

## EFFECTIVENESS OF PUBLIC COMPLAINTS COMMISSION AS ALTERNATIVE DISPUTE RESOLUTION MECHANISM IN NIGERIA

Amos Ojo Adedeji\*<sup>1</sup>,

<sup>1</sup>Centre for Peace and Strategic Studies, University of Ilorin, Nigeria

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### ABSTRACT

The institution of ombudsman has become a global phenomenon, permanent and inevitable in the political system. Some administrative agencies in Nigeria are becoming aware of the important role the institution is playing and have therefore developed interest in the institution by according it some degree of cooperation. The study investigate the effectiveness of Public Complaints Commission as Alternative Dispute Resolution mechanism in Nigeria. Both quantitative and qualitative research design were adopted which relied on the administration of questionnaire to elicit information. The findings shows that the commission has recorded great achievements since inception such as decongestion of courts, checks against jungle justice, defender of common man's rights among others. Despite these laudable impacts, the study revealed that the relevance of the commission is being challenged by a number of threats such as structural deficiency, poor funding and shortage of qualitative manpower to mention a few. The study concluded by recommending employment of qualified manpower, financial autonomy and political neutrality of the commission. The commission will only be effective in its constitutional roles when the act that established it is amended to remove all unnecessary restrictions from the power of the commission.

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**Keywords:** Alternative Dispute Resolution, Ombudsman, Public Complaints Commission.

### INTRODUCTION

Peace is perceived to be the most valued and the greatest human need in history. The quest for peace and termination of conflict has been the priority of humans (Agwu, 2007). Conflict is inevitable where there is human being, and where there is human being, there must be relationship. Conceiving human community where there is no conflict therefore become unachievable task (Ross, 1986). It therefore requires prudent management by seeking amicable solutions in a manner acceptable to all parties for the sake of uneven development.

In an attempt to manage conflict in Nigeria pre and post-independence, section 36 of the constitution of the Federal Republic of Nigeria (1999 as amended) guarantees fair hearing "within a reasonable time by a court or other tribunal established by law and constituted in such manner as to secure its independence and impartiality" (Federal Republic of Nigeria (FRN), 1999). Despite this laudable provision of access to justice, Nigerian judicial system has suffered setback such as delays of justice leading to congestion, expensive legal procedure, rigid formalistic procedure, weak enforcement of laws, inadequate legal system, corruption and

\* Correspondence Address

E-mail: amos\_peace61@yahoo.com

political influence to mention a few (Peters, 2008).

Worried by the public outcry of the failure of court system and decadence in the public service informed the need to create a special institution as external and independent administrative control mechanism to curb the abuses of all due processes and privileges by bureaucrats. Coupled with the influence of achievements recorded by the operation of ombudsman in parts of the world as argued by Onyema, (2013) informed the Federal government the idea of setting up a similar commission for listening, receiving and resolving bureaucratic injustice as a sort of corrective measure. Nigeria therefore become the first West Africa countries to establish the institution of ombudsman under code name "Public Complaints Commission (PCC)" with decree no 31 dated 16<sup>th</sup> of October, 1975 by Gen. Murtala. Mohammed led government (Acheneje, 2001; Nwachukwu, 2008).

The public outcry of fundamental falling standard of morality of public service in Nigeria and the failure of litigation to address the power imbalance thereby returning sanity to the system became a concern to the government of Nigeria. To remedy the unethical practices, the Federal Government created Public Complaints Commission (PCC) to correct bureaucratic injustice. PCC was therefore created to curtail abuses of all due process and privileges by bureaucrats against Nigeria workers. It is believed that the commission will be able to raise the level of accountability and transparency of public servants and curb unethical practices in the public service and the barrier to its effective operation among others.

PCC fall into the categories of Alternative Dispute Resolution (ADR) that is relevant in its area of responsibility with availability of specialized, external and independent umpire to provide appropriate diagnostic tools and routes for resolving conflicts objectively without any unnecessary delay and bias of litigation. The ombudsman (PCC) with its effectiveness in friendly handled of cases has become one of the most effective Alternative Dispute Resolution

institutions in the country, charged with the specialized task of redressing administrative injustices. The aim of the study was to examine the effectiveness of Public Complaints Commission as Alternative Dispute Resolution Mechanism in Nigeria, while specific objectives were to investigate the nexus between Public Complaints Commission and other Alternative Dispute Resolution Mechanisms; and examine the relevance of Public Complaints Commission as Alternative Dispute Resolution Mechanisms in Nigeria.

## LITERATURE REVIEW

### Conceptual Analysis

A constant assertion about conflict is that it is an ever present phenomenon in social relations. Conflict was originally used to mean "strike at another, to fight with an enemy or to do a battle with an opposing force (Udezo, nd). Conflict is described as "a state of incompatibility, behaviour, an opposition, an interaction of interdependent parties, a bad omen and positive or constructive outcome (Alimba, 2014). Conflict is defined can be constructive (functional) (Hoelscher and Robbert, 2002), and as well be destructive (dysfunctional) (Lindelow and Scott, 1986).

