

COVID -19 AND THE GLOBAL SOCIO-ECONOMIC RIGHTS: IMPACTS IN NIGERIA AND THE
ROLES OF LAW

BY

Abdulkadir Bolaji Abdulkadir (PhD): Department of Public Law, Faculty of Law, University of Ilorin,
Nigeria; E-mail: abdulkadir.ba@unilorin.edu.ng

Abdulfatai Oladapo Sambo (PhD): Department of Public Law, Faculty of Law, University of Ilorin, Nigeria;
E-mail: fataisambo@yahoo.com

&

Halimat Tope Akaje: Department of Jurisprudence and Public Law, Faculty of Law, Kwara State University,
Malete, Nigeria; E-mail: halimat.akaje@kwasu.edu.ng, farryhoney@gmail.com

Abstract

The outbreak of Covid-19 has affected every sphere of human endeavours globally. Equally worrisome are the measures put in place to contain the spread of the pandemic. These measures have also negatively impacted the socio-economic rights of people in the world, and Nigeria is no exception. Against this backdrop, this study discusses Covid-19 and the global socio-economic rights: impacts in Nigeria and the role of law. This paper relies on information from textbooks, journals, newspapers, statute, legal instrument and internet materials.. This study found that the outbreak of Covid-19 has led to the adoption of drastic measures like restriction of movement, closure of businesses and schools etc. which caused dwindling revenue, job losses and salaries cut globally and in Nigeria. Nevertheless, certain provisions of the law such as the Finance Act, National Health Insurance Scheme Act, Pension Reform Act, Employees Compensation Act can be explored to cushion the socio-economic impacts of Covid-19 in Nigeria. This will in turn enhance adequate standard of living, adequate mental and physical healthcare, social safety nets etc. This study suggested that the law and research oriented policies should be explored to cushion the impacts of Covid-19 on the socio-economic rights of people in Nigeria.

Keywords: Covid-19, Coronavirus, Socio-economic rights and Pandemic

Introduction

The novel Corona virus that is the cause of Covid-19 which originated from Wuhan in China in 2019 is a pandemic that was declared a public health emergency by the World Health Organization (WHO) on the 30th January, 2020 (World Health Organization, 2020). Covid-19 was declared on the 12th of March, 2020 as a pandemic by World Health Organization (Gautret et. al, 2020. P.1). The virus has spread to about 212 countries of the world and about 3, 402, 994 confirmed cases of Covid-19 has occurred in the world which resulted in 239,653 deaths as at May 2, 2020 (Countries Where Covid-19 has Spread, 2020). The recovery rate from the virus infection is 1, 084,729 while there were still 2,078, 612 currently infected patients globally as of May 2, 2020 (Countries Where Covid-19 has Spread, 2020). Different measures are being taken by various Governments of the world to contain the spread of the virus in order to reduce the fatality rate; as there is no approved vaccine for the cure of the infection. Some of the measures put in place to flatten the curve are; imposition of lockdown, restriction of human and vehicular movement, suspension of international flights, closure of schools and businesses indefinitely, maintenance of social distance, suspension of social gathering, use of facial masks and gloves by essential workers, constant washing of hands with soap and water, use of hand sanitizers, use of personal protective Equipment (PPEs) by frontline health workers, observation of quarantine and self-isolation of suspected patients.

However, these measures put in place to minimise the spread of the virus have negatively impacted socio-economic rights of people globally. The impacts are mostly felt by vulnerable people and unskilled workers in informal sectors of the economy; they are usually resident in under developed and third world countries. The different current measures to curtail the spread of the virus have reduced access to food, healthcare, wages, security, education and employment. Government and business organisations are finding it difficult to finance their programmes and projects and pay salaries. Workers are being laid off from work globally while others are mandated to embark on compulsory leave without salaries indefinitely (International Labour Organization, 2020). About 30 million Americans lost their jobs within six weeks of the outbreak of Corona virus in United States and there is likelihood of an increase in unemployment rate in the coming months (Stewart & Animashaun, 2020). In the United Kingdom, two million Brits have lost their jobs during the corona virus outbreak (Harris, 2020). China is also experiencing fall in supplies of intermediate inputs to other Countries, and an estimated loss of about five million jobs have been recorded since the outbreak of Coronavirus in China (Wang, 2020). Countries in African continent are also having a greater share of the

negative impacts of Covid-19, especially as most of them were already experiencing economic downturn even before the outbreak of Covid-19 (Baviera & Paracivini, 2020).

