COVID-19 PANDEMIC: LEGAL ENVIRONMENT AND INFORMAL SECTORS

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Abstract
The coronavirus disease 19 (COVID-19) is a highly transmittable and pathogenic viral infection caused by severe acute respiratory syndrome coronavirus 2 (SARS-COV-2). Coronaviruses are minute in size and contain a single stranded RNA as a nucleic material, size ranging from 26 to 32kbs in length. Recently, these viruses have hit the world caused and disrupted many countries political, social and economic programmes without specific vaccine and cure. Having this vaccine should require a law that would regulate its production, establishment, transportation and application at both municipal and international levels. Municipal law is the domestic law of a state regulating the conduct of individuals and legal entities within it while international law is the rules and principles that govern states in their relations intense. Coronavirus pandemic since existence have spread across the globe and therefore, require international treaty to back the administration of the vaccines to people. Apart from technology, environment is another major factor that is essential for the functioning of and survival of an organization. The environments of an organizations are viewed as being important because they compensate for the operative deficiencies in the core technologies operated by diverse organizations. To a business organization, environment of an organization are those elements, institutions, organizations, systems, legal, et cetera, whose activities and services are essential for the effective performance of the organization but are not subject to the control of the organization. Hence, the organization must adapt or adjust to their demands. Legal environment therefore is one of the external environments under which any business or organization whether formal or informal sector, whether gig economy or job that lasts for long term. We cannot pretend while planning for the future of e-commerce, artificial intelligence, technology and employment, we need to improve the working conditions of both independent workers as well as the regions, formal, as contracted employment is the way that people want to earn a living. The informal sector has been the main driver of employment growth in Nigeria and Africa for decades, absorbing rigid urbanization. This paper therefore x-rays the legal environment under which the informal sector operates with no exceptional condition vis a vis the formal sector. We adopted doctrinal methodology. Our recommendations are that since the environment is external and uncontrollable, measures should be taken by government and the wealthy in the society to ameliorate the plights of people working under the informal sector. Again, there is imperative need to amend the regulatory and legal frameworks environment to consider the informal sector in this competitive business environment of Nigeria and Africa.

Keywords: Legal environment, informal sector, formal sector, COVID-19, Pandemic and organizations

INTRODUCTION
As a background to the study, coronavirus belongs to coronaviridae family in Nidovirales order. Precisely, at the end of 2019, Wuhan an emerging business hub of China experienced an outbreak of a novel coronavirus that killed more than eighteen hundred and infected over seventy thousand individuals within the first fifty day of the epidemic. The virus was reported to be a member of the β group of coronavirus. The novel virus was named as Wuhan coronavirus of 2019 novel coronavirus (2019 – ACOV) by the Chinese researchers (Mohammed Adnan Sheren, Suliman Khan et al, 2021). The strength and wide spread of the
coronavirus is without serious abatement by the super powers of the United Nations really gave support to the saying, “human thinking ends where God’s own starts.” The researcher believes that knowledge of the vaccines to this pandemic was hidden to man to inform man of his limit where God and Natural Law are. The then competition between the two superpowers of the United Nations; United States of America and China on various issues such as trade, technology, oil and gas and their scramble for Africa also made Nature to hide a simple vaccine for the cure of coronavirus pandemic which was at the verge of making humanity to go into extinction. The United Nations via their its various agencies should discharge their responsibilities and functions under the United Nations Charter for humanity to be free from this pandemic.

The United States of America and China have the strength, capability, ability and technology to wrestle this pandemic; if and only if they can come together under the United Nations believing they can resolve and come up with a treaty or convention on vaccine against this minute element called coronavirus. Hopefully, with the development of vaccines by some developing as well as developed countries of the world lockdown has started to ease out, though the pandemic persist. The situation has an external environment under which people and businesses operate. Informal sectors are no exception and are seriously affected by the pandemic. Informal means not done or performed in accordance with normal forms or procedures (Garner, 2019). Sector means a part of area of activities, especially of a country’s economy: the manufacturing sector (Hornby, 2015). Therefore, an informal sector depicts a part of areas of activities of a country’s economy not done or performed in accordance with normal forms or procedures.

Environment of an organization especially business organizations are those elements, institutions, organizations, systems, et cetera, whose activities and services are essential for the effective performance of the organization but are not subject to the control of the organization (Onwuchekwa, 2002). Legal, of relating to, or involving law generally; falling within the province of law. It also means established, required, or permitted by law, lawful (Garner, 2019). Ignoring the impact of general environmental factors on management makes about as much sense as ignoring the effects of weather and road conditions on high-speed driving. The general environment of management includes social, political-legal, economic, technological (and now COVID-19 Pandemic) dimensions (Kreitner, 1999).

