

Identifying the Root Cause of the Rising Cases of Administrative Injustice in Nigeria: Preliminary Evidence from the Nigerian Ombudsman

¹Akpa Paulina Ada, ²Achanya, Julius John & ³Cinjel Nandes Dickson

¹Department of Political Science, Benue State University, Makurdi

^{2&3}Department of Public Administration, Federal University Wukari

Abstract

The Udoji Panel Report like in many other climes recommended the establishment of the Nigerian Ombudsman institution in 1975. It was constitutionally named the Public Complaints Commission (PCC) with the mandate to curb the then growing cases of administrative injustice and repression in the country's civil service. Decades after, the situation doesn't seem different from the experiences of the first republic. A cursory look at the annual reports of the Commission in the last one decade shows a steady rise in the cases of administrative injustice in Nigeria. This is despite the existence of internal control mechanisms in organizations and the PCC as external control mechanism to both public and private organizations in the country. Against this backdrop, the study set out with the specific objective of identifying the root cause of this problem. Utilizing descriptive documentary design, content analysis and the institutional theory, the study identified non-compliance with established administrative rules and procedures by officials of public authorities and companies as the major cause responsible for the rising cases of administrative injustice in Nigeria. To curb this challenge, the study recommends both policy and non-policy measures to include, strong and compelling internal processes and procedures and external control mechanism that will guarantee compliance with established administrative rules and procedures by officials. This would consist of strengthened enabling laws, proactive investigation, effective sanctions and efficient prosecution to arrest pervasive culture of non-compliance with legal frameworks. This would also be in addition to deployment of adequate funding to the Nigerian Ombudsman to enable it function well, among others.

Keywords: *The Nigerian Ombudsman, Administrative injustice, Maladministration and Root cause*

Corresponding Author: Akpa Paulina Ada

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Background to the Study

Ombudsman in the Nigerian parlance is what is constitutionally referred to as the Public Complaints Commission – PCC (PCC Act, 2004). It is a creation by statute with the mandate to addressing cases of administrative injustice and modelled after the Scandinavian Ombudsman (Nigerian Constitution 1999, Section 315(5)). Although the underlying principles of the Ombudsman institutions are uniform, it is called different names and vested with varied powers in different countries. But in every case it stands for a generally accepted idea for complaints or dispute resolution (Adamolekun & Osunkunle, 1982; Akanle, 1978). Ombudsman has been variously defined (Andren, 1962; Raj, 1998; Rowat, 1986; Sultana, 2007; Sarker and Alam, 2010) and can be viewed from different perspectives. However, the minimum characteristics, powers and functions of the institutions are captured by the definition proposed by the International Bar Association in 1974 cited in Alemika (2015, p2). It defined an Ombudsman institution' irrespective of the names they are called as:

An office provided by the constitution or by the action of the legislature or parliament and headed by an independent high-level public official who is responsible to the legislature or parliament, who receives complaints from aggrieved persons against government agencies, officials and employees or who acts on his own motion, and who has the power to investigate, recommend corrective action, and issue reports.

These institutions according to Alemika (2015, p2):

Promote and protect individual rights, encourages more efficient public administration, provide a cost-effective dispute resolution mechanism, bridge the gap between the government and the public, promote cooperation instead of litigation, allow increased citizens access to dispute resolution.

Thus, this quasi-judicial arrangement becomes imperative because of the high cost of litigation, the complex nature of government and its continued grip on the lives of the citizens. As such, the need for an Ombudsman institution that will guarantee that government in carrying out its day-to-day functions does not trample on the fundamental rights of its citizens (Ayo and Anthony, 2011). More so that the expansion of government's functional preview into many areas of human existence which were traditionally outside its scope has brought about the increasing possibilities of conflicts between the citizens and the state particularly in the areas of administrative actions of public authorities (Daniel, 2013). This expansion and its accompanying possible clash with the interest and aspirations of the citizens led to the institutionalization of the means of citizen's redress within many polities of the world (Fajonyomi, 2012).

