The expansion of political rights allows for trade unions as collective organizations to transfer civil rights from individual to collective bargaining. Social rights resulted from exercising civil and political rights, not granted by benevolent leaders. Through collective action and

[1] 'Unemployment rate 1990–2012', Nigeria Data Portal <=http://nigeria.opendataforafrica.org/mkgycs/unemployment-rate-1990-2012?Region=Nigeria>, accessed 7 April 2020.

[2] See <https://www.nigerianstat.gov.ng/>, accessed 3 August 2022.

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bargaining, trade unions have been central vehicles for expanding citizen rights and promoting social equality by successfully mobilizing for social rights, such as education and welfare rights – especially for classes previously excluded from such privileges (*ibid*.). Thus, industrial citizenship 'connects to an economic and political logic of power, which allowed working-class influence in the political economies of advanced capitalist democracies' (Zhang and Lillie 2015: 95).

Industrial citizenship is both a status and an active process between state, working classes and their organizations (Marshall 1992 [1950]; Zhang and Lillie 2015). It should be seen as both individual (the rights and obligations of workers) and collective (the powers, liberties and immunities as well as the obligations, constrains and liabilities of unions) (Bagguley 2013). Although primarily linked to the status of workers' rights in the workplace and to processes of organization, striking and negotiations for improved conditions at work (Strangleman 2015; Fudge 2005), trade unions can use their industrial citizenship to expand other forms of citizenship, as it is a kind of 'social solidarity on which other types of citizenship are based' (Zhang and Lillie 2015: 93). By linking to the growth of the welfare state and to social rights, industrial citizenship can 'build a bridge between citizenship and class' (Fudge 2005: 632).

The trade unions have *tools* in industrial citizenship – in collective rights to organize and represent, strike and bargain – to take a critical and mediating role in bargaining over a social contract. This can be termed the unions' associational power to organize and mobilize, their structural power to hurt the economy through strike and the institutional power in terms of capacity and access to bargaining (Houeland 2018a). While Rawls (1985) assumes that citizen representation and bargaining over the social contract happens through liberal democracy and elections, Hickey (2011: 435) suggests that a bargaining process may occur outside the electoral system 'between governments, social groups and citizens'. Unions can extend or upscale the traditional labour contract between workers and employers to a 'social pact' (or a social contract) between the state, capital and/or labour (Beckman 2002; Silver 2003). Typically, in such a contract, labour exchanges lower wages or accepts taxes for social guarantees or rights. By upscaling bargaining from the workplace, unions can shape their own opportunities and simultaneously contribute to the state's legitimacy, and to strengthening and formalizing both state and capital (Andrae and Beckman 1998). With limited opportunities to influence regimes through elections (or effective social bargaining), as in Nigeria, protests can be sites of active citizenship, where citizens assert and claim rights outside formal political channels (Miraftab and Wills 2005).

The trade unions have *incentives* to engage in a social contract in a context of the erosion of (traditional and workplace-based) industrial citizenship or workers' rights. Since the 1980s, both collective and individual workers' rights have narrowed, while responsibilities have widened in an increasingly market-defined exchange of rights and duties (Bagguley 2013; Fudge 2005). Precarious work, job insecurity and informalization have increased, while labour rights are in decline (Fudge 2005; Jordhus-Lier 2017). Thus, trade unions face a variety of challenges when they 'seek to defend, exercise, and extend the boundaries of citizenship' (Johnston 2001: 35). Social movement unionism – a 'citizenship movement' in which labour struggles engage with the boundaries of citizenship (*ibid*.) – was a strategy of expanding mobilizing power by aligning with non-labour organizations and engaging in issues beyond the workplace,

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to address the declining structural power of liberalization and declining membership in the 1980s. In Nigeria, that process is intimately linked to the politics of fuel subsidy (Houeland 2017).

Trade unions mediating the social contract of the fuel subsidy

This section provides an empirically based overview and analysis of how the fuel subsidy is linked to the state and popular legitimacy as well as to the different forms of citizenship.

The history of fuel subsidy

In 1966, a decade after the discovery of the first crude oil deposit, the recently independent Nigerian state struggled with legitimacy deficiency, ethnic unrest and a series of coups, and it introduced fuel subsidies to ensure affordable fuel products for its citizens. The fixed-price system is vulnerable to international price fluctuations, and virtually every Nigerian government since 1978 has tried to remove or adjust subsidies, mostly followed by labour-led protests.

