

Impacts of Covid-19 on Development of Legal Research in Nigeria

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Abstract

The Corona Virus pandemic otherwise known as (COVID-19) has been described as the most devastating health crisis in the last 100 years. It negatively impacts not only on health also on social, economic and wellbeing of the global population. The government through its efforts to curtail the spread of the pandemic has diverted and prioritised resources meant for legal research to fight COVID-19. A doctrinal and non-doctrinal research methods of gathering data were adopted. The quantitative data was obtained using questionnaires as a legal research tool on thirty (30) researchers within the six geopolitical zones in Nigeria. The data were analysed using descriptive statistics and content analysis. This is to provide an overview of how the government's response to COVID-19 is affecting legal research and development in Nigeria. The paper finds that little attention is being paid by the Government to legal researchers in term of research funds and grants. The paper recommends equal balance of the Government intervention particularly in the era of pandemic. It is of the view that such legal projects are essential and can be useful to establish policies, strategies and action plans that will cater for our nation in the event of a future pandemic.

Keywords: *Corona Virus, Health Crisis, Global Problem, Socio-Economic Crisis, Future Pandemic*

Introduction

*"I hope the lesson will really be that we can't afford as a society to create the fire brigade once the house is on fire. We need that fire brigade ready all the time hoping that it never has to be deployed."*²

For the first time in many years, something has displaced the usual politics from its dominant position in Nigeria discourse. This is so because either COVID-19 or something related are issues of focus lately. In the course of this unprecedented crisis, many have volunteered to become public health workers just to give guides on precautions and to offer advice against this deadly virus. On their parts, researchers are engaging in research projects to search for permanent solution for the cure of the virus and to prevent its recurring. One important lesson that the emergence of COVID-19 brings with it is the importance of constant research and development to improve on economic affluence, national security, health care and other national priorities including policies and laws. Research projects come with the potential of strengthen and open ways for new innovations and discovery of solutions to any prevalent problems.

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² Peter Piot, Virologist who co-discovered Ebola and spent years leading the fight against HIV

The Government-funded research and development (R& D) sector is an organisation that aims to provide necessary funds, facilities, manpower for academic projects such as legal researches, conferences, workshops, training etc. Over the years, the Nigerian Government enacted Tertiary Education Trust Fund (Establishment) Act³ that unveiling the Tertiary Education Trust Fund (TETFUND). Pursuant to the power conferred on the board of trustees of the TETFUND, National Research Fund (NRF) was also established with the aim to resuscitates research activities in Nigerian institutions.⁴ Between year 2016 to 2019, Nigeria Government budgeted N3billion - N5billion for the TETFUND NRF and, this was increased to N7.5 billion in 2020.⁵ The current NRF allocation however, amount roughly to an average of 2.5% of the Nigeria Gross Domestic Product (GDP).

Federal institutions in Nigeria sponsor research projects, maintain/build facilities and often take responsibility for manpower expenses through the supports of the Government subvention allocation as well as interventions from the TETFUND NRF. However, institutions only spend 1.3% of their budget on research because of the inadequate subvention/allocation from the Government.⁶ Consequently, this restricts the number of the academic researchers who can seek fund and exploit global knowledge that will aids new discoveries and innovations to tackle the nation's unique problems.⁷ Inadequate subvention/allocation has always been the major cause of rift between the Academic Staff Union of Universities and the Government of the Federation over the years.⁸ The current level of Government investment in institutions is a reflection of little priority that is being accorded to research and development by the Nigerian governments.⁹

The research budget of the institutions and the new approved National Research Fund for the operation of the TETFUND is unsatisfactory and, it is saddening to realise that the intervention of TETFUND is further affected profoundly by the COVID-19 pandemic. The imposition of lockdown as a measure to curtail the spread of the virus

³ Tertiary Education Trust Fund (Establishment) Act, E4, LFN 2004.

⁴ TETFUND, *NRF Research Brief for the 2020 Grant Cycle*. (July, 2020) <https://nrf.tetfund.gov.ng/UserGuides/NRF%2520Research> (Last visited Dec. 15, 2020).

⁵ J.B Fadokun, *University Research Capacity in Nigeria and the Challenges of National Development in a Knowledge based Economy*, 1-23 (2000) JOUR. OF SOC. SCI. <https://www.nuc.edu.ng/fg-approaves-n7-5b-for-2020-tetfund-research-grant-prof> (Last visited Dec. 13, 2020).

⁶ S.G Halidu, *Assessment of Funding of Federal Universities in Nigeria: Evidence from Ahmadu Bello University* 272 -282 (2015) YOBE JOUR. OF ECO.

⁷ R. Osagie, *Federal Government Funding of Research in Universities in Nigeria, the University of Benin as a Case Study* (2012), INTER. EDU. STU.

⁸ G.U. Onwuchekwa, *Influence of Tertiary Education Trust Fund (TETFUND) on Educational Research in Nigerian Universities* (2016) INTER. JOUR. OF ACA., 1-11, 9; S.G Halidu (n 4)73.