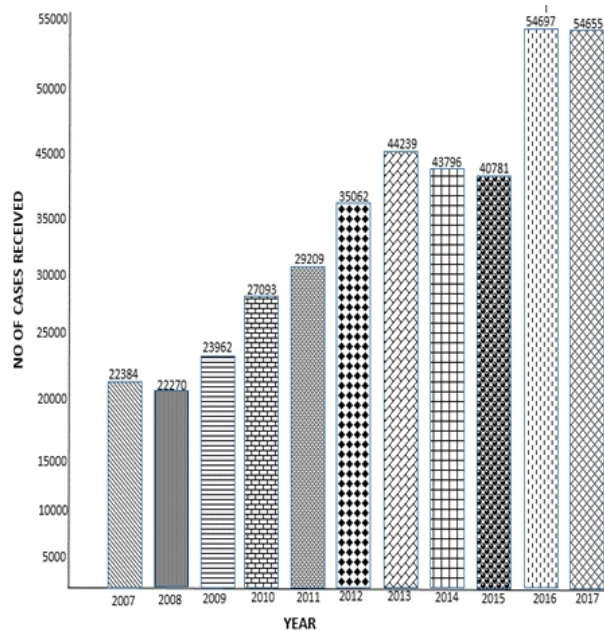
The introduction of the Ombudsman institution in Nigeria followed the Udoji Panel Report of 1975. Like Many other countries, it was established to curb administrative repression and growing cases of maladministration in the country's civil service. At that time, the civil service had become amorphous. Rules and regulations were not respected as soldiers ruled with their iron whim and caprice. There were many cases of arbitrary

retirements and terminations. Morale was low in the service and all these led to the setting up of the Panel to inquire into the conditions of civil service in the country. Outraged by what it saw, the Panel amongst other things recommended the establishment of the PCC, by the federal military government in 1975(CAPP, 2000).

The PCC is regarded as a form of Alternative Dispute Resolution (ADR) mechanism, albeit limited to administrative functions, which is used for the resolution of disputes between private citizens inter se and between private citizens and governmental bodies in Nigeria (Olanipekun, 2015). The legal framework that guides the operation of the PCC is its enabling Act, entitled: Public Complaints Commission Act: CAP. P37, LFN, 2004. The Act provides for the establishment of the Commission and its operational structures such as: appointment and tenure of office of the Chief Commissioner and Commissioners, appointment and tenure of other staff, application of Pensions Act, powers and duties of Commissioners, Restrictions, recommendations after investigation, offences and penalties thereof, power to summon persons, immunity from legal process, among others. The operation of the agency is over sighted by the National Assembly through the Committee on Public Petition. The agency's core mandates in the enabling Act is to inquire into complaints by members of the public concerning the administrative action of any public authority and companies or their officials, and other matters ancillary thereto (PCC Act, 2004).

Regrettably, despite the existence of the PCC, administrative injustice in Nigeria is still on the rise (PCC Annual Reports, 2007-2017) as shown in figure 1.

Figure 1: Rising Trend of Petitions on Administrative Injustice, 2007-2017



Source: Culled from PCC Annual Reports (2007-2017). Abuja: FGN Press

A cursory look at the Commission's annual reports reveal a steady rise in the number of cases received annually. From 22,384 in 2007 to 54,655 in 2017, Some of these cases include but not limited to: payment of retirement benefits (pensions and gratuities); payment of workmen's compensation; wrongful termination of appointment; wrongful dismissal; wrongful computation of National Health Fund (NHF) contribution or underpayment of contributor's entitlements; difficulty in getting insurance companies to pay claims; withholding of superannuation; amongst others (PCC Annual Reports, 2007-2017).

