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IN THE SHADOW OF THE STATE

The Making of Garage Laws in Lagos

Laurent Fourchard

Abstract

The National Union of Road Transport workers (NURTW) is the main transport organization in Nigeria and has replaced local governments in most garages of the country. The NURTW exercises its authority in Lagos garages through its own set of rules, qualified here as garage laws. They aim at providing revenues for the union, for state institutions, for police bodies and at ordering motor parks and disciplining drivers. Based on observations and 80 interviews with unionists, the article looks at the ways these laws are implemented by unionists and *agberos* or local touts turned into union workers. Some rules depend on the authority of union chairmen but most of them are routinized and powerful mainly because they are co-produced by the union and state institutions. Understanding garage laws helps to move beyond visions reducing transport unions as mafia organizations and states in Africa as weak institutions unable to implement state laws.

Keywords: *union, laws, transport, Lagos, institutions, state*

Introduction

The National Union of Road Transport Workers (NURTW), created in 1978, has become the main organization regulating popular transport in Nigeria in the past four decades.¹ The economic crisis faced by the country in the early 1980s led the Federal Government to adopt the International Monetary Fund's (IMF) recommendations to drastically reduce state and local government expenditures and staff. Since then, state and local government authorities have outsourced the collection of taxes to a number of intermediary bodies including the NURTW which has replaced almost all local government authorities in most motor parks – also known as “garages” – in Nigeria. This has led to union members illegally collecting a range of different types of “taxes,” “fees” or “dues” from commercial drivers in motor parks, not all of which legal.²

¹ I wish to thank Djemila Zeneidi, the editors and the reviewers of the journal for their comments on the previous version of this article and Dennis Rodgers for his generous reading and considerable improvement of the last version.

² Indeed, even the whole process of outsourcing is somewhat dubious since according to the Second and the Fourth Republic constitutions adopted in 1979 and 1999, levying taxes in motor parks is the sole responsibility of local governments in Nigeria.

This has in turn allowed the NURTW to expand the power and the profits of its members (Fourchard 2023a).

Specialists and the public at large perceive the union as a criminal organization and a key player in patronage politics. Some union members are regularly involved in harassing and murdering political dissidents, in causing disorder and violence during faction fights, and in participating in electoral violence (Agbibo 2016, 2022; Fourchard 2011; Omobowale and Fayiga 2017). The union was used as a tool by different political parties contesting gubernatorial and presidential elections both during the Second Republic (1979–1983), and since the return of civilian rule in 1999 following a period of military dictatorship (Albert 2007; Agbibo 2018; Fourchard 2011). The public representation of the union seems to mirror everything that has gone wrong in Nigeria over the course of the past 40 years: violent patronage politics, everyday street corruption, the widespread extortion of citizens with the cooperation of the police.

If the workings of the union can be globally seen as fundamentally breaking the law, three other dimensions have generally been overlooked in the literature. First, the union has a legal side. It is an affiliate of the Nigeria Labour Congress (NLC), the umbrella trade union centre in the country, and is recognized as such by the federal government and the 36 states of the federation. Second, it has developed a powerful – and largely ignored – bureaucracy able to negotiate with state institutions about what it is authorized and what it is forbidden to do in motor parks. Third, the NURTW has over the past decades implemented its own set of rules regulating transport that are sometimes in violation of, and sometimes in agreement with, state laws. This article suggests that ultimately it is this “straddling” position between the legal and the illegal that is what has made the NURTW a powerful – albeit contested – organization in contemporary Nigeria.

More specifically, the NURTW can arguably be understood as a “twilight” institution, one that provides services *between* the state and the wider society, in a situation where relations of power and legitimacy are constantly being negotiated on the basis of day-to-day social encounters (Lund 2006, 676). The authority of the union might be termed “provisional”: it exercises an almost exclusive authority over workers in motor parks but this power is uncertain as it is granted illegally by the state and local government officials. This fluctuating position of authority between the state and the wider society needs to be explored empirically. The concept of twilight institutions proposes to rethink local political arenas where social relationships are not necessarily mediated by the state, and to explore concrete situations where state institutions have unequally permeated the urban social world (Fourchard 2023b). In this article, I particularly want to explore the everyday operations of the union, and especially the collection of revenues within the specific space in which the union operates (the motor park or garage), a subject rarely studied in its own right (see however Agbibo 2022; Cissokho and Stasik 2018; Fourchard 2023a, Stasik 2017). Several works see such transport organizations in Africa as working “outside the law.” In Cape Town, transport members act as a quasi-mafia and violate the law to produce forms of governance in conditions of extreme precariousness (Bähre 2014). Minibus transporters in Nairobi perceived as “thugs” (Mutongi 2006) operating “outside the law” in association with militia groups that provide security in exchange for “taxes” (Rasmussen 2012). In Uganda, public transport is dominated by a coercive and

extractive “mafia” supported by elite political and economic interests (Goodfellow 2017). In Nigeria, the NURTW is seen as a mafia and its main agents as delinquents (Agbibo 2022). I suggest that there is more to understanding the porous border between the legal and the illegal in these organizations, as well as the ways in which they produce and implement their own rules to govern their space.

Even if from a formal legal point of view, there is no doubt that the NURTW unlawfully levies fees in motor parks, NURTW members should not necessarily be seen as outlaws; the Nigerian government also creates illegal institutions.³ Rather, the spaces where the NURTW operates need to be understood on the basis of the organization’s own sets of unwritten rules through which they exercise their authority. These rules are here qualified as “garage laws.” Among the many approaches to defining the concept of law (Pirie 2013, 2–13), I choose to use a loose and non-state-oriented definition of the law as “a rule used to order the way in which a society behaves.”⁴ In Yoruba, the dominant language spoken in Lagos, there is no distinction between rules and laws. *Ofin* refers indistinctly to “rules,” “regulations,” or “laws.” *Ofin gareji* are “garage rules” or “garage laws:” both terms are used interchangeably in the article. I distinguish, however, “garage laws” from formal state laws produced by government or enshrined in the constitution.

