



Research Paper

Assessing the Human Rights Impact of the Removal of Fossil Fuel Subsidy on Nigerians

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Abstract

Fuel Subsidy began in 1970s and became institutionalized in 1977, pursuant to the enactment of Price Control Act. Subsidy on Fuel existed because Government fixed Price of fossil Fuel for consumers below the international price and uses government resources to pay for the difference. The aim of this work is to examine the human rights implications or impact of the removal of Fuel Subsidy on Nigerians. The objectives of the work include; to determine whether the sudden removal of fossil fuel subsidy by President Bola Ahmed Tinubu violates the right to life, right to education, right to health and right to the means of livelihood. The doctrinal research methodology was adopted. It was discovered that the sudden removal of fossil fuel subsidy on May 29, 2023 impacted negatively on the human rights of Nigerians. **It was concluded that the removal of fuel subsidy has caused grave human rights infractions on Nigerians.** It was recommended that government should provide measures that will cushion the effect of the hardship occasioned by removal of fuel subsidy; the three refineries should be made functional and social security be provided to the unemployed, widows, aged and other vulnerable Nigerians; **government should embark on rapid rural electrification, increase minimum wage, introduce transportation vouchers and mass transit, shift support to renewal energy and energy efficiency, and embark on investment for social protection .**

Keywords: Human, Human Rights, Fossil Fuel, subsidy, Fuel Subsidy, Nigerians.

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I. Introduction

Fuel subsidy is the transfer of economic resources by government to consumers or producers of a good or service¹. Fuel subsidy exists because the government fixes the price of fossil fuel for consumers below the international price and uses government resources to pay for the difference². Fuel subsidy began in the 1970s and became institutionalized in 1977, following the promulgation of the price Control Act which made it illegal for some products (including petrol) to be sold above the regulated price³.

The price Control Act⁴ has listed petroleum products as one of the items in its first schedule in which prices will be controlled by the Board and Committee established by the Act⁵. The Price Control Board and the Price Control Committee of the Federal Government and the State Governments respectively, have collaborative

¹ F Ayanruoh, 'Why Fuel subsidy removal is good for Nigeria', Vanguard Newspaper <www.vanguardngr.com> accessed 13th July, 2023

² N Mcculloch and Others, 'Fuel subsidy Reform and Social Contract in Nigeria: a Mero-economic Analysis' <<https://www.icted.ac>> accessed 13th July, 2023

³ PWC, 'Fuel subsidy in Nigeria-issues, challenges and the way forward' <<https://www.pwc.com>> accessed 13 July, 2023.

⁴ Price Control Act Cap P 28, LFN 2004, s. 4 (1)

⁵ Petroleum Products pricing Regulatory Agency (Establishment) Act 2003, s. 7(a)

responsibility of imposition of price control on goods and services listed in the schedules to the Act. The Petroleum Products Pricing Regulatory Agency Act vests amongst other things, the responsibility to determine the pricing policy of Petroleum Products on the Petroleum Products Pricing Regulatory Agency. The Petroleum Product and Distribution (Anti-Sabotage) Act⁶ criminalizes the act of willful obstruction or preventing of procurement of production or distribution of petroleum products in any part of Nigeria.

The laws aforesaid were made to make petroleum products available and accessible for a price that is not outrageous and detrimental to the economy of households in Nigeria; while the price of fuel in Nigeria remains unpredictable, the **Petroleum Product Pricing Regulatory Agency (PPPRA)** has explained that its pricing template takes into consideration a number of factors which includes amongst others: petroleum product cost, foreign exchange (FOREX), and rate at which oil Marketing Companies (OMCs) Import Petroleum Products; other associated cost component; freight rate, transshipment cost, statutory charges terminal charges (storage and jetty throughput), financing and distribution margins⁷. The PPPRA has constantly maintained that it doesn't fix prices but it provides a guiding price band by monitoring petroleum products prices daily and using the average price of the previous month to determine prices for the following month to determine the appropriate cost reflective pricing that ensures reasonable returns to markets.