⁹ W. Saint, T.A Harnett & E.E. Strassner, *Higher Education in Nigeria in Nigeria: A Status Report* (2013) 259-281 HIG. EDU.POL., 264.

restricts activities of researchers hence, the researches/projects on health safety on COVID-19 become the priority for the award of grants to the researchers.¹⁰ The pandemic came at an unexpected time, it caught many unaware and scampering for what could be an appropriate response to the situation. COVID-19 has impacted negatively on every aspects of human endeavours including research and development activities in our nation.¹¹ Specifically, legal researchers could not access funds, facilities and resources necessary to conduct their researches and the research projects on public health safety has suddenly become the priority of every nation including Nigeria.¹²

Since December 2019 when the COVID-19 was declared a pandemic by the World Health Organisation, its impact has been unprecedented. The situation has become a public health emergency of international concern. COVID-19 has been described as a communicable, airborne disease that is extremely infectious.¹³ Its origin has been traced to numerous claims. Some argued that the eruption of the virus related to seafood market while other findings revealed that, it is a disease with severe acute respiratory syndrome otherwise known as SARS- CoV-2 .¹⁴ Aside from this, it is also the belief of some scientists that COVID-19 is a targeted biological weapon to cause destruction in the world by the people of China.¹⁵ Despite these numerous views surrounding the origin of COVID-19, the fact remain that the virus has caused so much destruction in the world at large. Therefore, the effects of the COVID-19 will possibly linger for a longer time if not till eternity.

Governments at various levels particularly in Nigeria ordered partial and/or total lockdown to curtail and to reduce the spread of the virus¹⁶thereby leading to closure of schools, libraries, research centres, workplaces, markets hence the order took effect immediately. To achieve absolute compliance with the order, the Government invoked legal measures by making Regulations to tackle the situation.¹⁷ This was

¹⁰ W.P. Akpochofo, *Revisiting Research in Nigerian Universities for National Development* (2009) 4(5), EDU. RES. AND REV., 247-251, TETFUND, *NRF Research Brief for the 2020 Grant Cycle* (July 2020) <https://nrf.tetfund.gov.ng/UserGuides/NRF%2520Research> (Last visited Dec. 2020).

¹¹ Lawyers for Lawyers, 'Covid-19 Series: The Impact of the Crisis on Lawyers in Nigeria' (2020). <https://lawyersforlawyers.org/en/covid-19-series-the-impact-of-the-crisis-on-lawyers-in-nigeria/> (Last visited Oct. 14 2020).

¹² B. O' Daryl Cornnor & 14 Others, *Research Priorities for the Covid-19 Pandemic and Beyond: A Call to action for Psychological Science*'(2020).

¹³ Rogers Dean Stringer v. Ministry of Health and Child Care & Anor (2020 unreported 1(HH-259-20-HC 2154/20).

¹⁴ R. Mathur & S.Rangamani, (n10); F.E Eboibi & E. Robert, *Global Legal Response to Coronavirus (COVID 19) and its Impact: Perspectives from Nigeria, the United States of America and the United Kingdom* 1-32 (2020), COMMONWEALTH LAW BULLETIN.

¹⁵ Buzz Photos and 2 Ors v. People of Republic of China & Ors (2020).

¹⁶ NCDC, 'Public Health Advisory to Nigerians on Coronavirus Disease.' <<https://covid19.ncdc.gov.ng/advisory/>> (Last visisted 12th September 2020).

¹⁷ No 18 of 1926, NO 7 of 1929 L.N 131 of 1954, Cap 384 LFN 1990, Cap. Q2 LFN 2004; Lagos State Infectious Diseases (Emergency Prevention) Regulations 2020; Edo State Dangerous Infectious Diseases (Emergency

necessary to invoke the already established provisions of the law to address the issues.¹⁸ The Regulations aim to enforce the restriction of movements, public gathering, and the so-called social distancing, which are the primary measures employed to curtail the spread of the virus by the Government.¹⁹

The paper, therefore, is divided into five parts. Part I is an introduction which introduces the topic of the discussion. Part II provides background information to the meaning of legal research in Nigeria and the importance of research to the development of a nation. Part III discusses the influence of TETFUND intervention on research and development in Nigeria. Part IV contains a discussion on COVID-19 and its impacts on the research and development in Nigeria. It further discusses the existing Regulatory measures put in place to curtail the pandemic and how these measures impact on research and development in Nigeria. Finally, the conclusion.

Legal Research In Nigeria

Aboki defines legal research as a “problem solving process whereby materials relevant to a given situation are identified, gathered, stored and retrieved for use.”²⁰ In other words, legal research is a way of carrying out investigation on certain legal issue(s) by identifying and gathering legal materials relevant to the matter at hand.²¹ It simply involves finding an answer to a specific legal question or issue.²² Hence, legal materials can be categorised in two; primary and secondary sources. Example of primary sources of legal material are statutes, rules, regulations and other subordinate legislations while judicial cases, practice books, legal journals, dictionaries, encyclopaedias and articles are secondary sources.^{23,24}

Legal research can be conducted either by way of traditional and automated methods. Thus, the mixture of the two methods can be adopted for effective research outcome. Traditional method is a manual pursuit of legal materials like case law, law books, publications, journals, statutes, periodicals and other relevant materials. However, it is time-consuming, protracted and expensive.²⁵ Automated legal research is done via the use of electronic source to legal materials. However, the main concern of this method of research is the fact that Nigeria is still far behind in the expertise innovation as well as in the use of information communication technology (ICT) to conduct

Prevention) Regulations 2020; Bayelsa State Infectious Diseases (Emergency Prevention) Regulations 2020 as published in the official gazette, Bayelsa State (No 2 Vol 24).

¹⁸ F.E Eboibi & E. Robert, (n 12)24.