Rules aim at ordering motor parks and disciplining drivers; they are used to resolve conflicts between actors and to allow traffic to flow smoothly. They are enforced daily by union agents whose authority is most of the time restricted to the specific space of motor parks. These rules are produced by the union or else in co-production with state institutions. Co-production does not mean that there is a general agreement between the union, the state, local governments, or the police. Instead, the production of garage laws is highly dependent on a web of relationships with high-ranking politicians at the state and local government level and various police bodies. The NURTW could at the same time break or implement state laws or enforce its own body of rules produced with the support or against the opposition of state institutions.

Understanding garage laws helps us to move beyond a normative, binary vision reducing states in the global South, especially in Africa, to weak states or institutions unable to implement state law, and thereby enable the concomitant rise of informal actors. Union members are not proper informal actors; the label obscures the routine relationships between them and various state institutions, as well as the capacity of union members to mimic state imaginaries and legal repertoires. State delegation of transport authority to organizations might perhaps better be seen as “informality from above,” a deliberate mode of state action on urban space, which materializes primarily through the state’s fluid and arbitrary conceptualization of legality and legitimacy (Roy 2009). But such an analysis transforms the state, or some of its parts, into an “informalized entity” (Roy 2009, 76). In the process, a particular state department or

³ As an example, in Lagos, 37 Local Council Development Areas are illegal since the 1999 Constitution forbade the creation of new local governments, yet they function in the same way as the 20 recognized ones (Fourchard 2021).

⁴ The Cambridge dictionary specifies “a rule usually made by a government.” The “usually” is contestable especially in the former colonial world where legal scholars have rightly insisted on the plurality and coexistence of legal orders shaping the social world (Pirie 2013).

a specific situation are reinterpreted as the manifestations of an ontological essence of the state. Similarly, a “generalized informal functioning” of the state does not help to understand moments of capture or formalization of social institutions by the state common in Nigeria and other post-colonial state formation. Social institutions play a more or less important role in the configuration of power in local political arenas without any predetermined direction: their twilight character rules out the temptation to assign them an ultimate purpose (Lund 2006).

Most existing research looks at the union from the outside, from the point of view of drivers, politicians, or journalists. My research looks at the NURTW from within. It is based on 80 interviews realized in January 2018, January 2020, and between January and April 2023, mainly with union members, as well as several months of observation in four different motor parks in Lagos (Bariga, Obalende, Oshodi, Oyingbo).⁵ For the interviews, I benefitted from the assistance of two excellent master students from the University of Lagos, Joseph Omobolanle Akinni in 2020 and Abulazeez Kayode Sikiru in 2023, who also translated some of the interviews from Yoruba to English. Being a white male elder professor in a European University gave me several advantages. As my assistant Abulazeez noted, unionists were either proud or happy to discuss with someone who appeared privileged in their eyes. The idea that a French professor could have an interest in their world was met first with surprise and thereafter with a wish to let me understand their world. Trust was gradually built with repeated visits to unionists in specific motor parks. Union members are men aged between 50 and 80 years old, who have families, do not have university education, and are from subaltern classes. Being a middle-aged father myself helped reduced the gap between me and most of them, and facilitated my access to the fieldwork.

Unionists who were initially suspicious were eventually welcoming and generously shared their time and knowledge with us. There is a generalized mistrust of external observers within the middle and top leadership of the NURTW, probably to avoid criticism of the union that might further damage its already bad reputation. Formal research authorization granted by the NURTW secretariat in 2020 and 2023, however, gave us the possibility to conduct interviews with unionists. While top leaders often reproduced a normative discourse, lower-level union members working in garages were less reluctant to explain their routine, their relations with drivers, tax collectors, government officials, and police officers.⁶ Spending several months observing the functioning of the motor parks also helped to reveal situations that would not have been obvious though interviewing only. From 2020 onward, I also decided to collect biographies of local leaders to understand the importance of individual trajectories in the making of union rules and the building of authority in specific motor parks.

The first part of this article explores the provisional authority of the NURTW in the motor parks of Lagos. The second one looks at the ability of the NURTW to impose its routinized body of rules through the Executive committee (Exco), the governing union body, with the assistance of *agberos*, local touts turned union workers. The third section analyses the ways motor parks are ordered and regulated. It looks in particular at three chairmen in three different motor parks, and the ways they exercise their authority reflecting the situated nature

⁵ These different bouts of fieldwork are part of a larger trajectory of 23 years of research in Nigeria, including several years of residence between Lagos and Ibadan.

⁶ To protect their identity and privacy, I do not use the real names of my interviewees in this article.

of garage laws. The last section delves into the protection provided by union leaders to drivers against the power of the police, but also how NURTW Exco members break the law in cooperation with police officers to maintain the flow of business and to discipline drivers.

The Provisional Authority of the NURTW

The NURTW is a union, a bureaucratic organization, and a political syndicate. The NURTW defends the interests of its members, regulates the economy of popular transport,⁷ and supports local politicians. The NURTW is first and foremost an affiliate of the Nigerian Labour Congress (NLC), established by decree in 1978 as the sole national trade union prior to the return of a new civilian regime (1979–1983). While the merger of previously rival unions was a strategy for enhancing state control, a new radical leadership ensured continued union autonomy and militancy with repeated confrontation with the state (Beckman and Lukman 2010, 17–18). The NURTW was not part of this radical opposition, however. While the union participated in several campaigns against the attempts by federal government to reduce state subsidies to the national petroleum market, the NURTW has, unlike most NLC union affiliates, a poor or no record of organizing strikes to increase minimum wages or to oppose privatization. However, as transport road workers joining the NURTW were offered zero-interest loans to buy their minibuses, the NURTW soon became popular among many drivers when it was launched in Lagos in 1978 as an alternative to an established transport union that defended the interest of bus owners (the Road Transport Employers Association of Nigeria, RTEAN). The NURTW had moreover initially defended the rights of some of its members relating to pensions or invalidity benefits. This original union mandate does not seem to exist anymore today. Minibus drivers are not automatically allowed to be members of the union but are selectively co-opted by established union members from motor parks. The NURTW is thus not a union of wage workers nor of drivers, but mainly made up of former drivers or former “tax collectors” making a living from the revenues of their capital (they are often owners of minibuses), from their labour (some still drive their buses), and from motor park revenues. As unionists, they defend their interests and very minimally the interests of the drivers working under their authority.