The acronym ADR has been given different interpretations by different people. To some the ADR stands for "Alternative Dispute Resolution", to some other people it stands for "Amicable Dispute Resolution" while to another section of people it is "Appropriate Dispute Resolution" (Tercier, 2011). The difference in what the acronym ADR stands for is the difference in understanding the view of the proposer. Alternative Dispute Resolution (ADR) has been as a wide range of procedures and approaches other than litigation that aim to identify resolutions to conflicts that will be mutually accepted by the constituent parties (Abdul-Rafiu, 2015). ADR also refers to those dispute resolution mechanisms that are used to resolve disputes without necessarily resorting to litigation (Oni-Ojo and Roland-Otaru, 2013). Generally, ADR processes are marked by its voluntariness, flexibility, privacy, non-judgmental and party participation in problem solving.

The word ombudsman has a Swedish origin, coined from the word "ombuds" meaning officer or spokesman or representative (Rowat, 1986). For the clarity sake, ombudsman is an independent high-level official, usually with legal training who is authorized to handle complaints from citizens who are not satisfied with the actions of any administrator in government through the process of inquiring into the matters involved and making recommendations for appropriate solution (Sarker and Alam, 2010). Ombudsman is also defined as an officer of the parliament who investigates complaints from citizens that they have been unfairly dealt with by government department, and who if he finds that the complaint is justified, seeks a remedy (Ezeani, 2005).

In comprehensive manner, it is as an office provided for by the constitution or by an act of parliament and headed by an independent high-level public official who is responsible to the parliament who receives complaints from aggrieved persons against government agencies, officials, an employer; or who acts on his motion, and who has the power to investigate, recommend corrective action and issue reports (Sapers and Zinger, 2010). The ombudsman deals with unethical and unfair administrative matter which are not suitable for judicial review (where the defender enjoys immunity from being sued or in a situation where the facts cannot be proved in the court) but can be handled through non-judicial approach (Obiagba, 1993). From the above, the features of ombudsman includes:

1. Dual roles, provision of redress for individual grievances and improvement of service delivery standard;
2. Ombudsman is an independent and non-partisan officer.
3. It is responsible for making sure that administrative practices and services of public bodies are fair, reasonable, appropriate and equitable; and
4. It conducts confidential investigations that are non-threatening and protect complainants against retribution.

### Theoretical Framework

The study adopts system theory in explaining the effectiveness of ombudsman in the modern Nigeria society. According to Ng

et al cited in Adedeji, a system can be defined as an entity which is a coherent whole such that a boundary is perceived around it in order to distinguish internal and external elements and to identify input and output relating to and emerging from the entity (Adedeji, 2016). Hence, a system theory is a theoretical perspective that analyses a phenomenon seen as a whole and not as simply the sum of elementary parts. There are interactions and relationships among parts of the system on one side, and between the parts (sub system) and the whole (system). System theory thus views organisation as a unified body with interrelated parts.

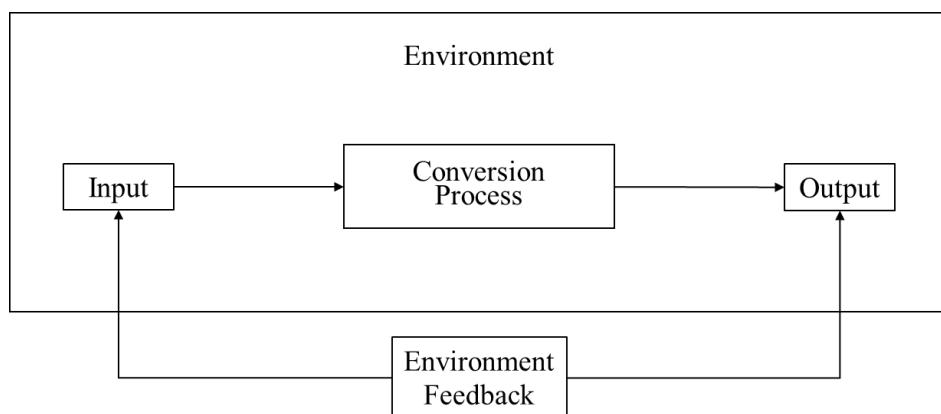
The organisation interact both internally and externally with the environment. Once an input enters the system it undergoes transformation and once these inputs have been transformed, they become 'output' and are ready to leave the system as finished goods. Public Complaints Commission (PCC) is an organisation within a larger system of its environment as the staff in sub units of the commission constitute the internal environment while both citizens and government of Nigeria constitute external environment. The system approach to organisation presented in **Figure 1**.

Based on **Figure 1**, the Justification of adopting the system theory for the study is that it enables us to understand and explain how environmental factors of the commission affect its internal working. The model is also necessary as well as indispensable to the examination of the Commission. The theory submits that "the Public Complaints Commission is a system that has a number of political functions to perform to the people". The emphasis is the survival, goal attainment and maintenance of the commission to make it effective. The perception of the people towards the PCC operation may either make the society to have or lose confidence on the commission.

The commission also depend on government agency for funding to carry out its activities so far it does not generate funds. In essence, inadequate fund will automatically affect the set target of the commission. Similarly failure of any department (sub system) of the commission will affect the

performance of the commission. In a final note; what affects any of the departments of

the commission or government affects the commission.



