

# Economic Reform And Labour Resistance In Nigeria: An Appraisal Of Nigeria Labour Congress Resistance To Deregulation Of Petroleum Product Prices, 1999–2007

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*Abstract: Since 1999 when Nigeria returned to civilian democratic government, the philosophy of Nigeria state has been a burning quest for appropriate institutional and structural reforms that will ensure sufficient utilization of resources and meaningful development. The emphasis of the Federal Government is on a movement away from a centralized political and economic order to a decentralized order through a shift in economic management approached dominated by powerful state to approaches that encourage private sector initiatives and active participation. Nevertheless, the attempt by Federal Government, under President Olusegun Obasanjo 1999-2007, to reform the petroleum down stream sector via deregulation of petroleum product prices engendered conflict between the Federal Government and the Nigeria Labour Congress. The study examined the implications of Nigeria Labour Congress resistance to deregulation of petroleum product prices. The methodology of the study is both qualitative and descriptive. The theoretical framework adopted, as analytic guide to the study, was class analysis/political economy theory advanced by Karl Marx. The study shows that labour resistance resulted in a set back to smooth implementation of the deregulation programme; reduction in the rate at which government had wanted to increase the official pump price of petroleum products; increase in black market prices of petroleum products. Thus, the paper among other things, recommends that government should properly consult with labour unions and other stakeholders before execution of such programmes that have wide economic effect.*

**Keyword:** deregulation, petroleum product, economic reform, labour resistance,

## I. INTRODUCTION

Since the 1980s, successive governments in Nigeria have risen to reform the economy of the country. This significant development is all a function of declining capacity of the state for development and the growing influence of globalization (Nzongola-Ntalaja, 1997:1). Ajayi (1982) observed that in fighting colonialism, people expected that independence would usher a new era of freedom and material prosperity, but this lofty expectation became a mirage since what was inherited was a state that was deficient in managing the economy and natural environment on one hand, and whose nature gave rise to division and conflict.

In 1986, the government of General Ibrahim Babangida, in its quest for a viable economy, introduced Structural

Adjustment Programme (SAP). The policy objective of the programme, according to Alhaji U.K. Bello, the then Permanent Secretary, Ministry of Finance, were to restructure and diversify the productive base of the economy; achieve fiscal stability and positive balance of payment; set basis for a sustained non-inflationary or minimal inflationary growth; and reduce the dominance of unproductive investment in the public sector. The programme emphasized deregulation, privatization, commercialization, subsidy removal and state withdrawal from major economic activities (Ogbimi, 2006). The economic hardship precipitated by SAP engendered a wide spread resistance and criticism from cross sections of Nigerians. It was pilloried as a World Bank and IMF imposed reform aimed at economic dependency of Third World

countries on Western industrialized nations (Egonmwan, 2002).

Barely ten years after the introduction of SAP, the late General Sani Abacha, in 1996, set up a 250 man committee with the mandate to develop a blue print of measures and action plans, which when implemented can ensure the realization of Nigeria's widely acknowledged potentials by the time the nation is 50 years old as an independent country in the year 2010. The committee shared to a large extent the policy objective of SAP and recommended inter alia diversification of the economy, increased private sector participation, deregulation and commercialization (Federal Republic of Nigeria, Vision 2010 Report).

The efforts towards economic and political reforms in Nigeria intensified in 1999 consequent upon increasing pressure of globalization and market economy pursuit of a civilian government that came into effect on May 29<sup>th</sup>, after a prolong military rule. Among the reform agenda of the Peoples Democratic Party led government, under President Olusegun Obasanjo, were deregulation, privatization and commercialization of public enterprises. Substantially, the deregulation of the downstream sector of Nigeria Petroleum Industry has attracted much reaction, perhaps, owing to the strategic position of petroleum products to our economic life. The persistent efforts of the Federal Government to deregulate the oil sector through subsidy removal as recommended by the Special Committee on the Review of Petroleum Products Supply and Distribution has been undauntedly resisted by the Nigeria Labour Congress and the Civil Society Coalition (Federal Republic of Nigeria, 2000). The downstream sector of the petroleum industry, based on the reports of Federal Government Committees, is characterized by vandalization of pipe line, sub optimal production capacity, state monopoly, smuggling, gas flaring, scarcity of products, undue subsidy, administrative inflexibility, corruption, inefficiency, cost ineffectiveness, poor maintenance culture, poor net work of distribution and marketing (Federal Republic of Nigeria, 1997; Federal Republic of Nigeria, The Vision 2010 Report; Federal Republic of Nigeria, 2000; El-Rufai, 2002).

In response to these constraints, the deregulation and privatization of the petroleum sector came into effect with a view to operating a market economy; hence, the removal of subsidy and government regulations. These measures in the view of government are imperative for sustainable development through job creations, efficient and effective production, diversified economy and self-reliance (Federal Republic of Nigeria, 2005). On the contrary, the Nigeria Labour Congress and the Civil Society Coalition debunked the views of the government and criticized the resultant increase in the prices of petroleum products with a spill over effect on the general economic activities of the citizens (Oshiomhole, 2004). Consistently, the labour organization put up a bold resistance to efforts of the government to actualize full deregulation of the petroleum products prices. For not less than six times 1999 and 2007, the Nigeria Labour Congress has embarked on nation wide strikes in protest against increase in petroleum product prices (Adeyemi, 2004). Oshiomhole (2005) perceived the reform as a deliberate and systematic commitment to redistribute national income through a web of woes that are warped up in the name of reform but which

effectively meant eroding the gains of majority of Nigeria. Kokori (2004) called for a fierce resistance to the dehumanizing programme. The former PENGASSA Secretary contends that it is only a blind and deaf government that would increase the pump prices recklessly without putting into consideration the hardship being experienced by ordinary people. Thus, the study evaluates the implications of this resistance on the deregulation of petroleum product between 1999 and 2007.