Secondly, the NURTW has become a powerful bureaucratic organization over the past four decades due to the privatization of transport linked to the dramatic expansion of Lagos – which grew from a population of 1.3 million in 1970 to around 15 million in 2023 – and the need for new and expanded routes. The NURTW was born with the deregulation of the economy and the transport sector imposed by the IMF. The 1980s and 1990s represented, for most cities in the country, the definitive decline of former municipal and state-owned transport (buses and trains), and the rise of a network of private owners of minibuses, motor-cycles, and tricycles. With the shrinking of the bureaucratic state, local governments transferred their responsibility of collecting taxes to the union, making it a new player in motor

⁷ I do not use the expressions “informal” or “paratransit” transports, but rather “popular” transport as the drivers and passengers using these in Lagos belong to popular classes and participate in a popular economy (on this point, see Stasik 2018).

parks. The NURTW grip over the latter was reinforced with the return of a civilian regime in 1999: collection of revenues, despite being illegal, became systemic. The NURTW not only confronted the neo-liberal turn of the country, but it has also largely benefited from the deregulation of motor parks (Fourchard 2023a). The development of a full array of intermediate positions within the union, known as the Executive Committee (Exco), helped to expand the profit of the union as a whole.⁸ 80 % of passengers in Lagos are carried by their networks of minibuses. It is thus *the* key economic organization of the largest metropolis in the African continent.

Thirdly, the union has deep connections with political parties. This process started before the Second Republic (1979–1983) in Lagos as the capital was the seat of two rival powers: the federal government and the National Party of Nigeria (NPN) on the one hand, and the governor of Lagos state and his United Party of Nigeria (UPN) on the other hand. The NPN decided to gain the support of NURTW members with the help of a southwestern businessman, Moshood Abiola, who became the principal sponsor of NURTW loans for minibus drivers (Albert 2007, 129–130). NURTW members took over – often violently – the control of different motor parks during the Second Republic and in the following two decades of military rule (1983–1999). The end of military rule in 1998 and the return of democracy enhanced the political role of the NURTW, but the union leadership also needed to support the governor in exercise to maintain their authority over motor parks.

The union leader's authority depended highly on their personal relationships with governors. Alhaji Musiliu Akinsanya, alias MC Oluomo, chairman of the NURTW Lagos state chapter, has become one of the best-known public figure in Nigeria in the last ten years. He is a close ally of Bola Tinubu, the governor of Lagos state (1999–2007), the founding father of the major political party in South Western Nigeria, the All-Progressives Congress (APC), a party which won federal power in 2015. In April 2023, Tinubu was elected president of Nigeria, with the active support of MC Oluomo, who himself recognizes that he was successfully elected as Lagos state chairman in 2019 because of his loyalty to Tinubu. This proximity with political power gives union leaders the possibility to infringe the law. Oluomo has never been arrested despite the regular press reports against his men's involvement in deadly clashes against hostile factions. Similar cases are found elsewhere in Nigeria (Fourchard 2021). The support of governors gives NURTW leaders the possibility to be involved in criminal actions without the risk of being arrested, jailed, or convicted by the justice system.

The NURTW's twilight character is shaped by this illegal and partisan dimension. Its political affiliation with governors gives the NURTW a provisional authority over the motor parks as governments could suspend the operations of the union at any moment. Governors could declare their activities as illegal when they want to either stop their operations or decide to absorb the union network into the state machinery. In Oyo state, the new governor, Seyi Makinde (People's Democratic Party, PDP, the main opposition at the federal level) banned the union in 2019 for one year, before deciding to replace it with an NURTW faction loyal to the PDP, operating under the authority of the Oyo state minister of transport (Inter-

⁸ The number of unionists working in Lagos garages is unknown but there are more than 10000 of them as there are thousands of motor parks in Lagos.

views with several branch chairman in Ibadan, February 2023). In Lagos, the NURTW has always supported the party in power (APC) and has operated in motor parks almost continuously. In April 2022, the NURTW Lagos state chapter was disbanded after a conflict with the union headquarter in Abuja. The Lagos state governor Sanwo-Olu decided to create the Lagos state transportation parks and garages management (LASPGM) organization, and to appoint MC Oluomo as its chairman under the authority of the Lagos state Department of Transport. Members of the LASPGM are all former unionists; the governor needed to strengthen the loyalties between NURTW networks and the government one year before the gubernatorial and presidential election of 2023.

Despite officially working for the Lagos state, however, NURTW agents still maintain their own garage laws. The power that comes from their closeness with government grants the union an almost exclusive authority over the motor parks they control as the union collect “fees” and “dues” from drivers. The two terms carry different meanings. The NURTW is in a typical straddling position (Bayart 1989), which implies a dual involvement in perceiving taxes or fees meant for public authorities (local governments and, since 2022, state government), and dues meant for the union. The general rules are based on unwritten arrangements between union leaders and government officials on the one hand, and official “tickets” issued by the local government (LG) and “sold” in motor parks by union members on the other hand (Fourchard 2021, 187). As the finance secretary of a NURTW branch controlling Oshodi garage explained during an interview in January 2020:

We get the booklet from the local government who delivers it to the treasurer or the secretary of the branch; the units get the booklet from the branch. The number of booklets given to each unit depends on the capacity (the number of buses) in each unit. One unit gets one to four booklets (of 100 tickets by booklet). When we have sold all the tickets, our branch does monthly remitting to the LG.