**Figure 1. The System Approach to Organisation**

Source: Nwachukwu (2008)

### **The Rise of Public Complaints Commission as Alternative Dispute Resolution Mechanism in the Modern Day Conflict Resolution in Nigeria**

In an attempt to right the wrongs and safeguard the people right against what was obtainable in the state of nature. The government introduced a common means of resolving conflict, a common law was introduced (court system). The court received and try citizens' grievances and award redress. Within a short period, the court system also fall short of expectation due to absence or not enough justifiability or preservation of relationship (Obiagba, 1993). The Public Complaints Commission (PCC) became the need of the hour.

In accepting the recommendation of Udoji Public Service Review Panel set up by Gen Yakubu Gowon as a response to public outcry against the decaying standard of public service, the Federal Government of Nigeria under the military leadership of Gen Muritala Muhammad established PCC through proclamation of Decree No.31 of 1975 (as amended by Decree No. 21 of 1999) (Awopeju and Oyewole, 2011). Incidentally, 1979 constitution section 274 gave legal seal to the commission in Nigeria (Adamolekun, 1985). The commission has also been incorporated into the Laws of the Federation of Nigeria (LFN) as the Public Complaints Commission Act, CAP P. 37, LFN, 2004. In recognition of its importance to judicial reform in Nigeria, the Act is entrenched under Section 315, sub-

section 5(b) of the 1999 Constitution of the Federal Republic of Nigeria (as amended) (Public Complaints Commission (PCC) Site)

The choice of Nigeria name 'Public Complaints Commission' could be for two reasons as observed by Nwachukwu (2008), one was to align it with the Kaduna State Public Complaints Bureau, while the other reason was to connote the name with the function of the commission as an institution where complaints could be lodged by public. As a matter of clarity, the name given to the Ombudsman institution varies from one country to the other, nevertheless their responsibilities are the same. The Commission was established as a demonstration of the government's desire to ensure the protection of citizen's rights against any form of injustice, emanating from bureaucratic errors, incompetence or abuse of office in consequence of any administrative action by those in authority either in the Public Service or Private Sector.

Due to dynamic nature of conflict in the country, the scope of the commission operation is no more limited to investigating and resolving grievances, it has advance to mitigating and propounding lasting solution to both bureaucratic and private conflict as well as entrench good governance (PCC, 2017). The commission strength now lies in its use of moral reason and persuasion to carry out their constitutional responsibilities by providing peaceful and amicable resolutions between conflicting parties.

Among others, the commission was established to resolve disputes by offering Alternative Dispute Resolution (ADR) mechanism of ombudsman. The Standard Operating Procedure of the Commission stated inter alia: "the Commission may deployed any or all of the Alternative Dispute Resolution (ADR) mechanisms of Mediation, Conciliation, Arbitration, and Negotiation to settle disputes in a Case Conference", and as well to give the parties simple, friendly and suitable grounds (PCC, 2018; PCC, 2017). Due to flexibility nature of issues of complaints, the same manual allows the investigator to employ appropriate peaceful resolution mechanism or approach. The processes are designed to offer service free of charge, speedy, and impartial manner among other benefits which PCC offer to the Nigerian. The main objectives of the Public Complaint Commission under section 5 of PCC Acts according to Sanni are stated inter alia:

- a) to provide social justice for the individual citizen or resident in Nigeria;
- b) to address and redress complaints of or observed cases of social and administrative injustices arising from bureaucratic errors, omissions or abuses by officials of government or limited liability companies in Nigeria;
- c) to ensure services are readily available and easily accessible to all citizens and non-citizens resident in Nigeria at no cost and in confidential manner at a very short period of time;
- d) to investigate and conduct researches in Ministries, Departments and Agencies (MDAs), companies and officials of these bodies; and
- e) to facilitate impartial investigation in order to arrive at a fair and equitable decision (Sani, 2011)

The jurisdiction of the Commission covers all Ministries, Departments and extra-ministerial departments in all the levels of government. According to Mukoro, the commission is empowered to investigate complaints lodged before it on administrative action taken by any department of the federal, state and local government authority; statutory Corporation or public institution set up by any government of Nigeria; company

incorporated under or pursuant to the companies and Allied Matters Act whether owned by any government aforementioned or by private individuals in Nigeria; or any officer or servant of any of the aforementioned bodies (Mukoro, 2013).

There are basic fundamental principles to the commission in carrying out its mandate. To yield the desired goal, these fundamental features must be retained. In line with Sani, (2011), the following are the fundamental features:

1. **Independence:** It must be independent of political interference for it not to lose public confidence and perform effectively and as well meet the need of the establishment.
2. **Informality:** All legal bottle neck are removed from the process.
3. **Confidentiality:** The Commission's Act directs the commission to maintain secrecy in matters so designated by reason or content (Section 5 (5)).
4. **Impartiality:** Ombudsman is a neutral fact finder. Nevertheless, he is an advocate for fairness and justice.
5. **Ease of Access:** In Ombudsman institution, there is easy access for the complainant to make his case.

The structure of Public Complaints Commission is socially created with pattern of roles and relationships that exist within the commission. Its outlook consists of its headquarters at the national capital (Abuja) under the supervision of the Chief Commissioner, thirty six (36) branches at the state level located at the capital of each of the states under the leadership of commissioner and five zonal offices in each of the states for easy administrative purpose (Sani, 2011).