¹⁹ *Id.*

²⁰ Y. Aboki, *Introduction to Legal Research Methodology* (2nd edn Tamaza Publishing Co. Ltd, Zaria, 2009).

²¹ P. Chinch, *Legal Research Technics and Tips* in Worley L (edn) *BIALL HANDBOOK OF LEG. INFO. MANAG.*)

²² O.O. Lawal, B.A Basse & O.E Ani., *Resource Sharing among Nigerian University Law Libraries: A State of the Art* (2008), *AFR. JOUR. OF LIB.*

²³ J.M. Jacobstein & R.M. Mersky, *Fundamentals of Legal Research* (8th Edn, Foundation Press, 2002)1.

²⁴ P.A Justice Akhihiero, *Legal Research in a Digital Age* (Being a paper presented at the 2009 Law Week of the Benin Branch of the Nigerian Bar Association Held on Wednesday, the 24th Day of June, 2009 at Bishop Kelly’s Pastoral Center, Off Airport Road, Benin City, Edo State).

²⁵ *Id.*

research despite its useful impact on the Nigerian legal profession lately.²⁶ One good explanation proffered for this is that the legal profession is embedded with traditionalism which must be preserved in order to maintain the prestige of the profession.²⁷

However, the unceasing innovations in ICT sector lately may leave doubt in this traditionalism ideology. Bali observes thus:

The internet represents both a threat and an opportunity to members of the legal profession. As expected, most lawyers have

simply refused to wake up to the challenges thrown up by information technology as a whole. How else can one explain the fact most lawyers (and judges) are not computer literate not to talk of internet literacy. This approach would be fundamentally wrong. Moreover, every country (Nigeria inclusive) is producing a general of children for whom information technology holds no fear. They are 'Nintendo Generation.' Those born in 50's and 60's has no perception of the television as technology. Within three years, we will see a generation of young people in law firms for which the use of computers, software, and the internet is no different from using the telephone or television. For them it will just be another set of appliances. The way in which it works will be irrelevant. They will simply take it for granted. Time is not on the side of the 'techno phobic' lawyer or judge.²⁸

Ordinarily, Law is a profession that thrives and derives its sustenance on written materials such as books.²⁹ This explains reason the library and legal profession become a very essential companions and inseparable. Law libraries are laboratory where legal professionals and researchers resort to diagnosis problem to the issue at hand and then look for possible solution through search of laws and other legal materials. In any law library, the number one principal objective of the collection of legal materials is to cater for the research and information needed in the field of the legal profession.³⁰

²⁶ J. Owoeye & I. Mabawonku, *Information and Communication Technology Resources Access and Use: Issues of Legal Research and Practice in Nigeria* 217-222 (2017), AFR. JOUR. ONLINE, <http://www.americanbar.org/publications/gp_solo/2014/may_june/how_technology_changing_practice_lawht_ml> (Last visited Oct. 14, 2020).

²⁷ I. Olubiye, N.Odiake & A.Olaniyan, *The Role of Technology in the Advancement of Legal Education and Practice in Nigeria* http://eprints.abuad.edu.ng/639/1/Olubiyeetal_Paper.pdf&ved=2ahUKEwiRktjzmN (Last visited Dec. 12, 2020).

²⁸ O. Bali, *Information Technology and the Law: The Nigerian Perspective* (Longmans, Green & Co., Lagos, 2002)116.

²⁹ O.I Amusa & M. Atinmo, *Availability, Level and Constraints to use of Electronic Resources by Law Lecturers in Public Universities in Nigeria* 140-172 (2016) ITA. JOUR. OF LIB. & INFO. SCI.

³⁰ T.O. Dada, *Imperatives of Adequate Funding of Law Libraries in the 21st Century in Nigeria in Anyaogu U (edn) law Libraries and Administration of Justice in Nigeria*, NIG. INS. OF ADV. LEGAL STU., LAGOS (1998)

However, Sangal observes that :

the present race between knowledge and book production has made it impossible for any library, however big it may be, to acquire all the printed literature in the world even on the smallest area of the spectrum of knowledge, or to cope with even a fraction of the daily production of literature.³¹

Accurateness, rightness, comprehensiveness, relevancy and timeliness are characterised benefits associated with the use of automated research method that can easily meet legal researchers' needs.³² Legal scholars and researchers as well as judicial officers have on several occasions deliberated on how to impact and better the use of ICT in the legal profession.³³ And to some extent, deliberations yield to a positive outcome as most law libraries are now experiencing a paradigm-shift in the acquisition and the use of written materials to electronic materials.³⁴

Hence, Nigeria can benefit immensely by adopting effective use of ICT in legal researches particularly in the area of sustainable development which is guaranteed through modern and up-to-date legal materials on laws and other legal subjects.³⁵ This can also enhance productivity in legal research. 'All things considered, the choice of traditional or automated methods usually rests on the purpose the researchers set out to achieve and this is well captured by a scholar when he opines that:

if we dig in the garden, we use a spade, if we search for oil; we employ a rock-drill. In other words, the choice of tool depends on the depth to which we intend to probe.³⁶ that is, any type of legal research employed depends on the focus and modalities adopted in eliciting information on a phenomenon for purposes of analysis.³⁷

The importance and the benefits of legal research are enormous. In any modern society, a good and well research has become a necessity through which innovations are discovered especially in the area of health, science and technology sectors.³⁸ Due to such discoveries, societies are becoming more pleasant and new developments are setting in. Also, research is one major means of boosting a nation's economy.³⁹ In recent times, research initiatives have led to the launch of numerous profitable business opportunities that are producing jobs for the country, motivating better revenue which

³¹ D.G.Sangal, *Proposal for Resource Sharing among Libraries in Nigeria* (1984), NIG. LIB.