This kind of arrangement is the norm in most motor parks in Lagos, to the extent that it has become the rule: LG tickets are collected by union branch chairmen and once the tickets are “sold out,” the revenues is sent back to the local government. Since 2022, LG tickets have been replaced by state tickets taken by union branch chairmen who remit the money to the Lagos state administration every month. In Nigeria, then, the question is not that the state law is not implemented but rather that it is voluntarily “suspended” (Dewey 2018) after a while, in order to allow for the generation of financial or political resources for the major actors who make their own rules once the law is suspended. The state law is suspended on both sides, as local and state governments illegally delegate on the union the power to levy taxes on their behalf (and tacitly allow them to then levy dues for themselves afterwards). This illegal practice is routinized and recognized by both government officials and by union members. LG tickets – and now state tickets – project an official basis for the union to work in motor parks. Taxes for the governments are collected in the first hour of the morning at the same time as tickets for the union which have to be paid by drivers when they start their day.

Once local or state government tickets are “sold,” the real business starts. For every supplementary bus load, the driver has to pay “dues” to the union. The amount depends on the

type of vehicle, on the route, on the distance, on the transport fare paid by passengers, on the time of the day and the weather. The union takes a percentage of the total sum of transport fees for each departure. The most common fare in Lagos for a *danfo* (minibus) able to carry 14 paying passengers is the fare of one or two passengers (100 or 200 Nairas). A driver who stops ten times a day in a motor park has to pay ten times.

Local union leaders explain that the money raised from each trip constitute “dues.” This vocabulary has no link to its initial meanings when it was introduced after independence in 1960. All industrial unions in the country then derived their income from dues paid by workers to establish welfare services for union members and to stabilize the labor unions’ revenue streams (Olukoshi and Aremu 1988, 102). NURTW union leaders have radically transformed this original meaning. Dues are collected from transport drivers whether they are union members or not. What is referred as “dues” are actually very different. From the point of view of drivers and passengers, these are in fact considered as extortion or theft (Agbiboa 2018, 2022; Fourchard 2021), as they are not related to any right or promise of service on the part of the driver (Varese 2014). As motor park attendants – known as *agberos* – use or threaten to use violence to collect dues from recalcitrant drivers, their daily action makes the union look like a “criminal racket organization” or a “transport mafia” (Agbiboa 2022, 145–169). There is a form of protection that the union provides to the drivers, however, which questions the qualification of “extorsion.” Before this, however, let us now explore the ways in which the union has set up an internal body of rules within motor parks.

The Garage Laws

Like the Nigerian state, the union is hierarchical: a unit operates under the authority of a branch that is under the authority of the state chapter, referred to in Nigeria as the “secretariat.” A unit, like a branch, is governed by an “executive committee” (Exco), generally composed of a chairman, a secretary, and a treasurer – but which can include as many as 15 members (vice chairman, organizing secretary, financial secretary, trustee, auditor, etc.). All are members of the NURTW. Top Exco members negotiate arrangements with officials, implement internal rules to police the drivers and union members, and supervise the collection of “dues” by park attendants – known as *agberos* in Yoruba – daily.

The NURTW provides a set of regulations that help police the world of transport in order to ease social relationships and enable the business to operate smoothly. Union members discourse is embedded in a rhetoric of law and order. One secretary in Obalande mentions: “the normal business of the executive is to take care of the park, the sanitation of the park, to coordinate it, to ensure orderliness, to keep law and order. That’s the business of the Exco.” Some rules emanate from the police or the government while others originate from the union itself: together they constitute the *ofin gareji*, the garage laws. The police and Departments of Transport in many states delegate to the NURTW part of their functions. Unlike in the 1980s, when a bus owner could start a business without much administration, today the registration of a motorcycle, a tricycle, or a minibus and their drivers is compulsory. In the process the local Exco adds a union registration fee to the state registration fee (6000 Naira a

year in one motor park in Lagos in 2020). Drivers are allowed to work once they have a sticker and an ID number delivered by the state transport department. Being registered in a motor park is a requirement imposed by the police on the union to help them to trace potential criminals. In addition, minibus and taxi owners have to paint their vehicle in an official colour required by the state as a way to dissociate commercially registered vehicles from clandestine taxis. The impressive number of commercial vehicles sporting official colors in Lagos and other states illustrate the extent to which this rule is implemented by the union.

Beyond this rhetoric of order, the most important rule fixed by the union is to set a “weekly target” for each union unit, which is calculated by Exco leaders on the basis of managerial rationality (Fourchard 2023a). This calculation is generally set by Exco branches:

The branch Exco fixes what is referred to as an appropriate amount of money to be paid by each unit. They say that if a unit does not pay the appropriate amount, they can receive a visit from the branch Exco. They observe and make calculations on the amount supposed to be made in a day. The size of the unit determines the amount demanded to be paid to the branch.

(Interview with one unit secretary in Obalande, January 2020)

The revenue collected in the unit is remitted each week to the branch according to a fixed percentage (70 % for the unit, 30 % for the branch). The number of *agbero* and Exco members working for the union in a unit thus depends on the number of commercial vehicles passing through a motor park, and of the extent of activity, as well as the efficient management, and the profitability of the motor park. In small units there are just one or two *agberos* and the chairman himself collecting dues. In larger motor parks like in Obalande, a central transport hub connecting Lagos Island, the historical commercial centre of the city, with the mainland where a majority of Lagosians live, there are two branches and 30 units, and each unit has an Exco of between 10 to 20 members, meaning that there is a total of between 300 and 600 Exco members collecting dues in this motor park.