#### **Public Complaints Commission Case Conference in Line With Alternative Dispute Resolution**

Investigation via Case Conference by the Ombudsman encompass due processes. It is the systematic and thorough attempt to learn all the facts about a complaint, a possible pattern of underlying problems and the issue behind them (Ayeni, 1994). It includes inquiry, inspection, physical examination, testing, research, formal hearing, etc. The

Commissioner is a mediator who tries to appeal to the parties involved so that they can reach an amicable resolution. The process follows the pattern of all other ADR mechanisms. Complaint is the first stage of investigation as carried out by PCC. Any person or organization may initiate complaint in PCC, be it the Honourable Commissioner or an aggrieved person (Section 24 (2) of the Decree No 31 of 1975). Initiator(s) is expected to lodge their complaint to the Commissioner in their respective States which will eventually handle at Case Conference.

Usually, an aggrieved person makes his complaints on paper, addressed to the Hon. Commissioner and signed by the Complainant. Verbal complaint is received and reduced into a written form by the official of the commission for an illiterate complainant. The written complaint is thereafter read to him/her in the language she/he understands in the presence of a witness while all the three append their signatures or right thumb impressions for it to be a valid document. The complaints lodged with the Commission must contain:

1. the full name and contact address of the complainant;
2. the body, organization or person against whom the complaint is made;
3. the particulars of the nature of the complaint together with copies of any document in support of the complaint; and
4. the nature of the injustice or harm that the complainant has suffered as a result of the action, inaction or omission of organization or person against whom the complaint is made (PCC, Lagos News Letter)

Upon the receipt of the complaint, it is registered and an acknowledgement letter is sent to the complainant. The clerk of the commission files it and passes same to the Commissioner. The Commissioner thereafter minute on the complaint and send it to the Director of Investigation which will in turn direct investigation officers to study the case to know whether it falls to his sphere of influence or it lacks proper grounds for attention as stipulated in section 5(1) of the

public complaints commission Decree No. 31 of 1975.

The investigation commences with the Investigation officers if the case has merit and as well falls within the commission's jurisdiction otherwise it is directed to an appropriate body. Upon the receiving of invitation letter, the respondent has maximum of thirty (30) days of receiving an invitation to comment on the matter. A follow up action is taken in a situation where comment is not received from the respondent within the stipulated time.

The commissioner may request for files or official documents that may be considered relevant to the matter for effective handling of the case as it applicable in conciliation. This must be submitted within thirty days of requesting. The Commissioner or investigation team may also consider, as of great importance, visiting or inspecting certain places (offices) in connection with any matter under investigation. In furtherance of the case, the investigation officer has the right to invite those (individuals or organisation) connected with the case to the Commissioner's office for evidence or presentation into case conference. Case conference is the stage where the real settlement take place. ADR process of mediation, conciliation or any other mechanisms are employ for the sake of settlement (PCC, 2011).

The case conference is presided over by the Hon Commissioner. The power to preside can also be delegated. The presiding officer introduces him/herself and his team to the parties as officers of the commission to assist them in proffer solution to their disputes. At the commencement of the meeting, the presiding officer set the rules governing the conduct of the conference. As the complainant make his/her story in the presence of the respondent and the respondent in turn respond to the allegation. Document and evidence of both parties are reviewed to make a report to appropriate quarter. As it applicable in mediation session, legal representatives of parties may attend the case conference as a witness or observer, and if need be may granted audience after the parties may have stated their cases.

On reaching an agreement, the parties sign a letter of undertaking to fulfill all that has transpired during the resolution process. Submission is promptly made when agreement is reached by parties. To complement the agreement, the commission make recommendation to appropriate agency, or to the National Assembly, the Executive or any other appropriate body or authority based on the commission's finding.

## METHODS

The study is quantitative and qualitative in nature, and in collecting information to achieve its main objective. Secondary method of data collection via arm chair research was used in one side which relied on relevant textbooks, publications, journals, annual reports, newsletters, magazines, newspapers, public and official records of the commission and website. On other side, the study administered questionnaire to some selected staff and parties of the Lagos branch of the commission. Statistical Packages for Social Sciences (SPSS) tools were used to analyse the data collected through questionnaire and appropriate

interpretations were drawn in each category of the analysis.

