

COVID-19: LEGALITY OF CITIZENS' PROTECTION MEASURES IN NIGERIA*

Abstract

The paper examines the legality embedded in the measures institutionalized. They are intended to mitigate the effects of COVID-19 as a phenomenon capable of causing enormous damage, particularly in Nigeria. Nigerian citizens, whether at the urban, rural levels or in the healthcare services have been vested with constitutional rights for their protection, but reciprocally, they should exercise certain legal obligations. These rights and obligations should expectedly, be balanced if there will be fruition from the legal and social machinery put in place. The doctrinal approach has enabled the study through descriptive and comparative analysis, in which the review of literature encouraged an exposure of the topic. The paper concludes that a more altruistic and aggressive approach may be required in countering the effect of the virus during its subsistence and hopefully in the aftermath.

Keywords: Coronavirus, Wuhan, Triangulation, Legality, Nigeria

1. Introduction

The emergence of Covid-19 is unlike anything the world has experienced since 1918. The Spanish flu pandemic, which lasted from January 1918 to December 1920, ravaged the world, infecting about 500 million persons, estimated to be about 1/3 of total world population.¹ In similar vein, COVID-19 virus, which originated from Wuhan city, China in the late 2019, exploded upon the world, leaving in its wake carnage of human loss, economic shut down, psychological trauma and environmental implications. Nigeria's response was initially non-proactive due to various explanations, among which was lack of knowledge and understanding of the virus's capacity for speedy transfer and impact on humans. However, as the virus began its macabre journey around the world, Nigeria is presently experiencing its share of dire implications. 'Virus' is a Latin word, meaning 'venom', describing a tiny agent that may cause infectious diseases.² Coronavirus is thus, a family of viruses deriving their name from its appearance resembling a crown.³ Under the microscope, the coronavirus presents as crown-like spikes protrusions.⁴ The coronavirus is not a new coinage, nor is it an unknown word in the English lexicon where it is referred to as 'any of a family of single-stranded RNA viruses that have a lipid envelop studded with club-shaped projections, infect birds, several mammalian species including humans, and the causative agents of MERS and SARS'.⁵ Corroboration of the fact that the virus has existed for some decades may be found inscribed on the container of an antiseptic disinfectant with the trade name of 'Dettol', invented in 1933 and claiming that the disinfectant is capable of eradicating the coronavirus.⁶

In medicine, coronavirus is recognized as 'a type of common virus that infects humans, typically leading to an upper respiratory infection'.⁷ Despite the recognised fact that coronavirus is not a new disease in the world, the emergence of the new strain, COVID-19 took the world by storm, because of the novel nature, which has caused considerable and unprecedented anguish, deaths, difficulties, anxiety and dilemma on likely palliatives and cure. COVID-19 is popularly called 'novel coronavirus' because of the newness of the type, while the '19' attached is in recognition of its emergence in the year 2019 when it was detected. The disease was designated officially by World Health Organization (WHO) on March 11 2020 as a pandemic⁸ due to its globalized surge and the effects,

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¹ Louis Raemaekers, *The Grim Reaper* [online] Available from <https://virus.stanford.edu> [Accessed 1 May 2020].

² Global Health Now, *Coronaviruses: What you need to know* [Online] Available from <https://www.globalhealthnow.org> [Accessed 21 April 2020].

³ Ibid

⁴ Ibid note 1.

⁵ *Merriam-Webster Dictionary*, Definition of coronavirus (Merriam-Webster Incorporation 2020)

⁶ BBC News, *Coronavirus: Dettol sales surge as markets fall again* [Online] Available from <https://www.bbc.com>news> [Accessed 21 April 2020].

⁷ Doctors Medicine Net, *Medical Definition of Coronavirus Written by Doctors* [Online] Available from <https://www.medicinenet.co...> [Accessed 21 April 2020].

⁸ The Lancet (Editorial), *Covid 19, a pandemic or not?* (2020) *The Lancet Infectious Diseases*, 20/4, pp. 383. [online] Available from <https://www.thelancet.com>fulltext> [Accessed 1 May 2020].