The first adjustment was in 1978 when military head of state Olusegun Obasanjo raised the price by 74 per cent. Yet there was no protest (Ibrahim and Unom 2011), possibly because of the relatively low importance of fuel prices in people's economy as they enjoyed other citizen rights and social welfare. During the 1970s oil boom, the state expanded its economic engagements in industrialization, agriculture and welfare in the name of nation building and development (Apter 2005). Education and health services were virtually free (Osaghae 1995). Although the elites increased their control of the state and the oil resources (Joseph 1987), civic relations expanded and deepened as organizations such as trade unions, women's organizations and youth groups became important actors (Ekeh 1992). However, the state itself and its oil-backed loans were inflated, and the oil crisis from the late 1970s was followed by liberalization and privatization programmes that undercut public welfare (Kew 2016). In 1978, President Obasanjo passed a labour law that limited the right to freedom of association by allowing only one national centre, namely the NLC, and one union per industry while restricting senior workers from organizing in trade unions (Andrae and Beckman 1998). Seddon and Zeilig (2005: 9) describe that this collapse of the 'emergent welfare state', combined with political repression, led to '[t]he charge that national governments had broken the implicit social contract' and to popular resistance.

Despite increased unemployment and reduced trade union membership following deindustrialization and the shrinking of the state, unions formed the nodal point of increased democracy activism and civil society radicalization (Kew 2016; Viinikka 2009). The 1978 labour law, which was intended to ensure state control, became a source of union unity and power based on 'militant self-organisation of the workers at the work-place level' (Andrae and Beckman 1998: 275). The unions also expanded their mobilizing power through social alliances, including with informal sector associations (*ibid.*). The revitalized resistance targeted education, health policies and wage issues but focused most forcefully and consistently on the many attempts to remove the fuel subsidy (Osaghae 1995; Kew 2016; Olukoshi and Aremu 1988; Adesina 2000; Viinikka 2009).

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Even the momentous strikes against the annulment of the 1993 election related to resistance against the subsidy's removal (Viinikka 2009; Akinlaja 1999). By then, President Babangida had pacified the NLC leadership (Adesina 2000; Beckman and Lukman 2010; Olukoshi and Aremu 1988) in an attempt to 'pave the way for the "smooth" removal of the oil "subsidy" and the unchallenged implementation of other elements of SAP [structural adjustment programme]' (Olukoshi and Aremu 1988: 110). Although the NLC remained passive about the election annulment, the two oil worker unions, NUPENG and PENGASSAN – with broad support and pressure from union members and other unions – took the lead in the struggle for democracy and to safeguard the fuel subsidy (Akinlaja 1999; Kew 2016; Adesina 2000; Viinikka 2009). Widespread protests forced Babangida to step down. Rather than leaving power to the president elect, Moshood Abiola, Babangida installed an interim government under President Ernest Shonekan. Shonekan soon attempted to remove the fuel subsidy, but resistance forced him to relent. This paved the way for General Sani Abacha's military coup in late 1993. Initially, Abacha was popular and endorsed by some democracy activists (Viinikka 2009). The fact that he reintroduced the subsidy is best 'explained as a move to confer a degree of legitimacy upon his illegitimate rule' (Akanle *et al.* 2014: 92). Nevertheless, the support for Abacha evaporated, as he turned out to be the most brutal and corrupt leader in Nigerian history. He banned the NLC and the two oil unions and imprisoned the oil unions' leaders in 1994.

In 1998, Abacha died, and the ban on the unions was reversed. Since 1999, Nigeria has held regular elections. Despite expanded political rights, however, state repression has continued and is particularly pronounced in relation to labour (Aiyede 2010). In the public sector, collective agreements continue to be routinely overlooked and workers are often not paid (Edu 2013; Houeland 2018b). In the private sector, there is widespread job insecurity, and the right to organize and bargain is frequently disregarded (Adewumi and Adenugba 2010). Labour repression is an attempt to circumvent the unions' potential power to organize in large numbers and across regions, and to strike. A strike represents a threat to the political and economic elites, since it may halt production and disrupt capital flows, especially when it involves workers in the vital oil industry (Viinikka 2009; Houeland 2015; 2018a).