## II. METHODOLOGY

The research is an ex-post facto research. The research methodology for this work is qualitative and descriptive in approach. Through secondary sources, relevant data on deregulation of petroleum sector and labour resistance were generated and subjected to contextual-descriptive analysis. To ensure the reliability of the data employed, the researchers relied on documentary data generated from Federal Government, the Special Committee on the Review of Petroleum Products Supply and Distribution, Nigeria Labour Congress, the civil society organizations, Bureau of Statistics, conference papers, periodicals, internet material, journals and books written by renowned scholars and experts on industrial relationship. Although labour resistance to government policies in Nigeria dates back to 1912 when labour union was first formed, the scope of this research is limited to Nigeria Labour Congress resistance to deregulation of petroleum product prices from 1999 to 2007. The period was chosen because it covered the time there was intense pressure on Nigeria Government from Briton Wood institutions such as World Bank, IMF etc to reform the economy of the country in line with capitalist ideology as a prerequisite for economic assistance. It was within this period that the Government in anticipation of debt relief from Paris Club as well as development supports from Briton Wood institution developed strong intent to reform the economy notwithstanding criticism against the reform by the civil society organizations and labour union. The theoretical framework adopted is class analysis /political economy theory advanced by Karl Marx. Significantly, this research thrives on its theoretical and practical relevance.

## III. THEORETICAL FRAMEWORK

Theoretical framework is an indispensable tool of analysis that gives focus to a research. It provides a base for description and predictions of a phenomenon by forming a linkage between research problems and relevant theory. Thus, the theoretical framework adopted in any research work depends on the nature of the research problem under study (Obasi, 1999). Premised on this assumption, a review of theories such as elite theory, structural functional theory, comprehensive-rational decision theory, group theory, and Marxist theory of class analysis, otherwise known as political economy theory, were carried out vis-à-vis the research problem with a view to understanding their individual suitability and limitations.

Consequently, the Marxist Theory of class analysis was found most suitable. The Marxist political economy approach derives from the work of Karl Marx, a German philosopher. Marxist political economy is anchored on integrated and unified treatment of various factors such as economic, social, political, legal, moral etc in societal development (Sabine and Thorson 1973). The central premise of the Marxist political economy or class analysis approach according to Marx cited in Ezeani (2005) lies on the fact that it is the mode of production that conditions the social, political and intellectual life process in general. In other words, the sub structure (economy) determines the super structure (political, legal, social, ideology). This theory, thus, has its foundation on class formation based on historical position in specific production relation. Marx believes that the primary cause of tension and other social dislocation in society is economic factor. Thus he employed the political economy/class approach to analyze and justify the root cause of conflict and contradiction in human society (Ake, 1981). Marxism views a class society as an embodiment of the have (capitalists) and the have not (the working class) who are always in a constant struggle for the control of economic and political power. The bourgeoisies in a capitalist state are those who control the major means of production and distribution as well as the policy making process of the state. They use their economic power to dominate the political structure and legal institution. On the other hand, the proletariat (employees), being the working class, are at the receiving end of the economy and live by their wages and salaries. They produce the surplus value enjoy by the capitalist (Ake, 1981). Marxism encourages the labour (proletariat) to always unite and fight for their liberation from the capitalist exploitation. This, analogy, no doubt explains the constant resistance of the Nigeria Labour Congress to the deregulation and other reforms of the Nigeria government, (a class of ruling capitalist), which the union considers exploitative.

In his description of Nigeria's evolution of class structure Anikp (1985) argued that in effect, the social relationship that characterized the production process even in pre-colonial communities had developed recognizable feature of "class" nature which has since been undergoing significant modifications in response to economic and political changes affecting the productive forces. The appropriateness of Marxist theory of class in respect to this study, thus, anchors on the fact the reform programmes of the Nigeria government are in line with capitalist philosophy of profit maximization, surplus value exploitation and unequal relation of production, which the labour union have always resisted because it protects the interest of the capitalist to the detriment of the working class. This theory x-rays the nature of the struggle for domination between the government and the labour union.

#### IV. LITERATURE REVIEW

Globalization has intensified the pressure for economic and political liberalization, particularly in the Third World countries. International agencies such as the World Bank, the IMF, the Paris Club, the UNDP and other international donors predominantly made up of advanced capitalist countries have

consistently insisted on liberalized economic reform as pre-condition for assistance to developing countries. The basic philosophies of the reform are privatization, deregulation, commercialization, fiscal accountability and transparency. These institutions attribute the underdevelopment of the Third World Countries to absence of these philosophies and the enabling environment for investment, job creations, efficiency, poverty reduction and sustainable growth. All these are in line with the philosophy and policy objectives of the United Nation Millennium Development Goals (MDG) and New Economic Partnership for African Development (NEPAD) (<http://www.undp.org/tustfund/devgovtf.pdf>).

Expectedly, the liberal economic views have not been without criticisms. Prominent scholars such as Rodney (1982), Frank (1969), Ake (1981), Offiong (1980), Knor (2000) and many others have over and over again argued that capitalism is an agent of underdevelopment and imperialism. It undermines the economy and political sovereignty of the developing nations.

Stemming from liberal point of view, the Nigeria Vision 2010 Report stressed the necessity for economic liberalization, diversification, privatization and deregulation in Nigeria. The Vision 2010 report observed that the economy relies heavily on petroleum sector, which has remained in poor state: pipe line vandalization, bureaucratic intervention, government dominance and inadequate funding (Federal Republic of Nigeria, 2003). This position was further advanced in the report of a Special Committee on the Review of Petroleum Products Supply and Distribution in Nigeria. The committee inter alia recommended gradual deregulation, privatization, public enlightenment on the reform process, and government provision of cushioning measure (Federal Republic of Nigeria, 2000). In the same way, El-Rufai (2002) observed that the petroleum sector has been characterized by inadequate refinery maintenance and poor performance, inadequate distribution and logistic, product shortage, massive importation of fuel, inadequate margin for various stakeholders, inconsistent policy direction and government interference in price regime. He, therefore, stressed the need to strengthen the refineries through deregulation and private sector initiatives.