Following the high exchange rates and other associated costs of bringing fuel to the final consumers (Nigerians and their industries), the costs of fuel would have been sold at a higher price (even if it is controlled), and that would have destructive effects on different facets of livelihood in Nigeria. The fuel subsidy intervention was aimed at government bearing most of the associated cost of importation and distribution of fuel to the final consumers in Nigeria, so as to reduce minimally the destructive consequences the higher price would have caused. However, because of corruption and mismanagement, the policy objective behind the introduction and operation of fuel subsidy policy of the Federal Government has not produced the desired results. Successive governments have attempted to remove fuel subsidy citing high cost of funding the programme. It has been estimated that subsidies in Nigeria are enormous and cost about US\$ 3.9 billion which almost double the budget for health⁸. The Nigerian government, through the Nigerian National Petroleum Corporation (now Nigerian National petroleum Company Ltd), spent N1.72 trillion in 2021 on fuel subsidies, 147.7% increase from the N307 billion spent on fuel subsidies in 2015⁹.

As a result of its disadvantages to the economy of Nigeria, on Monday May 29, 2023, President Bola Ahmed Tinubu emphatically declared in his inaugural speech that 'fuel subsidy is gone', and it remained a history. The removal of fuel subsidy is good for Nigeria and Nigerian but its sudden removal without putting measures in place to cushion its removal effects on Nigerians, particularly, the poor has brought untold human rights violations. This article will therefore examine the human rights violations by the sudden and unprepared removal of fuel subsidy in Nigeria and proffer solutions to mitigate such grave breaches of human rights.

II. Legal Framework on Fuel Production, Distribution and Pricing in Nigeria

There is no legal framework on fuel subsidy in Nigeria, however there are legislations having provisions dealing with the distribution of petroleum products and pricing which share seemingly same objectives with the fuel subsidy policy – that of making fuel available and affordable to the people of Nigeria. These legislations are: Price Control Act 1977¹⁰, Petroleum Products Pricing Regulatory Agency Act 2003¹¹, Petroleum Production and Distribution (Anti-Sabotage) Act 1975¹², and Petroleum Industry Act¹³. These legal frameworks are herein under elucidated:

(a) Price Control Act:

The price control Act establishes the price control Board and the price Control committee for the Federal Government and the State Government respectively¹⁴. The primary responsibility of the Board is the imposition of price control in accordance with the Act on any goods which are of the kind specified in the first schedule to

⁶ Petroleum Production and Distribution (Anti-sabotage) Act, cap p 12 LFN 2004, s. 1 (a)

⁷ E. Addeh, 'Understanding PPPRA's Role in New Petrol Price Regime' <www.Thisdaylive.com> accessed 13 July, 2023

⁸ A Adeleke, 'Removing fixed subsidy: costs, benefits, and next steps', business Day Newspaper' <<https://businessday.ng/opinion/article/removing-fuel-subsidies-cost-benefits-next-steps>> accessed 13th July, 2023

⁹ *Ibid*

¹⁰ Price Control Act (n4)

¹¹ Petroleum Products Pricing Regulation Agency Act (n5)

¹² Petroleum Production and Distribution Act (n6)

¹³ Petroleum Industry act 2021

¹⁴ Price Control Act (n4), S. 182

the Act¹⁵. The Board may by order add any goods to the said first schedule or delete any good there from¹⁶. Amongst other goods, petroleum product is one of the goods listed in the first schedule to the Act as controlled commodity¹⁷. Selling above controlled price is prohibited by the Act¹⁸; any person who sells above the controlled price shall be guilty of an offence and shall: (i) in the case of a retailer be liable to a fine of not less than ₦200 and more than ₦2, 000 or to imprisonment for not less than six months or to both such fine and imprisonment¹⁹. The court, apart from imposition of fine and imprisonment, shall make order for forfeiting the stock of the commodity, and where such order is made the Board shall dispose of the commodity as it deems fit, and the proceed of the disposal being paid into the Consolidated Revenue Fund of the Federation²⁰.