Generally, the world is racing towards finding vaccines and curative treatments for Covid-19. It is also important to look beyond the health impacts of the disease and proffer solutions to its socio-economic impacts on the global economy. This is because it will take a while for the world to recover from the shocks put on the global economy by the pandemic. Therefore, appropriate measures must be put in place by the governments of the world and all other stakeholders to cushion the impacts of the Virus on the global economy. To this end, this paper will discuss the concept of Covid-19, its impacts on the global economy with particular reference to the socio-economic rights of Nigerians. The role of the law in containing the spread of the virus and cushioning its impacts on the economy will also be discussed. Recommendations will also be made for mitigating the impacts of Covid-19.

Covid-19 in Global Perspective

Covid-19 is a viral infectious disease caused by the novel Coronavirus (SARS CoV-2) (Mohnen & Citroner, 2020) which originated from Wuhan city, Hubei province, China (Adhikari et. al, 2020, P.1). Coronavirus belongs to a class of viruses that are responsible for diseases such as common cold, Severe-Acute Respiratory Syndrome (SARS), Middle East Respiratory Syndrome (MERS) etc. (World Health Organization, 2020) which are usually characterised with symptoms such as pneumonia, fever, breathing difficulty, and lung infection (Adhikari et. al, 2020, P.2). The first four covid-19 cases linked to the Huanan Seafood Wholesale market in Jianghan district, Wuhan were discovered on the 29th of December, 2019 (Li, 2020, p.1200). Subsequent early infections also had contact with the Seafood market (Zhou, 2020, P.270) while subsequent secondary infections of Covid-19 were through human transmission with neither any contact with the Huanan Seafood Wholesale market nor Wuhan (Adhikari et. al, 2020, P.4).

The novel Corona virus is highly contagious and can be transmitted from infected persons to other people in direct close contact with them. The transmission is through droplets of bodily fluids released into the air or other surfaces when an infected person coughs, sneezes or talks. These droplets when breathed into the lung by anyone within 6 feet will transmit the virus to such a person. The virus can also be transmitted through indirect contact with objects or surfaces contaminated by the droplets of an infected person (WHO, 2020); so where a person touches such an object or surface and then touches his nose, mouth or eyes, he will be infected. It is important to note that the virus released from the droplets of an infected person can live up to 2 or 3 days on plastic and stainless steel, 4 hours on copper and 24 hours on cardboard. It can live on glass for 5 days, wood for 4 days (Cleveland Clinic, 2020) and cloth for 2 days, surgical mask for 7 days and paper for 3 hours. The virus can also be contracted through the air, as researches (although they are inconclusive) have shown that aerosols exhaled into the air by an infected person when talking and breathing can live up to 3 hours in air (Doremalen et. al, 2020, P.1564). So where a person inhales such aerosols, he will be infected with coronavirus. The virus can also be spread through handshake (Knapton, 2020) or kiss.

The estimated incubation period for coronavirus is between 2-14 days; that is it will take a minimum of two days and a maximum of 14 days from the time of exposure to the virus before symptoms will develop in an infected person. However, other variations of incubation periods have been reported in other cases; for example, an incubation period of 27 days was discovered in a patient in Hubei province China (Shen & Woo, 2020), and other researches have revealed that incubation can occur between 5.1 days - 11.5 days (Lauer, et. al, 2020). The symptoms exhibited by Covid-19 patients vary; they can either be mild, moderate or serious. The most common symptoms are fever, tiredness and dry cough; a patient can also experience less common symptoms such as sore throat, aches and pains, diarrhoea, rashes, discolouration of toes and fingers, headache, loss of taste and smell and conjunctivitis. The serious symptoms of Covid-19 are difficulty in breathing, chest pains, and shortness of breath, loss of speech and loss of movement. It is important to note recent studies have shown that the serious symptoms are shown in aged patients and those with underlying medical conditions; such as hypertension, diabetes, asthma, cancer etc. However, cases of Covid-19 patients not showing any symptom after testing positive to the infection for a long period have also been discovered; they are referred to as asymptomatic (Hu, et. al, 2020, P.706). It should be noted that pre-symptomatic, symptomatic and asymptomatic patients can transmit the infection (World Health Organisation, 2020).