In line with this thought, the Federal Government Frame Work for Nigeria's Economic Growth and Development (2003-2007) states that government will seek to achieve self-sufficiency in the refining and distribution of petroleum products through increased private sector participation (<http://www.nigeriavillagesquare.com>). According to President Olusegun Obasanjo, the fundamental reforms being carried out by his administration are "designed to depart from the past and leave lasting legacies for the prosperity and well being of all Nigerians. Reacting to labour resistance, he maintained that no amount of opposition from labour union and its coalition would deter his government from carrying out its reform. In a national broadcast of October 1, 2005, the president re-affirms its commitment to the reform programme; emphasizing that the reform are meant to strengthen the foundation of our economy, create job and enhance efficient management of resource. Nevertheless, the president acknowledged the hardship precipitated by the reform, which formed the ground for NLC resistance but maintained that it was not a deliberate

design to punish a particular class of people (Federal Republic of Nigeria, 2005).

Kupolokun (2006), expressed support for the deregulation reform claiming that about ₦125 billion has been saved from NNPC importation of fuel owing to 75 per cent improvement in production capacity of the four oil refineries, which hitherto had been operating at a very low capacity. However, Okonjo Iweala, the finance minister, contends that despite the deregulation, government has continued to subsidize the price of petroleum products. According to her, government subsidized fuel consumption to the tune of more than N250 billion in 2005 and has set aside N75 billion to manage fluctuations in the domestic products in 2006 (Kupolokun, 2006). Fawibe (2006) made a case for deregulation and argued that regulation of petroleum prices by government stifle competition and prevent private sector companies from entering the industry. He posits that the strategic importance of petroleum products demands its appropriate pricing to reduce waste. However, what is appropriate price remains questionable. Ukpong (2005) maintains that appropriate pricing of fuel will eliminate scarcity despite its effect on the economy. In the same vein, Mohammed (2000) argues that deregulation of the petroleum sector will reduce smuggling of the products to neighbouring countries and ensure the utilization of the removed subsidy to satisfy local demand. Anyaoku (2005) considered deregulation necessary but cautioned the government against the abandonment of its social responsibility in pursuit of deregulation.

Nevertheless, the Nigeria Labour Congress (2004) described the reform programme, particularly the deregulation of petroleum products prices as a deliberate imposition of hardship on already poverty stricken people. It argues that the negative consequences of the reform are far more than the expected positive achievements. In its Abeokuta declaration, the organization criticized the Federal Government of Nigeria for failure in its constitutional obligation of providing the masses with social services. Through its national president, Adams Oshiomhole, the union vowed to resist boldly the unpopular policies of the government. The activist and labour leader further vowed that no policy of government can survive through threat and coercion but consultation (Nigeria Labour Congress, 2004).

Fawehinmi (2003), in his reaction to the deregulation programme, called for a mass revolt against the government for its reform, which left much to be desired. The human right advocate observed that despite God's gift of natural resource to the country, the masses live in abject poverty. Speaking further on the issue, the activist and radical lawyer argues that the rate at which the government increases the prices of petroleum is far higher than the rate of increase in the minimum wages of workers. In a separate discourse, Fawehinmi (2005) dismissed the justification for increase in fuel and accused the government of insincerity, arguing that government is making enough profit from petroleum at the international market and as well have enjoyed a debt relief.

Momoh (2004), urged Nigerians to remain resolute in their resistance to the dictatorial reform. He condemned the use of threat, arrest and teleguided court injunction to harass those oppose to the reform by government security forces. Reacting to the judgment of justice Ukeje, which described

NLC as an illegal organization that lacks the constitutional backing to engage on strike against government non-labour related matter, Abubakar Momoh dismissed the verdict as undignified. He contends that rather than weaken solidarity of NLC, the judgment and harassment would rather strengthen the unity of resistance.

Falana (2004) viewed with negativity the wide gap between the have and the have not in the society, stating that Nigeria is made up of the class of exploiter and class of exploited. According to a survey carried out by Media Right Agenda, large majority of Nigerians opposed the deregulation policy but rather called for improvement of the refineries and other sectors. The survey, which was conducted between April 10 and 24, 2001, involved the administration of 8,000 questionnaires to Nigerians from all walks of life in major cities drawn from the main regions of Nigeria including Federal Capital Territory. Out of these, 6291 questionnaires were completed and returned with 72.2 percent of the respondents standing against deregulation. They argued that such a policy would automatically lead to spiral prices of goods and services (<http://www.internews.org/mra/may01/exc.watch.htm>).

Aluko (2005), posits that what Nigeria economy deserves is transformation not reformation. He wondered why privatization policy and its concomitant deregulation elements should be pursued in a country with abject poverty where the people cannot enjoy good standard of living let alone buying shares in privatized companies. The renowned economist argues that the on-going reforms are IMF and World Bank imposed programmes, which have put the administration in bondage. He maintains that 'the economic salvation of the Third World countries cannot come either from the East or from the West but the local environment'. Discussing the privatization and deregulation programme in Nigeria, Anyamele (2005) contends that the programme has further impoverished the people while enriching the rich class all the more. He observed the inherent exploitation in the manner in which the programme is executed and suggested a revolutionary change of the institution of governance and democratization of economic activities as a solution to Nigeria economic woes. In line with this view, Umah (2006) argues that the socio-economic and political condition of Nigeria has not changed since 1999 despite the much-talked reform, which has remained a capitalist model.

According to Ezeife (2003), Nigeria policy making and policy makers are captives to pure economic theory, which does not take into consideration the economic situation in Nigeria. He maintains that subsidy for petroleum product will promote economic activities of our infant economy and infant industries. In a similar thought, Uwah (2005) contends that a nation's economy should not be strictly operated on economic terms but rather a consideration should be given to political expedience. Strict application of economic principles, according to him, can cause economic hardship to the people owing to exploitation. Okongbo (2005), on the other, hand argues that the proposed privatization and deregulation of petroleum may not be in the long-term interest of the nation as it constitutes a potential threat to our national unity. The NUPENG scribe stress the need to strengthen the refining capacity of the four refineries rather than outright sale to

private refineries operators who may use it as a weapon against the country in case of emergency.