The Act also criminalizes **hoarding** of controlled commodities such as petroleum products, and on conviction shall:

(i) In the case of an individual be sentenced to imprisonment for not less than six months without option of a fine; and

(ii) In the case of a body corporate be sentenced to a fine not less than N5,000 and the stock of controlled commodity shall be liable for forfeiture²¹

b. Petroleum Products Pricing Regulatory Agency Act:

The Act²² established the Petroleum Products Pricing Regulatory Agency (PPPRA). The functions of the Agency are contained in section 7 of the Act. Some of the functions of the agency are to:

(i) determine the pricing policy of petroleum products;

(ii) regulate the supply and distribution of petroleum products;

(iii) establish an information and data bank through liaison with all relevant agencies to facilitate the making of informed and realistic decisions on pricing policies;

(iv) moderate volatility in petroleum products prices, while ensuring reasonable returns to operators;

(v) establish parameters and codes of conduct for all operators in the petroleum sector;

(vi) maintain constant surveillance over all key indices relevant to pricing policy and periodically approve benchmark prices for all petroleum products;

(vii) identify macro-economic factors with relationship to prices of petroleum products and advise the federal government on appropriate strategies for dealing with them;

(viii) exercise mandatory role as necessary for all stakeholders in the sector;

(ix) other functions which the national Assembly may confer on the Agency from time to time; **and**

(x). Carry out such other activities as appear to it necessary or expedient for the full and efficient discharge of its functions under the Act.

(c) Petroleum Industry Act:

The Petroleum Industry Act²³ provides for the legal governance, the regulatory and fiscal framework for the Nigerian Petroleum Industry, the establishment and development of host communities and other related matters in the upstream, midstream and downstream sectors of the petroleum industry.

The Act is arranged into five chapters, three hundred and nineteen sections and eight schedules.²⁴ Chapter one of the Act provides for the governance and institution of the petroleum industry. The ownership of petroleum within Nigeria and its territorial waters, continental shelf and exclusive economic zone is vested in the government of the federation of Nigeria²⁵. The minister of Petroleum resources who heads the petroleum industry has power as vested on him by section 3(1) to formulate, monitor and administer government policy in the petroleum industry²⁶, amongst other functions. The Act establishes dual regulatory agencies namely: Nigerian Upstream Petroleum Regulatory Commission, which is a body corporate with perpetual succession and a common seal²⁷. The objects and functions of the commission are limited to upstream petroleum operation²⁸.

¹⁵ *Ibid*, s. 4 (1)

¹⁶ *Ibid*, s. 4 (2)

¹⁷ *Ibid*, Item 7 of the first schedule

¹⁸ Price Control Act (n4) s. 6

¹⁹ *Ibid* s. 6 (2)(1) & (ii)

²⁰ Price Control Act (n4), s. 6 (3)

²¹ *Ibid*, s. 6 (4) (a) (i) (ii) & (b)

²² Petroleum Products Pricing Regulatory (Establishment) Act 2003, s.1

²³ Petroleum Products Pricing Regulatory (n22), s. 7

²⁴ Petroleum Industry Act 2021

²⁵ Petroleum Industry (n24), s. 1

²⁶ *Ibid*, s. 3 (1)

²⁷ *Ibid*, s. 4(1)

²⁸ *Ibid*, s. 5

One of the principal responsibilities of the commission is contained in section 4(3) of the Act and it reads as follows: ‘The commission shall be responsible for the technical and commercial regulation of upstream petroleum operations’²⁹.

The other regulatory agency established by the Act is the Nigerian Midstream and Downstream Petroleum Authority³⁰. This regulatory Authority is responsible for the technical and commercial regulation of the midstream and downstream petroleum operations in the petroleum industry³¹.

The Act also charge the Minister of Petroleum Resources, to within six months from the commencement of this Act, cause to be incorporated under the Companies and Allied Matters Act, a limited Liability company, which shall be called Nigerian National Petroleum Company Limited (NNPC Limited)³².

The Nigerian Upstream Regulatory Commission, Nigerian Midstream and Downstream Regulatory Authority, the Minister of Petroleum Resources and Nigerian National Petroleum Company Limited have connective roles to play in the production and supply of petroleum products in the country.