Since 1999, the intensity of labour-led resistance against fuel subsidy removal has been 'unprecedented' (Nwoko 2009: 148). President Obasanjo (1999–2007) tried six times to remove the subsidy, but each time his efforts were thwarted by labour-led resistance. A period of 'subsidy peace' followed with President Umaru Yar'Adua (2007–10), whose regime had limited popular legitimacy. The 2007 elections were considered more compromised than the two previous elections, and the corruption and violence in the 2011 elections even worse, and President Jonathan's regime (2010–15) had low democratic legitimacy.

Between 1999 and 2010, the global oil boom led to an average economic growth of 8.6 per cent in Nigeria (Orji 2016), but it was accompanied by rising poverty and inequality and a failure to build social welfare. In 2011, 80 per cent of state revenues came from the oil industry; 85 per cent of oil income accrued to 1 per cent of the population, while the 'unimaginably poor' were living in the midst of the elites' conspicuous consumption (Watts 2011: 63). Between 2004 and 2010, the number of Nigerians living on less than a dollar a day rose from 54 to 69 per cent (National Bureau of Statistics 2012).

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With increasing international oil prices and years of no fuel price adjustments, subsidy expenditure costs accumulated. In 2011, one-third of the Nigerian national expenditure budget was related to fuel subsidy costs.[3] In October 2011, Minister of Finance Ngozi Okonjo-Iweala announced that the subsidy would be removed in April 2012. The trade unions and other civil society groups, including the newly formed Occupy Nigeria, reacted as expected with threats of resistance and general strikes. The government responded with bilateral dialogues, which were not concluded when President Jonathan removed the subsidy on 1 January 2012. Protesters went onto the streets the following day. The NLC called for a National Executive Council meeting, and on 4 January, they declared a general strike from 9 January.

The 2012 fuel subsidy protests were larger than the previous post-1999 strikes, and they mobilized beyond trade unions in new ways (Houeland 2018a; Orji 2016). However, the strike proved 'fundamental' to the success of the protests (Osuoka 2020). The importance of unions was again demonstrated: it was only when PENGASSAN threatened to shut down production on 12 January that President Jonathan invited the unions to negotiate. After two days of negotiations, the president reinstated the subsidy and announced a new fuel price of 97 naira (US$0.60) per litre, and the unions suspended the strike (Houeland 2018a).

While Nigerians continue to consider fuel subsidy as an implicit part of the social contract (McCulloch *et al.* 2020), the dynamics of removal and resistance have shifted. The 2015 elections were considered the most democratic yet, and President Buhari initially had higher popular legitimacy (Lewis and Kew 2015). However, after two oil recessions (2015 and 2020), inflation and lowered state revenues, increased insecurity and limited headway in anti-corruption, Buhari's popularity has plunged. Fuel prices have increased irregularly, and fuel subsidies have been removed and reinstated several times, but there have been no fuel subsidy strikes. By May 2016, fuel cost 145 naira and the NLC called for a protest against the price increase, but few turned up. The Buhari government that came into power after the 2015 elections insisted that there had been no subsidy removal and continued to argue against reform (McCulloch *et al.* 2020); many activists from the 2012 protest supported him (Houeland 2020a). As international oil prices plunged in early 2020, Buhari lowered the fuel price, but inflation increased and by September the selling price rose to 161 naira. It was only when civil society actors picketed the NLC's headquarters to push it to act that the unions threatened to strike. The strike was suspended after the NLC and TUC reached an agreement with the government in which the unions accepted the deregulation of fuel prices for the first time. Around that time, another protest emerged that many considered larger than the 2012 protest: the #EndSARS youth protest against police violence. Unions gave only passive and late support to it (Houeland 2020b), and the fuel subsidy was only partly integrated as an issue. Nevertheless, when prices rose again in November 2020, the NLC considered it a breach of the intentions of their September agreement and again threatened to strike.[4] By August 2022, the

[3] 'Fuel fraud fans public anger', *Africa Confidential*, 25 May 2012 <http://www.africa-confidential.com/article/id/4474/Fuel_fraud_fans_public_anger>, accessed 6 June 2015.

[4] 'Why we walked out', Nigerian Labour Congress, 23 November 2020 <https://www.nlcng.org/why-we-walked-out-nlc/?fbclid=IwAR3qVR16xmS9M1FVwwCsBCRBWJfsqX7kTrG0UD9IW33AO3VplpA1l2kYAM8>, accessed 27 November 2020.