## RESULTS AND DISCUSSION

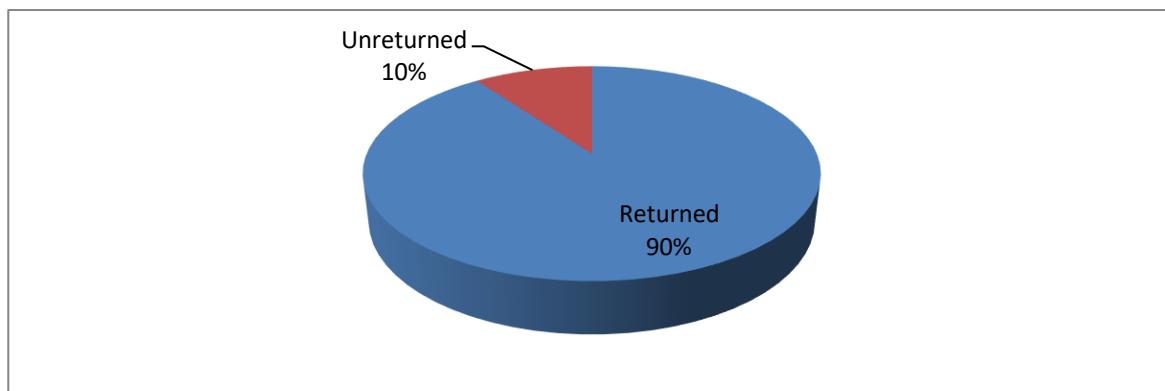
### Result through Data Analysis

The overall objective of this study was to examine the effectiveness of Public Complaints Commission as ADR mechanism in Nigeria. This section further the attainment of this objective by analysing and interpreting the data collected in the field by the researcher. The major instrument used for the collection of data in this paper was structured questionnaire directly administered to the respondents by the researcher. The result was presented in a table form with its analysis and interpretation. Two hundred (200) copies of questionnaires were distributed. Administered questionnaires shows in **Table 1** and **Figure 2**.

**Table 1. Analysis of Questionnaires Administered**

Questionnaire	Frequency	Percentage
Returned	180	90
Unreturned	20	10
Total	200	100

Source: Researcher Field Survey (2022)



**Figure 2. Analysis of Questionnaires Administered**

The **Table 1** above shows that one hundred and eighty (180) copies of questionnaire out of two hundred (200) copies originally distributed were filled and returned. For accuracy and clarity, the analysis will base on the 180 copies returned.

### Demographic Profile of the Respondents

The demographic profile of the respondents of the study was based on five demographic characteristics, namely Sex, Age,

Marital Status, Educational Attainment and Occupation.

**Table 2** analyse the demographic information of the respondents. According to the table, on sex of the respondents, 62.8% of the total respondents were males while 37.2% were females. Regarding the age, 15% of the total respondents were within the age 18-30; 35% were between age 31 and 45; 36.1% and 13.9% were within age group 46 - 60 and 61 and above respectively.

**Table 2. Demographic Information of Respondents**

Profile	Frequency	Percentage
<b>Sex</b>		
Male	113	62.8
Female	67	37.2
<b>Total</b>	<b>180</b>	<b>100</b>
<b>Age Group</b>		
18-30	27	15
31-45	63	35
46-60	65	36.1
61 and above	25	13.9
<b>Total</b>	<b>180</b>	<b>100</b>
<b>Marital Status</b>		
Married	90	50
Single	45	25
Divorced	15	8.3
Widow/Widower	30	16.7
<b>Total</b>	<b>180</b>	<b>100</b>
<b>Academic Qualification</b>		
Post Graduate	25	13.9
First Degree	63	35
HND/OND/NCE	74	41.1
Secondary School	18	10
<b>Total</b>	<b>180</b>	<b>100</b>
<b>Occupation</b>		
Civil (Public)/ Private Service	87	48.3
Business	75	41.7
Student	18	10
<b>Total</b>	<b>180</b>	<b>100</b>

**Source:** Researcher Field Survey (2022)

On the marital status, 50% of the total respondents were married; 25% were single; 8.3% were divorcee while 16.7% were either widow or widower. On issue related to academic qualification, 13.9% had post graduate education, 35% had first degree, and 41.1% were either HND, OND or NCE holder while 10% had secondary School education. Based on the occupation categorization of the respondents, 48.3% were either civil or private servant, 41.7% were self-employed (business) while 10% were students.

#### **Respondents' Knowledge of the Public Complaints Commission (PCC) As Alternative Dispute Resolution (ADR) Mechanism**

This subsection review the knowledge of the respondents about the commission in

Nigeria. Three (3) relevant statements were posed to respondents who participated in the study and the responses are presented in the following tables. **Table 3** discussed the knowledge of respondents about PCC. As shown, 15.6% of the total respondents strongly agreed that the PCC activities are well known in the urban and rural centers in Nigeria, 18.9% agreed, 36.1% strongly disagreed, 25% disagree, while 4.4% were undecided. As depicted, 27.8% and 25% of the total respondents strongly agreed and agreed respectively that PCC has adequate powers to enable it obtain justice for complaints who have been wronged through an informal process of ADR, 18.9% strongly disagreed and 27.2% disagreed. Only 1.1% fraction of the total respondents were of no opinion. In

addition, 17.2% of the total respondents strongly agreed that the rights of the citizens are adequately redressed from PCC, 26.7

agreed. On contrary view, 15.6% and 24.4% strongly disagreed and disagreed respectively to the claim while 16.1% were undecided.

**Table 3. Respondents' Knowledge of the Public Complaints Commission as ADR Mechanism**

SN	Knowledge of the Public Complaints Commission as ADR Mechanism	Percentage (%)					Mean	Rank
		SA	A	U	SD	NO		
1	The activities of the PCC are well known in both urban and rural centres in Nigeria	15.6	18.9	36.1	25	4.4	<b>2.16</b>	2
2	PCC has adequate powers to enable it obtain justice for complainants who have been wronged through an informal process of ADR	27.8	25	18.9	27.2	1.1	<b>2.51</b>	1
3	Rights of the citizens are adequately redressed from the Public Complaints Commission	17.2	26.7	15.6	24.4	16.1	<b>2.05</b>	3
<b>Ground Mean</b>							<b>6.72</b>	
<b>Criterion Mean</b>							<b>2.24</b>	

Source: Researcher Field Survey (2022)

#### **Nexus between Public Complaints Commission and other Alternative Dispute Resolution Mechanisms**

In subsection, the focus was to investigate the nexus between Public

Complaints Commission and other Alternative Dispute Resolution mechanisms. The analysis of the results is presented in **Table 4**.