III. History Background of Fuel Subsidy in Nigeria

Subsidies were initially introduced in Nigeria on the 1970s in response to the 1973 oil price shock³³. It began with the Government routinely selling petrol to Nigerian at below cost but Nigerians were unaware that this was being done³⁴. Fuel subsidies became institutionalized in Nigeria in 1977 pursuant to the enactment of the Price Control Act³⁵, which made it illegal for some products, including petrol, to be sold above the regulated price. This law was initiated by General Olusegun Obasanjo regime for the purpose of ameliorating the effects of the global “Great Inflation” era of the 1970s, propelled by the World-wide increase in energy prices³⁶. In 1970, about **72 percent** of the cost of a litre of petrol was paid by the government but that figure fell to 43% in 2011.

Between 2006 – 2018 Nigeria spent about 10 trillion naira (or US\$24.5 billion at official exchange rate of 411 Naira = US\$1) on petroleum subsidies³⁷. In 2019 – 2020 about 3 trillion Naira (\$ 7 billion) was spent on subsidies³⁸. Accumulatively, it means Nigeria has spent over \$ 30 billion on fuel subsidies over the past 16 years³⁹. In 2018, it spent 722 billion (\$ 2.4 billion at that year’s official exchange rate \$1 = 306 Naira), but spent only \$1.5 billion on health.

The percentage government paid per every liter of fuel noise- dived from 72 percent in 1970s to 42 percent in 2011, meaning that Nigerians were increasingly bearing the burden of fuel price increases. This informed the reason they vehemently opposed through protests, and disruption of traffic, attempts at removing subsidies.

IV. History of Attempts to remove Fuel Subsidies in Nigeria

Successive administrations in Nigeria had attempt to face-out fuel subsidies in Nigeria, some years after its introduction. President Shehu Shagari’s government – from 1979 – 1983 increased the price of petrol in 1982 from 15.3 kobo per liter to 20kobo, this occurred without the administration making reference to easing subsidies⁴⁰.

In 1986, president Ibrahim Babangida announced a partial removal of oil subsidies, which saw petrol price rise from 20 kobo per litre to 39 kobo per litre, this followed his implementation of the structural adjustment programme as set out by the International monetary fund⁴¹. This sparked massive demonstrations across the country; massive and sustained protests against Babangida’s economic policies played a big role in his hurried exit from power⁴². The administrations that followed left subsidies in place.

²⁹ *Ibid*, s.4 (3)

³⁰ *Ibid*, s. 29 (1)

³¹ *Ibid*, s. 29 (3)

³² Petroleum Industry (n24), s. 53 (1)

³³ E Okediran, ‘History of Fuel Subsidy in Nigeria’, <<https://www.linkedin.com>>accessed 16 July 2023

³⁴ S Onyeiwu, Fuel subsidy in Nigeria: They are bad for the economy but the lifeblood of politicians <<https://theconversation.com>>accessed 16 July 2023

³⁵ Price Control Act (n4)

³⁶ Onyeuwu (n34)

³⁷ Onyeuwu (n34)

³⁸ *Ibid*

³⁹ *Ibid*

⁴⁰ *Ibid*

⁴¹ *Ibid*

⁴² Onyeuwu (n34)

In 2012, President Goodluck Jonathan **attempted** down fuel subsidies and used the savings to invest in education and infrastructure, but he was vehemently opposed by labour unions, students, and civil society groups⁴³. He was eventually pressured to cut the fuel price by **Thirty-four percent**.

President Muhammadu Buhari initiated the process that led to the removal of fuel subsidy by not providing for it in the budget that gave a legal strength to President Bola Ahmed Tinubu in his inaugural speech to declare that fuel subsidy is gone,” and it remained history.

V. Human Rights Infractions by the sudden and unprepared removal of Fuel Subsidy.

On the 29th day of May, 2023, President Bola Ahmed Tinubu in his inaugural speech announced the removal of fuel subsidy. This came as a huge shock on many Nigerians who have been hitherto battling to make a living because of Nigeria’s battered economy caused by bad governance. Amnesty International has said that President Tinubu’s decision to remove fuel subsidy had left millions of Nigerians terrified about the knock-on-effect that it will have on their daily lives⁴⁴. According to Amnesty International many Nigerians are concerned they **be** unable to meet the cost of education, food and healthcare⁴⁵. The civil group further stated that “while all countries are required to eventually remove all fossil fuel subsidies to meet their human rights obligations in the context of the Climate Crisis, they should not do so in a way that undermines the ability of people on low incomes to secure their right to adequate standard of living”⁴⁶. It also stated that it was vital that subsidy removal is accompanied by social cushioning and protection measures⁴⁷.