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government was insisting that subsidies were in place and that the reported price increases up to 218 naira were not sanctioned by government (Ukpe 2022).

Subsidy as a social right

The historical dynamics of the fuel subsidy and its relation to state legitimacy beg the questions of why the fuel subsidy is so popular, how it is considered a social right, and how it relates to workers.

During the 2011–12 debates in Nigeria, both those who supported and those who resisted removing the fuel subsidy acknowledged that it was a form of welfare benefit, although they differed on its relative value and class perspectives.

From a macro-economic and liberal, rational choice perspective (Lockwood 2015), the Nigerian government, international financial institutions and the business sector acknowledged the subsidy as a welfare benefit, albeit a dysfunctional one. Supporters of reform recognize the adverse effects of increased fuel prices on the poor, but they conclude that fuel subsidies are detrimental to the interests of the poor (Rentschler and Bazilian 2017: 896; Houeland 2021). International reports emphasize that fuel subsidies primarily benefit the upper and middle classes, and a much referenced International Monetary Fund study (Arze del Granado *et al.* 2012) shows that the richest 20 per cent consumes 43 per cent of fuel, while the poorest 20 per cent consumes only 7 per cent. Middle classes consume more fuel for private cars, air conditioning and generators, and the subsidy is costly and limits the state's ability to fund other pro-poor welfare, such as infrastructure, health, education and targeted social goods. Further, it is argued that deregulation would attract economic investments and growth, create jobs and mitigate the endemic subsidy-related corruption. Following this line of thinking, Paul Collier (2012) portrayed poor protesters in 2012 as 'follies' or 'poor people tricked into lobbying for greedy elites'.

By contrast, protesters emphasized the relatively deeper impact of fuel prices on ordinary Nigerians and their purchasing power. As explained by Rosemary Abiogu, a nurse, 'Subsidy removal signals more hardship for [a] majority of Nigerians. Prices of fuel will not only go up but also those of other essential goods' (Onuah and Eboh 2012). An unnamed bus driver in Benin City detailed:

> Since the start of the fuel increase, it has been difficult for me to feed my family and take care of myself. Before the increase, I used to make 1,500 naira to 2,000 naira per day, after expenses. Today, it is difficult to even get 500 naira after expenses. This is because fuel has gone up over 120%.[5]

Similarly, a worker who recalled the 1987 fuel subsidy removal described that: 'The value of the Naira swiftly fell; so also were our income level, purchasing power and living standards. In short, we became poor' (cited in Tar 2009: 175). The NLC president, Abdulwahed Omar, asserted that the fuel price is a core issue for the poor and working classes.[6]

[5] 'Fuel subsidy strike: "We want a dialogue"', BBC News, 13 January 2012 <https://www.bbc.com/news/world-africa-16547979>, accessed 7 July 2022.

[6] Interview with A. Omar, President, NLC, Geneva, 8 June 2012.

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Reflecting on the inequalities, one person stated: 'The salaries of the legislative assembly are some of the highest in the world. Out of a population of 160 million people, more than 70% survive on less than $2 a day, so why should they be the ones who have to pay for the government's failure? They will be hit the hardest.'[7]

At the time, the NLC was fighting to have the March 2011 minimum wage of 18,000 naira implemented. The last adjustment had been in 2007, and wages had not kept up with inflation: in 2011, the monthly minimum wage was worth US$110, whereas in 1981 it was US$200 (Houeland 2018b). For workers, cheap fuel can ensure some level of real wage value and act as compensation for their limited ability to ensure decent pay through traditional labour contracts. Furthermore, Omar emphasized that fuel price increases threaten job security and employment, especially for small businesses and the informal sector, which depend on fuel for generators.[8]

Additionally, workers and other protesters saw cheap fuel as a welfare benefit and their rightful part of 'the national cake'. The protesters' claims came in the context of a relative lack of economic redistribution from the oil resources, few social rights and government mistrust (Guyer and Denzer 2013: 54; McCulloch *et al.* 2020; Houeland 2021). The idea of the subsidy as a right became especially popular after 'predatory rule began in full scale through [the] "roll back the state" principle of SAP and the wanton corruption that followed' (Akanle *et al.* 2014: 92).