Changes in each area present managers with unique opportunities and obstacles that will shape not only the organization’s strategic direction but also the course of daily operations. This challenge requires forward thinking managers who can handle change and see the greater scheme of things. The researcher observed lack of legal framework on coronavirus as the pandemic is new hence, the search for international treaty on coronavirus. Both technology and environment are the major sources of uncertainty to a business monger, and these are elements directly influence the design of any organization and the configuration of organizational structure (Onwuchekwa, 2000).

The informal economy comprising activities that have market value and would add to tax revenue and GDP if they were recorded is a globally wide-spread phenomenon (Delechat & Medina, 2020). According to the International Labour Organization, about 2 billion workers, or 60 percent of the world’s employed population ages 15 and older, spend at least part of their time in the informal sector. The size of the informal sector slowly decreases as economies develop, but with wide variations across regions and countries. Today, the informal sector still accounts for about a third of low- and middle-income countries’ economic activity – 15 percent in advanced economies. Informality covers a wide range of situations within and across countries, and it arises for a number of reasons.

On the one hand, individuals and firms may choose to remain outside the formal economy to avoid taxes and social contributions or compliance with standards and licensing requirements. This relates to the common but misconceived view that informality is caused mainly by firms and
individuals “cheating” to avoid paying taxes. On the other hand, individuals may rely on informal activities as a safety net: they may lack the education and skills for formal employment or be too poor to access public and financial services. It’s time we recognized the truth about the future of work in Africa: it is not in the growth of full-time formal sector jobs. The future of work will be people working multiple gigs with “somewhat formal” entities. This is already true, and it will be for the foreseeable future. When we consider the future of work in Africa the question should not be whether jobs will be formal or informal, but how digital platforms and new technologies might make this type of work more productive and of a better quality for workers themselves (Amolo Ng’weno and David Porteous.,2020).

The problem of this work is that by 2019, there was lack of technological breakthrough on proper vaccines for this pandemic. But around 2020, scientists both in developing and developed countries started making breakthrough toward developing vaccine for the pandemic. Today in 2021, vaccination against the pandemic has started. It is found by the researcher that there is no established international policy and law regulating coronavirus by government and companies; towards mitigating the effects of the pandemic on the operations of the informal sectors which operate under the same environment with formal sectors. The objective of this paper, therefore, is how policies and legal frameworks can be developed towards the protection of the informal sectors in Nigeria vis-à-vis the incentive available to their counterparts in advanced countries of the world including China, United States of America and United Kingdom.

Nigeria’s Legal Framework and the Rules and Regulations for doing Business
These are as relate to formal sectors as against informal sectors:

The CITA, LFN 2004
This Act provides for the imposition of tax on companies, and that tax shall be payable, for each year of assessment, at specified rates on the profits of any company, accruing in, derived from, brought into or received in Nigeria. Companies Income Tax is chargeable at a rate of 30% of a company’s profits. Newly registered companies have up to 18 months after registration or no later than six months after the end of the first accounting period, whichever is earlier, to file tax returns. In addition to the above, the Act mandates a person (i.e., a body corporate or incorporate, government ministry, department etc) to deduct at source withholding tax at the rates specified, to remit the tax deduction to the relevant office of the Federal Inland Revenue Service and to issue a receipt for the tax so deducted. The receipt should contain information including the nature of service or activity in respect of which payment was made, the gross amount paid or payable, the amount of tax deducted and the period to which the payment relates. The receipt is evidence of tax deduction upon which a company from whom tax is deducted may claim tax credit for the tax so deducted from the relevant tax authority.

Capital Gains Tax LFN 2004
The Capital Gains Tax Act regulates capital gains tax in Nigeria. Capital gains tax is payable on gains that accrue to any person on a disposal of assets for the year of assessment. The tax is chargeable on all forms of property (including options, debts, incorporeal etc) whether or not it is situated in Nigeria. It is, however, useful to state that capital gains [tax will be charged on assets situated outside Nigeria if any amount thereof is received or brought into Nigeria. The rate of capital gains tax is 10%. Capital gains tax is not chargeable on gains arising from the acquisition of the shares of a company that is either taken over, absorbed or merged. The following organisations and government bodies are exempt from paying capital gains:

- Ecclesiastical, charitable or educational institutions of a public character.
- Any statutory or registered friendly society.
- Any cooperative society under the cooperative societies law of any state.
• Any trade union registered under the Trade Unions Act; and
• Local government councils.

Value-Added Tax Act LFN 2004
This Act requires companies to pay taxes on goods and services which are consumed by individuals, corporate organisations and others. Value-added tax is charged at a rate of 5% on the value of all goods and services except for certain excepted goods and services, as well as "zero-rated" goods, the latter having been listed in the Act as non-oil exports, goods and services purchased by diplomats, and goods purchased for Nigeria in humanitarian projects.