Concept of Socio-Economic Rights

The nature of human beings is such that they deserve some rights if they must live in a free, dignified, economically secured and just environment (Sambo & Abdulkadir, 2012). To this end, five basic sets of human rights have been

recognized globally; they are civil, political, economic, social and cultural rights (Sambo & Abdulkadir, 2012). Civil and political rights are tagged as fundamental human rights and they are entrenched in the constitutions of all nations. They include those rights as right to life, right to fair hearing, right to dignity of human persons, right to private life, freedom of expression etc. Socio-economic rights on the other hand are the second and third generation of rights and they enable people to have access to the basic needs they require to live a meaningful and dignified life (Sambo & Abdulkadir, 2012). They include right to adequate standard of living; such as food and housing, right to work and earn wages, right to health, right to education and right to social security.

It should be noted that socio-economic rights gained prominence after the Second World War (Sambo & Abdulkadir, 2012). Prior to that time, socio-economic rights were viewed as benefits which the government will only grant to citizens whenever they feel like and not what the citizens can ordinarily lay claims to (Sambo & Abdulkadir, 2012). It became obvious after the Second World War that socio-economic rights are complimentary to the civil and political rights. It will be difficult to realize any meaningful civil and political rights without socio-economic rights. For example, the fundamental right to life will not be realistic without citizens having right to an adequate standard of living and right to health. The freedom of impression will be seriously impaired without right to education, and right to private life will only be realistic when citizens have access to housing. The right to dignity of human persons will also be enhanced when people have access to work and earn wages and salaries to enable them live a decent life.

For the first time in 1976, the International Covenant on Economic, Social and Cultural Rights adopted by the United Nations came into force on 16 December, 1966 (Sambo & Abdulkadir, 2012) and ever since then the awareness about socio-economic rights gained prominence. Article 1 of the International Covenant on Economic, Social and Cultural Rights (1966) stipulates that all people have the right to actualise their economic, social and cultural development while article 2 of the treaty provides that all people have a right not to be discriminated against. Article 3 provide for equal rights for men and women to enjoy socio-economic rights and article stipulates the right of everyone to work and earn their living freely out of their volition. Article 7 of the treaty also stipulates that everyone is entitled to just conditions of work, fair wages, safe working environment, equal pay for equal work, equal opportunity for promotion, adequate rest and leisure. Article 11 of the International Covenant on Economic, Social and Cultural Rights (1966) provides that everyone has the right to be free from hunger and adequate standard of living for himself and his family; and this include adequate food, clothing and housing. The treaty in article 10 also prohibits child labour economic exploitation of youth/children and employment in dangerous work, and gives special protection to mothers. Articles 9 and 12 of the treaty stipulate the rights to social security and the highest attainable standard of physical and mental health respectively. right to education; including free and compulsory primary education to all were also provided in article 13 of the treaty. Article 5 of the treaty imposes obligations on state members to respect, protect and fulfil the provisions of the treaty by refraining from interfering with the enjoyment of the rights, preventing third party from interfering with the rights and also ensuring necessary measures for the full realization of the rights are adopted. Article 2 however stipulates that States are bound to provide minimum core requirements within the maximum of their available resources for the actualization of the socio-economic rights as enshrined in the treaty.

Covid-19 and Impacts on Global Socio-Economic Rights

The global outbreak of Covid-19 and the various preventative measures employed by the governments and other concerned bodies and authorities to contain its spread has impacted the global economy. It is pertinent to note that the pandemic is a global emergency which has impacted public health safety. However, the socio-economic impacts of the pandemic are humongous as it affects all spheres of human life; such as political, social, economic, educational, religious, and cultural. This has invariably affected the socio-economic rights of people all over the world and the effects will be felt in months and years to come. These impacts are being influenced by the resources, preparedness and responses from the concerned quarters. While the developed countries are constantly making efforts to provide social security nets to cushion the impacts on socio-economic rights, the under developed and developing economies are finding it difficult to guarantee the realization of these socio-economic rights. This is connected with the fact that most underdeveloped countries had gloomy economy even before the pandemic; and the outbreak has exerted more pressures on their fragile economy. This makes it difficult for them to cushion the socio-economic impacts of Covid-19.