while it has been controversially suggested to originate from bats.⁹ The arguments over the source may be due to the destination of its first eruption in Wuhan, a city in the Republic of China.¹⁰ Reports have been made that a well-known Chinese scientist working in the laboratories in Wuhan Institute of Virology- Shi Zhengli had earlier in the past fifteen years sounded a warning that bats harbour coronavirus, which may endanger human wellbeing.¹¹ Samples collected by her team in Wuhan Province in 2013 have been identified to be 93% identical to the genetic sequence of the virus, which causes the novel coronavirus.¹² There may be a strong correlation because virologists have also made claims that COVID-19 is a zoonotic disease existing in animals, but capable of infecting human beings.¹³ There is also the conviction that since bats represent 20% of all mammal species they may harbour ten times as many viruses as birds, which include ebola, rabies and SARS.¹⁴ Several suggestions have been proffered on proactive steps directed at eliminating the virus, which is not a living organism, but a respiratory virus capable of spreading, primarily through human droplets generated when infected persons cough or sneeze, or by saliva droplets, or nose discharge.¹⁵ WHO has also declared that people may be infected when a contaminated surface is contacted by a person and the eyes, nose and mouth are touched. People have therefore, been admonished to avoid the virus by frequent hand washing with soap and water, cleaning the hands with alcohol-based sanitizers, avoidance of face touching, and maintenance of social distancing to stem the spread.¹⁶ Scientists and researchers have been charged to find lasting solutions to the rapid devastating spread of the COVID-19.

While the WHO and other researchers are working on developing an effective vaccine against the virus, some critical questions are- what are the key measures taken by the Nigerian government to curtail the incursion of the virus? What have been the reactions of citizens to the measures initiated by the Federal and State governments? Are these measures backed by legality? How has the prevention and curative strategies affected the obligations and rights of citizens in general and the healthcare personnel in particular? In answering these salient questions, the paper is divided into 5 Parts. Part 1 discusses the restrictive measures put in place by the governments. Part 2 analyses the concept of social distancing. Part 3 is an analysis of the legality of the enforcement measures. Part 4 examines the responses and effects to restrictive measures. Part 5 examines the legal obligations and rights of citizens, followed by the conclusion.

2. Restrictive Measures

There have been grave concerns about citizens' reactions to the COVID-19 pandemic in Nigeria, arising from the palpable lull in proactive measures, considered relevant, if there will be curtailment in the spread of the disease. However, following announcement of the index case in Lagos on 23 March 2020 (which was an unnamed Italian citizen), and increase in the spread of the disease, the Federal Government of Nigeria announced series of measures intended to prevent or curtail the speed and rate of infection.¹⁷ Lagos, Abuja and Ogun States were ordered to lock-down as from 30 March 2020. There were orders on restrictions of all movements, apart from those exempted (such as hospitals, medically related establishments, health organizations, health care

⁹ Ricardo M and Charles HC, Bats and zoonotic viruses: can we confidently link bats with emerging deadly viruses? (Instituto Oswaldo Cruz 2020); *The Guardian*, How did coronavirus start and where did it come from? Was it really Wuhan's animal market? [online] Available from <https://www.theguardian.com> [Accessed 21 April 2020].

¹⁰ Kenny P, WHO: Coronavirus is natural in origin (WHO 2020).

¹¹ Areddy J, China bat expert says her Wuhan lab wasn't source of new coronavirus (2020) *The Wall Street Journal* [Online] Available from [wsj.com](https://www.wsj.com) [Accessed 25 April 2020].

¹² Ibid.

¹³ WHO EMRO, Covid 2019: About COVID 19 [online] Available from www.emro.who.int [Accessed 1 May 2020]; WHO-China Joint Mission on Coronavirus Disease 2019 (COVID 19) [online] Available from <https://www.who.int/docs/default-source/coronavirus/situation-reports/20200508-sitrep-2019-ncov-10-cases-china.pdf> [Accessed 1 May 2020]; Mackenzie JS, COVID 19: A novel zoonotic disease caused by a coronavirus from China [online] Available from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7241441/> [Accessed 1 May 2020].

¹⁴ Ibid note 10; Merriam-Webster, Definition of SARS. SARS is an infectious disease having symptoms of fever, cough and perhaps pneumonia and respiratory challenges. Is caused by a coronavirus [Online] Available from <https://www.merriam-webster.com/dictionary/SARS> [Accessed 24 May 2020].

¹⁵ WHO, How does the coronavirus disease spread? [Online] Available from <https://www.who.int/news-room/qa-detail/coronavirus-disease-spread> [Accessed 22 April 2020].

¹⁶ Ricardo M and Charles HC, Bats and zoonotic viruses: can we confidently link bats with emerging deadly viruses? (Instituto Oswaldo Cruz 2020).

¹⁷ Ikeyi S et al., Nigerian government's initial measures and palliatives to businesses in the wake of COVID-19 pandemic [Online] Available from <https://iclg.com> [Accessed 22 April 2020].

manufacturing and distribution bodies, food processing, retail entities, power generation, transmission and distribution companies, the security companies, telecommunication companies, broadcasters, print and electronic media staff), and those with proof of inability to work from home.¹⁸ There was an order for State Governors to nominate doctors, nurses, medical representatives from the armed forces, paramilitary, security and intelligence agencies for training by the Nigeria Center for Disease Control (NCDC) on strategies to combat the virus.¹⁹ These measures were emulated by some states at the onset, for example, Delta State. With increase in the spread of COVID-19, several other states ordered lockdown of all activities, including movements, and social distancing, based on the argument that the effect of the rampaging disease will likely reduce when there is less human contact. Following what was advocated at the global level, there were strong advocacies for social distancing, regular hand washing, use of hand sanitizers, face masks and gloves. The measures were noticeably going to cause certain inconveniences and profound discomforts.