Notwithstanding the undoubted progress that has been made in appraising the PCC over the years to help foster an efficient and effective public administration among public authorities, there are still areas that have yet to be fully addressed. A general review of the operations of the Commission vide its legal and institutional framework by relevant legal researchers and development practitioners over the years indicate that the Act and its implementing agency has not provided the desirable solutions to the lingering problems of administrative injustice (Alemika, 2015; Olanipekun, 2015; Amollo, 2015). In particular, is the rising case of administrative injustice in Nigeria despite the existence of internal control mechanisms in MDAs and the existence of external control mechanism, the PCC. In view of the centrality of cause to effect in social science research, it becomes imperative to investigate this problem with the view of identifying the root cause of this problem and advance appropriate solutions that would set the stage for a 21st century Ombudsman in Nigeria that would rather be proactive than reactive in administrative redress.

An attempt is made in this paper to examine the reality in the concern expressed about the rising cases of administrative injustice in Nigeria, the factors that contributed to the undesirable situation and possible measures to turn around the situation. The paper is grouped into six sections. The introduction, which is section one, section two focuses on conceptualizing administrative injustice, the third section presents a brief summary of the methodology utilized, section four is on the theoretical framework adopted for the analysis of the study, section five is unarguably the engine house of the paper as it takes a critical look at the root cause of the rising cases of administrative injustice in Nigeria, while section six concludes the paper with some policy and non-policy measures.

1. Conceptualizing Administrative Injustice

Traditionally, the main function of the Ombudsman in governance is the redress of administrative injustice (Ayeni, 2013) which according to the PCC, Act (2004) is any administrative act which are or appear to be contrary to any law or regulation; mistaken in law or arbitrary in the ascertainment of fact; unreasonable, unfair, oppressive or inconsistent with the general functions of administrative organs; improper in motivation or based on irrelevant considerations; unclear or inadequately explained, or otherwise objectionable.

In the same vein, administrative injustice or maladministration or 'bad administration' has been described as the making of an official decision in a manner which is contrary to law, arbitrary, unreasonable, without proper justification, lacking in procedural fairness,

or made without due consideration of the merits of the matter, or made corruptly (Ayeni, 2013). Amollo (2015, p15) described administrative injustice as administrative action or inaction based on or influenced by improper considerations or conduct, with the most conventional forms ranging from simple clerical errors to serious acts of impropriety such as:

unreasonable delay, abuse of discretion, lack of courtesy, oppression, negligence, inadequate investigation, unfair policy, partiality, failure to communicate, rudeness, unfairness, unreasonableness, arbitrariness, arrogance, inefficiency, violation of law or regulation, abuse of authority, discrimination, improper motivation, irrelevant consideration, inadequate or obscure explanation, and all other acts that are frequently inflicted upon the governed by those who govern, intentionally or unintentionally.

Administrative injustice is also related to impunity which refers to the exemption from punishment or failure to bring the perpetrators to account for their actions. According to the updated set of principles for the Protection and Promotion of Human Rights through Action to combat impunity, impunity refers to the impossibility, de jure or de facto, of bringing the perpetrators of violations to account – whether in criminal, civil, administrative or disciplinary proceedings – since they are not subject to any inquiry that might lead to their being accused, arrested, tried and, if found guilty, sentenced to appropriate penalties, and to making reparations to their victims. Impunity is often the primary obstacle to upholding the rule of law, and manifests itself in different ways such as administrative injustice and violations of civil liberties (Amollo, 2015). By addressing administrative injustice, the Ombudsman fights impunity thereby contributing to good governance. The Ombudsman assures good governance by striking at the root of administrative injustice, corruption and human rights violations. It brings all the benefits of good governance in administration, such as, transparency, objectivity, efficiency, accountability and economy thereby improving the delivery of public services. It ensures that public services operate within the law, and respect the rights of citizens (Amollo, 2015).