Knor (2000), has condemned the increasing pressure being mounted on the developing countries by the developed countries to liberalize, privatize and deregulate their economy. He described globalization as a deliberate design by the few developed nations of the North to exploit the economic and financial resources of the South in order to impose untold hardship and economic dependency. Omowa (2005) X-rayed the contradiction in the economic policies of Olusegun Obasanjo as a Military Head of State and Civilian President and expressed deep shock at a sudden shift from his philosophy of state ownership to private ownership of resources. He, however, suggested a middle course economic ideology, a model, which will not make Nigeria a captive to the far right or the far left. Omowa maintains that it is only such a moderate ideology that is capable of preventing the country from sliding into anarchy caused by class war. He tasked the government “to do something to correct the imperfection of the market as a prelude to restoring vibrancy to the economy and achieving more beneficial social end”.

#### V. DEREGULATION OF PETROLEUM PRODUCTS IN NIGERIA

In this section, the paper shall look into historical background of petroleum sector in Nigeria, the origin of deregulation policy in the petroleum industry and reasons advanced by the government and proponents of deregulation of petroleum products prices

#### HISTORICAL BACKGROUND OF PETROLEUM SECTOR IN NIGERIA

Nigeria is the sixth largest oil producing country in the world and the second country in Africa, after Libya. In May 1971, the Nigeria National Oil Company (NNOC) was established with powers to engage in all phases of oil production from exploration to marketing. The NNOC was amalgamated in 1977 with the Ministry of Petroleum to form the Nigeria National Petroleum Company (NNPC). It has the responsibility of developing and managing Nigeria petroleum resources: production, refining, marketing and distribution.

Before October 1965, Nigeria’s crude oil was refined overseas and all its processed oil needs were thus imported. The downstream sector consist of four distribution network made up of pipeline and storage depots, managed by PPMC, one of NNPC’S subsidiaries; four refineries owned by government through the NNPC commissioned between 1965 and 1989 and located in Port Harcourt, Warri and Kaduna as well as other downstream assets like Nigeria Gas Company, and Eleme Petrochemicals. The first Port-Harcourt Refinery was built in 1965 and was commissioned, operated and managed by Shell Bp, but in 1970, ownership was passed to the government (Federal Republic of Nigeria, 2000).

These refineries have an original installed processing capacity as represented below.

S/N	Refinery	Date Commissioned	Installed Capacity (bpd)
1	Port Harcourt 1 Port Harcourt Expanded	1965	35,000 60,000
2	Warri	1971	125,000
3	Kaduna	1979	110,000
4	Port Harcourt	1980	150,000
	<b>Total</b>	<b>1989</b>	<b>445,000</b>

Source: NNPC (2000) in the Report of the Special Committee on the Supply and Distribution of petroleum Product, 2000.

Table 1: Nigeria’s Crude Oil Processing Capacity

The increasing demand for petroleum product both domestically and internationally has forced the government to upgrade the capacities of the refineries at different point in time. Today, the total production capacity is far below the local demand for petroleum products in Nigeria. Although the government through its privatization and deregulation polices have been striving at meeting the domestic petroleum products requirement, much has not been achieved. The major stakeholders in Nigeria petroleum sector include NNPC, major marketers, the dealers, consumers, the transporters and the independent marketers.

#### ORIGIN OF DEREGULATION POLICY IN NIGERIA PETROLEUM INDUSTRY

According to Kupolokun (2004), petroleum product domestic requirements in Nigeria prior to 1965 were met entirely through importation under a deregulated environment. The first refinery in Nigeria, the old Port Harcourt Refinery was built in 1965 as a commercial venture jointly owned by Shell Bp and Nigerian Government to provide petroleum product at market related prices. The oil boom of 1970’s attracted government attention to direct involvement in the down stream sector and this caused a change in the ownership structure and price policy. The government took over control of price, management and distribution of refined productions.

Between 1984 and 1998, feeble attempts at deregulation were made but what was achieved was price fixing aimed at appropriate pricing and cost recovery. Olawore (2005) observed that at a meeting held on December 20, 1998 and chaired by Aret Adams of blessed memory, the first bold attempt at deregulation of petroleum product was taken by the private sector.

Between 1999 and 2000, the Federal Government attempt to increase the price of petroleum products caused a protest by the Nigeria Labour Congress. Consequently, the government set up a 34-members Committee on the Review of Petroleum Products Supply and Distribution on August 14, 2000. Chief Rasheed Gbadamosi, with Mr. O. Ogunkua as the secretary, chaired the committee which comprised representatives of Nigeria Labour Congress (NLC) and other major stakeholders in the oil industry. In its majority report not signed by NLC representatives, it recommended privatization and deregulation of the petroleum sector but the NLC opposed the recommendation in its minority report (Federal Republic of Nigeria, 2000). On September 29, 2003, Petroleum Products Price Regulatory Agency (PPPRA) summoned marketers in

the oil industry and announced the complete take off of deregulation with effect from October 1, 2003.

#### GOVERNMENT ARGUMENT AND SUPPORTS FOR DEREGULATION OF PETROLEUM PRODUCTS PRICE

The Group Managing Director of NNPC Kupolokun (2004) contends that the imperative for deregulation of petroleum products prices stemmed from the economic dislocation caused by government regulation of product prices. According to him, regulation of petroleum products prices has some dire consequences, such as;

- ✓ Loss of revenue to government;
- ✓ Petroleum product scarcity;
- ✓ Funding problems for NNPC leading to lack of refining and distribution facilities;
- ✓ Capacity under-utilization;
- ✓ Smuggling of petroleum products;
- ✓ Divestment by marketers;
- ✓ Wastages;
- ✓ Adulteration of products;
- ✓ Social and political unrest;
- ✓ Poor economic growth;
- ✓ Rampant pipeline ruptures and vandalisation;
- ✓ Inadequate and ageing coastal vessel.