Labour Law
The main law that governs the labour sector in Nigeria is the Labour Act. The Act, however, is limited in scope to persons who are defined as "workers" - i.e., persons who do not exercise any administrative, executive, technical or professional functions; in other words, the Act is only applicable to junior level workers performing manual labour or clerical duties.

The employment of all other professional employees is governed by their individual contracts of employment and policies and procedures of the company incorporated by reference to their respective contracts of employment Trade Unions: The formation, registration and organisation of trade unions in Nigeria is regulated by the Trade Unions Act This Act amended the Trade Unions Acts of 1978 and 1996 as amended, and further liberalised the labour movement and trade unionism in Nigeria, for example by granting employees the freedom to decide which unions they wish to join. It is pertinent to mention that the Trade Unions Amendment Act of 2005 does not replace the principal Act, which is known as the Trade Union Act, but rather supplements and amends it. Some affected areas include the following: Voluntarism: Membership of trade unions by employees shall be voluntary, and no employee shall be forced to join a trade union or be victimised for refusing to join or to remain a member. Payment of dues: Trade Unions shall pay to the appropriate registered federation of trade unions such sums as may from time to time be specified in the constitution of the registered federation of trade union concerned. These payments shall he made from contributions received from the members of the trade union. Ban on strike or lock-out: No person, trade union or employer shall take part in a strike or lock-out or engage in any conduct in contemplation or furtherance of a strike or lock-out unless the following conditions have been met:

• The person, trade union or employer is not engaged in the provision of essential services.
• The strike or lock-out concerns a labour dispute that constitutes a dispute of right.
• The strike or lock-out concerns a dispute arising from a collective and fundamental breach of an employment contractor collective agreement on the part of an employee, employer or trade union.
• The provisions for arbitration in the Trade Disputes Act Cap4321990 have first been complied with.
• In the case of an employee or a trade union, a ballot has been conducted in accordance with the rules and constitution of the trade union at which a simple majority of all registered members voted to go on strike.

Tensions between the US and China Cum Blame Game Strategy
It was stated that as the world grapples with the human and economic devastation being brought by the COVID-19 pandemic, not even the relationship between the United States and China is being spared (Michael H Fuchs, 2020). Before now, the number of confirmed cases of COVID-19 passed 600,000, across more than 200 countries and territories. The World Health Organization (the WHO) declared a Public Health Emergency of International concern on 30 January 2020 i.e., an extraordinary event...
which is serious unusual or unexpected carries transnational implications, and many require immediate international action. In quick preparedness and response to the COVID-19 situation, the following actions were taken by WHO:

1. has been in regular and direct contact with Chinese as well as Japanese, Korean and Thai authorities since the reporting of these cases. The three countries have shared information with WHO under the International Health Regulations. WHO is also informing other countries about the situation and providing support as requested.

2. On 2 January, the incident management system was activated across the three levels of WHO (country office, regional office and headquarters).

3. Developed the surveillance case definitions for human infection with 2019-nCoV and is updating it as per the new information becomes available.

4. Developed interim guidance for laboratory diagnosis, clinical management, infection prevention and control in health care settings, home care for mild patients, risk communication and community engagement.

5. Prepared disease commodity package for supplies necessary in identification and management of confirmed patients.

6. Provided recommendations to reduce risk of transmission from animals to humans.

7. Updated the travel advice for international travel in health in relation to the outbreak of pneumonia caused by a new coronavirus in China.

8. Utilizing global expert networks and partnerships for laboratory, infection prevention and control, clinical management and mathematical modelling.

9. Activation of R&D blueprint to accelerate diagnostics, vaccines, and therapeutics.

The WHO is working with our networks of researchers and other experts to coordinate global work on surveillance, epidemiology, modelling, diagnostics, clinical care and treatment, and other ways to identify, manage the disease and limit onward transmission. WHO has issued interim guidance for countries, updated to take into account the current situation (World Health Organization Novel Coronavirus (2019-Cov). On 11 March, 2020, the WHO declared it a pandemic. Measures have been announced by many states on a daily basis to attempt to contain and mitigate the spread of the disease and many have declared states of emergency under their domestic laws. The measures mostly involve social distancing including quarantines, isolation and travel restrictions. These measures have significant human costs, but they are also having a wider impact on economic interests. Europe, Italy, France, and Spain, among others have imposed nationwide lockdown and the UK has also imposed significant restrictions on movement. Businesses are closing across a range of sectors, and more are expected over the coming months.