In addition, redress of administrative injustice ensures social justice. The Ombudsman ensures social justice by ensuring fairness of the rules and their implementation. Moreover, the remedial action for systemic failures and public administration are key in ensuring social justice. Beyond routine roles, some Ombudsmen have been expressly mandated to address issues affecting minority and marginalized groups. The Ombudsman of Kenya, for instance, is mandated to secure the rights of minority and marginalized groups in the context of the public service. It is instructive to note that unlike the Ombudsmen in developed countries with strong welfare systems, the Nigerian Ombudsman does not primarily focus on social welfare programmes. This is because the situation in Nigeria still relate to civil and political rights thereby making the country's Ombudsman to deal primarily with such issues as administrative injustice (Amollo, 2015).

Overall, the Ombudsman's primary responsibility according to Amollo (2015, p18) is to protect the public from the misuse of power by public offices and officers. Broadly, the responsibility of the Ombudsman can be summarized as follows:

- i. An instrument of protecting and promoting human rights.
- ii. A mechanism of democratic control over the bureaucracy
- iii. An avenue for redress of grievance against administrative injustices.
- iv. An instrument for tackling bureau-pathologies.

Olanipekun (2015, p3) argued that for one to fully grasp the importance of an Ombudsman in the fight against administrative injustice, one must understand the complex socio-political context within which it operates. It goes without argument that the government, through its numerous agencies, wields enormous powers, especially in a democracy. The exercise of these powers carries with it the potential dangers of administrative recklessness, rascality and sheer lawlessness, in the absence of the requisite constitutional and institutional safeguards qua checks and balances. In order to avoid the tyranny which such unchecked excesses may breed, it then becomes imperative to set up an independent and impartial body whose function is to take proactive steps aimed at plugging loopholes within the bureaucratic set up which may give room for abuse and at the same time addressing complaints of improper conduct or violation of rights brought against government agencies and other bodies over which the Ombudsman exercises its powers and jurisdiction.

Furthermore, it must be stated that a sound system of administrative justice is an indicator of democratic governance and cornerstone of administrative reforms. This is because; it ensures a sound administrative framework, accountable and fair administrative action and procedures and complaints resolution bodies and procedures. Given this kind of atmosphere in some countries, the Ombudsman in redress of grievances has been noted to be more effective than the courts in protecting human rights and also has an important complementary role in the resolution of conflicts. A case in point is the office of the Latin America's Ombudsman who is able to do this because of its particular characteristics, such as not being subjected to formalities or legal restrictions for handling of cases; being an organization that does not charge fee; and being independent of other state bodies (Lorena, 2003; Amollo, 2013).

Methodology of the Study

The study adopted the descriptive documentary design. A mix of exploratory interviews, analyses of official documents and other secondary data was utilized to triangulate evidence. The essence of this approach was to enable the study to see the same thing from different perspectives and thus was able to confirm or challenge the findings of one method with those of another. Thus, primary and secondary sources were utilized to collect data that was analyzed to reach a generalizable conclusion on the issue under investigation. A total of 8 respondents determined by Guest, Bunce, and Johnson (2006), and Crouch and McKenzie (2006), qualitative sample formulae were interviewed. It was determined by picking the recommended number of top level executives or key

informants from the different homogeneous groups that make up the Commission and its stakeholders in a purposive manner. It was a combination of top level executives; Investigation Officers; and members of the National Assembly committees on public petition as oversight body to the PCC.

Theoretical Framework

The theoretical framework adopted for the analysis of this work is the institutional theory which seeks to examine the effectiveness of legal and institutional frameworks in organizational studies (Scott, 2012). Essentially, it examines the processes and mechanisms by which structures, schemes, rules, and routines become established as authoritative guidelines for social behaviour. It inquires into how these elements are created, diffused, adopted, and adapted over space and time; and how they fall into decline and disuse (Scott, 2004). It has a long history dating back to the mid-nineteenth century and incorporates the pioneering insights of seminal scholars of the social sciences such as Max Weber, with Émile Durkheim as the foundational author of this approach (Scott, 2005). The theory comes from the concept of institutions described as the building blocks of society, providing the assurance of security, ease of social transactions, and a sense of established order (Scott, 2008; Green et al, 2009). As such, they feature strongly in the literature of many diverse fields: political science (Nardulli, 1991; Thelen & Steinmo, 1992), law (Hauriou, 1925), economics (Eggertsson, 1990; Furubotn & Richter, 1997), and sociology (DiMaggio & Powell, 1983; Meyer & Scott, 1983; Powell & DiMaggio, 1991; Scott, 2001; Selznick, 1949, 1957, 1996).