The weekly target fixed for each motor park is not only based on a managerial calculation but is also shaped by the relations with upper-echelon patrons from the secretariat. As the state-level chairman of NURTW, MC Oluomo can for example decide to release the financial pressure on some branches (for instance in Oshodi, where he has many followers), and accentuate it in parks which do not bring enough revenues to the secretariat (Fourchard 2023a). This means that at the bottom, *agberos* come under pressure to meet targets.

Take Bruce, for example, who works as an *agbero* in Obalande. He has spent all his adult life in this role in the same NURTW unit. He started in 1997, as an assistant minibus driver, known as conductor for six years, before becoming a motor park attendant around 2003. In 2022, he was promoted to the unit “organizing secretary.” People call him “king of the boys” because he has six *agberos* working under him, but despite his long loyalty to the union he still occupies one of the lowest positions in the union which does not bring him much revenue:

I started this work with other people, but they are no longer here because they cannot endure. It is not every day that you will see money in this work. Especially during raining season or

when Task force are doing general raiding. When such raiding is going on, driver will just go and park and that will affect us as union member. Under Tinubu, when I work from morning till 6 pm, I could remit about 45 000 a day. But now, hardly do I make 15 000 and for me to even make that 15 000 I will have to put more effort. (Interview with a parking attendant in Obalande, January 2020)

The weekly target fixed by branch Exco members is transformed by unit Exco members into a daily target for *agberos*. These have radically worsened their working conditions and their revenues over time. In the 1970s and early 1980s, some *agberos* worked for the emerging NURTW, others were independent. They lived from commissions and could even realistically aspire to acquire their own vehicles and become bus owners themselves (Okpara 1988, 327, 334). When the NURTW seized control of motor parks, *agberos* became dependent on the union and the rules that it fixed. Hassan, for example, working in a next-door unit to Bruce's, has collected revenues for ten years, but cannot pay school fees for his three children. Akim in Ibadan works long 12-hour days but only brings in a very small revenue to his family, moreover very irregularly (Kassanda 2020). Very few *agberos* are as successful as MC Oluomo. Most of them have no opportunities to climb the union ladders and remain trapped in the lowest ranks of the union.

The work of *agberos* is contested. Union leaders are aware of the poor legal status of their workers and try to make them act like "officials." The word *agbero* originally meant someone who tries to attract passengers to a particular bus by announcing the route. Today, however, the term has become synonymous with "tout" or "area boy" (street corner delinquent who frequently engage in low-level mugging and extortion), thereby associating the role with violence. Indeed, *agberos* are often confused with "area boys" in the media because they come from the same world: they are young unemployed men, school leavers, poorly educated, and some of them belonging to local criminal groups. As such, they can be seen as members of a growing urban lumpenproletariat that has become more common with the structural adjustment programmes implemented in Nigeria since the mid-1980s (Momoh 2000).

Because of the stigma associated to the word *agbero*, many union leaders have banned its use: "*Agbero* is an embarrassing word, a derogatory word. *Agbero* is just like an area boy and so we don't allow the use of that term" (Interview with a branch secretary in Obalande, January 2020). For Bruce, the parking attendant from Obalande, "*agberos* are those who fight, those who snatch phones, pick pockets. Those who collect by force, so we want to separate ourselves from that word" (Interview with a parking attendant in Obalande, January 2020). In Bariga, unionists have similarly banned the use of the word: "The public still call our members *agberos* because they see us as touts, but we are not. We are family men, we have wives, and our children are in school, we are living fine" (Interviews with several Bariga Exco members in Bariga, January 2020).

As NURTW members want to distance themselves from a word associated with violence, extortion, and illegality, *agberos* are increasingly called "field workers" or "parking attendants" – but not "tax collectors" as their revenue function is known to be illegal by politically aware union leaders. The NURTW union bureaucracy has moreover spent a lot of efforts to make *agberos* act and seem official. NURTW ID cards, and green and white uniforms – the

colors of the national flag – have been introduced to distinguish “patriotic union workers” from area boys claiming to be union members. The attempt to decriminalize *agbero* verbally and visually has not been very effective, however. Uniforms are far from systematically used, as *agberos* have to buy them from their own revenues, and following the absorption of the NURTW network by the LASPGM in 2022, they abandoned their ID cards in favor of a LASPGM ID cards. Journalists, academics, and the broader public moreover continue to frequently criticize *agberos* and their daily collection of dues and fees from drivers, accusing them of working for themselves and threatening respected citizens. Motor parks rules and the institutions backing *agberos* are, however, arguably underestimated in this critique, as the next section explores.

Ordering Motor Parks

If imposing a form of taxation, disciplining drivers, and utilizing a consistent rhetoric of law and order are common to most motor parks, many other rules are more situational. These depend on the power relationships at play in motor parks and on the social networks of Exco chairmen. The three union chairmen briefly presented here reveal different ways to negotiate union rules in cooperation or in competition with state institutional actors. Considering the trajectory of these unionists helps us to understand the situated nature of garage laws and the ways they affect the everyday working of motor parks in more than just an extortive manner.

The first is Mehdy, who is the chairman of a unit in Obalande. He is a political leader. He became involved in politics with the return to democracy in 1999, when he was in his twenties. Since then, he has been loyal to the dominant political party in power (APC) in Lagos state. In 2012, he was appointed by the APC to run a new unit in Obalande. Mehdy is articulate – he went to school – and at 47 years he is young to be the chairman of a 50-bus unit. It is quite unusual to occupy this position without being a long-time union member.