Protesters also rejected the idea that the subsidy removal would mitigate corruption. A common placard slogan was 'Kill corruption, not Nigerians'. Recognizing that the subsidy system was indeed deeply corrupt and costly, protesters instead insisted that Nigeria could afford continued subsidies while targeting corruption to release funds for other social benefits. It is a question of redistribution as well as of trust. As explained by the bus driver in Benin City: 'We have enough money in this country to provide the infrastructure that the government says it will put in place, without the removal of the subsidy. People do not trust that the government will carry out the necessary improvements and measures.'[9]

While some insisted on continued subsidies, others expressed openness to subsidy removal if alternative welfare or infrastructure were put in place first. Nurse Abiogu argued that the government 'should have put the palliatives in place before removing the subsidy'.[10] Although the Nigerian unions' continued success against deregulation of the downstream sector has been termed 'remarkable' (Okafor 2009), key unions are open to subsidy removal, conditional upon reviving the full refinery capacity for national consumption (Houeland 2018a). In the 2020 agreement between the NLC, TUC and the government, unions accepted deregulation and the government promised to restore the refineries.[11]

[7] 'Fuel subsidy strike: "We want a dialogue"', BBC News, 13 January 2012 <https://www.bbc.com/news/world-africa-16547979>, accessed 7 July 2022.

[8] Interview with A. Omar, President, NLC, Geneva, 8 June 2012.

[9] 'Fuel subsidy strike: "We want a dialogue"', BBC News, 13 January 2012 <https://www.bbc.com/news/world-africa-16547979>, accessed 7 July 2022.

[10] *Ibid.*

[11] 'Labour did not call off any pain that Nigerians are feeling – NLC', *National Record*, 12 October 2020 <https://nationalrecord.com.ng/labour-did-not-call-off-any-pain-that-nigerians-are-feeling-nlc/>, accessed 23 March 2021.

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Claiming and exercising political rights

The 2012 subsidy protests were not simply about the price of fuel; they were also a reaction to the limited legitimacy of the electoral political system (Branch and Mampilly 2015; Guyer and Denzer 2013). The unions' role was contested in 2012, and understanding those contestations will give further insights into the opportunities and constraints of industrial citizenship in relation to (collective) political citizenship.

When the NLC's acting general secretary, Owei Lakemfa (2015), called the 2012 protest the 'parliament of the street', he denoted the limits of both the Nigerian electoral system as a mediator of citizens' political rights and the protesters asserting such rights. The worker who recalled how fuel subsidy removal led to instant poverty also reflected that as 'salaries became very insufficient and were not reviewed despite several strikes, negotiations and agreements … constant strike actions became the only way to channel our anger and demands' (cited in Tar 2009: 175). Describing the protests as an exercise of citizens' sovereignty (Lakemfa 2015), unionists talk implicitly about the social contract.

Historically, the NLC has claimed and been given a representational mandate on top of its direct membership, primarily built on the subsidy protests and in opposition to the state (Okafor 2009; Aiyede 2007; Nwoko 2009; Beckman and Lukman 2010). The NLC defined its mandate 'as a workers' and popular organization [with a vision to] protect, defend and promote the rights, well-being and the interests of all workers, pensioners, self-employed, working people *and the masses in general*' (NLC 2007, emphasis added). In 2005, the cooperation between the NLC, TUC and 'labour-friendly' community organizations was formalized through the establishment of LASCO. In 2012, the NLC claimed 4 million members and the TUC 500,000, but unionists and allies claimed representation beyond their membership including through LASCO.[12] By expanding their representational mandate and organizational power, the unions have also received support from larger civil society in the struggle for a minimum wage[13] and to resist the most regressive elements in the 2005 proposed labour law, which was an attempt to curtail labour's power (Okafor 2009).

As opposed to the earlier subsidy protests, in 2012 the NLC was not the clear leader and coordinator of the protests; there was a 'clash of interests between the unions and civil society groups', and non-labour civil society appeared at the forefront.[14] Occupy Nigeria – a new and loose network – dominated social media and mobilized widely on the streets and in Lagos, where the largest protests were held; the Save Nigeria Group (SNG), led by pastor and opposition politician Tunde Bakare, took centre stage (Houeland 2018a). The NLC president, Omar, held that 'politicians tried to capitalize on our mobilization' and lamented that other protest actors had no organizational structures and no clear representational mandate.[15] Non-labour activists, on the other hand, questioned the unions' representativeness and accused the unions (as well as the political leaders of SNG) of capturing the popular protests, pursuing

[12] Interviews with P. Esele, President, TUC, Abuja, 30 August 2012; J. Gaskia, representative for Joint Action Front (JAF) in LASCO, Abuja, 2 September 2012; O. Lakemfa, General Secretary, NLC, Abuja, 12 September 2012; D. Yaqub, Assistant General Secretary, NLC, Abuja, 30 August 2012.