Stressing his points, the group managing director of NNPC, states that the NNPC for many years was not able to meet the objectives for which it was set up as a result of the above underlying factors. Consequently, deregulation became necessary for NNPC, the Refineries and the Distribution sector so as to respond effectively to the dynamics of the oil industry for the maximum benefit of the national economy. In this light, Kupolokun argues “the deregulation of petroleum products prices becomes a sine-qua non to ensure full cost recovery and reasonable rate of return for operator”

Similarly, El-Rufai (2002) argues that deregulation will attract private sector participation with concomitant effect on investment and competition. This will ensure cost efficiency, job creation and adequate supply of petroleum products. Competition resulting from deregulation, according to the government, will fortify our economy through improved service delivery. Also, money from the removed government subsidy will be channeled to the provision of other social infrastructures needed for a sustainable economic growth.

#### VI. LABOUR RESISTANCE TO DEREGULATION OF PETROLEUM PRODUCT IN NIGERIA

This section of the paper looked into the origin of Nigeria Labour Congress and trade unionism in Nigeria as well as reasons advanced against deregulation by NLC

#### ORIGIN OF NIGERIA LABOUR CONGRESS AND TRADE UNIONISM IN NIGERIA

Onah (2003:323) posits that the full utilization of human and material resources of any establishment depends mainly on the kind of industrial relations prevalent in the organization. Hence, Adewumi (2005) argues “trade union

emerged in response to developments thrown up by the new organization of work and production, which were built around the factory system”. This development, which is a product of industrial revolution in the late 17<sup>th</sup> and early 18<sup>th</sup> century, was captured by Onah (2003) when he contends that the intent of trade union law “was to prepare Nigeria for the inevitable trade dispute which would naturally accompany industrialization”. Apart from the management of the unavoidable conflicts of industrial society, he equally recognized the political imperative of trade union and maintains that the growth and development of trade union in Nigeria was also aided by nationalist movement which aimed at wresting independence from the unwilling hands of the colonial administration”.

Fashoyin (1982) and Adewumi (2005) traced the formal emergence of trade union in Nigeria to 1938 when the then colonial masters introduced the Trade Union Ordinance. According Adewumi, “In Nigeria, although the first trade union was formed in 1912, it was not until 1938, 26 years after that legal recognition occurred”. He pointed out that “trade unions were not creation of government but were borne out of the initiatives of disadvantaged workers who realized the need to present a common front against their tormentor”.

By 1938, no less than twelve workers’ organization had been formed. With the enactment of the Trade Union Ordinance of 1938, 14 Trade Unions with membership strength of 4,629 were registered. Between 1950 and 1970, there was a proliferation of trade unions with relative small membership strength (Fashoyin, 1990, Onah, 2003). The Nigeria government, in 1975 announced a new labour policy, which inter alia, sought to rationalize the structure and organization of trade unions and their financial self-sufficiency without dependence on foreign benefactors. However, the major reaction of the government to the proliferation of trade unions was the promulgation of the trade union Decree of 1973, which according to Adewumi, has been amended seven times, with the 2005 Trade Union Amendment Act bringing the amendment to eight times. Adewumi(2005) argues that one defining characteristics of all these Laws is that they reflect the mindset of dictatorial regime that would only allow trade unions to operate on the terms determined by the regimes. In 1978, decrees 22 restructured the existing trade unions along industrial lines and imposed the Nigeria Labour Congress as the only central organization and for effect only industrial unions so defined were expressly allowed to affiliate. This thwarted the voluntary efforts of four central union bodies that in 1974 had planned to merge into Nigeria Labour Congress. These organizations were Nigeria Trade Union Congress (NTUC), the Nigeria Workers Council (NWC), United Labour Congress (ULC) and Labour Unity Front (Onah, 2003).

The amendment decree of 1996 and 1999, provided for among other things, the compulsory restructurings of the 41 industrial unions into 29 and the removal of senior staff and employers associations from the list of registered trade unions and ousting the jurisdiction of courts and tribunal from entertaining any action in respect of the provision of the decree. The move by the Obasanjo’s government to weaken the growing influence of trade union in Nigeria, particularly its opposition to perceived anti-labour and anti-masses policies

of the government was the attempt to deregister the Nigeria Labour Congress through the union amendment Act of 2005.

This bill was in apparent response to Nigeria Labour Congress relentless resistance to the economic reform policies of the government, which according to the union impose economic hardship on the masses. Although the government of President Olusegun Obasanjo argued that the Act was aimed at democratizing Labour, the contents of the proposed Law and the manner in which it was introduced and passed into legislation did not support the argument of government. The attempt to out-law strike and compulsory membership dues were aimed at forcing the Nigeria Labour Congress to toe the line of government.

However, the strong opposition to the proposed Act from both labour and civil society quarters forced the National Assembly to reject some aspects of its clauses. Today trade unions in Nigeria have been decentralized with the insertion of what Adewumi (2005) described as "another demonstration of the high level of intolerance of a supposed democratic government".

At this point, it is important to state clearly that labour union opposition to bad policies of government in Nigeria is as old as industrial economy and colonial administration. In the 1940s some coal miners sacrificed their lives in protest against colonial exploitation of labour. Ever since then trade unions in Nigeria have engaged in series of disputes with the government and the management. During its history, conflicts with the military regime twice led to the dissolution of the NLC's national organ, first in 1988 under the military regime of General Ibrahim Babangida and second in 1994 under the regime of the late General Sani Abacha. Labour leaders both in the military and civilian government in Nigeria have been frequently intimidated and arrested, with their rallies and meetings disrupted, (<http://www.wikipedia.org/wiki/nigerialabourcongress>).

#### NIGERIA LABOUR CONGRESS ARGUMENT AGAINST DEREGULATION OF PETROLEUM PRODUCT PRICES

In the minority Report of the Committee on the Review of Petroleum Products Supply and Distribution, the Nigeria Labour Congress contends that deregulation of petroleum products prices is not desirable given the volatility in international price of crude and unstable exchange rate. Therefore, deregulation will worsen the economic hardship in Nigeria given the low level of income and poverty among the citizenry (Federal Republic of Nigeria, 2000). Besides, deregulation widens the gap between the have and the have not thereby creating a class of exploiters and exploited. Under the condition of deregulation, excess profit-making becomes the norm at the expense of the poor consumers who are mainly peasants or low-income earners. In its Abeokuta declaration, the Nigeria Labour Congress maintains that deregulation and its attendant subsidy removal is against the fundamental objectives and directive principles of state policy, which demands that the government should provide for the basic needs of its citizenry (Nigeria Labour Congress, 2004).