**Table 4. Nexus between Public Complaints Commission and other Alternative Dispute Resolution Mechanisms**

SN	Nexus between Public Complaints Commission and other Alternative Dispute Resolution Mechanisms	Percentage (%)					Mean	Rank
		SA	A	U	SD	NO		
4	PCC Activities are in line with ADR Mechanisms	40	48.3	1.1	0.6	10	<b>3.08</b>	1
5	Public Complaints Commission create a Veritable Platform in Amicable Settlement of Disputes between Parties	35	31.7	11.1	13.9	8.3	<b>2.71</b>	2
6	PCC's Alternative Dispute Resolution Mechanism is less Adversarial than the Formal Court System	21.7	42.2	14.4	11.1	5.6	<b>2.53</b>	3
<b>Ground Mean</b>							<b>8.32</b>	
<b>Criterion Mean</b>							<b>2.77</b>	

Source: Researcher Field Survey (2022)

**Table 4** adequately analysed the nexus between PCC and ADR. 40% and 48.3% of the total respondents strongly agreed and agreed respectively that the commission activities are in line with ADR mechanisms. In reverse, 1.7%

faulted the claim while 10% of the total respondents were not in line with any of the option. It can also be deduced from the table that 35% and 31.7% of the total respondents strongly agreed and agreed respectively that

PCC creates a veritable platform in amicable settlement of disputes between parties. Otherwise, 11.1% and 13.9% strongly disagreed and disagreed respectively to the statement, while the fraction of 8.3% was undecided. On the subject of the PCC's ADR mechanism being less adversarial than the formal court system, 21.7% of the total respondents strongly agreed to the assertion, and 47.2% agreed, 14.4% and 11.1% respectively strongly disagreed and

disagreed. However, 5.6% of the total respondents did not choose any of the options.

#### Relevance of the Public Complaints Commission

This segment concerns the relevance of the Public Complaints Commission in Nigeria with regard to the goals, the pursuit and the attainment of its vision and objectives while working to right the wrong across the nation. The results are presented in **Table 5**.

**Table 5. Relevance of the Public Complaints Commission**

SN	Relevance of the Public Complaints Commission	Percentage (%)					Mean	Rank
		SA	A	U	SD	NO		
7	The Public Complaints Commission Investigators are Committed to Complaints Handling	25	55	7.8	7.2	5	<b>2.88</b>	2
8	Public Complaints Commission Handling of Complaints is Always Centred on the Conscience and Morality of the Investigators and the Disputants	35	27.8	8.3	20	8.9	<b>2.6</b>	3
9	The Alternative Dispute Resolution Roles played by the PCC has ensure peace and reconciliation in Nation Building	25	60	11.1	1.1	2.8	<b>3.03</b>	1
10	The PCC has been able to drastically decongest the courts thereby reduced injustice meted on public servants and the general public since its inception through ADR efforts	25	30.6	18.9	19.4	6.1	<b>2.49</b>	4
		Ground Mean					<b>11</b>	
		Criterion Mean					<b>2.75</b>	

**Source:** Researcher Field Survey (2022)

**Table 5** discussed the relevance of the Public Complaints Commission. According to the table, 25% and 55% of the total respondents strongly agreed and agreed respectively that the PCC investigators are committed to complaints handling, 7.8% strongly disagreed, 7.2% disagreed, while 5% were of no opinion. The table also revealed that 35% and 27.8% of the total respondents strongly agreed and agree that PCC handling of complaints is always centred on the conscience moralities of the investigators and the disputants while 8.3%, 20% and 8.9% were strongly disagreed, disagreed and undecided respectively. Regarding the role of the commission, 25% and 60% strongly agreed

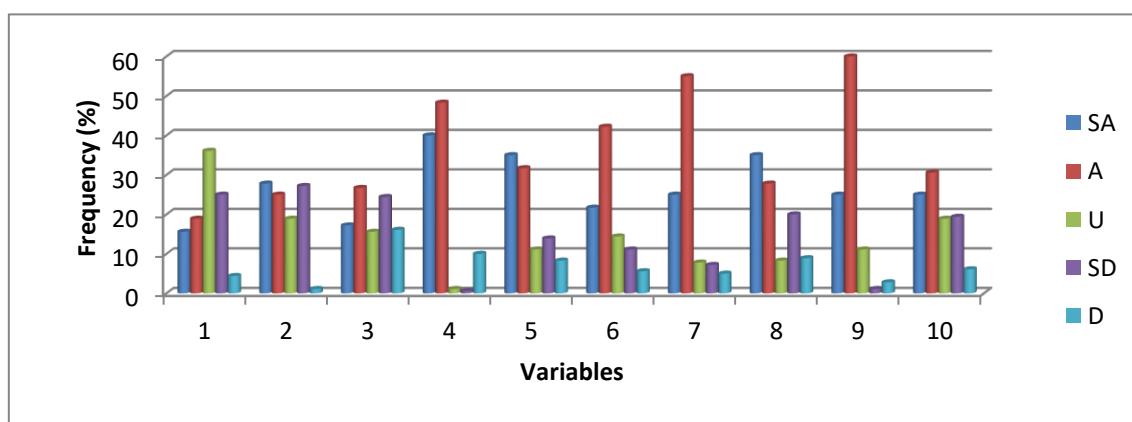
and agreed respectively that ADR roles played by PCC is enough to ensure peace and reconciliation in nation's building, 11.1% strongly disagreed, 1.1 disagreed, while 2.8% were undecided. Further, the table shows that 25% and 30.6% of the total respondents strongly agreed and agreed respectively that the PCC has been able to drastically decongest the courts thereby reduced injustice meted on public servants and general public since its inception through ADR efforts. 18.9% strongly disagreed, 19.4% disagreed, while 6.1% of the total respondents sat on the fence.