[13] Interview with D. Yaqub, Assistant General Secretary, NLC, Abuja, 30 August 2012.

[14] Interview with F. Komolafe, Labour Editor, *The Vanguard*, Lagos, 4 September 2012.

[15] Interview with A. Omar, President, NLC, Geneva, 8 June 2012.

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particular interests and being co-opted by the government (Kew and Oshikoya 2014; Branch and Mampilly 2015).

Individuals and organizations from across the country and classes, with different policies, strategies and relations to the state and the economy, joined the street protests or abstained from work. Media typically stated that 'a new middle class' dominated. Although there is no statistical data mapping of participants' characteristics, accounts from the ground juxtaposed with historical references suggest that participants were similar to those in earlier protests (Orji 2016; Houeland 2018a). While union members are working class – understood as their position in the political economy – many belong to the middle classes – understood as urban based, educated or with an income above the poverty line (see Melber 2016 for middle-class definitions; Houeland 2017 for union representation). However, the new, tech-savvy generation and the more liberal organizations that emerged after 1999 and entered the scene in 2012 had little loyalty to unions (Houeland 2018a; 2020a).

In the wake of, and related to, the 2012 protests, two issues associated with representation should be noted: the elections in 2015, and the NLC's own priorities and support. The 2015 elections were the freest and fairest since 1999 and may have (temporarily) improved as a mediator of citizens' will and the social contract. It was the first time the opposition won; crucially, the incumbent president, Goodluck Jonathan, accepted the outcome (Lewis and Kew 2015). Activists from 2012 were critical in election monitoring and many were engaged in election campaigns. The two main parties both used slogans resonating with the protests' claims: 'change' and 'transformation' (see Houeland 2020a). Key leaders of the 2012 protest, such as the abovementioned Tinubu and Bakare, as well as the former NLC president Adams Oshiomole, were co-founders of Buhari's party, the All Progressives Congress, formed a year after the protests. Many of these later argued for removing subsidies (Houeland 2020a), but the Buhari government has mostly insisted on keeping fuel subsidies. The new government initially had popular legitimacy; it was expected to curb corruption and deliver other social goods (Lewis and Kew 2015; Houeland 2020a). However, the 2019 elections were described by many as the worst in Nigeria's history, social delivery was delayed, and the popularity of the Buhari administration dried up.

Furthermore, industrial citizenship has continued to weaken, with rising unemployment and continued pressure on labour rights. The NLC has apparently removed itself from a social movement unionist strategy. Although the current NLC policy states that it will 'continually struggle to influence public and corporate policies and legislation on all issues at all levels, in the interest of workers, disadvantaged social groups and trade unions', and that it will work with 'like-minded organisations', the emphasis is on the more narrow constituency of 'Nigerian workers and pensioners'.[16] The NLC president, Omar, explained that fuel subsidy strikes are resource intensive and divert energy from core labour issues, such as the minimum wage.[17] Mundlak (2007: 748) cautioned that the 'expansion of citizenship to cover for the decline and incomplete coverage of collective bargaining remains a very partial promise'. Such an expansion may compromise the workers' capacity to negotiate

[16] 'Aims and objectives of the NLC', Nigerian Labour Congress <http://www.nlcng.org/aims-and-objectives-of-nlc/>, accessed 25 March 2021.

[17] Interview with A. Omar, President, NLC, Geneva, 8 June 2012.

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for fair remuneration, Mundlak (*ibid.*) claims. In the 2020 agreement, when unions continued to struggle against job losses and to implement the agreed minimum wage, the government also promised to waive tax on the minimum wage 'as a way of cushioning the impact of the recent hikes in the prices of petrol and electricity' (Adesanya 2020).

Finally, the NLC seems to have lost legitimacy as the representative of the people. Conversations with activists in Abuja, Lagos and Port Harcourt in 2019 confirm the lack of trust and representation in labour, stemming from the 'betrayal' in 2012 (Houeland 2020a). This was reiterated on social media when the NLC called off the announced strike in 2020 and throughout the #EndSARS protests (Houeland 2020b). While this is particularly true for a younger generation with weaker links to organized labour, the union leadership's handling of the situation in 2012 also led to splits within the labour movement (The Worker 2012).