Mehdy knows that he owes his position to APC. Unlike the other members, he does not come from the motor park world. He is the only chairman who we interviewed to openly recognize that disciplining drivers represents a difficult task: “you must know how to drive, you must know how to talk to your people, how to lead fellow drivers. If you can control five drivers, you can work in a psychiatric hospital” (Interview with a unit chairman in Obalande, January 2020). But Mehdy has important political connections with some upper members of the party in the state, and also said that: “as a member of APC you can go to police station, you can enter anywhere. If you get there and they are not listening to you, we have people we will call. Our contact will call their bosses.” His connections are critical in this part of Lagos to deal with military officers:

The problem we are facing in this Obalande is that there are different police and army around and every one of them have buses now. Military drivers work without paying the necessary dues. That is why we went to the Barracks to get their assistance and [ask that the] military police officers work with us. Some soldiers will put their uniform to drive which is illegal, so

these are the people the military police arrest: they are trespassing the law. (Interview with a unit chairman in Obalande, January 2020)

In other words, military drivers illegally use their uniform to escape the illegal dues requested by the union, and Mehdy negotiated with the next-door barrack military officers to obtain that military drivers pay their dues. This was possible because of his political capital, and while he had a weak legitimacy in the world of the drivers, due to the fact that he had no experience in this role, his capacity to negotiate this rule with military and police officers to avoid revenues loss for the union made him a respected chairman. The case also reveals the capacity of union rules to be imposed onto other powerful institutions such as the army.

Shehu is the opposite type of chairman. He does not come from the political world but he is a long-time unionist. He is the chairman of a branch located in Oshodi, the largest motor park in Lagos, with several branches and thousands of minibuses. Under his branch there are 20 units, and each unit has between 25 and 30 buses. Shehu started off as bus conductor before becoming a driver. He then joined the union as a park attendant 30 years ago. He was promoted to treasurer, vice-chairman, and has been chairman of his branch for the past seven years. He claimed to have started his career before MC Oluomo who worked on the opposite side of Oshodi. He is a respected man in the area; during our interview, somebody came to greet him every five minutes, bowing or getting down on their knees, both of which are signs of respect in the Yoruba world. Shehu represents the dreams of social ascension of young men stuck in precariousness (Grassin 2022, 278). He knows Oluomo personally. This has helped his branch to benefit from preferential treatment: “Since the appointment of MC Oluomo as state chairman, our branch Exco in Oshodi is not giving [us] too high a target. It used to be higher before. Now Branch chairman gives MC money and MC gives them back some money” (Interview with a branch chairman in Oshodi, January 2020). The lower the target is, the more money remains in Exco’s hands.

All Exco chairmen, at whatever level, have in mind to meet their weekly target. To work efficiently at the unit or branch level, they have to implement a daily discipline over their drivers with respect to the parking of vehicles, waiting time and departure, the organization of routes, and tickets fares for passengers. Buses belonging to Exco members can jump the queue over ordinary members in order to increase the profit of their owner. During our discussion with Shehu, there was a fight over a queue in the motor park between him and his secretary. The secretary was complaining that the position of his driver in the queue was taken over by another driver whose bus belonged to Shehu. “As the chairman and as a boss, my car comes first,” Shehu declared to his secretary, who ended up having to accept this. As these rules are not fixed nor written, however, there is always some possibility to go around or ignore them. Rules depend very much on the capacity of the chairman to impose his authority onto the others without being contested. In this case, Shehu benefitted from his legitimacy as a long-established and respected unionist connected to MC Oluomo, which allowed him to use union rules for his own benefits without being challenged by other Exco members.

This is not always the case, however. The authority of a chairman can be challenged. One dramatic case occurred in a unit in Oyingbo’s motor park. Its chairman had been in power

for the past 29 years. According to other Exco members, he was exercising his authority abusively, refusing to hold elections and using magical power – referred to as *juju* – and his direct connections with the NURTW secretariat in order to dominate (Discussion with Exco members of a unit in Oyingbo, January 2020). He was moreover applying union rules haphazardly: “The chairman does not redistribute the money to the workers in the unit: he only gives us a 1 000-Naira food allowance a day.” Exco members complained to the NURTW secretariat, but while waiting for a decision, they agreed to a practical solution, namely to reduce the Exco to seven members, one member for each day of the week. Unlike in other large motor parks of Lagos each Exco member keep the money they collected for himself. The chairman lost his legitimacy in the process and his survival depended entirely on his connection to the secretariat. The lack of consistently applied rules however has even more dramatic consequences when drivers must face the power of the police.

Disciplining Drivers

How the union deals with the police is a sensitive issue. Observations in motor parks where street police officers came on a regular basis, as well as interviews with unionists revealed the existence of a highly unstable relationship between police officers and unionists. To a certain extent, drivers, *agberos*, and Exco members can be said to have common economic interests to defend, while the police compete with them for the extraction of revenues from motor parks.

Each motor park that we visited in Lagos gives a regular contribution to patrolling police officers, as well as to nearby police stations, and to various higher-level police bodies. The daily amount is referred to as “*owo security*” and varies from one motor park to another. It is very common for a unit to pay around 1 000–2 000 Nairas to different police bodies in a week, including for example to the LASTMA (Lagos State Traffic Management Authority), the Lagos State Environmental Task Force, the Vehicle Inspection Office (VIO), or the Special Anti-Robbery Squad (SARS). If this “fee” does not bring any immediate service, all Exco members that we interviewed suggested that providing regular sums of money to the police gives bargaining power to the NURTW as official fines are turned into smaller bribes. One example was provided by the secretary of a unit in Obalande:

We give 5 000 Naira weekly to the Task Force. The Lagos task force takes our drivers to Lagos State office of the Task Force which is not the nearby police station. There, our drivers have to meet the chairman of the Task Force. And instead of paying 70 000 Nairas they pay, because of our relationships, 25 000 Naira. Drivers who are not part of the union do not have this power to bargain. (Interview with the secretary of a unit in Obalande, January 2020)

Unionists negotiate the protection of the drivers through regular face-to-face bribing encounters with police officers. While we were chatting with some unionists in Obalande, two police officers passed by on foot, with their guns prominently displayed. They stopped, joked with unionists, and were eventually given 1 000 Naira each for their “visit.” Aside from such

episodic gifts, the unit also pays a monthly visit to the Task Force and the Divisional Police officer (DPO) located nearby. For the secretary, it is important that the DPO acknowledges the work of the union operating around. Good relationships with the DPO help negotiations on ground. This double bribe (to the police command and street policemen) is summed up by the unit secretary as: “we have to settle them in the office and we have to settle them in the street” (Interview with a branch chairman in Oshodi, January 2020). This co-produced illegal rule is found in all motor parks in Lagos.