The Union argues that regulation of prices is necessary since there are imperfections in the market economy. It attributes the failure in the performance of state owned

enterprises to corruptions, mismanagement, and poor maintenance rather than regulated prices. Nigeria Labour Congress also argues that privatization and deregulation will make our economy vulnerable to external manipulation. It considers crude oil strategic resources, which if left in the hands of foreigners will pose a security threat to the nation. Since most Nigerians are below the poverty line, they cannot afford to buy shares in the privatized companies, thereby creating foreign monopoly. Finally, NLC dismissed the argument that subsidy on petroleum production prices is a financial burden to the government arguing that with the excess crude oil revenue; the government can comfortably subsidize the products and provide other services.

#### VII. GOVERNMENT STRATEGIES FOR IMPLEMENTATION OF THE DEREGULATION PROGRAMME

**REMOVAL OF SUBSIDY ON PETROLEUM PRODUCTS:** A subsidy is a deliberate payment by government to a target group in order to encourage the supply or consumption or lower the cost of commodity or service, usually by covering the gap between cost and price. Subsidy removal is aimed at enabling the consumers of petroleum products to bear the full cost of their consumption based on the prevailing domestic and international prices.

**PRIVATIZATION OF REFINERIES:** Another strategy for the deregulation of the downstream sector is the divestment of government interests in oil refineries and the transfer of such interests to private companies. Licences are issued to private operators to set up their own refineries, supply and distribution networks. In 2002, prospective operators were required to pay a non-refundable fuel of US\$50,000. This was followed by a feasibility study. An approval for construction receives a license fee of US\$100,000 after confirmation that the plant has been built in accordance with the approved design.

**IMPORTATION OF REFINED CRUDE OIL:** Deregulation of petroleum products encourages the importation of products to supplement domestic demands. Independent marketers are free to import and sell their products at sustainable prices. Similarly, private refinery operators can source for their products from anywhere provided the products conformed to local and international standard.

**NON REGULATED PRICES OF PETROLEUM PRODUCTS:** The whole essence of deregulation is to remove all laws restricting the forces of demand and supply from determining the market equilibrium price of commodities. The government is to allow the private refinery operators, marketers and distributors to undertake their transactions in line with market force condition. This entails free competitions among marketers of petroleum products and the responds of prices to local and international demands for the products.

#### VIII. NIGERIA LABOUR CONGRESS RESISTANCE STRATEGIES

*PEACEFUL PROTEST AND RALLIES:* Nigeria Labour Congress organized peaceful protest and rallies in the major cities of the federation to galvanize support and sensitize the public on the implication of government deregulation programme. These rallies and protest marches which were carried out under the umbrella of labour and civil society coalition were led by prominent activities such as Wole Soyinka, the Late Chima Ubani, the late Beko Ransonkuti, Femi Falana, Adams Oshiomhole, the Gani Faawehinmi and other Labour leaders. In one of the protest march organized in Lagos, Wole Soyinka urged Nigerians to resist at all costs the dehumanizing policies of government (Odika, 2003).

*LOBBYING OF POLICY MAKERS:* Another resistant strategy, adopted by the Nigeria Labour Congress, was the Lobbying of National Assembly members as well as other top government functionaries, through persuasive argument. The NLC urged them to face the challenge of protecting members of their constituencies who bear the brunt of hardship caused by the deregulation. Representatives of the NLC met with leaders of National Assembly and state governors to convince them on the need for the Federal and State Government to retain oil subsidy and provide for the masses. Speaking shortly after one of the meeting of the central working committee of the NLC in Lagos, Oshiomhole appealed to government representatives to see themselves as true representatives to the people and respond to their wishes and aspirations. The Senate and the House of Representatives at various times passed motions to check the incessant increase in price of petroleum products although such motions were never honoured by the executive.

*PETITION TO THE EXECUTIVES:* The Nigeria Labour Congress forwarded petitions to the Federal Government to register its disgust with the deregulation programme and as well maintains its determination to oppose it at all costs. One of the petitions to the government published in The Daily Independent (Sept. 16, 2005) frowned at the inhuman policy of government and expressed labour union and its coalition resolved to continue to struggle in persuading government to adopt the right policy that will improve the welfare of Nigerians.

*STRIKE ACTIONS:* Strike is a total stoppage of work. It has remained a strong weapon in the hands of labour to fight against the upward review of prices of petroleum products. Since 1999, the Nigeria Labour Congress has engaged in not less than six strike actions to press home their demands for the retention of oil subsidy. Labour strikes often have drastic effects on the economic activities of the nation. Consequently, the government always devises a means to weaken the strikes. Reacting to government threat of actions against striking workers, the Nigeria Labour Congress commended the workers and other corporations for joining the strike and urged them not to be intimidated by government deception and propaganda (Odika, 2004).

#### IX. GOVERNMENT COUNTER MEASURES TO NLC RESISTANCE

*COURT ACTION:* The Federal government has through judicial verdict tried to counter the resistance of the NLC to the deregulation. In 2003, government obtained an injunction in a Lagos High Court led by Justice Lawal Gummi to stop the NLC from protesting against the ₦1.50k fuel tax. This injunction was bitterly criticized and was described as a black market injunction by the NLC. Also, through a manipulated court process, justice Ukeje of an Abuja High Court declared the office of the Nigeria Labour Congress illegal and argued that NLC had no constitutional right to protest against non-labour direct related polices. According to Aderigbe (2004), "Barely 24 hours after justisce Ukeje completed the incineration of the Nigeria Labour Congress and its leadership, government again approved an increase in pump price of fuel between ₦50-65 per litre". In his own reaction to the development, Dayo (2004), National Director of Afinifere contends that for the action to have come 24 hours after a kangaroo judgment is to say the least, how oppressive, insensitive and hatred the government is to the masses.