In consonance with the views expressed by Amnesty International and even **Socio-Economic Rights and Accountability Project (SERAP)**⁴⁸, the following human rights violations by the sudden removal of fuel subsidy are herein under discussed:

I. Infraction of the Right to Life.

The right to life as guaranteed in section 33(1) of the constitution⁴⁹, and article 4 of the African Charter on Human and Peoples’ Rights⁵⁰. This right to life is parasitic, in the sense that it depends on other rights to be fully enjoyed, without which the right to life as guaranteed by our laws is a mockery. Adequate means of livelihood serves as the veins and arteries that supply the energy that sustain the rights to life. To deprive someone of his means of livelihood is equal to depriving him of his right to life.

In *Shante Star builders v Narayan Totane*, the Indian Supreme Court held that the right to life as guaranteed in a civilized society would take within its sweep the right to food, the right to clothing, and the right to shelter⁵¹. In *Olga Tellis* case⁵², the supreme court of **India** observed that important facet of the right to life is the right to livelihood. If the right to livelihood is not treated as a part of the constitutional right to life, the easiest way of depriving a person of his right to life would be to deprive him of his means of livelihood to the point of abrogation.

Most Nigerians who own small and medium businesses depend on petrol to power generators in order to run their business. By the removal of fuel subsidy without functional refineries in the country, the price per liter of petrol sells between ₦600 to ₦700. The meaning of this is that, a lot of the small and medium businesses find it relatively impossible to run their businesses effectively and make profit. Since they cannot fund the running cost of their businesses any longer, their households may lack the necessities of life such as food, money for rent, clothing and so on. It will be very correct to conclude that the sudden and unprepared removal of fuel subsidy is a deliberate removal of the means of livelihood from poor Nigerians, and removal of one’s means of livelihood is an inherent infraction of the right to life.

⁴³ *Ibid*

⁴⁴ M Izuaka, ‘why subsidy Removal must not deepen poverty. Amnesty International <<https://www.premiumitemsg.com/news/top-news/601992-whysubsidy-removal-must-deepen-poverty-amensty-international>> accessed 16 July 2023

⁴⁵ *Ibid*

⁴⁶ M Izuaka (n⁴⁴)

⁴⁷ *Ibid*

⁴⁸ SERAP, Fuel subsidy removal: SERAP begs UN Human Rights Council to intervene <<https://www.serap-Nigeria.org/2012/01/06/fuel-subsidy-removal-serap-begs-on-human-rights-council-to-intervane>> accessed 16 July, 2023.

⁴⁹ Constitution of the Federal Republic of Nigeria 1999 (as amended), s. 33 (1)

⁵⁰ African Charter on Human and peoples’ Rights (Ratification and Enforcement) Act, cap A 9 LFN 2004, art. 4

⁵¹ 1990 (1) SCC 520

⁵² Air 1986 SC 180

II Infraction of the Right to Education

The right to education is the right of every individual. The Constitution of Nigeria provides for the right to education in its S. 18 (3) (a) to (c) as follows: “Government shall strive to eradicate illiteracy and to this end government shall as and when practicable provide:

- a. free compulsory and universal primary education;
- b. Free university education and;
- c. free adult literacy programme⁵³.

African charter on Human and Peoples’ Rights (Ratification and Enforcement) Act, in its article 17(1) provides for the right to education as follows: “Every individual shall have the right to education⁵⁴.” Similarly, it is stated in the Universal Declaration of Human Rights that: “Everyone has the right to education. Education shall be free, at least in the elementary and foundational stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the bases of merit⁵⁵. It is instructive to note that Section 18 (3) of the Constitution on the right to free education suffers impotency created by section 6 (6) (c) of the Constitution; however, in *Minerva Mills Ltd v Union of India*⁵⁶, the Indian Supreme court has held that the provisions under the Fundamental Objectives and Directive Principles of State Policy are not show pieces in window dressing but fundamental to the governance of the country⁵⁷. Nigerian Courts have a duty to apply same judicial craftsmanship and activism when confronted with the issue of non-justifiability of chapter two of the Constitution. Concerning the Supremacy between the provisions of the African Charter on Human and Peoples’ Rights (Ratification and Enforcement) Act and provisions of the Constitution, it is settled in *Fawehinni v Abacha*⁵⁷ that where there is a conflict between the Charter and the Constitution, the provisions of the Constitution shall prevail. However, the African Charter, by the process of incorporation, and its historical and international character assumes a status of law equally, like chapter 4 and regulates the freedom or liberty of Nigerians⁵⁸.