In Oshodi, Shehu the chairman explained that there are two police stations in his area (Ilupeju and Mosafejo). His Exco holds regular meetings with the DPO of both. This helps to ensure that his branch has their support. If his *agberos* are fighting with area boys trying to perturb the running of the motor park, unionists call the DPO, who in turn calls police agents to “resolve conflicts” – in their own words – which effectively means arresting the area boys. Likewise, the unit receives regular visits from the NPF, the Task force, the SARS. Indeed, once during an interview, a SARS police officer came by and revealed the reciprocal familiarity between the police officer and the unit union chairman. The chairman said to him: “*Oye ko wa ni office*” (you should be in office). The SARS officer replied “*Ita ni owo wa*”, which literally means “there is money outside.” Beyond the joke, however, the chairman knew very well that he has little wriggle room to escape police demands. In the most organized and prosperous motor parks, relationships with the police are therefore routinized. Indeed, in Shehu’s branch, a “Task Force committee” composed of senior union leaders helps to secure the release of impounded vehicles by law enforcement forces or to reduce the price of fines for arrested drivers. This reflects the institutionalized will of union members to bribe police officers in order to maintain a certain stability in a very uncertain world (Blundo and de Sardan 2007, 91; Grassin 2022, 390).

The level of protection provided to drivers by the union is important: when rules are not operational, the economic survival and even the lives of drivers can be in danger. In Oyingbo motor park, the conflict between the chairman and Exco members made it unable to “settle with the police.” As a result, in 2019 when one of the drivers of a unit was unable to pay the 40000 Naira fine, he went to jail for 4 years (Discussion with Exco members in a unit in Oyingbo, January 2020). When the tacit rule to provide regular revenues to the police is not obeyed, the state law is harshly implemented, at the expenses of drivers.

In other words, contrarily to what is often said, revenues collected from drivers are not just simple extortion; the union gives assistance to drivers by reducing the level of uncertainty among drivers facing police abuse. The bargaining power of the union depends on the capacity of local Excos to redistribute parts of motor park revenues to police officers. At the same time, the risk that drivers are arrested by the police and the relative power of union members to negotiate their release from police stations also contributes to disciplining them, something that is perhaps most evident in the way that union members keep repeating to drivers that they need to respect traffic laws in order to avoid being arrested by the police.

Conclusion

Understanding the ways garage laws are made, implemented, and contested helps us to move beyond seen the NURTW as only acting outside the law. Instead, it enables to take into account how union members navigate the “grey zone” between the legal and the illegal to expand their power and profits, but also to impose a sense of order and predictability. The NURTW has a legal side because of its affiliation to the NLC, and because over time it has acquired central regulating functions in motor parks and in popular transport in general. The bureaucratic organization, the uniforms, the ID cards, the rhetoric of law and order can all be understood as an attempt to mimic the state bureaucratic and legal apparatus.

At the same time, it should not just be considered the legal side of a criminal organization, as this legality helps to build the union’s legitimacy. Similarly, if at first glance, dues collected from the drivers might be seen as forms of illegal extortion or racketeering, they bring some form of protection against police rackets. Secondly, paying commissions to transport associations is common in many Africa’s cities, and often seen as an exchange of services (Cis-sokho 2016; Stasik 2018). Thirdly, when drivers, passengers, journalists, and political parties contest garage laws, critiques tend to over-concentrate on *agberos*, who are stereotypically represented as archetypical outlaw figures. Yet, they can also be seen as the subaltern members of the garage law system, who implement it for the benefit of union members, bureaucrats, politicians, and law enforcements agents, who all have a common interest in this revenue-generating system.

The NURTW has been able to impose its rules because it has become the only authority regulating the economy of popular transport in most of Nigeria. It has been able to impose its laws on the external world by becoming the central and unique authority between state institutions and the mass of motor park workers. The union redistributes the revenues generated from motor parks to various state institutions including the Police in order to ease relationships and enable business to continue. The recent formal absorption of NURTW networks within the Lagos state Department of Transport has not radically changed garage rules. Indeed, quite uniquely, the NURTW can now be said to collect taxes for the state, which has subsequently declared them in its annual budget. Rather, this last episode shows instead the porosity of the frontier between state and non-state actors, state laws and garage laws. In other words, garage laws are co-produced by the NURTW and state institutions, and it is this co-production of the law that makes the union so powerful and even popular, insofar as even if the NURTW is contested by journalists, academics, and segments of wider society, they are rarely challenged in the motor parks themselves.

References

- Agbibo, Daniel E.** 2022. *They Eat our Sweat, Transport Labor, Corruption and Everyday Survival in Urban Nigeria*. Oxford: Oxford University Press. <https://doi.org/10.1093/oso/9780198861546.001.0001>.
- Agbibo, Daniel E.** 2018. “Informal Urban Governance and Predatory Politics in Africa: The Role of Motor-park Touts in Lagos.” *African Affairs* 117 (466): 62–82. <https://doi.org/10.1093/afraf/adx052>.