*THREAT OF DISMISSAL:* Threat of sack or no work no pay was applied by the Federal Government to intimidate civil servants and compel them to abandon NLC strikes over the deregulation. The government through the Ministry of Labour and productivity, the Head of Civil Service, Ministry of Information and National Orientation Agency threaten to deal with any worker who responded positively to any of the proposed strikes. According to Odika, (2004 and 2003), federal workers who reported for duty in the office of Head of Service, Ministry of Aviation, and Communication alleged that they were coerced by the offices. The ministries opened new registers to determine those that would not be on duty during the strike action. This action according to NLC was unethical and a calculated attempt of intimidation and victimization.

*SPONSOR OF SPLINTER GROUPS:* In order to weaken the strength of the NLC, the Federal Government sponsored splinter of NLC. Government sponsored labour groups and leaders were allowed to hold rallies to denounce the opposition of NLC to the deregulation programme. The groups publicly disassociated themselves from the resistance and urged the Federal Government to continue with the reform, which they often described as being development oriented. These splinter groups caused disaffection among NLC members by deliberate accusation of Labour leaders of being corrupt. They often called for the removal of Comrade Adams Oshiomhole and his team based on alleged financial misconduct and misrepresentation

*TRADE UNION LEGISLATION:* The introduction and passage of 2005 Trade Union Amendment Act was aimed at breaking the monopoly and strength of the NLC. The fierce resistance and mobilization of the NLC against government deregulation programme forced the government to seek a way of decentralizing the unity and solidarity of the union so as to reduce its capacity to mobilize support for its course. The bill as it was originally introduced contained some undemocratic clauses such as outlawing strike, mandatory approval of labour union by government before operation, deregistration of

Nigeria Labour Congress and stoppage of compulsory dues to Labour Union by members. Although some amendments were made on the bill before it was passed into law in 2005, it succeeded in decentralizing Labour union and weakening the financial strength of Nigeria Labour Congress (Adewumi, 2005).

**DIVERSIONARY COMMITTEE:** Some times, the federal government diverts the attention of the Nigeria Labour Congress from proposed strike by setting up a reconciliation or harmonization committee which their recommendations have not seen the light of the day. For instance, at the heat of NLC threat for a total strike that would cripple the nation's economy, the Federal Government set up a 33-Man-Palliative Committee headed by deputy senate president Ibrahim Mantu to work out some measures for cushioning the effect of fuel hike and some lasting solutions to the perennial problem of the increase (Agbanu, 2005; Obiagwu and Clifford, 2004).

This committee, which Labour initially declined to participate in because the main issue at stake was not include in its terms of reference, made some far reaching recommendations, which the government seems to have abandoned having diverted the attention of Labour from the then imminent strike action. (Nigeria Labour Congress, 2005)

**THE LAW ENFORCEMENT AGENCIES:** The governments in order to intimidate harass and arrest Labour leaders during some of their protests deployed the State Security Services, the police, and the Army. On the eve of one of the proposed protest, the NLC national president Adams Oshiomhole was arrested at the airport, and was detained by the security agents. In 2002, for instance, when the government increased the price of fuel to ₦26 per litre, the Nigeria Labour Congress mobilized widely for a total show down but the government security agents clamped down on the Labour leaders and accused them of illegal strike and unlawful incitement. (Egede, 2002:21)

In Kaduna and River State, the four days warning strike embarked by NLC in 2004 claimed lives, while over 30 people were wounded in Ibadan when over 5000 students clashed with the police.

## X. FINDINGS

Stemming from the data generated and analyzed for the purpose of the work are as follows:

- ✓ The effort of the Federal Government, led President Olusegun Obasanjo (1999-2007), to deregulate the prices of petroleum products was stoutly resisted by the Nigeria Labour Congress
- ✓ The Federal Government advanced several some reasons to support its reform agenda but the NLC provided counter reasons
- ✓ The Federal Government devised several measures to weaken the resistance of NLC but NLC countered the measures
- ✓ The Nigeria Labour Congress resistance hindered the smooth implementation of the deregulation of Petroleum Products Prices.

- ✓ The Nigeria Labour Congress resistance reduced the rate at which government would have increased the official pump prices of petroleum products
- ✓ The Nigeria Labour Congress resistance created the black market prices for petroleum products.

## XI. DISCUSSION

### IMPLICATION OF NLC RESISTANCE ON DEREGULATION OF PETROLEUM SECTOR

The resistance of Nigeria Labour Congress to deregulation of the downstream sector of petroleum industry in Nigeria hindered smooth implementation of the programme. The stringent opposition of the Labour union, expressed through rallies, protest and strikes, often distorted the programmed events of the government on the deregulation exercise. Equally, the strike actions paralyzed economic activities in petroleum sector and other government agencies resulting in loss of revenue to both government and individuals (Akpobio, 2004). Between 1999 and 2007, not less than six strike actions embarked upon by Nigeria Labour Congress had significant effect on the deregulation programme since the attention of the government was diverted to management of the strike situation so as to reduce its impact on the national economy rather than implementation of the programme. Multinational oil companies were not left out of the economic woe caused the strike actions as many of their installations and production lines were disrupted in Niger Delta Area.

The hostile environment created by Labour union resistance affected prospective investment in the oil sector and thus defeated one of the objectives of deregulation. Owing to lack of enabling environment for prospective investors, none of the 18 private entrepreneurs issued with licenses to operate private refineries commenced work in its proposed site and this situation compelled the federal government to withdraw 15 of the licenses from the operators. (Ajanaku, 2005).

Moreover, notwithstanding government announcement in 2003 that full deregulation had taken off, the unrelenting resistance by NLC compelled the government to continue to maintain some level of regulation of prices through Petroleum Product Price Regulation Agency (PPPRA) and retain some subsidy on petroleum products against the principles of free market economy advanced by proponents of deregulation. The President, Olusegun Obasanjo, attested to this when in a national broadcast of October 1, 2005, he stated that the government still maintain some level of subsidy in the petroleum product supplied to the domestic market despite its increase in official pump prices (Olusegun, 2005). Okonjo Iweala, the Minister of Finance corroborated the assertion when she affirmed that government subsidized fuel consumption to the tune of more than ₦250 billion in 2005 and has provided ₦75 billion to manage fluctuation in the domestic product market and ensure that motor spirit pump price did not exceed ₦65 per litre through 2006 (Kupolokun, 2006).