Bargaining over the social contract

While civil citizenship is concerned with the right to justice and individual freedoms, and bargaining over the value of one's labour, industrial citizenship and the acceptance of collective bargaining was 'not simply a natural extension of civil rights; it represented the transfer of an important process from the political to the civil sphere of citizenship' (Marshall 1992 [1950]: 26). This section demonstrates how unions and others claimed and exercised the civil right to bargain, engaging key institutions for political and civil citizenship (government, parliament and the courts). We see a transfer of a type of civil right to define the conditions of work through collective bargaining scaled up to a social contract on behalf of a larger citizenship.

The unilateral subsidy removal by the government on 1 January 2012 was seen by unions as a breach of the 2007 agreement made after the previous subsidy strike, between President Yar'Adua and the NLC, which determined the price at the pump at 65 naira and promised consultations with labour in the case of price changes.[18] More generally, it was seen as a breach of the unconcluded dialogue between the government and civil society groups (Orji 2016). An electrical engineer in Abuja, Peter Udor, reflected: 'The government has deceived us. They told us that the subsidy will be removed ... in March or April ... This shows that the government is insensitive to the plight of [the] majority of Nigerians. It's unfair' (Onuah and Eboh 2012). David Habba (2012), a student activist and protestor, held that: 'I and many others see this as a betrayal of trust and a breach of the social contract between the government and the Nigeria people.'

As in earlier protests, through their institutional power, the unions helped strengthen parliament itself and the formal relations between government and the legislature (Okafor 2009; Beckman 2002; Houeland 2020a). The NLC and the Nigerian Bar Association engaged the national parliament, which had been bypassed when the government removed the subsidy (Lakemfa 2015). In addition to reinstating the subsidy, President Jonathan announced that he had pleaded with the national assembly to pass the long-awaited Petroleum Industry Bill, which was expected to improve petroleum management and open up job opportunities. Further, the house

[18] Interview with P. Esele, President, TUC, Abuja, 30 August 2012.

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of representatives established an ad hoc Committee on Monitoring of the Petroleum Subsidy Regime to investigate corrupt practices (Houeland 2018a). 'Mass citizens' action … elicited a much greater political response' (and exposed more corruption) than did the liberal bodies of Nigerian Extractive Industries Transparency Initiative (NEITI) audits and their related political processes (Osuoka 2020: 801).

Lastly, several human rights and democracy organizations claimed that the subsidy removal was unconstitutional and took the matter to court – the institution linked to civil citizenship (Marshall 1992 [1950]). In March 2013, the federal high court in Abuja declared deregulating the petrol prices as 'unconstitutional', as the 'Government shall control the national economy in such manner as to secure the maximum welfare, freedom and happiness of every citizen on the basis of social justice and equality of status and opportunity' (Udo 2013).

Nevertheless, in 2012, and following critique of representation and accusations of bribery, the unions' legitimacy as mediators in bargaining was questioned. From a labour perspective, unions have built over time an institutionalized (civic) right to negotiate over the subsidy.[19] While the unions were invited to the negotiation table, they emphasized that, for the first time, labour invited its civil society partners in LASCO.[20] The LASCO representatives in turn claimed that they were not present, nor did they agree to the final negotiation agreement.[21] No one from Occupy Nigeria or the SNG was invited. Because of these intra-movement splits, in addition to weakened labour rights and inexperienced leadership, the unions bargained from a weaker position compared with earlier strikes (Houeland 2018a).[22] Other activists accused the unions of taking bribes (Kew and Oshikoya 2014), which in a Nigerian context is likely, although the impact of an assumed bribe on the outcome is questionable (see Houeland 2018a).