The removal of fuel subsidy has increased the cost of transportation to and from schools, cost of food in campuses, cost of water, cost of notes and textbooks and cost of clothings. **This has** made education difficult to access, thus a grave violation of the right to education as guaranteed by our laws. Poor parents, who were managing to pay for the cost of education of their children, now find it difficult to do so. On the part of teachers and lecturers, the increase in the price of fuel occasioned by the removal of subsidy did not come with a corresponding increase in their salaries, accordingly, most schools have abridged their lecture time tables to two days per week to enable them and students cope with the situation.

III) Infraction of the Right to Standard of Living Adequate for the Health and Well-being:

This right includes the right to food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond control⁵⁹. **It is instructive to note that the Universal Declaration of Human Rights 1948 is an International Human Rights Instrument which has persuasive effect here in Nigeria because it has not passed through the test of section 12 of the Constitution of Federal Republic of Nigeria 1999 (as amended) regarding implementation of treaties. However,** Nigeria has an obligation under International law to observe and protect the rights contained in the Declaration.

The fuel subsidy removal which was done suddenly without putting the requisite measures in place to cushion its probable bad effects on the lives **of poor Nigerians, has made life difficult for them, as the Cost of goods and services have sky-rocketed to the extent that they can hardly afford the means of livelihood to guarantee a standard of living adequate to health and well-being.**

It is difficult to access adequate health care services because of the inflation caused by the removal of fuel subsidy without functional refineries, producing and supplying to the Nigerian market the daily petrol need of the country.

⁵³ Constitution (n51), s. 18 (3) (a) (b) & (c)

⁵⁴ African Charter (51), art. 17 (1)

⁵⁵ Universal Declaration of Human Rights 1948, art 26

⁵⁶ Air 1980 SC 1780

⁵⁷ (2002) FWLR (P + 4) 533

⁵⁸ *Abacha v. Fawehinmi* (1996) 5 NWLR (pf. 711) 10

⁵⁹ Universal Declaration (n56), art 25

VI. Measures Adopted By Other Countries Before Removal Of Fossil Fuel Subsidy: Lesson For Nigerian.

The removal of fuel subsidy, while aimed to faster economic growth and address structural inefficiencies presents both challenges and opportunities. With the potential for increased fuel prices, inflationary pressures, and socio-economic disparities, it becomes compelling for the government and stakeholders to adopt comprehensive measures that will cushion and protect the interest of the most vulnerable group of society.⁶⁰ Countries such as Egypt, India, Zambia and Ghana, and Morocco had adopted different measures in their fossil fuel subsidy reforms.⁶¹ The measure they adopted include:

1. **Gradual Approach:** This has been adopted by different governments that have implemented fossil fuel subsidy reform or increased fossil fuel taxation⁶² and its success rate commendable. Assisted by the World Bank, Egypt tackled its subsidy reforms step-by-step, adopting careful measures to protect the poor people from negative effects through helpful initiatives such as cash transfer programs. The reforms were followed by an effective communication strategy targeting citizens; which explained the importance of the reforms by exposing the benefits the country would have from the reforms⁶³.