However, the US and China cannot allow their global competition and rising tensions to impede efforts to fight the pandemic. There will be time enough when this global emergency is over to figure out the ways in which the Chinese communist party’s (CCP) actions endangered the world by covering up the initial outbreak. But we are where we are, and China, the United States and the rest of the world must focus on fighting the pandemic. Unfortunately, neither the US nor CCP leadership seems willing to resist throwing mud at one another. Thus, at the annual UN general Assembly in New York, the US President Donald Trump blaming China for the spread of coronavirus, he called for China to be held “accountable” for the pandemic. But in swift speech, Chinese President Xi Jinping said his country has “no intention to enter a cold war with any country.
Municipal Laws and Law of International Treaty on Coronavirus Vaccine: Any Hope?
Municipal law simpliciter means the ordinances and other laws applicable within a city, town or other local governmental entity. It is also the internal law of a country as opposed to international law (Garner, 2004). International transactions are normally carried out through treaties. Treaties are called by about thirty different names which include Convention, Protocol, declaration, Charter, Covenant, Pact, Act, Statute, agreement, concordance, modus Vivendi, exchange of notes (or letters) process verbal, final act and general act (Umozurike, 2007). On coronavirus vaccine, countries at national, states and local levels have enacted Laws for the protection of their citizens against coronavirus. But these laws and regulations are mere preventive measures rather than curative measures. That is why countries like Madagascar Institute of Applied Research and that of Bioresources Institute of Nigeria (BION) manufacture of Intercede Health Product (IHP) (Onuoha, 2020) should be encouraged after proper check by the United Nations agency irrespective of their countries and continents. United Nations as an international body should develop their own vaccines and of course, passed a treaty to regulate its usage.
However, care must be taken to ensure that treaty does not conflict with a preemptory norm of general international law. A treaty is void if, at the time of its conclusion, it conflicts with a preemptory norm of general international law (jus cogens). The provisions of such a treaty have no legal force. If a new preemptory norm of general international law (jus cogens) emerges, any existing treaty which is in conflict with that norm becomes void and terminates. The parties to such a treaty are released from any obligation further to perform the treaty (United Nations Report of the International Law Commission, 2019).

Political-Legal Implications for Management
Managers will continue to be forced into becoming more politically astute, whether they like it or not. Support appears to be growing for the idea that managers can and should try to shape the political climate in which they operate. And the vigilant media and a wary public can be expected to keep a close eye on the form and substance of managerial politics to ensure that the public interest is served. Managers who abuse their political power and/or engage in criminal conduct while at work will increasingly be held accountable.
On the legal side, managers are attempting to curb the skyrocketing costs of litigation. U.S. businesses spend more than $20 billion annually on court-related legal fees. One promising approach is the legal audit. A legal audit reviews all aspects of a firm’s operations to pinpoint possible liabilities and other legal problems. For example, a company’s job application forms need to be carefully screened by the human resources department to eliminate any questions that could trigger a discriminatory hiring lawsuit. Another approach, called alternative dispute resolution (ADR), strives to curb courtroom costs by settling disagreements out of court through techniques such as arbitration and mediation. The modern ADR phenomenon has led to much greater use of older methods such as arbitration and mediation, as well as the creation of many new methods such as mini-trial, summary jury trial, private judging, neutral evaluation, and regulatory negotiation. Variations and hybrids of these techniques are also commonly found today. As a technical point, a third-party arbitrator makes a binding decision, whereas a mediator helps the parties reach their own agreement (Kreitner, 1999).

CONCLUSION
We have stated how legal environment is one of the uncontrollable variables external to the business organizations. Informal sectors operate in the same environment with the formal sectors. The informal sectors cannot control these environments i.e. legal environment but must adjust or adapt themselves to them in order to exist. COVID-19 Pandemic being a serious disease that has widely spread across the globe which is still proven incurable and under which informal sectors and formal sectors are subjected to. Nigeria and African informal sectors are no exception.
Since the environment is external and uncontrollable, measures should be taken by government and the wealthy in the society to ameliorate the plights of people working under the informal sector. There is need to enact or legislate municipal and international Laws/treaties on Coronavirus to provide for the establishment, production, administration, distribution, management and dispensing of Coronavirus Vaccines at local and international levels. This of course, can be possible by utilizing the provisions on health as contained in the United Nations Charter. Again, there is imperative need to amend the regulatory and legal framework environment to consider the informal sector in the competitive business environment of Nigeria and Africa.

References
Media caption Trump, Xi Jinping and Guterren address the UN General Assembly tagged ‘UN General Assembly US-China tensions flare over coronavirus available online at https://www.bbc.com/new-world-54253408 accessed on 10/12/20
Media caption Trump, Xi Jinping and Guterres address, the UN General Assembly published 22 September 2020 available online at https://www.bbc.com/news/world-54253408 accessed on 10/12/2020