3. The Concept of Social Distancing

Social distancing is synonymous to physical distancing, described by WHO as the maintenance of physical distance between people and the reduction of the number of times people come into close contact with one another.²⁰ Globally, social distancing has become a conceptual phenomenon and a major highlight of the restrictive measures in place for limiting the onslaught of COVID-19. The NCDC provides that social distancing is the keeping of at least 2 meters distance from another person and avoiding physical contact with others.²¹ The various governments facilitated this by ordering closure of schools, offices, and the cancellation of social and religious events.²² While these orders are being complied with, it is tedious to distil the relevance of social distancing with practical day to day existence, since it is contrary to the prior connotation given to the concept. This is because, in the past, social distancing understood from global perspective was more of maintenance of etiquette, and class distinction, which signified gender and fashion, and did not necessarily relate to health and isolation.²³ Unlike COVID-19 which is novel, social distancing cannot be regarded as a new entrant in the lexicon, but its untold story came into public reckoning with the efforts of former American President George W. Bush, some American researchers, such as Dr Hatchett and Dr Mecher, who proposed the concept of self-isolation, which was commonly explored in the middle ages.²⁴ It was a proposal for preparedness to outwit contagious diseases in America and in the reality of scepticism, it became a federal policy.²⁵ As an old concept, it saved thousands of American lives in the terrible pandemic of 1918.²⁶ Presently, social distancing practices may have reduced projected mortality rates in the country by 12%.²⁷ Strict adherence to the order has been cited as a major factor in the outlook.²⁸ In Nigeria, the response to social distancing has not been uniform because, while some citizens have expressed scepticism on its efficacy, others have observed unfairness in the concept as a restrictive measure, contrary to the reality of hunger, and deprivation of social amenities, such as water, electricity, roads, hospitals and schools. The order for people to stay at home has been generally regarded as a non-benevolent subterfuge, insensitive to the cultural ethos of the citizens of Nigeria and capable of destroying the economic hub of the low-income group and small-scale entrepreneurs.

¹⁸ State House, PTF COVID-19 Guidance on implementation of lockdown policy [Online] <https://statehouse.gov.ng>>PDF [Accessed 8 May 2020].

¹⁹ Ibid.

²⁰ Harris M et al., World Health Organization COVID-19 (WHO 2020).

²¹ Nigeria Center for Disease Control, *What does social distancing mean?* (NCDC 2020).

²² Ibid note 19.

²³ Rabinovitch-Fox E, *The fashionable history of social distancing* (Case Western Reserve University 2020).

²⁴ Glass RJ, *Targeted social distancing designs for pandemic influenza* (NCIB 2006); Steinhauer J, *The untold story of the birth of social distancing* (The New York Times 2020).

²⁵ Adolph C et al., *Pandemic Politics: Timing State-level social distancing responses to COVID* (University of Washington 2020).

²⁶ Tomes N, *Destroyer and teacher: managing the masses during the 1918-1919 influenza pandemic* (Stony Brook University 2020).

²⁷ Szekely P, *Adherence to social distancing spurs dip in projected US coronavirus deaths* (REUTERS 2020).

²⁸ Ibid.

The emergence of COVID-19 has destabilized the socio-economic ethos of Nigerians, and it is envisaged that it may take huge efforts for full recovery in post-COVID-19 period. In preparation for this, there is the suspicion that multiple existing factors may militate against an early dislodgement of the virus from the public health. One of the major reasons may be adduced to socio-cultural ethos. Generally, it is not in the culture of Nigerians to observe social distancing, because they are naturally gregarious. It is considered punitive to be deprived of other persons' company or association. For example, a most effective punishment for an errant community member at the local villages is the adoption of ostracism from the market place, communication, the exercise of buying and selling or fetching of water from the local water source, such as streams, wells or rivers.²⁹ The average income earner enjoys patronizing busy markets, where they are likely to achieve better bargains. An important reason for inability to obey social distancing may be poverty, prevalent among persons with subsistent living. For example, the bike transport rider makes daily earning, barely enough to feed the family, the women who engage in roadside plantain roasting find it difficult to cater for their family daily needs, the sachet water seller depends on the pittance gained from daily sales, the and the fruit seller may not sell enough to ensure a productive and sustainable family living. Among the elites, and persons in the high rung of social ladder, the feeling of camaraderie is usually high and it might seem impossible to observe the simple caution of social distancing. Early infection recorded in the country affected this group of persons more.³⁰ The instructions to wash the hands as many times as possible, put on the face mask and use the hand sanitizer often may sound like imported ideas for people who have never imbibed such practices in the Southern region. However, these may be tolerable in the Northern region, where the wearing of hijab among women and men and veiling among Moslem women are some of their way of life, including habitual ablution which has always been recommended for their prayer habit.