2. **The Right Timing:** Evidence has shown that the timing of the removal of fossil fuel subsidies can also play a significant role in its success; between 2015 and 2017 different countries with diverse economic backgrounds took advantage of low international oil prices to increase fuel taxation or phase out consumer subsidies.⁶⁴ India subsidy reform implemented during a period of low oil prices caused oil and gas subsidies to drop from INR 158, 482 crore (USD 26.2 billion) in fiscal year 2014 to INR 67, 679 crore (USD 10.1 billion) in fiscal year 2019.⁶⁵ Similarly, when global prices crashed again in early 2020, the Indian government once more took advantage of price drop to raise duties on fuel without straining consumers as retail prices remained stable⁶⁶. The taxes on fossil fuels send an important carbon mitigation signal to consumers and generate much needed revenue.⁶⁷

3. **Shifting Support to Renewable Energy and Energy Efficiency.** This kind of “subsidy swap” has been successfully implemented in Zambia and Morocco.⁶⁸ It has also been one of the pillars of the energy transition in India, where support for renewable energy and electric vehicles has more than tripled since fiscal year 2017 and subsidies for electric vehicles have grown by more than 11 times⁶⁹

4. **Investment for Social Protection:** It is critical to include investment in social protection in the subsidy reform plan and redirect savings to the vulnerable of society. Ghana implemented a targeted support program to provide income support and health insurance to poor household; the Philippines implemented a targeted cash transfers to help build a national safety net alongside lifetime tariffs to protect the poor in the reform process⁷⁰. Similarly, Morocco, increased funds for education and implemented a health insurance scheme; in order to protect the poor, Morocco also kept some subsidies for liquefied petroleum gas (LPG), basic food items, and electricity in place.⁷¹

Godson⁷² has expressed that the government should adopt and implement the following measures before the removal of fossil fuel subsidies:

- i) Introduction of transportation vouchers and mass transit;
- ii) Tax removal and rebate in food importation and distribution;
- iii) Rural electrification;
- iv) Cash transfer, and
- v) Increase in minimum wage.

⁶⁰ I Godson, Fuel Subsidy Removal: Possible Mitigation Strategies to cushion the socio-economic impact <https://www.linkedin.com/pulse/fuel-subsidy-removal-possible-mitigation-strategies-cushion-godson>>accessed 13 January, 2024.

⁶¹ L Sanchez and others, 53 Ways to Reform Fossil Fuel Consumer Subsidies and pricing <https://www.iisd.org/articles/deep-dive/53-way-reform-fossil-fuel-consumer-subsides-and-pricing>>accessed 13th January, 2024

⁶² *Ibid*

⁶³ L Sanchez (n⁶¹)

⁶⁴ *Ibid*

⁶⁵ *Ibid*

⁶⁶ *Ibid*

⁶⁷ *Ibid*

⁶⁸ *Ibid*

⁶⁹ *Ibid*

⁷⁰ L Sanchez (n⁶³)

⁷¹ *Ibid*

⁷² I Godson C (n⁶⁰)

VII. Conclusion and Recommendations

The removal of Fuel Subsidy by the Federal Government led by President Bola Ahmed Tinubu without putting measures to mitigate its negative effects on vulnerable Nigerians is insensitive and anti-people oriented. The government owned refineries are moribund. The implication is that the government still depends on importation of petroleum products for domestic use. The removal of fuel subsidy has occasioned consequential infractions of human right to life, right to education, right to access adequate health care and right to a standard of living adequate to health and well-being and so on. There is an urgent need for the government to put measures in place to forestall further or continuous human rights violations.

The following recommendations are necessary for the government of Nigeria to adopt in its removal of fuel subsidy policy: Federal and States Governments should purchase natural gas-powered mass transit buses or electric vehicles as palliative measures to mitigate the effects of the removal of fuel subsidy on the transport sector; the Nigerian Midstream/Downstream Petroleum Regulatory Commission should issue stricter and most appropriate regulations as provided by the Petroleum Industry Act 2021 to ensure that Nigerians are not short changed through profiteering; also, the salaries of workers should be reviewed upward in line with current economic realities. Unemployment benefits should be mapped and paid to unemployed Nigerians and households. To achieve success in disbursement of stipends to the unemployed, aged, widows and other vulnerable Nigerians; government must design new approaches to reaching the informal sector with financial aids and ensuring that the aids get to the intended beneficiaries; the Federal Government should pay the desirable attention to ensure that the three governments owned refineries are maintained, or repaired for optimal production of petroleum products; **the government should shift support to renewal energy and energy efficiency. The removal of fuel subsidy should be gradual or should be taken step-by-step as being implemented in Egypt**