The mistrust of labour's role as well as negotiations per se seemed to continue from 2012. When unions called off subsidy strikes in 2020, activists assumed that this was due to labour leaders taking bribes. The youth of the subsequent #EndSARS protest refused any dialogue with government, describing negotiations as a space of corruption, not of compromise. By contrast, unions understand negotiations as an exercise of power and part of their (industrial) right to collective bargaining. Whereas activists in 2020 accused labour of breaking a historical pact when calling off the strike, for labour it was a victory to reach an agreement without striking (Houeland 2020b). Unions claimed a continued representation of labour and described the negotiations as part of the social contract, as expressed in the words of the secretary general of the NLC, Emmanuel Ugboaja: '[L]abour felt that as a product of social dialogue positioning; as a key player in the social contract scenario in the country … social dialogue was high on our agenda … and our members did accept that.'[23]

[19] Interview with F. Komolafe, Labour Editor, *The Vanguard*, Lagos, 4 September 2012.

[20] Interview with O. Lakemfa, General Secretary, NLC, Abuja, 12 September 2012.

[21] Interview with J. Gaskia, representative for Joint Action Front (JAF) in LASCO, Abuja, 2 September 2012.

[22] Interviews with F. Komolafe, Labour Editor, *The Vanguard*, Lagos, 4 September 2012; H. Abdu, Country Director of Action Aid International Nigeria, Abuja, 1 April 2012.

[23] 'Labour did not call off any pain that Nigerians are feeling – NLC', *National Record*, 12 October 2020 <https://nationalrecord.com.ng/labour-did-not-call-off-any-pain-that-nigerians-are-feeling-nlc/>, accessed 23 March 2021.

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Concluding remarks

Branch and Mampilly (2015: 207) argue that the wave of African protests – including the 2012 Nigerian subsidy protest – was not about seeking state reform, creating or expanding civil society against the state or even about rights; instead, it was 'largely about thinking and acting outside the state–civil society dichotomy entirely'. In contrast, I argue that the Nigerian protests in 2012 and earlier subsidy protests were indeed about deepening citizenship and statehood, that the protesters both claimed and exercised social, political and civil rights against the state, and that the unions were instrumental, albeit contested, actors in this process.

The Nigerian fuel subsidy is considered a social right from the state and is framed as a question of just redistribution in a political economy otherwise characterized by vast but unevenly distributed oil resources. Protesters targeted the government directly with demands and engaged other state institutions that are integral to citizenship: parliament and the courts. Thus, protesters built on and deepened civic and democratic spaces. Although ethnicity, patronage and elitism were important elements of the protest dynamics, the protests cannot be reduced to them, as they were mainly civil in character and about resisting elitism and corruption.

As much as there are weak connections between state and citizens in Nigeria, they are not absent. Nevertheless, the social contract that relates specifically to the fuel subsidy protest is partial and contextual; it shifts and is contested, and it must be understood in the context of a relatively weak state with limited legitimacy and a weak relationship to citizens and their rights. Although it does not form a clear agreement between citizens and the state over mutual rights and obligations, it suggests a certain moral and political foundation and boundaries of state authority and legitimacy. The push for fuel subsidy reform should be understood in that context. While the isolated argument of using the assumed release of funds from subsidy removal to ensure more 'efficient' social rights appears logical and economically smart, when one considers how the fuel subsidy is thought of as a social right in a context of a lack of other social, political, civic and industrial citizen rights and state legitimacy, subsidy reform appears to be more problematic and to undermine the weak social contract. Democratic deepening and economic redistribution must be understood relationally. Fuel subsidy reform is not impossible, but political and civil rights need to improve, and other social rights must be in place first.

Trade unions have incentives and tools as well as interests and capacities embedded in their industrial citizenship, making them willing and able to play a key and mediating role in the social contract of the fuel subsidy. Limited formal employment and the pressure on labour rights create incentives to expand representation and issues beyond work in order to increase the unions' power and their ability to provide for their constituencies, thus continuing their relevance in times of austerity and precarity. Based in collective forms of political and civil rights to organize and represent workers and others, unions engage in the struggle over the fuel subsidy. The price of fuel is linked to the purchasing power of poor households and job security in the formal and informal sectors. Through striking, unions have built class solidarity and the power to make governments listen; through bargaining, they reach concrete agreements and compromises. Through leading protests against the fuel subsidy's removal, trade unions have contributed to deepening citizenship and expanding democratic

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spaces, including by engaging state institutions. In turn, they have received concrete support for safeguarding industrial citizenship. However, this upscaling of roles is not without contradictions and tensions, and there is both internal and external pressure to focus on more traditional labour issues. The mediating role is a balancing act, between streets and elites, and currently the younger generation contests the unions' legitimacy in representing them and regards them as part of, not opposed to, illegitimate public institutions.

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