4. Legality of Enforcement Measures

The President of the Federal Republic of Nigeria has been constitutionally empowered to declare a state of emergency in the face of imminent danger to the country.³¹ The period of emergency is that period, when there is a proclamation of state of emergency in force. This is an exercise of powers conferred by section 305 of the Constitution.³² These provisions have laid a foundation for the emergence and reliance on other laws and regulations, which may be cited in discussing the legality of the orders intended to forestall the rampage of COVID-19. In attempting to halt the spread of the virus, COVID-19 Regulations 2020, pursuant to powers conferred on the President by the Quarantine Act was enacted.³³ We may argue that while a state of emergency may be declared in relation to certain occurrences, which are likely to impede the peace of the country, quarantine pertains to the status of an infectious disease, requiring that a sufferer should be quarantined. The President has been vested with powers under the Constitution in the issuance of a state of emergency³⁴ and under the Quarantine Act, in issuance of notice in declaring that there is danger of breakdown of public order, and safety, imminent danger, occurrence of disaster, natural calamity, dangerous infectious disease, prevention of the spread of any dangerous disease, and prevention of a dangerous disease transmission. The major differences between the constitutionally provided state of emergency and the Quarantine Act is that in the former, the President exercises power by proclamation, and may proceed by transmitting copies of official gazette to the President of Senate and Speaker of the House of Representatives, who should seek the approval of both houses. On the other hand, under the Quarantine Act, the President may exercise power by creating Regulations³⁵, which prescribe regulated steps, under the President's executive power, but, without reference or approval to the National Assembly. In line with this, and due to the urgency in the issue at stake, the President of Nigeria declared COVID-19 Regulations 2020. In the Regulations, COVID-19 was referred to as 'a dangerous infectious disease', while there was an order for restrictions and cessation of movements in Lagos, the Federal Capital Territory and Ogun States with effect from 11 pm on Monday 30th March 2020.³⁶ Pursuant to the Regulations, the President declared that 'all citizens in these

²⁹ Aluta, E. (2017) Participatory Water Governance in Nigeria: Towards the Development of an Effective Legal Framework for Rural Communities. PhD, University of the West of England. [Online] Available from <http://eprints.uwe.ac.uk/28785> [Accessed 24 February, 2017].

³⁰ Heinrich BS, *Nigeria: A dual challenge* (Heinrich Boll Foundation 2020).

³¹ 1999 Constitution of the Federal Republic of Nigeria, section 305 (1) and (3) (b), (e) and (f), section 45 (3).

³² Ibid section 45 (3).

³³ CAP Q2 LFN 2004.

³⁴ 1999 Constitution of the Federal Republic of Nigeria, section 305 (1).

³⁵ Quarantine Act, Cap Q2, 2004 LFN, section 4 (a, b, c, d, e) and section 5.

³⁶ COVID-19 Regulations, 2020, section 1 (1).

areas are to stay in their homes, while travel to or from other states should be postponed.³⁷ All businesses and offices within these locations should be fully closed during this period'.³⁸

5. Responses to and Effects of Restrictive Measures

Generally, the various restrictive measures have caused considerable hardship on citizens and corporate bodies in one way or the other. Constitutionally, the duty of the State is to provide adequate facilities and encourage free mobility of people, goods and services throughout the country of Nigeria.³⁹ In tune with this provision, the Federal Government of Nigeria announced several mitigative measures such as, an initial fifteen billion (₦15b) intervention funds in support of national response to contain and control the spread of COVID-19. A Presidential Task Force (PTF) was commissioned to develop national response strategy, which will be reviewed daily, but following international best practices, expected to be modelled on adoptable unique local circumstances.⁴⁰ Healthcare measures, border security, fiscal and monetary policies were introduced. For example, the Security and Exchange Commission (SEC) was compelled to extend the deadline for returns, while E-filings and E-mail addresses were prescribed and made mandatory for applications by capital market stakeholders, operators, and for electronic filing of applications and returns.⁴¹ New applications for capital market operators were suspended.⁴² In recognition of the difficult times and urgency of proactive decisions, there was postponement of capital market committee scheduled for 23 April 2020.⁴³ Shareholders are presently invited to meetings by proxy due to the lockdown of all activities.⁴⁴ The Central Bank of Nigeria (CBN) provided some measures to ameliorate the COVID-19 impact by establishing funds in support of the country's economy, totaling ₦50 billion, which targeted households, micro and small enterprises for credit facility. Interest rates were reduced while a moratorium was announced for principal repayments for CBN intervention. Facilities for tax measures were provided.⁴⁵ In this regard, one-year extension of moratorium on principal repayments for CBN intervention facilities was pronounced as well as reduction of interest rate on intervention loans from 9% to 5%.⁴⁶ This is expected to strengthen loans to deposits while grant of regulatory forbearance was provided for banks to enable restructure terms of facilities in the sectors affected. A directive was given to improve supply of foreign exchange to the CBN, which requires oil companies to sell foreign exchange to the CBN instead of Nigeria National Petroleum Corporation.⁴⁷ The CBN adopted a unified exchange rate system for inter-bank and parallel market rates, which will ease foreign exchange earnings.⁴⁸ The bank has therefore, adopted an official rate of ₦360 to \$1 for international money transfer operators' rate to banks.⁴⁹ Financial institutions are expected to adopt the engagement of international development partners and negotiate concessions to ease the difficulties encountered by borrowers. The SEC and Nigeria Stock Exchange (NSE) announced grant of 60 days extension to issuers and dealing members for filing of 2019 full year financial reports from 30 March 2020 to 29 May 2020.⁵⁰