Consequent upon the slow down in the implementation of the deregulation owing to labour union confrontation, government considered the NLC as collaborator with the

opposition parties and political opponents whose sole objectives is to sabotage the economic reform of the government. The Nigeria Labour Congress on its part described the government as composition of shylock capitalists whose major aim is to exploit the masses beyond restriction, and as such it vowed to remain resolute in its resistance despite government use of state machinery against its members.

#### IMPLICATION OF NLC RESISTANCE ON OFFICIAL PUMP PRICES OF PETROLEUM PRODUCTS

The Petroleum Product Price Regulatory Agency (PPPRA) usually responds to upward review in the international price of crude oil by a proportional increase in the domestic price. This often results in a frequent and astronomical hike in the official pump price of petroleum products. For not less than eight times, between 1999 and 2007, the PPPRA, in line with free economy tenets, has affected an upward review of official pump prices beyond levels acceptable to the Nigeria Labour Congress. The Nigeria Labour Congress, expectedly, often responded to such increases by way of protest and strike, which some times forced the government to negotiation and possible reduction.

Some observers have maintained that left for the bold resistance demonstrated by the NLC against the government, the price of petroleum products would have been above ₦200.00 per a litre. Oshiomhole (2004) captured this when he asserted that although labour union has not been able to achieve all it needs in terms of preventing further increase in price of petroleum, the union had reduce the rate at which government would ordinarily want to increase the price of petroleum.

The available data on government increase in the prices of petroleum, as shown in table 2 bellow, indicates that most often, labour union resistance which follows any increase in petroleum price by the government, results in a marginal reduction in the originally proposed price. This indicates that the will of the government to increase the price of petroleum at its own pace has not always prevailed in the face of opposition from the labour union and coalition society.

Below is a table showing the effect of Nigeria Labour Congress resistance on the proposed official pump price of petroleum by the government.

Year	Government proposed fuel Price (₦)	Resultant fuel price from Labour resistance (₦)
2000	30	22
2002	26	26
2003	40	34
2003	38.50	38.50
2004	50	43.30
2004	52	49.90
2005	55	50.50
2005	75	65

Sources: *The National Interest* (August 18, 2005:48)

Table 2: Government Proposed Fuel Prices and Resultant Prices from NLC Resistance

An analysis of the above information on the table shows that apart from 2003 when the NLC was unable to reduce the

price from ₦38.50, the resistance by NLC has often reduced the rate at which the government ordinarily would want to increase the official pump price of petroleum products.

#### IMPLICATION OF NLC RESISTANCE ON BLACK MARKET PRICES OF PETROLEUM PRODUCTS

Petroleum station operators, major and independent oil marketers at no point in time adhered to the official pump price fixed by the PPPRA. Privatization and deregulation are all about profit maximization and as such, the quest for maximum profit with minimum loss pushes these private operators in the oil industry to manipulate the consumers either by metre adjustment or selling above the official price, that is; black market.

The Nigeria Labour Congress in one occasion with the president bluntly told him that Nigerians were being exploited in the name of deregulation because fuel dealers adjust their meters in such a way that they manipulate their calibrators. This result in short changing of their customers by actually discharging fewer liters than paid for. This action by the petroleum dealers, NLC alleges has tacit approval of the government since the government has been reluctant in forcing the independent petroleum marketers and filling station operator to stick to the agreed price between labour and government. In 2003, filling station in the country adjusted their pumping prices of refined petroleum products to between ₦39 and ₦50 from ₦34. In Lagos, Mobil and Texaco filling station sold fuel for ₦39.90 per liter whereas in other parts, it was between ₦30 and ₦45 per liters.

In order to secure maximum profit through black market, petrol stations for fear of picketing by labour union or some times government-labour joint implementation group, closed their station in the day claiming that they had no fuel only to reopen at night for black market.

Below is a survey in September 2005 in some filling station: Oando, Total, National, AP, major marketers and independent marketers in the Northern part of the country including FCT.

State	Official pump price for fuel ₦	Actual/Black market price for fuel ₦
Maiduguri	65	69.99-75.30
Sokoto	65	69.99-75.30
Kano	65	65-74
Zamfara	65	75.30
Abuja	65	65-71

Source: *The Daily Trust* (September 1, 2005).

Table 3: Official Pump Price and Black Market Price of Fuel

An analysis of the above data shows that in all the parts of the Northern Nigeria studied, including FCT, the price of fuel was above the official pump price of ₦65 per litre. Apart from Kano and Abuja where the actual price ranged from ₦65–74 and ₦65–71 respectively, in other four areas Maiduguri, Sokoto, and Zamfara it was between ₦69.99 to ₦75.30.

#### XII. CONCLUSION

The attempt by federal government to reform the petroleum sector via deregulation of petroleum product prices

was stoutly resisted by Nigeria labour congress. Contrary to government position that deregulation would enhance efficiency in the petroleum sector, the Nigeria labour congress argued that the spill over effect of increase in pump price of petroleum products will cause economic hardship on the poor masses. Accordingly, a face-off between government and the labour union resulted in hindrance to smooth implementation of the deregulation of petroleum sector; reduction in the rate of official pump price increase, and an increase in the black market prices of petroleum products.

### XIII. RECOMMENDATIONS

In view of the mounting criticisms and oppositions against the deregulation of the downstream sector, the following recommendations are offered.

- ✓ Deregulation of the down stream sector should be partially pursued to avoid exposing the poor masses to exploitation by foreign and local profit maximizes
- ✓ The government should retain some level of subsidy on petroleum products to reduce the spill over effect of increased petroleum product prices.
- ✓ Adequate enlightenment campaign should be carried out to sensitize the public who bear the effect of deregulation.
- ✓ The government should give adequate attention to the view of Nigeria Labour Congress through consultation.
- ✓ The government should not be cruel and coercive in galvanizing support for its programmes rather persuasion and lobbying be adopted.
- ✓ Palliative measures to cushion the effect of deregulation should be carried out by government.
- ✓ The government should penalize any independent marketer that engages in black market.

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