Iconic sociologist W. Richard Scott provided a comprehensive conceptual schema based on his extensive survey to institutional literature that guides directions for pursuing this theory. He posits that institutions consist of carriers (cultures, structures, and routines) and pillars (cognitive, normative, and regulative structures). Thus, "Institutions are composed of cultural-cognitive, normative, and regulative elements that together with associated activities and resources provide stability and meaning to social life" (Scott, 2004). Thus, the term has come to connote fixed and enduring membership, beliefs, and actions (Scott, 2004; Lammers and Barbour, 2006). At their simplest, institutions are sedimentations of specific behaviours and supporting structures that make possible or simplify the accomplishment of a given task or set of tasks. By identifying and defining accepted behaviours and imposing 'penalties' for behaviours located outside of those boundaries, institutions make it possible for desirable actions to occur more frequently, and the outcomes of those desirable behaviours are the result (Scott, 2001). After sufficient time and repetition, those desirable actions become the norm (Green et al., 2009) and people do not even think about the rules in the course of carrying out their actions. In other words, behaviours sanctioned by the institution simply become taken for granted, this is because once the rules of those institutions are learned; it is difficult to conceive of acting outside of those institutional boundaries (Scott, 1991).

Central to the application of this theory to the study is the regulatory pillar which emphasized the use of laws, rules and sanctions as enforcement mechanism, with

expedience (deterrence) as means for compliance (Scott, 2012). For effective control of the rising cases of administrative injustice in Nigeria, the PCC and other administrative authorities are encouraged as a matter of expedience to apply sanctions where necessary because studies have shown that deterrence is more reliable in dealing with administrative offences than relying on cultures and values, particularly in developing societies (Imperato, 2005). Sutinen and Kuperan (1999) argue that coercive enforcement measures remain an essential ingredient in any compliance regime. According to Zubcic and Sims (2011), enforcement action and increased penalties lead to greater levels of compliance with laws. Abuse of established procedures among government officials in developing countries such as Bangladesh, India, Sri Lanka, Nigeria and Venezuela has been linked to a weak enforcement of the rule of law (Nwabuzor, 2005). Similarly, a study on corporate governance in Africa revealed that countries such as Nigeria and Ghana suffer from weak law enforcement mechanisms (Okeahalam, 2004). As such, Gunningham and Kagan (2005), argue that the threat of legal sanctions is essential to regulatory compliance and that enforcement action has a cumulative effect on the consciousness of regulated organizations and it reminds organizations and individuals that violators will be punished and to check their own compliance programs.

The Root Cause of the Rising Cases of Administrative Injustice in Nigeria

Non-compliance with established administrative rules and procedures by officials of public authorities and companies is responsible for the rising cases of administrative injustice in Nigeria. This can be attributed to a number of factors deduced from the analysis of the study interviews, official documents and other secondary data, utilized. Summary of findings on factors that is responsible for the rising cases of administrative injustice in Nigeria were due to many reasons including but not limited to:

- i. The Nigerian Ombudsman is rather reactive than proactive in dealing with the challenge of administrative injustice or maladministration;
- ii. Weak external (the Nigerian Ombudsman) and internal complaint and redress procedures. As such, lacking in enforcement power with punitive measures to deter violators of existing provisions on administrative processes and procedures.
- iii. Absence of effective laws and their application which require civil servants to give reasons for their official decisions;
- iv. Absence of management approaches which encourage all public officials and civil servants to deal positively with maladministration and unethical practice such as abuse of established administrative rules and procedures when they encounter it.
- v. Absence of 'whistleblower' protection law to protect appropriate 'public interest disclosures' of wrongdoing by officials;
- vi. Near absence of compliance audits to identify risks to the integrity of the most important processes and procedures in MDAs (for example financial management, tendering, recruitment and promotion, dismissal and discipline);
- vii. Non-adherence to core public sector ethics values, and commitment to good governance, and to preparing the necessary political and management responses;