In accordance with the constitutional provision that adequate medical and health facilities should be provided for every citizen of Nigeria⁵¹, an additional 100-billion-naira intervention fund in healthcare loans was provided to pharmaceutical companies and healthcare practitioners who desire expansion or improvement of their capacity

³⁷ Ibid, section 1 (2).

³⁸ Ibid.

³⁹ 1999 Constitution, Chapter II, Fundamental Objectives and Directive Principles of State Policy, section 15 (3) (a).

⁴⁰ The State House, COVID-9 Updates [online] Available from <https://statehouse.gov.ng> [Accessed 5 May 2020].

⁴¹ SEC, Circular to Capital Market Stakeholders on Covid-19 [Online] Available from <https://sec.gov.ng/circular> [Accessed 5 May 2020].

⁴² Ibid.

⁴³ SEC, Why Capital Market meet [online] Available from <https://gwg.ng> [Accessed 5 May 2020]; Babalola JA, The Performance of the Nigerian Capital Market since Deregulation 1986 (2020) *CBN Economic and Financial Review* 39/1, pp. 1-19.

⁴⁴ FBN Holdings, Attendance is by proxy [online] Available from <https://bit.ly/2JXFbmb> [Accessed 28 April 2020].

⁴⁵ KPMG, Tax and legal considerations flowing from disruption caused by COVID 19 [Online] Available from <https://home.kpmg> [Accessed 28 April 2020].

⁴⁶ CBN, CBN Policy Measures in Response to COVID-19 [Online] Available from <https://www.cbn.gov.ng>. [Accessed 5 May 2020].

⁴⁷ Ibid note 43.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid note 30.

⁵¹ 1999 Constitution, Chapter II, Fundamental Objectives and Directive Principles of State Policy, section 17 (3) (d).

building.⁵² Accordingly, the CBN will identify a few local pharmaceutical companies to be granted funds, which will support procurement of raw materials and equipment for the improvement of local drug manufacturing.⁵³ To ensure the success of this, one trillion naira in loans will be provided to boost local manufacturing and production in critical sectors.⁵⁴ Credit assistance has also been provided for health industries to meet the increase in demand for health services and products. This is expected to facilitate the borrowing capacity for pharmaceuticals companies, hospitals and practitioners. A further palliative measure is the Federal Government's suspension of payment for new electricity tariffs, which was scheduled to commence on April 2 2020⁵⁵, while the price of premium motor spirit was reduced to ₦123.50 per liter, effective from April 1 2020. In addition to these mitigative provisions, the Nigeria Immigration Service announced a grant of payment waiver to visitors and migrants affected by travel ban and closure of international airports.⁵⁶ The body directed that affected persons may reschedule their flights and travel within a week of the suspension of restriction, and issued a temporary suspension of issuance of visa on arrival (VOA), as from 21st March 2020.⁵⁷

The effects of the measures in place for the stoppage of COVID-19 invasion has severe implications for the mono economy Nigerian community, which has become burdened with sudden reduction in oil price arising from low demands in the utilization of petroleum products. The economic downturn which is resulting in low carbon dioxide emission⁵⁸ may have the advantage of a quiet mitigation of environmental pollution. Usually, the emission of gas had generated controversies because it was a worrisome phenomenon, endangering the human population and daily existence of citizens. As a result of low demands for petroleum products, the travel history of people is almost at a standstill, while the budget for transportation has become stressed with reduction in global investments on transportation, either by air, sea or land.⁵⁹ Significantly, water transport has been given a fillip. Due to the order on lockdown, Nigerian citizens have developed preference for cheaper water transport in transferring their goods by boats. This provides a guarantee of evading security checks, illegal collection by dubious enforcement officials and punitive measures for non-compliance with measures in place. The cost of local transport services by road has become prohibitive and has affected the prices of goods. Certain profound changes are being instituted already. For example, in the city of Lagos, BRT bus services have introduced measures to instill social distancing through new sitting methods and fewer passengers in the individual buses.⁶⁰ It is envisaged that the cost of transportation will continuously rise to make up for loss of adequate number of passengers. Another critical effect on transport has emerged and taken the Southern part of Nigeria by surprise. Northern indigenes are involved in illegally entering Southern States in droves, hidden under perishable goods in transit. This is an evidence of non-compliance with social distancing order and inter-state lockdown.