³² U.T Akpoghome & O. J Idiegbeyan, *The Role of Digital Library in Law Research* 108-113 (2010), INT. JOUR. OF LIB. & INFO.SCI.

³³ J.E. Owoeye, *Information Communication Technology (ICT) Use as a Predictor of Lawyers Productivity* (2011) LIB. PHIL. & PRAC. <http://digitalcommons.unl.edu/libphilprac/662> (Last visited Oct. 14, 2020).

³⁴ E. Katsh, *Digital Lawyers: Orienting the Legal Professionals to Cyberspace* 1141-1175 (1994), UNI. OF PITTS. LAW REV.

³⁵ *Id.*

³⁶ Schwarzenberger G., *Reflections on the Law of International Institutions* (1960), CUR. LEG. PROB., 276-295.

³⁷ M.S Afolayan & O.A. Oniyinde, *Interviews and Questionnaires as Legal Research Instruments* 51-59 (2019), JOUR. OF LAW, POL. & GLOB.

³⁸ S. Valentine, 'Legal Research as a Fundamental Skill: A Lifeboat for Students and Law School' (2010) , (39), Baltimore Law Review, 173-226, 217.

³⁹ *Id.*

gives better societies. Specifically, innovations reached through legal research have been universally recognised as one major influence on the economic growth and can as well serve as a way of developing good policies in the country. Hence, any research project must have a sense of focus with the aim to identify a particular problem(s) with possible solutions to the identified issues.

Influence of Tertiary Education Trust Fund (Tetfund) on the Research and Development

In Nigeria, one major research funding agency is TETFUND and its main objective is to provide research fund to government-owned tertiary institutions.⁴⁰ Tertiary Education Trust Fund (Establishment) Act mandates every registered company in Nigeria to pay 2% Education Tax on their annual income.⁴¹ Hence, TETFUND act as an agent to manages and dispenses the sum gathered from the education tax to tertiary institutions through Federal Inland Revenue (FIR).⁴² Since its inception, TETFUND has disbursed fund for research purposes using ratio 2, 1,1 for Universities, Polytechnics and Colleges of Education respectively.⁴³ Disbursement, therefore, comes in form of 50% to the Universities, 25% to the Polytechnics and 25% to the Colleges of Education.⁴⁴

In his remarks, the Executive Secretary to the TETFUND, Prof Suleiman Bogoro observed that so far, many Nigerians have benefited from the funds to undergo their Doctor of Philosophy (PhD) and Master degrees programmes within and outside Nigeria.⁴⁵ Between 2012-2019, the National Research Fund Screening and Monitoring Committee(NRFS&MC) has handled 3,356 proposals in six different batches; comprising 2,043 proposals under Science, Engineering, Technology and Innovations (SETI), 773 proposals under Humanities Social Sciences(HSS) and 540 proposals under Cross Cutting(CC).⁴⁶ Thus, out of the total number of 3,356 proposals screened by the NFRS & MC, only 241 was successfully awarded the research grants between the year 2012-2019. The beneficiaries were spread across the three research categories; SETI, HSS and CC as shown in Table 1.

⁴⁰ Section 7(1) (a)-(e) Tertiary and Education Trust Fund (Establishment) Act, E4, LFN 2004. Recently TETFUND amends law to include private universities, others in N7.5bn research grant. Over the years, owners' private universities have clamored to be included in some measure of funding from TETFUND for research purpose only.

⁴¹ Section 4, Tertiary and Education Trust Fund (Establishment) Act, E4, LFN 2004.

⁴² O.A Ajayi, 'Tertiary Education Trust Fund (TETFUND) Policy in Nigeria: An Overview' (2018), IX (9)(3), International Journal of Politics & Good Governance, 1-16, 9.

⁴³ Section 7 (5) Tertiary and Education Trust Fund (Establishment) Act, 2011; Onwuchekwa G.U, (n4) 11.

⁴⁴ Section 7, Tertiary and Education Trust Fund (Establishment) Act, E4, LFN 2004.; Ajayi O.A., (n 32)13.

⁴⁵ F. Khanoba, TETFund Sponsors 26,000 for PhD, Masters Degree Programs. <https://authorityngr.com> (Last visited Sept. 27, 2020).

⁴⁶ TETFUND, *NRF Research Brief for the 2020 Grant Cycle*, <https://nrf.tetfund.gov.ng/UserGuides/NRF%2520Research> (Last visited Dec. 20, 2020).