The pandemic has affected different socio-economic rights of people globally. It has reduced access to wages and salaries, impacted the access to adequate standard of living, thwarted access to education and health care, and also reduced the availability of social security for people during the pandemic period. The outbreak of covid-19 has

reduced access to wages and led to loss of jobs globally. All sectors of the global economy are wriggling under the effects of covid-19 and many people have lost their jobs since the outbreak of the disease. This is because the pandemic has led to fall in demand for goods and services due to the lockdown orders; which made companies to slash jobs. About 36 million people filed in for unemployment insurance claims in the US. The manufacturing industries are also not spared from the impact, about five million jobs were lost in China, this was caused by the shutdown of manufacturing factories in the worst hit areas to contain the spread of the virus; as well as the shortage of demand for raw materials and intermediate goods by other countries for the production of their finished products. It should be noted that China being the supply chain of most countries of the world is facing a lot of challenges as the demands for goods are still very low even after the relaxation of lockdown and reopening of factories. This is because these other countries are at their peak periods of the infection and measures to contain the spread are at the top gear, thereby rendering trade a non-priority. Many manufacturing industries in Europe and Asia- pacific region are also shutting down due to shortage of raw materials; while others are operating at a very low capacity; which has led to the slash of wages of the workers they retained. For example, Daimler and Volkswagen shut down production. The outbreak of Covid-19 also led to the movement of production factories from worst hit areas to less infected areas, for example Samsung Electronics Co. Ltd moved its Smartphone's plant from South Korea to Vietnam. All these affected access to wages. Unskilled workers in underdeveloped countries are also prevented by the pandemic from accessing their daily earnings; these set of people dominate the informal sector of the economy.

The aviation industry is also impacted by covid-19, thereby leading to the loss of jobs in the industry globally. About 25 million jobs in the industry are at risk and 100 million jobs may be lost in the travel and tourism sectors globally. It should be noted that the aviation industry consists of airlines (both Cargo and passenger), aircraft manufacturing companies, airport managing companies and catering and other allied companies (Research and Market Reports, 2020). However, the worst hit in the industry is the airlines segment (Research and Market Reports, 2020); this is because the travel restrictions and suspension of flight orders led to the shutdown of airports and cancellation and reduction of flights by airlines globally. For example, Qatar airways suspended all of its flights to and from Italy and also reduced its operation by cancelling flights and grounding some of its aircrafts until 31st May, 2020 (Research and Market Reports, 2020). Emirates also cancelled some of its passengers' flights (Research and Market Reports, 2020). These have resulted in reduction of workforce and ordered the embankment of staff on leave without pay. The airlines and airport managing companies are forecast to lose 15.4 billion dollars and 700 million fewer passengers in Europe (Research and Market Reports, 2020). The aviation industry in Africa is estimated to provide about 6.2 million jobs and 56 billion dollars GDP (The International Air Transport Aviation 2020) and the outbreak of the pandemic is forecast to cause about 3.1 million jobs loss and 28 billion dollars' revenue loss (The International Air Transport Aviation, 2020). The worst hit countries in Africa are Nigeria, South Africa and Kenya (The International Air Transport Aviation, 2020).

The pandemic has also caused jobs loss in the mining and extractive industry globally; most unskilled workers in the industry are denied access to their daily earnings by the lockdown orders. Many companies had to shut down production as mining workers were testing positive to Covid-19 in many countries. For example, Burkina Faso, Chile, Ghana (Laing, 2020, P.4) and South Africa recorded positive cases in their mining sectors. Mine workers were relieved of their duties in Argentina and Canada due to reduced production and coal miners were placed on leave of absence without pay in Illinois, USA (Laing, 2020, P.4). The South African mine industry is forecast to lose about 45,000 jobs with the continuation of the lockdown and reduced production. In a survey conducted in Australia, about 89 percent of the surveyed 63 mining companies have laid off their staff or expected to do so, and 75 percent have reduced wages of their workers (Lucas, 2020).