COVID-19 pandemic has had significant impact on the aviation sector. Globally, most of the flight activities of airlines have been suspended until there is an obliteration or reduction of the global scourge. An estimated loss of \$63 billion to \$113 billion of revenues in the United States of America alone has been made as a result of low patronage of passengers.⁶¹ In Nigeria, domestic airlines are already affected by financial losses, which may reflect in the potential retrenchment of aircraft engineers, pilots, and cabin crew, while it is estimated that the aviation industry had already lost about \$760 million and 3.5 million passengers by march ending.⁶² Another major

⁵² Ibid note 42.

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ NERC, NERC Order on the transition to cost reflective tariffs in the Nigerian electricity supply industry [online] Available from <https://nerc.gov.ng> [Accessed 28 April 2020].

⁵⁶ The Nigeria Immigration Service, Visa-on-Arrival (VOA) (online) Available from <https://portal.immigration.gov> [Accessed 3 May 2020].

⁵⁷ Ibid.

⁵⁸ Bell, R, Global Energy Center (Atlantic Council 2020).

⁵⁹ Gordon J, Global Energy Center (Atlantic Council 2010).

⁶⁰ Olasunkanmi O, COVID-19: Lagos Emphasizes 60% Loading Capacity for Public Buses [online] Available from <https://lagosstate.gov.ng>AllNews> [Accessed 13 May 2020].

⁶¹ Ben D, Qantas slashes flights as coronavirus hits passenger numbers (*The Guardian* 2020); Michael C, Coronavirus is spreading turbulence in the airline industry (Quartz 2020).

⁶² Chinedu E, Nigeria Airlines Lose 3.5m Passengers, \$760m Revenue to COVID-19 [International Air Transport Association 2020] [online] Available from <https://allafrica.com> [Accessed 5 May 2020].

challenge envisaged for the aviation sector is that it will be an uphill task retaining pilots whose flights have been suspended for periods above seven days. When the restriction becomes relaxed, air transport may become prohibitive as airlines operators will be anxious to recoup their losses. The narratives of flights may take a drastic turn as airlines may be redesigned as a further provision for the maintenance of social distance in the interior of planes, in which lesser numbers of passengers will be accommodated, meals and refreshments will be less and there will be lesser number of cabin crew such as stewards and air hostesses. These changes may be introduced to accommodate the monumental financial losses and introduction of a new regime. Social distancing has affected most industries and manufacturing companies who have shut down their business activities until further notice. This change may suggest eventual downturn of employment, because, businesses may be unable to pay remunerations in the absence of high production imputes. For example, the banking sector has been considerably affected since most of them have relieved their workers of employment, while customers are found in tedious queues under canopies outside the banking halls awaiting their turns to transact banking business. It is envisaged that the determination of the Federal Government to ensure e-banking and paperless transactions may have taken a backward move. Citizens' suspicion, impatience and anger have heightened over delays in banking transactions.

The spike in the price of commodities has become worrisome for the common man, since traders have become noticeably, involved in opportunistic buying and selling of goods and services. The situation is worsened with paucity of goods at the time needed. The country's Standard Organization of Nigeria (SON), which had been moribund, cannot be relied upon to insist on standards and there could be a rise in the production of sub-standard or defective goods, inimical to the good health of citizens. Service providers such as hotels, and supermarkets are undergoing customers' deficiency in demands for goods, while small scale enterprises such as tailoring, barbing salons, neighbourhood shops are shut down, resulting in increasing poverty and deprivation of necessities. Long queues have progressively distinguished big supermarkets because customers are compelled to wait for certain number of other customers inside the shop to emerge before other people can commence their own shopping. This complies to the order for social distancing. E-commerce may suffer depreciation in clients' demands for buying and selling, while agents' involvement in production of goods may experience a lull as a result of agents' fear of contacting the COVID-19 virus. The likely low pricing of products may result in gross profit, which is the calculation of profit made by a manufacturer, following deduction of the costs associated with the production and selling of its products or the cost associated with providing its services.⁶³ Distancing of communication by agents and manufacturers is a likely effect since there is retardation of information and communication between them.⁶⁴ An overall result may be the exclusion of companies from the stock market.⁶⁵ In all of these, pharmaceutical shops are experiencing a boom in trade, but with difficulties in replenishing their drugs supplies, and providing prompt services to their customers who queue to buy their medications. Government hospitals have become over-stressed and health workers are anxious and pessimistic in the reality of paucity of personal protection equipment (PPE) and COVID-19 testing kits. Private hospitals and clinics owners are also afraid of attending to patients, due to fear of infection with the COVID-19. They are apprehensive of the legal power of declaring any place as an infected local area⁶⁶ and the likely punitive closure of services based on legal requirements.⁶⁷