Table 1: Profile of the 241 Proposals Awarded Grants (2012-2019)

Research Category	Batch #1 2012	Batch#2 2013	Batch#3 2014	Batch#4 2015	Batch#5 2016	Batch#6 2019	TOTAL
SETI	10	17	4	21	27	78	157
HSS	1	1	4	5	7	28	46
CC	2	2	0	7	5	22	38
TOTAL	13	20	8	33	39	128	241

Source: TETFUND NRF Research Brief for the 2020 Grant Cycle

According to a report released from TETFUND, SETI accounted for 65.1% of the total number of grants while HSS and CC accounted for 19.1% and 15.8% respectively.⁴⁷

To achieve the objectives of this article a survey was conducted and, the data collated buttress further the intervention of the TETFUND on the Nigerian institutions and individual researchers. The author administered 30 questionnaires across the six geopolitical zones in Nigeria to capture the main objective of this research paper. The first three questions in the questionnaires are relevant to this section of the paper. Respondents were asked to indicate their current academic position, to identify the source of fund to their academic programmes and to state the areas of specialisation in their research projects. The respondents' responses were coded and analysed as follows:

Table 2: Academic Positions

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Master student	5	16.7	16.7	16.7
Valid PhD student	25	83.3	83.3	100.0
Valid Total	30	100.0	100.0	

Source: Author

Table 3: Source of Fund to the Academic Program

⁴⁷ TETFUND, *NRF Research Brief for the 2020 Grant Cycle*. <https://nrf.tetfund.gov.ng/UserGuides/NRF%2520Research>, (Last visited, Dec.20, 2020).

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Government Fund	22	73.3	73.3	73.3
Personal Fund	4	13.3	13.3	86.7
Family support Fund	2	6.7	6.7	93.3
NGO	2	6.7	6.7	100.0
Total	30	100.0	100.0	

Source: Author

Table 4: Area of Specialization

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Law	30	100.0	100.0	100.0

Source: Author

Tables 2, 3 and 4 laid a background information as to the categories of respondents attended to the questionnaire administered; the population sample and also identified law research projects as the focus of the survey. The tables therefore demonstrate that the questionnaires were administered on law related researchers who are on the Government fund. Hence, 30 questionnaires were administered. According to table 3, 73.3% of the respondents are on Government fund, 13.3% sponsored themselves, 6.7% got their research fund through family support and 6.7% through NGO respectively. This indicates that the Nigeria Government through TETFUND are making efforts to appease researchers' research proposals for the interest of the nation.

TETFUND has an imperative obligation to evolve and reinforce the Nigerian educational sector and research institutions through policies and funding.⁴⁸ It is understood that the Nation may not be able to exploit and take benefit from the immense stock of global researcher's sharing of knowledge except its develop own research capacity.⁴⁹To actualize the objectives of the National Research Fund, the Board of Trustees set up a committee tagged as National Research Fund Screening and Monitoring Committee(NRF S&MC) and charged it with the responsibility for implementing the intervention. The survey established that in the past years TETFUND has been relatively fair and transparent in its disbursement of funds for researchers. The respondents' responses were coded in table 5 below.

⁴⁸ K.M. Onuoha, *Nigeria @60: Challenges and Opportunities for Moving from Oil & Gas Sustained to a Knowledge-Based Economy* (2020) Convocation Lecture delivered at University of Ibadan, Oyo State, Nigeria, on 16th Nov., 2020) [https://www.ui.edu.ng/sites/default/files/UI%2520Convocation%2520Lecture_\(Last visited Dec.21, 2020\).](https://www.ui.edu.ng/sites/default/files/UI%2520Convocation%2520Lecture_(Last%20visited%20Dec.21,%202020).pdf)

⁴⁹ S. Ibrahim, *Tertiary Education Trust Fund (TETFUND), Research and Development and Nigeria's Higher Education*' 799-818 (2017) EUR. JOUR. OF EDU. STU.

Table 5: Before the outbreak of COVID-19 indicate how easy to access fund through Government agencies such as TETFund?

	Frequency	Percent	Valid Percent	Cumulative Percent
Bad	1	3.3	3.3	3.3
Not sure	2	6.7	6.7	10.0
Averagely	7	23.3	23.3	33.3
Valid Considerably	15	50.0	50.0	83.3
Good	5	16.7	16.7	100.0
Total	30	100.0	100.0	

Source: Author

Table 5 gives depiction as to how the administration of TETFUND intervention fund was before the outbreak of COVID-19. The table establishes that the situation at the time may not be perfect but relatively fair though, there are procedures for the selection of research proposals for the fund which the NRFS&MC must adhere to. However, the task ahead TETFUND becomes increasingly indispensable particularly, during this period of a pandemic. This is more of a reason all efforts must be exercised to source, on a sustainable basis, to fund research and development for knowledge-driven development.⁵⁰

It must be understood that the higher the fund invested in the research and development system; the more and better innovative the Nigerian system can turn out to be. Research & Development is a major component of any meaningful innovations. What determines nations development globally is the difference in the resources committed to research and development. Thus, it has been proven difficult for researchers particularly whose research focus is not COVID-19 related concern in accessing research grants during this pandemic.⁵¹ Government purposely increased NRF allocation from N5billion to N7.5billion for the year 2020 to encourage research proposals that centres on COVID-19 and other related projects. Hence, TETFund needs to maintain balance and ensure that NRF is not only accessible to health-related projects such as COVID-19 particularly in this pandemic. Intervention of TETFUND must also be felt on other essential projects particularly legal research projects for better innovations on policies and regulations development. Good policies and regulations can be helpful to rescue and manage the present situation and future pandemic. The tables 6 and 7 below better elaborate on this.

⁵⁰ *Id.*

⁵¹ O. Adebayo, *Federal Government Restrictions in Nigeria: The Covid-19 Regulations 2020*. <<https://www.spajibade.com/resources/wp-content/uploads/2020>> (Last visited Dec. 21, 2020).