The summary of the results according to the above tables of research questions is presented in the **Table 6** and **Figure 3**.

**Table 6. Summary of the Result According to the Above Tables of Research Questions**

Variables	Percentage (%)					Mean	Rank
	SA(4)	A(3)	SD(2)	D(1)	NO(0)		
1	15.6	18.9	36.1	25	4.4	<b>2.16</b>	9
2	27.8	25	18.9	27.2	1.1	<b>2.51</b>	7
3	17.2	26.7	15.6	24.4	16.1	<b>2.05</b>	10
4	40	48.3	1.1	0.6	10	<b>3.08</b>	2
5	35	31.7	11.1	13.9	8.3	<b>2.71</b>	4
6	21.7	42.2	14.4	11.1	5.6	<b>2.53</b>	6
7	25	55	7.8	7.2	5	<b>2.88</b>	3
8	35	27.8	8.3	20	8.9	<b>2.6</b>	5
9	25	60	11.1	1.1	2.8	<b>3.03</b>	1
10	25	30.6	18.9	19.4	6.1	<b>2.49</b>	8
Ground Mean						<b>26.04</b>	
Criterion Mean						<b>2.6</b>	

Source: Primery Data (2022)

**Figure 3. Summary of the Result According to the Above Tables of Research Questions**

Above table is a compilation of all the results (responses) from the respondents collated through the administration of questionnaires during the course of study. It was arranged accordingly with mean of each statement response. It was also rank together to give us which of the response was highly ranked and the least ranked of the response. The histogram chart of the result was drawn comprehensive understanding. The significance of the above is that the result can either be understood by word description, table analysis, or histogram chart.

#### The Impact of Public Complaints Commission as Alternative Dispute Resolution Mechanism in Nigeria

The creation of the Public Complaints Commission in Nigeria was no doubt a bold attempt by the government to ensure good governance and protection of human rights. Hence the commission has positively affected

the administration of justice in many ways. Few of the success stories are highlighted below:

- Investigation:** It can be recorded that the commission has pass mark in investigation to settlement. The effective investigative abilities has led to settlements of several cases since inception (Acheneje, 2001).
- Quick, Free, and Easier Justice:** The commission provides opportunity for quick disposal of cases between/among parties. Its nearness to the grassroots also allow for easy access to its services. Free and avoidance of legal technicalities are also some of the services rendered to the citizens, majority of who are illiterate and the not so rich ones. In effect the commission relies on morality for its effectiveness while its weapon is reasoned persuasion.

3. **Watchdog of Happenings in the Society:** The ombudsman institution in its constitutional role provides checks and balances in ensuring that public corporations as well as organized private sectors strictly adhere to the principles of prudence, due process and transparency in administrative processes. It services as a watchdog also ensure sense of accountability in performance of its administration.
4. **Decongestion of Court:** The commission decongest court backlog by settling cases that would have been ordinarily taken to court. By this simple act, courts will be rid of those cases that have resolved by the commission through one of its ADR mechanisms.
5. **Defender of Rights:** As part of its social roles, it provides social defence and psychological security to common man. These take place when a complainants is heard by the authority even when he does not succeed in the case.
6. **Legislative Amendments:** The commission has helped in contributing to legislative amendments of existing laws. Instances abound where as a result of the complaint, lacuna found in existing laws, recommendations to take cognizance of such lacuna for any action deemed necessary were made. For example in 1977 the Commission made recommendations that made changes to the rules and regulations of higher institutions (Oluyede, 1994).
7. **Check against Jungle Justice:** The avenues created by the commission reduces the possibilities of people having recourse to self-help or taking law into their hands such that cases reported are being entertained. In essence the Commission is contributing to peace and stability of the country.