The decrease in the demand for oil and gas has also impacted the oil, gas and energy industry across the globe. The industry has been seriously hit since the outbreak of the pandemic as the price of oil has crashed in the global market; this is coupled with the rift between Russia and Saudi Arabia, due to the refusal of Russia to slash oil production, which then made Saudi Arabia to give huge discounts to its buyers. This has led to job cuts in the industry; more than 51,000 drilling and refining workers were disengaged in March, 2020 in the US and many more companies are expected to downsize their workforce within the first quarter of 2020 (Lucas, 2020), Oil field services companies like Halliburton, Canary Drilling Services, Recoil Oilfield Services LLC, Schlumberger, Bakers Hughes etc. downsized their workforce and implemented salary cuts in the US. About 303,000 jobs were also lost in the US energy related industry as at March, 2020 (BW Research Partnership, 2020). Oil and gas also account for a larger GDP for the Oil producing African countries and the countries are likely to lose 65 billion dollars' revenue due to the pandemic (BW Research Partnership, 2020).

ovid-19 also reduced access of people to adequate standard of living globally. The lack of access to wages and salaries has a direct impact on this socio- economic right, this is because lack of wages transformed to loss of economic power. Many people that have lost their jobs since the pandemic have been precluded from buying adequate food for their consumption and that of their dependants. Children are malnourished as their parents who are laid off from jobs cannot provide adequate and nutritious food for them. The situation is worse in underdeveloped countries, where the larger percentages of workers are unskilled labourers in the informal sector who are daily earners. The government in most of those countries are also incapacitated in providing social security nets for them to cater for their necessary needs. This pandemic has also prevented people from accessing adequate housing and clothing; many domestic workers that were housed by their masters have been disengaged since the outbreak and some of them lack the resources to lease decent apartment or any apartment at all. Some of them are thrown on the streets.

Covid-19 also reduced access to education; schools at different levels since its outbreak have been under closure globally to contain its spread. Pupils and students are kept at home without access to their conventional ways of studies. Many undergraduate and postgraduate non- covid-19 researches have been suspended by tertiary institutions globally. For example, Harvard University closed all laboratories in the faculty of sciences and arts (Lucas, 2020). Advanced countries are exploiting the use of ICT to automate and enhance the continuation of learning, for example, Cambridge University, UK moved all its lectures online in order to eradicate face-to-face lectures and adhere to social distancing (Cambridge University Announced Move to Hold All Lectures., 2020). Many people in underdeveloped countries are prevented from exploiting ICT for studies, due to non-availability of gadgets, epileptic power supply, dysfunctional internet reception, weak website architecture, vulnerable to hackers' attacks. The reduced access to education since the outbreak has resulted in higher criminality, online hackers have been on the prowl as more Facebook and WhatsApp accounts have been hacked into; many idle students who should ordinarily be busy with their studies have found solace in hacking, stealing peoples' data online and committing fraud. The non-access to education may also lead to higher drop outs from schools and increased illiteracy rates as some students may not return to school after the lockdown orders are eased.

The Role of Law

Law is significant in enhancing access to socio-economic rights during the outbreak of Covid-19 in Nigeria. Effective laws and enabling policies will go a long way in cushioning the socio-economic effects of Covid-19. It should be noted that prior to the outbreak of covid-19 in Nigeria, there are laws, bills, Government programmes and policies that seek to enhance access to socio-economic rights. They are still significant in cushioning the socio-economic impacts of Covid-19 in Nigeria. In addition, few bills that seek to mitigate the impact of Covid-19 are pending passage into law. Government agencies have also rolled out different policies to reduce the socio-economic impacts of Covid-19 in Nigeria.