Table 6: How can you explain the current budget of 7.5 billion naira being approved as National research fund in Nigeria for the year 2020

	Frequency	Percent	Valid Percent	Cumulative Percent
Not sure	2	6.7	6.7	6.7
Averagely	19	63.3	63.3	70.0
Valid Considerably	7	23.3	23.3	93.3
Good	2	6.7	6.7	100.0
Total	30	100.0	100.0	

Source: Author

Table 7: Can you access TETFUND research grants promptly during this COVID-19 era.

	Frequency	Percent	Valid Percent	Cumulative Percent
Good	10	33.3	33.3	33.3
Bad	7	23.3	23.3	56.7
Valid Not relevant	5	16.7	16.7	73.3
Not Bad	4	13.3	13.3	86.7
Averagely	4	13.3	13.3	100.0
Total	30	100.0	100.0	

Source: author

Hence, it is essential for Governments and stakeholders to invest in research and development to enable them to take responsibility in addressing issues that can promote and enhance inventive activities in the national economy. Nigeria can develop good policies via a well organise and nurtured research and development which will bring about innovations. Regrettably, private sector hardly invests in R & D, particularly where their interests are not captured hence, for a longer time Government funding and the donor is likely to remain the major sponsor of the research projects in Nigeria. Ibrahim opines that Government fund alone may not sustain institutions and research centres who are receiving incentives for their institutions to support and cater for both learning facilities and research projects.⁵² It is further observe that another means of funding research projects must be considered to supplement the inadequate funds provided by the Government. Due to limited funds less attention is being paid to research projects in the Nigerian institutions.⁵³ He concludes that the country cannot make substantial and industrial progress without adequate investment in research and development.

⁵² Ibrahim S., (n47) 805-806.

⁵³ *Id.* S.G. Halidu, (n4) 273-5; R. Osagie, (n5) 75-7.

It is on this seal TETFund recently amended its law to accommodate private Universities, Polytechnics and, Research institutes for the NFR grant with the aim to broaden research activities.⁵⁴

Thus, one is tempted to question the reason the NFR will be used to fund private institutions initiatives established to generate profit for certain bodies? Government owned institutions deserve the fund better than any private entities. That is said, another Bill is ongoing before the National Assembly known as, TETFUND Act (Amendment) Bill 2019 which had scaled first and second reading and currently before the relevant committee.⁵⁵ The ongoing amendments to the TETFUND Act are aimed to revive Colleges of Agriculture so as to contribute it dues for the national development.

TETFUND also reached a conclusive agreement with the Federal Ministry of Science and Technology (FMST) to boost research activities in the country.⁵⁶ The agreement intends to enhance worthy research efforts of the government.⁵⁷ TETFUND collaboration with the FMST is to recognise better ways of scaling up research activities by engaging the use of the agencies in various ministries in Nigeria.

Covid-19 And Its Impacts On The Legal Research Projects In Nigeria

Due to the spread of the virus, the Nigerian Government has taken several extraordinary measures. One of the major measures initiated is the introduction of social distancing; limiting close contacts between individuals to reduce chances of the virus being spread to the population. This led to the closure of schools, institutions, government ministries, offices, businesses, cancellation and suspension of seminars, conferences and trainings of researchers and many more.⁵⁸ The use of 'One on One' method of interactions at such conferences/seminars/workshops serve as an instrumental mechanism for knowledge sharing, peer feedback, the ideation of new research, technology transfer and interactions among researchers.

The impacts of these measures on the legal research projects cannot be overstretched since the available research facilities and capabilities of the researchers are being restricted. The table 8 below analysed the extent of these measures of the Government on the research projects in Nigeria.

⁵⁴ K. Ewuzie, *TETFund Amends Law, Includes Private Universities, Others in N7.5bn research grant.* (2020) <https://businessday.ng/education/article/tetfund-amends-law-includes-private-universities-others-in-n7-5bn-research-grant/> (Last visited Oct. 30, 2020).

⁵⁵ Nigerian National Assembly, <<https://www.nassnig.org/documents/bills>>(Last visited 30th December, 2020. Senator Abdullahi Adamu, <<https://www.vanguardngr.com/2020/09/why-i-sponsored-tetfund-amendment-bill>> (Last visited 30th December, 2020).

⁵⁶ P. Martin, 'TETFund Collaborates with Science & Tech Ministry to enhance Research.' <<https://metrowatchonline.com/tetfund-collaborates-with-sciencetech-ministry>> (Last visited 15 October 2020).

⁵⁷ *Id.*

⁵⁸ No 18 of 1926, NO 7 of 1929 L.N 131 of 1954, Cap 384 LFN 1990, Cap. Q2 LFN 2004; Lagos State Infectious Diseases (Emergency Prevention) Regulations 2020; Edo State Dangerous Infectious Diseases (Emergency Prevention) Regulations 2020; Bayelsa State Infectious Diseases (Emergency Prevention) Regulations 2020 as published in the official gazette, Bayelsa State (No 2 Vol 24).

Table 8: Impacts of social distancing and lockdown order as imposed by the Federal Government to curtail COVID-19 in Nigeria particularly on the activities such as Seminars, Conferences and trainings of researchers.

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Bad	10	33.3	33.3
	Not sure	2	6.7	40.0
	Averagely	4	13.3	53.3
	Considerably	11	36.7	90.0
	Good	3	10.0	100.0
	Total	30	100.0	100.0

Source: Author

Table 8 shows that 36.7% considered the impact of social distancing and lockdown order as being considerably bad while 33.3% of the respondents expressed the view that the measures put in place by way of social distancing and lockdown order by the government create a bad impact on researchers. 13.3 % of the respondents described the impact of COVID-19 averagely and 10% claimed that the social distancing and lockdown order are good measures by the Government hence, it cannot therefore be considered as a negative impact on the researchers.