- viii. Poor human resource management strategies (which link, for example, compliance performance with entry and advancement, and compliance 'under-performance' with disciplinary processes), merit based promotion and recruitment, anti discrimination protections, amongst others; and
- ix. Near absence of training and development in the content and rationale of public service rules, regulations, codes of ethics and codes of conduct for public officers, among others and the application of the aforesaid to management principles, the proper use of official power, and the requirements of professional responsibility.

The major factor that was muted to be responsible for the rising cases of administrative injustice in Nigeria was due to non-compliance with internal complaint and redress procedures in public authorities and companies by officials having responsibility for administrative action. This was further compounded by the absence of a strong external (the Ombudsman) redress mechanism. As such, some officials in carrying out their administrative action neither conduct affairs within the ambit of the law nor in good faith because existing laws lack sufficient punitive measures. Also because violators don't feel deterred or threatened by the posture of the law which experts feel is occasioned by the lack of adequate enforcement mechanisms to sanction and associated activities on the part of the external mechanism (Nigerian Ombudsman) to function well as advocated by the proponents of the institutional approach.

On the contrary, a respondent in favour of cognitive and cultural approach to institutional development is of the view that members of staff of both public and private organizations suffers from absence of training and development in the content and rationale of public service rules, regulations, codes of ethics and codes of conduct for public officers, and the application of the aforesaid to management principles, the proper use of official power, and the requirements of professional responsibility. The respondent believes that the internalization of core public sector ethics values, and commitment to good governance, and to preparing the necessary political and management responses by employees and employers would naturally motivate one to follow the provision of the law without threat of sanction to make one behave in a certain prescribed manner.

Nevertheless, the vast majority of the other respondents interviewed agreed that enforcement improves compliance, however expressed regrets that provisions of the PCC Act which ought to have empowered the Commission to sanction or punish violators is outdated and have not been reviewed or amended by the National Assembly after several decades of the Commission's existence. They further explained that enforcement action and increased penalties lead to greater levels of compliance with laws. As corollary, official reports on corruption and maladministration among government officials in developing countries like Nigeria has been linked to a weak enforcement of established administrative rules and regulations (Code of Conduct Annual Report, 2016).

Another important factors deduced from the analysis of data for non-compliance were due to absence of effective laws and their application which require civil servants to give reasons for their official decisions and absence of management approaches which

encourage all public officials and civil servants to deal positively with unethical practice or maladministration. In many countries, official decisions affected by 'Maladministration' may be reviewed independently, (for example by an Ombudsman), and corrected. Officials responsible for maladministration may also be disciplined by their employer or public authority having responsibility for prosecution to serve as a deterrent to others. However, the situation in Nigeria aside lacking in strong external (the Ombudsman) and internal complaint and redress procedures in public authorities and companies, it is further compounded by the absence of 'whistleblower' protection law to protect appropriate 'public interest disclosures' of wrongdoing by officials. This was also muted by respondents to be a major gap in policy measures by the government in Nigeria.

The Nigerian Ombudsman is mandated in Section 5 (2) of the PCC Act to carry out proactive or systemic investigation (researches) into policies, regulations, procedures and processes of administration of public authorities and companies that appears:

(i) contrary to any law (ii) mistaken in law or arbitrary in the ascertainment of fact; (iii) unreasonable, unfair, oppressive or inconsistent with the general functions of administrative organs; (iv) improper in motivation or based on irrelevant considerations; (v) unclear or inadequately explained; or (vi) otherwise objectionable; and to correct such with the aim of preventing maladministration in governance.