Measures taken to stem the rapid spread of COVID-19 has affected the country's educational system because, with the shutdown of schools for several weeks, students at the primary, secondary and tertiary institutions have been deprived of learning processes. However, this negative effect has impacted on the development of online education, in which students and their teachers are encouraged to adopt e-learning, to reduce loss of face-to-face educational system. The introduction and insistence of school administrators on virtual learning may have encouraged parents to become more involved in their children's education. This is because, parents have

⁶³Investopedia, Gross Profit Definition [online] Available from <https://www.investopedia.com/terms> [Accessed 30 April 2020].

⁶⁴Jacob M, How Distance Impacts Employee Communication and Collaboration (Jacob Morgan 2012).

⁶⁵Duclos R, Show me the honey! Effects of social exclusion on financial risk-taking [online] Available from <https://academic.oup.com/article> [Accessed 30 April 2020].

⁶⁶Quarantine Act, Cap Q2, 2004 LFN, section 3.

⁶⁷National Health Act 2014 LFN, section 19 (1), (2) and (3).

necessarily become the guiding instrument for the success of very young children's learning, while older students are using the opportunity to develop or improve their computer proficiency. This development indicates a reduction of likely increase in the emergence of miscreants by young persons' inclination for acts of hooliganism, street fighting, gangsterism, cultism, stealing, armed robbery, loitering, including low desire for academic achievements. City dwellers have been compelled to exercise caution by compliance to the orders restricting the movements of individuals from one place to the other. For example, some of the state governments such as Lagos, Delta and Rivers have imposed curfew, social distancing, enforcement of the directives forbidding gathering, enforcement of closure of club houses and establishment of emergency centers as markets for consumables. These measures may have deprived the citizens of some of their usual rights, such as the right to peaceful assembly and association, and freedom of movement. Rural dwellers are no less affected, but with different response from city dwellers. Their level of response is based primarily on scepticism that COVID-19 is a disease of the elites and bourgeois persons who mostly reside in cities. This conviction is reflected in their general apathy to enforcement measures, determination to continue with their usual social living habits, such as group activities, loitering, market shopping, farming activities and many other activities inimical to government orders for their own safety.

6. Legal Obligations and Rights of Citizens

Citizens may exercise the rights conferred by the 1999 Constitution of Nigeria.⁶⁸ For example, every Nigerian's rights to personal liberty has constitutional validity, but, there may not be a right to litigate where a person is suffering from an infectious disease or where it is necessary to deprive a person of personal liberty so that the person can undergo medical care and treatment, or in order to protect the community.⁶⁹ In Nigeria, every citizen is constitutionally entitled to freedom of assemblage and association with other persons.⁷⁰ However, by constitutional provision, any other law that is reasonably justifiable in protecting public safety and health by depriving people of the freedom of assemblage and association with other persons will be considered valid.⁷¹ In this instance, the directives of COVID-19 Regulations 2020 may not be validly challengeable, considering the purpose for which it was enacted. No provision in sections 37 to 41 of the Nigerian Constitution shall be invalidated when there is reasonable justification in protecting public safety and health.⁷² Any act of the National Assembly during periods of emergency where they are reasonably justifiable in dealing with any situation existing at the auspicious period of emergency shall be seen as valid.⁷³ Reciprocally, it is incumbent on citizens to satisfy their legal and social obligations by complying with the measures instituted by government, particularly in a period of state of emergency. Since COVID-19 Regulations 2020 stems from the powers of the President and it is pursuant to the Quarantine Act 2014, citizens may have recourse to litigation to protect their rights. This may be achieved where an order for emergency has lapsed after six months of cessation of proclamation order following revocation by the President by an instrument published in the official gazette of government⁷⁴ or when the National Assembly did not pass a resolution supported by 23rd majority of the members.⁷⁵ A further elucidation of citizens' obligations is that, under the Criminal Code⁷⁶, a citizen is forbidden from interfering with executive or legislative powers. The Code provides that any person who advisedly does any unlawful act, which is calculated to interfere with the free exercise of duties or authority by the President or a Governor will be deemed to be guilty of a felony, and will be liable to a three years imprisonment. However, there is a respite in the sense that an offender cannot be arrested without a warrant of arrest, while prosecution for an offence under the section can only be instituted with the consent of a law officer.