However, the analysis in table 8 further indicates that some respondents totalling 6.7% who participated in the survey do not even believe in the existence of COVID-19 claiming they are not sure the virus exist or its influence on the researchers hence, felt no need in obeying the order of the Government on the lockdown and social distancing.

To achieve absolute compliance with the order, the Government backed it with legal measures by making Regulations to tackle the situation.⁵⁹ This was necessary to invoke the already established provisions of the law to address the issues. The Regulations aim to enforce the restriction of movements, public gathering, and the so-called social distancing, which are the primary measures employed to curtail the spread of the virus by the Government. The next subsection discusses Regulatory measures of the Government in response to COVID-19.

Regulatory Responses to COVID-19 in Nigeria

At the heat of COVID-19 cases in Nigeria, the Nigerian Government initiated and declared a state of emergency through a lockdown to curb the situation in the country and thereafter enacted COVID-19 Regulations No.1 of 2020 pursuant to the Quarantine Act, 1926⁶⁰ (1926 Act) to regulate the deadly virus. Most States of the

⁵⁹ Eboibi F.E & Robert E., (n 12) 29.

⁶⁰ No 18 of 1926, NO 7 of 1929 L.N 131 of 1954, Cap 384 LFN 1990, Cap. Q2 LFN 2004.

Federation aligned with this COVID-19 Regulation by proclaiming their own State Regulations to protect their residents in the State.⁶¹

Since its enactment in 1926 by the British Colonists, the Act is the only existing law in place to manage COVID-19 in Nigeria. It has only eight (8) sections and had since been domesticated under the 1999 Constitution of the Federal Republic of Nigeria.⁶² The main objectives of 1926 Act is to enable Governments control, order and legalise the imposition of quarantine and also to put in place other preventive measures against eruption of such 'dangerous infectious disease' in Nigeria and its onward spread to other countries. Though, COVID-19 is not specifically mentioned in the Act as this virus was not contemplated as at 1926. However, the word 'dangerous infectious disease' as used in the 1926 Act has been interpreted to capture the virus. Specifically, 1926 Act describes the word 'dangerous infectious' disease to mean "cholera, plague, yellow fever, smallpox and typhus and any other diseases of an infectious or contagious nature which the Government may, by notice declare to be a dangerous disease within the meaning of the Act."⁶³ The Government can with its own volition pronounce any suspected place an 'infected area' within the country.⁶⁴ Also, the President of the country may make a regulation as a legal measure in the followings: to prescribe the steps to be taken as a preventive guide to the people of Nigeria whether the country is being infected with the disease or not; to avert the alleged dangerous infectious disease entering Nigeria from any parts of the world; to avoid the dangerous infectious disease being spread or transmitted from one part of Nigeria to another; to give power to the Government to appoint an officers who may be charged with the duty to carrying out such regulations as enacted; to state clearly as to the amount of fees and charges to be spent on the sundries require for discharge of duties as contains in such regulations and; to indicates to whom is entitle to receive such fees and charges as mentioned above.⁶⁵ Hence, where the President of Nigeria could not make declaration under sections 2 and 3 of the 1926 Act or where the power as conferred in section 4 has not been utilised, the Governor of each State within the Federation can make declaration and regulation within his local area to prevent the spread of transmission of the dangerous infectious disease.⁶⁶

Nigeria Federal Government for the first time after the country's independence in 1960 exercised the power as conferred by sections 2, 3 and 4 of the 1926 Act passed COVID-19 Regulations No.1 of 2020 on 30th March 2020.⁶⁷ The Regulation No. 1 of 2020 consists of seven (7) regulations that centres on the restriction/cessation of movement in Lagos

⁶¹ Lagos State Infectious Diseases (Emergency Prevention) Regulations 2020; Edo State Dangerous Infectious Diseases (Emergency Prevention) Regulations 2020; Bayelsa State Infectious Diseases (Emergency Prevention) Regulations 2020 as published in the official gazette, Bayelsa State (No 2 Vol 24).

⁶² Constitution of the Federal Republic of Nigeria Act No. 24, 1999 (as amended).

⁶³ Section 2 . No 18 of 1926, NO 7 of 1929 L.N 131 of 1954, Cap 384 LFN 1990, Cap. Q2 LFN 2004

⁶⁴ Section 2, No 18 of 1926, NO 7 of 1929 L.N 131 of 1954, Cap 384 LFN 1990, Cap. Q2 LFN 2004

⁶⁵ Section 3.

⁶⁶ Section 8.