#### **Challenges Confronting Public Complaints Commission From Achieving Her Goals**

It is natural that in every organisation either formal or informal, there are factors that constitute hindrances to its effective performance. Therefore the ombudsman system in Nigeria is incapable in the

performance of its role by the underlisted barrier:

1. **Structural Deficiency:** One of the factors militating against the effective performance of the commission is inherent in its structure. Some of the problematic (no go areas) embedded in the Decree that established the commission are lack of power to investigate the Nigerian Army and the Police; a complainant must exhaust all the legal and administrative procedures before lodging his complaint; the commission cannot entertain any matter done before 29<sup>th</sup> July, 1975 or exceeded 12 months unreported; every complaint must be personally lodged by the affected person; lack of power to enforce or compel the enforcement of its findings and decision; and lack of power to investigate cases with pending litigation before a court or where judgment on the same matter has already been delivered (Acheneje, 2001).
2. **Inadequate Funding:** Inadequate finance to run the affairs of the commission reduces the commission's ability to render efficient and effective services. The problem has manifested in the commission's poor and inadequate transportation facilities. Also, the supply of stationeries and other secretariat facilities are inadequate.
3. **Poor Publicity:** In more than forty four (44) years of its establishment, it is observed that significant proportion of people are unaware of its existence not to talk of its function and achievement. The yearly printing and circulation of the commission's calendar and reports coupled with the occasional working visits by its official are not enough to propagate the commission and its activities in the nook and crannies of the country.
4. **Shortage of Qualitative Manpower and Inadequate Training:** There is dearth of manpower to adequately cope with the task of the commission. The personnel department are not adequately funded as to enable them hire professionals or train the available staff with the art of modern

investigation that will effect administrative justice upon the citizenry. Manpower is also grossly inadequate to meet the increasing demands for the commission's services.

5. **Lack of Properly Maintained Records:** It is observed that records are not properly maintained for documentation and future verification purposes. Inaccurate, incomplete and incorrect documentation; explosive volume of records which are due to over-generation of data and duplication such that most of the records were not needed, and expend unnecessary resources; lack of safeguards on the confidentiality of the records; poor and inadequate storage facilities due to inadequate infrastructure via accommodation and equipment; increasing retention of obsolete and undated records; and uncontrollable access, misplacement and loss of vital documents are number of problems associated with recording system in PCC.
6. **Ethical Decadence:** There are a number of unethical attitudes manifested in the commission which has been observed to hinder the efficient and effective performance of the commission such as late coming, nonchalant attitude of staff to work and poor dressing attitude which is highly prevalent among staff of the commission. Misappropriation of funds is also another unethical attitude found among the staff.
7. **Political Interference:** The fact that the ombudsman officials are appointed by government can indirectly make them to be vulnerable to the wishes of the said government (Ayo and Anthony, 2011). Also, that the control of ombudsman in Nigeria; is tied to the apronstring of the government shows that the commission lacks the essential characteristics of independence.

Having identified the challenges faced by the commission, it provides a clear picture of some important issues to be addressed. To remedy these in order to achieve more effective performance, the following are put forward:

1. Section 6 (1) (2) & (3) of the commission Act should be amended to remove all unnecessary restrictions (structural deficiency) placed by the section on the powers of the commission.
2. Government should improve on the financial allocation for the commission for its optimal performance. Grants, aids and other forms of funding from International Organization and Non-Government Organization (NGOs) can be sought, and judiciously utilized to ensure that the objective of the Commission is realized.
3. An intensive public enlightenment programme should be feature on mass media as well as tours to towns and villages should be conducted regularly. This will effectively arouse the consciousness and awareness of Nigerians about the functions, powers, methods of investigation and manner of operations of the commission. It will also assist people in gaining access to the Commission.
4. The commission should be staffed with well trained and qualified individuals who can handle different people that throng the premises of the commission daily seeking redress. Constant organising of training and seminar/conference on the subject of investigation and ADR for the staff will empower them to be efficient in their work.
5. It is recommended that there should be proper recordkeeping of investigations and proceedings. Record of all undertaking in the commission should be kept for future reference and comparative analysis of their past and present dealing to identify areas of improvement. Hard copy of record should also be kept in safe places doubled by computer record keeping system. Filing and upgrading will be paramount in this development.
6. More than ever before, the 21<sup>st</sup> century require inclusive ethical decision. The management should as a matter of fact set standard for behaviour in the commission and implement same to letter while the management serve as a good role model. Beyond the general rule of the engagement, individual staff should, as a

matter of need, help to improve the ethical standard by self-discipline.

Independence of the commission is not negotiable in its diligent performance of its constitutional role. The commission should jealously guide its independence since it determines its credibility and survival. The mode of appointment should be based on competence and qualification as against political affinity.

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### CONCLUSION

The creation of the public complaints commission is seen as a bold step taken by government to remedy the unethical and to ensure good governance, justice and protection of human rights in the polity. The paper noted that the Federal Government through the constitution has armed the commission with a wide range of power to enable it perform the assigned task without fear or favour with the clear aim of achieving justice outside the corridors of the court of law. The commission being well placed to provide spring board for resolution of disputes occupies a unique position over the legal machinery. The dynamism of the society has moved from the concept of 'legal justice' that is mono track to 'substantial justice' which is wider. The out-of-court settlement of disputes is a means of achieving justice and cooperation concurrently. Besides, it discourages competition, brinkmanship, confrontation and violence.

Despite the tremendous achievements made by the commission, the study acknowledged that there are a lot of issues that hindering the efficiency and effectiveness of the commission. Addressing the identified challenges appropriately, the paper conclude that the future of Alternative Dispute Resolution is bright with clear mandate of Public Complaints Commission to promote

reconciliation, encourage and facilitate amicable settlement of disputes between/among parties.

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### Author's declaration

### Authors' contributions and responsibilities

The authors made substantial contributions to the conception and design of the study. The authors took responsibility for data analysis, interpretation and discussion of results. The authors read and approved the final manuscript.

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### Availability of data and materials

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The authors declare no competing interest.

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