- Albert, Isaac Olawale.** 2007. "Between the State and Transport Unions: NURTW and the Politics of Managing Public Motor Parks in Ibadan and Lagos, Nigeria". In *Gouverner les villes d'Afrique: État, gouvernement local et acteurs privés*, edited by Laurent Fourchard, 131–144. Paris: Karthala.
- Bähre, E.** 2014. "A Trickle-up Economy: Mutuality, Freedom and Violence in Cape Town's Taxi Associations." *Africa* 84 (4): 576–594. <https://doi.org/10.1017/S000197201400045X>.
- Bayart, Jean-François.** 1989. *L'État en Afrique. La politique du ventre*. Paris: Fayard.
- Beckman, Björn, and Salihu Lukman.** 2010. "The Failure of Nigeria's Labour Party." In *Trade Union and Party Politics in Africa. Labor Movements in Africa*, edited by Björn Beckman, Sakhela Buhungu, and Sachikonye Lloyd, 59–84. Cape Town: HSRC Press.
- Blundo, Giorgio, and Jean-Pierre Oliver de Sardan.** 2007. *Etat et corruption en Afrique. Une anthropologie comparative des relations entre fonctionnaires et usagers (Benin, Niger, Sénégal)*. Paris: Karthala.
- Cissokho, Sidy.** 2016. "Le contrat social sénégalais au ras du bitume (1985–2014): De la formation du groupe professionnel des chauffeurs au renforcement des institutions politiques." PhD in political science, University of Panthéon Sorbonne.
- Cissokho, Sidy, and Michael Stasik.** 2018. "Introduction to Special Issue: Bus Stations in Africa." *Africa Today* 65 (2): v. <https://doi.org/10.2979/africatoday.65.2.01>.
- Dewey, Mathias.** 2018. "Zona liberada: La suspensión de la ley como patrón de comportamiento estatal." *Nueva Sociedad* 276: 102–117.
- Fourchard, Laurent.** 2023b. "Comparative Urban Studies and African Studies at the Crossroads. From the Colonial Situation to Twilight institutions". In *The Routledge Handbook of Comparative Global Urban Studies*, edited by Patrick Le Galès, and Jennifer Robinson, pp. 58–72. London: Routledge.
- Fourchard, Laurent.** 2023a. "Expanding Profit and Power. The National Union of Road Transport Workers in Nigeria." *Canadian Journal of Development Studies* 44 (1): 97–112. <https://doi.org/10.1080/02255189.2022.2132924>.
- Fourchard, Laurent.** 2021. *Classify, Exclude, Police. Urban Lives in South Africa and Nigeria*. Oxford: Blackwell Wiley. <https://doi.org/10.1002/9781119582663>.
- Fourchard, Laurent.** 2011. "Lagos, Koolhaas and Partisan Politics in Nigeria." *International Journal of Urban and Regional Research* 35 (1): 40–56. <https://doi.org/10.1111/j.1468-2427.2010.00938.x>.
- Goodfellow, Tom.** 2017. "'Double Capture' and De-Democratisation: Interest Group Politics and Uganda's 'Transport Mafia'." *The Journal of Development Studies* 53 (10): 1568–1583. <https://doi.org/10.1080/00220388.2016.1214722>.
- Grassin, Paul.** 2022. *Des ordres négociés. Légitimation du travail de police et formation de l'Etat dans un quartier populaire du Malawi*. PhD diss., Université Panthéon Sorbonne.
- Kassanda, Alain.** 2020. "Trouble Sleep." Documentary movie.
- Lund, Christian.** 2006. "Twilight Institutions: Public Authority and Local Politics in Africa." *Development and Change* 37 (4): 685–705. <https://doi.org/10.1111/j.1467-7660.2006.00497.x>.
- Momoh, Abubakar.** 2000. "Youth Culture and Area Boys in Lagos" in *Identity Transformation and Identity Politics Under Structural Adjustment in Nigeria*, edited by Jega Athairu, 200–226. Uppsala: Nordiska Afrikainstitutet & CRD.
- Mutongi, Kenda B.** 2006. "Thugs or Entrepreneurs? Perceptions of Matatu operators in Nairobi, 1970 to the present." *Africa* 76 (4): 549–568. <https://doi.org/10.3366/afr.2006.0072>.
- Okpara, Enoch E.** 1988. "The Role of Touts in Passenger Transport in Nigeria." *The Journal of Modern African Studies* 26 (2): 327–335.

- Olukoshi, Adebayo O., and I. Aremu.** 1988. "Structural Adjustment and Labour Subordination in Nigeria: The Dissolution of the Nigeria Labour Congress Re-visited." *Review of African Political Economy* 43: 99–111. <https://doi.org/10.1080/03056248808703795>.
- Omobowale, Ayokunle O., and Olatokunbo O. Fayiga.** 2017. "Commercial Motor Drivers, Transport Unions and Electoral violence in Ibadan, Nigeria." *Development and Society* 46 (3): 591–614.
- Pirie, Fernanda.** 2013. *The Anthropology of Law*. Oxford: Oxford University Press.
- Roy, Ananya.** 2009. "Why India Cannot Plan its Cities: Informality, Insurgence and the Idiom of 2009 Urbanization." *Planning Theory* 8 (1): 76–87. <https://doi.org/10.1177/1473095208099299>.
- Rasmussen, Jacob.** 2012. "Inside the System, Outside the Law: Operating the Matatu Sector in Nairobi." *Urban Forum* 23: 415–432. <https://doi.org/10.1007/s12132-012-9171-z>.
- Stasik, Michael.** 2017. "Roadside Involution. How Many People do you Need to Run a Lorry Park?" In *The Making of the African Road*, edited by Kurt Beck, Gabriel Klaeger, and Michael Stasik, 1–23. Leiden: Brill.
- Stasik, Michael.** 2018. "The popular niche economy of a Ghanaian bus station: departure from informality." *Africa Spectrum* 53 (1): 3759. <https://doi.org/10.1177/000203971805300103>.
- Varese, Federico.** 2014. "Protection and extortion." In *The Oxford Handbook of Organised Crime*, edited by Letizia Paoli, 343–358. Oxford: Oxford University Press. <https://doi.org/10.1093/oxford-hb/9780199730445.013.020>.

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