⁶⁷ It can be accessed here: https://covid19.ncdc.gov.ng/media/archives/COVID-19_REGULATIONS

State, Federal Capital Territory (FCT) Abuja and Ogun State.⁶⁸ According to this, the Government declared restriction of movements in Lagos, FCT and Ogun for 14 days. Consequently, all residents from these three States (Lagos, FCT and Ogun) were forced to sit at home. All Ministries, offices, businesses including courts operating in these affected States and FCT were forced to close down their commercial activities following the regulation.⁶⁹ During this initial 14 days of restrictions, courts in Nigeria were not affected with this development hence; the judges/justices from these other parts continued to sit and hear cases though only on emergency matters.⁷⁰ On the 8th April 2020, the office of the Chief Justice of Nigeria (CJN) released a circular with Ref. No NJC/CR/HOC/11/66 dated same date where the CJN pronounced the suspension of courts hearings/sittings and its administration of justice system in the country till further notices because of the danger posed by the pandemic.⁷¹

	Frequency	Percent	Valid Percent	Cumulative Percent
Yes	4	13.3	13.3	13.3
No	16	53.3	53.3	66.7
Valid Not relevant	3	10.0	10.0	76.7
Valid Not Bad	3	10.0	10.0	86.7
Averagely	4	13.3	13.3	100.0
Total	30	100.0	100.0	

Source: author

From the table 8, it is clear that the highest number of the respondents in the survey totally 53.3% claimed that the increment in the NRF does not in any way benefit the legal researchers. Hence, 13.3% said yes with the view to have benefited while 13.3 answered averagely. However, the fact that the Nigerian President later approved the establishment of six medical simulation research and clinical training facilities in six colleges of medicine in each geopolitical zone within the year 2020 further buttress that COVID-19 and other related health projects are prioritised.⁷² The increment in the NRF allocation provides an opportunity for TETFUND to fund those six colleges of medicine and other projects such as establishment of twelve (12) COVID-19 and related infectious disease molecular laboratories, two in each geopolitical zone.⁷³

So far, TETFUND had sponsored some COVID-19 research proposals to the tune of over N200 million thus, the beneficiaries were picked from Universities and National

⁶⁸ Covid-19 Regulations No1 of 2020, Regulation 1.

⁶⁹ O.O Sofowora, *The Covid-19 Pandemic and the Future of Litigation in Nigeria*. <https://www.irglobal.com/article/the-covid-19-pandemic-and-the-future-of> (Last visited Dec. 10 2021)

⁷⁰ Covid-19 Regulations No. 1 of 2020, Regulation 1(7); Circular No. NJC/CIR/HOC/11631 of 23rd March, 2020.

⁷¹ Punuka, *The Covid-19 Directives of the Chief Justice of Nigeria and state of the Judiciary* (2020). <https://punuka.com/the-covid-19-directives-of-the-chief-justice-of-nigeria-and> (Last visited Jan. 15 2020).

⁷² <http://vanguardngr.com/2020/05/covid-19-buhari-approves-medical-research-funding-by-tetfund/> (Last visited Oct. 29, 2020).

⁷³ 'TETFUND, *NRF Research Brief for the 2020 Grant Cycle*.' <<https://nrf.tetfund.gov.ng/UserGuides/NRF%2520Research>> (Last visited Dec. 15, 2020).

Agency for Food and Drug Administration and Control (NAFDAC) researchers. In his address, Prof Bogoro observed that aside the N7.5bn of the NRF budgeted for 2020, the grant of N200million specifically assigned to focus on the COVID-19 pandemic.⁷⁴ Prof. Bogoro further stated that two-thirds of the 2020 NRF will mainly serve as a research grant for proposals related to science, technology and innovation and the remaining one-third will be used to fund proposals originating from the research areas of humanities, security and national integration among others.⁷⁵ These initiatives of TETFUND coming against the present realities in the country particularly, the worldwide race for a COVID-19 cure especially put into focus the perspectives of the TETFUND board management.

The efforts of the Nigerian Government on the COVID-19 is commendable. With this approach, the issue of pandemic will soon be the thing of the past and the world will smile again. However, it would have been much better for the Government to extend its commitment to other research projects across other fields. This raised concern of the respondents who took part in the survey that the Government is prioritising health related research projects with little focus on other projects.⁷⁶ This is shown in tables 10 and 11 below.

Table 10: *Do you think the outbreak of COVID-19 has negative impact on the way in which National Research Fund is being shared?*

	Frequency	Percent	Valid Percent	Cumulative Percent
Never	4	13.3	13.3	13.3
Seldom	4	13.3	13.3	26.7
Average	13	43.3	43.3	70.0
As usual	5	16.7	16.7	86.7
Not Bad	4	13.3	13.3	100.0
Total	30	100.0	100.0	

Source: Author

⁷⁴ I.T Tahir, *TETFUND: New Frontiers in Research and Development (2020)* <<https://www.blueprint.ng/tetfund-new-frontiers-in-research-and-development/>> (Last visited Oct. 30, 2020).

⁷⁵ *Id.*

⁷⁶ See Tables 10 and 11

Table 11: Please rank how accessible is the Government research fund in the era of COVID-19.

	Frequency	Percent	Valid Percent	Cumulative Percent
Never	8	26.7	26.7	26.7
Seldom	2	6.7	6.7	33.3
Average	9	30.0	30.0	63.3
As usual	5	16.7	16.7	80.0
Not Bad	6	20.0	20.0	100.0
Total	30	100.0	100.0	

Source: author

Conclusion

As discussed above, the impacts of COVID-19 in Nigeria as it relates to research and development includes diversion of research fund to maintain and prevent the spread of the virus, closure of research facilities such as libraries, research centres and cancellation of conferences, training and workshops. Restrictions placed on itinerant and social distancing requirements have caused the cancellation of numerous law conferences. The use of One on One method of interactions at such conferences serves as an instrumental mechanism for knowledge sharing, peer feedback, the ideation of new research, technology transfer and interactions among researchers.