The Finance Act (2020), which was enacted to amend some tax provisions of the Companies Income Tax Act, Value Added Tax Act, Customs and Excise Tariff. Etc. Consolidation Act, Personal Income Tax Act, Capital Gains Tax Act, Stamp Duties Act and Petroleum Profit Tax Act for the purpose of complying with tax reforms in Nigeria is a law that is useful in cushioning the socio-economic impact of Covid-19 in Nigeria. The Act mitigates double taxation risks for businesses. It also grants company income tax (CIT) and value added tax (VAT) exemptions to small companies not having more than 25million naira gross turnover annually, as stipulated by sections 9 and 38 of the Finance Act (2020). The tax rate for medium-sized companies having between 25 million-100 million naira gross turnover in a year was also reduced from 30% to 20%. Section 9 (1) (C) of the Finance Act also exempts agricultural companies from tax for the first five years of their existence. This will afford small and medium-sized companies the opportunity of surviving the impacts of Covid-19 and allow them to remain in business. It will also guarantee the employees of such businesses access to wages and adequate standard of living. The Mohny seeks to provide easy access to adequate healthcare for Nigerians and protect them from financial hardships of high medical bills. The Act created the National Health Insurance scheme; the scheme has different health programmes for different categories of people. They are compartmentalised into formal sector, informal sector and vulnerable groups. The enrolees are made up of federal civil and public servants and interested private sector workers. Private individuals and workers in other sectors in Nigeria are also keying in into the health programmes. The only requirement is the payment of contribution into the scheme, which are drawn from wages of workers or paid fully upfront by private individuals. While a worker's enrolment in the scheme gives him and four members of his nuclear family access to healthcare, a private individual is the only one entitled to healthcare annually after the payment of his yearly contribution. This law can

assist in mitigating the socio-economic impacts of Covid-19 in Nigeria by granting access to healthcare to vulnerable people, who cannot afford same during the outbreak of Covid-19 at very subsidized rates.

The Pension Reform Act also provides in section 1 that workers in the public and private sectors in Nigeria receives their retirement benefits as and when due. This law guarantees workers who lose their jobs during the pandemic retirement benefits; which will assist them in fulfilling their socio-economic needs and mitigate the socio-economic impacts of Covid-19 in Nigeria. The National minimum wage Act also stipulate in sections 1 and 3 that the national minimum wage must be paid monthly by employers to employees. This will ensure that salaries of workers are not slashed indiscriminately during the outbreak of Covid-19 in Nigeria. And where percentages of their salaries are paid because of economic downturn, the balance will be recoverable by the employees later. However, section 3 (1) the Act exempts some categories of establishments from the obligation to pay the national minimum wage.

The Employee's Compensation Act (No. 13, 2010) makes provision for social insurance scheme to compensate employees who suffer occupational diseases, injuries or disabilities from accident at work place or in the course of their employment. Sections 2(1) and (3) of the Act however exempt members of the Armed Forces of Federal Republic of Nigeria from such compensation. The Act also make provisions for payment of compensation to the next-of-kin of an employee who dies during the course of work. The Act is administered by the Nigerian Social Investment Trust Fund. This law will assist health workers especially the frontline health workers managing and treating Covid-19 patients in Nigeria. It will enable them to access compensation to treat themselves in the event of contracting Covid-19 while treating patients in the course of their jobs.

Conclusion

From the foregoing analysis, Covid-19 pandemic is a public health emergency that has an indelibly negative mark on the whole world. Since its outbreak, it has affected the social, economic, cultural, political and religious aspects of human lives. The measures adopted to contain its spread have caused dwindling revenue, job losses, salaries cut, indefinite compulsory leave of absence without pay etc. This has impacted the socio-economic rights of people as many have been denied access to wages, adequate standard of living, adequate healthcare, social benefits etc.

Nigeria is however one of the worst hit by the impacts of Covid-19. This is not unconnected with the hitherto country's fragile economy even before the outbreak of the virus in the country. It is therefore pertinent to adopt measures to mitigate the impacts of Covid-19 on the socio-economic rights of people in Nigeria. Provisions of law and policies of Government will assist in cushioning the socio-economic impacts of Covid-19 in Nigeria. These provisions, when explored, will enable more businesses to survive during the pandemic, thereby guaranteeing workers access wages. This will enable the realisation of socio-economic rights in Nigeria.

Suggestions

The following recommendations are hereby made:

1. research oriented policies should be issued by Government at all levels to cushion the impacts of Covid-19 on socio-economic rights in Nigeria;
2. provisions of law that seek to mitigate the impact of Covid-19 in Nigeria should be explored and enforced in Nigeria;
3. Bills that seek to reduce the impact of Covid-19 should be given speedy passage by the legislature; and
4. Government at all levels should create funds to enhance the cushioning of the socio-economic impacts of Covid-19.

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