Healthcare workers are in a special category of citizenry in the fight against COVID-19. They are rightly referred to as 'front line healthcare workers'.⁷⁷ Examples of these are doctors, nurses and other medical personnel who are facing difficult moments, providing intervention services in hospitals and other healthcare centers. The Constitution has authorized the State to direct its policy in ensuring that the health, safety and welfare of all

⁶⁸ Chapter IV section 34 (1) (a).

⁶⁹ Ibid note 61 section 35 (e).

⁷⁰ Ibid section 40.

⁷¹ Ibid note 50, section 45 (a).

⁷² Ibid section 45 (1) (a).

⁷³ Ibid, section 45 (2).

⁷⁴ Ibid note 30, section 305 (6)

⁷⁵ Ibid section 305 (b) and (c).

⁷⁶ Criminal Code Act, C39, LFN 2004, Section 61

⁷⁷ Maunder R, *The experience of the 2003 SARS outbreak as a traumatic stress among frontline healthcare workers in Toronto: lessons learned* (Transactions of the Royal Society 2004).

persons in employment are safeguarded and not endangered or abused.⁷⁸ However, as a result of paucity of personal protection equipment (PPE), test kits and unknown medications for the COVID-19 prevention and cure, some of the frontline health workers have been accused wrongly or rightly of abscondment from their duty posts. This includes negligence of emergency cases erupting from COVID-19. This may result from phobia of infection, arising from the grievous challenges posed by COVID-19, which cannot be over-emphasized, because the virus attacks persons, irrespective of status, or age. It may be rationalized that the healthcare frontline worker may rely on the constitutional provision for the rights to life of a citizen.⁷⁹ Thus, healthcare workers have been vested with rights for protection against hazards of the job.⁸⁰ For example, where they are likely to be injured or the disease is transmitted, every establishment should ensure that measures are implemented to prevent these.⁸¹ The rights of a healthcare provider may be further protected by indemnity when there is no proof or offence of negligence against the person.⁸² The indemnity will be sourced from assets of the healthcare establishment on any liability incurred by the personnel during civil or criminal defense proceedings and when judgment has been given in favour of the personnel.⁸³ The provision on the rights to life is of utmost importance, but, these group of persons are also under a legal obligation and the National Health Act has provided that ‘a healthcare provider, health worker, or health establishment shall not refuse a person emergency treatment, emergency medical treatment for any reason whatsoever’ and contravention will amount to a person being found guilty of an offence and liable to a fine of ₦100,000 or imprisonment for a period not exceeding six months only.⁸⁴ The workers are also under the obligation not to claim exception from duty, except it is a claim based on ‘conscientious exception’.⁸⁵

7. Conclusion

It is understood that eventually, the restrictions will be relaxed and citizens will have to look inwards for individual survival, but the government can strategize improvement in which persons are tested for the virus. This may include the availability of private testing kits, which may be used at family levels, just as the blood pressure kit and kit for checking the disease of diabetes. The difficulty in tracing contact persons who are likely carriers of the virus may frustrate the NCDC. Nigeria’s database should therefore, be upgraded and explored to discover those who had been in contact with victims, to curtail spread. There have been series of attempts to develop and disseminate vaccines to counter the attack of COVID-19, and many persons are already expressing apprehension, but the government should begin to educate people ahead of the arrival of the palliative measure. The distillation of information will provide assurance and assuage fears. Traditional palliatives should not be jettisoned for only orthodox approaches. Traditional interventions should be adopted where their efficacy has been subjected to laboratory tests and proven reliability. Automated airport checks for the virus at airports’ departure and arrival points and major centers, such as shopping malls and cinemas will enable a sifting of those likely to be infected. At present, the citizens have shown a high sense of creativity by local production of hand sanitizers and face masks, but there should be a monitoring of the quality of these items. The role of public enlightenment cannot be overemphasized in educating the unwary public, particularly those who are still in doubt of the virulence of COVID-19. At present and even into the future, COVID-19 has been vested with the status of a dehumanized concept, but it is humans that are being affected physically, mentally and economically. The need arises for an honest appraisal of citizens’ lifestyle changes, and reduction of ingestion of destabilizing and frightening information and its overload. Distillation of information will identify fables from realities, while a keen watch instituted on the mental health of COVID-19 sufferers and others affected indirectly may assuage envisaged aftermath social challenges.

⁷⁸ 1999 Constitution of the Federal Republic of Nigeria, section 17 (3) (c).

⁷⁹ 1999 Constitution, Chapter 4, section 33 (1).

⁸⁰ Ibid note 71 section 21 (2) (a) and (b).

⁸¹ Ibid section 21 (2).

⁸² Ibid section 22.

⁸³ Ibid section 22.

⁸⁴ National Health Act 2014 LFN, Section 20 (1) and (2).

⁸⁵ Ibid Section 21 (1).