However, the study found out that aside achievement recorded in the area of reactive investigation, there is little or absence of reports showing achievement in the area of proactive investigation. Unfortunately, this is the major area of the Commission's mandate which has the capacity to prevent the rising cases of administrative injustice in the country. It should be acknowledged that what makes an Ombudsman in other climes effective and a success, is not the 'sit and wait' for the receipt of individual complaints but the capacity to respond in a proactive manner to the potentials in all bureaucracies for insensitivity, arbitrariness, capricious exercise of power, red-tape/delay, oppressive or unreasonable behavior, unlawfulness, organizational inertia and similar acts of maladministration (Ayeni, 2013; Alemika, 2015).

The failure of the Nigerian Ombudsman in over sighting the aforesaid through proactive investigation explains why many administrative agencies in the country makes decisions for instance on dismissal from service or discipline not in conformity with proper administrative procedures, applicable rule of law and with the requirements of good faith. As such governmental decisions are made without following established administrative processes and procedures. Consequently, maladministration has become the order of the day and the PCC is overwhelmed by rising cases of administrative injustice as shown in its annual reports.

Conclusion and Recommendations

Preliminary evidence from the Nigerian Ombudsman and its oversight body shows that non-compliance with established administrative rules and procedures by officials of public authorities and companies is responsible for the rising cases of administrative

injustice in Nigeria. This is despite government efforts targeted at establishing both legal and institutional frameworks to control the phenomenon in Nigeria. From the findings that followed in the study, it was found out that several factors ranging from unethical behaviour in MDAs to weak enforcement mechanism of the PCC are majorly responsible for the rising cases of administrative injustice in Nigeria.

Against this backdrop, we recommend that existing internal mechanisms and management approaches in all MDAs which encourage maladministration to be reviewed by the Bureau of Public Service Reforms to incorporate severe sanctions to arrest pervasive culture of non-compliance with established rules and procedures by officials of public authorities. Therefore, a strong and compelling enforcement mechanism consisting of effective detection and diligent investigation, effective sanctions and efficient prosecution, for culpable parties to serve as deterrent to potential violators, is inevitable. Others would include, increasing higher fines and prison sentences and additional measures, such as dismissal without benefits, among others.

There is also an urgent need for the amendment of the PCC Act just like the case of the Kenyan Ombudsman to allow for the use of coercive powers in its operations. Besides issuing summons and notice to show cause, the PCC should be endowed with coercive powers which can enhance compliance with its recommendations and decisions. These will include investigation powers such as warrant of arrest for breach of summons or order of the Commission, searches and inspections and production of relevant information, among others. In addition, the power to recommend appropriate remedial action, including penal action and compensation will bolster compliance with the recommendations and decisions of the Commission.

For the PCC to be effective in addressing the challenge of administrative injustice in governance, it must emphasize more on proactive investigation than reactive investigation. It is believed that proactive investigation which involves conducting on-the-spot-investigation and systemic investigations in the form of researches into the activities and administrative processes and procedures of public authorities and companies will preventively reduce the possibility of breaches or the magnitude of individual petitions to the Commission. This will also include the deployment of adequate funding by the federal government to enable it inquire and or conduct systemic investigations into complaints by members of the public concerning the administrative action of any public authority and companies or their officials, among others.

The Nigerian Ombudsman should also function to ensure that administrative agencies make decisions in conformity with proper administrative procedures, norms, standards, applicable rule of law, and with the requirements of good faith. It is also the responsibility of the Nigerian Ombudsman to ensure that governmental decisions are made with diligence. These should be communicated to the persons concerned in clear and concise terms and should contain the information required to enable the person communicate effectively with the administration. It is also important that the Nigerian Ombudsman

ensure that administrative authorities give reasons for all unfavourable decisions they make and indicate any non-judicial proceedings available under the law and the time limits applicable.

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