THE OMBUDSMAN PHENOMENON IN AFRICAN STATES PUBLIC SERVICES
BY

Dr. MUKORO Akpomuvire,[Male]

Department of Local Government Studies
Obafemi Awolowo University
Ile-Ife, Osun State, Nigeria
E-mail = cammukoro@yahoo.co.uk
Abstract.

The office of the ombudsman in the public service of African States, have over the years been wobbling in its performance. The reasons being largely as a result of over-centralization of government, bureaucratization and the unwillingness of government to become truly democratic. The resultant effect has been that many citizens in African States can not meaningfully seek redress against maladministration nor can they complain about poor governance and services delivery.

This paper argues for the fact that public servants in African States should be perceived as existing to help citizens and not to make their lives difficult. That the office of the ombudsman needs to be strengthened so that all the tenets of a credible public service would be seen to be present and working to the advantage of all. This will help to put a check on government activities in the interest of the citizens, and thus help to address the problems of human rights abuses, lack of accountability and the absence of good governance.

KEY WORDS; Ombudsman, Public Services, African States, Governance, Redress.
THE OMBUDSMAN PHENOMENON IN AFRICAN STATES PUBLIC SERVICE

Introduction

A continental resurgence of interest has taken grip on the need to establish the office of the ombudsman as an instrument of Public Defender that would thus prevent unethical practices in Africa’s public services. The office of the ombudsman it is hoped would help the African public service to enthrone a self-check that would enforce accountability, prevent corruption and guide against maladministration.

Apart from a history of individual case studies of countries on their own instituting the portfolio of the ombudsman into their public sector practice in Africa, a wholesome approach to building an alternative mechanism for protecting the ordinary citizens against powerful state bureaucracies have not become popular.

However, national governments as well as some international organizations have started creating anti-corruption agencies and ethical bodies with large sums of money committed into the projects to bring about good governance and good ethical practices in Africa’s public institutions. Examples of these bodies are the United Nations Development Programme (UNDP), World Bank, the Commonwealth, the African Association for Public Administration and Management, amongst others. What comes from these sharing of opinions between state organs and international agencies is the fact that there is the need for the institution of the ombudsman to be strengthened throughout Africa. The situation before now has been very pitiable. This is because; the institution of the ombudsman has been non-existent in many countries in Africa. Adamolekun (2002) summarized this whole essence when he said;
The number of S.S.A. (Sub –Sahara Africa) countries with ombudsman institutions increased from six (Tanzania, Ghana, Zambia, Sudan, Nigeria and Zimbabwe) in the late 1980’s to about a dozen in 1995 with Malawi, Namibia, Senegal, and South Africa among the newcomers.

According to him, the performance of the ombudsman varies significantly amongst the countries that have caught the bug in Africa. But in each of the cases, the existence of the office of the ombudsman reflects an affirmation of a commitment to assisting citizens who seek redress against maladministration to get some reasonable amount of solution. This sends a message to public officials in Africa on the need to treat citizens with fairness and impartiality. A critical look at the situation shows that several countries in Africa have now realized the need to adopt the ombudsman plans and anticorruption institutions in their bureaucracies. One fact however remains very fundamental, and that is that these erected institutions for redress seeking have not succeeded in raising the level of accountability and good governance in Africa (Olowu: 2002). The system whether in governance or through the operations of the public service, still shows signs of defects. This is because, not only is there a wide gap between the government and the people, leadership itself indulges in flagrant disregard for the rule of law and the abuse of power. This alienation of state from society and the perception of the state as a hostile force, reasonably leads to a lost of faith in the system. This paper examines what the institution of the ombudsman means. It also went ahead to examine the efforts that some selected countries in Africa have made to establish the office of the ombudsman and how this office have been operating. Finally, the paper proffered some prospects for the future for the ombudsman in African states and their public services.

**What Ombudsman Means**

The ombudsman is an official, usually (but not always) appointed by the government or by parliament, who is charged with representing the interests of the public by investigating and addressing complaints reported by individual citizens (Wikipedia: 2007).
The office of the ombudsman serves as an appropriate institution for dealing with complaints from the citizens. It has the mandate to conduct inquiries concerning instances of maladministration in the activities of government. Hill (2000) argued that the major work of the ombudsman is to serve as an agent for redress against arbitrary governments or administrative actions.

Government need not appoint an ombudsman. They may work for private corporations like newspapers, Universities, schools, N.G.O.’s etc. They serve internal employees or other constituencies. These roles performed by the ombudsman are structured to function independently, by reporting to the board of directors, and do not serve any other role in the organization. As the case presently is, the ombudsman is important in the African Public Service. This is because the ombudsman plays a major role in curbing corruption, safeguarding human rights and assisting citizens to get redress in cases of maladministration by government officials. For the purpose of this paper, the ombudsman is considered to be a special official in the government appointed to hear complaints from citizens concerning their grievances with the public service. The work of the ombudsman in this respect is to mediate, persuade, cajole, and otherwise seek to bring about a reasonable solution to an administrative problem.

**Origin and Etymology**

The word ombudsman originated from Sweden and it has been adopted into English as well as other languages. Akindele (1992) has it that the first ombudsman system was established in Sweden in 1809, Finland in 1919, Norway in 1952, and Denmark between 1953 and 1954.

The word ombudsman in Swedish means representative. The modern use of the term began in Sweden, with the Swedish parliamentary ombudsman instituted in 1809, to safeguard the rights of citizens by establishing a supervisory agency independent of the executive branch. An account by Wikipedia encyclopedia (2007) has it that a prototype of modern ombudsman flourished in China during Qin Dynasty (221 BC), and in Korea during the Choseon Dynasty. The Romans also grappled with the problem, but it was the example of the second Muslim Caliph, Umar (634 – 644) and the concept of Qadial –
Qadat which influenced the Swedish king, Charles XII. The account has it that in 1713, fresh from self-exile in Turkey, Charles XII created the office of Highest Ombudsman. The Scandinavians subsequently molded the office into its contemporary form.

In the continent of Africa, the factors largely responsible for giving the concept a wide currency are the British Commonwealth and the influence of the French. According to Oosting (1996), the permanent commission of Enquiry in Tanzania, established in 1965 “was the first ombudsman’s institution in Africa”, and thus was in the vanguard of the dissemination of the idea especially amongst the Anglophone countries in Africa.

**The Task/Mandate of the Ombudsman**

The task of the ombudsman generally is to conduct investigations and then give judgments. These investigations arise from complaints made by the public about the activities of government agencies. Akindele (1992) while quoting Van Leen and Whittington gave the functions of the ombudsman to be universally the same. That is;

(a) To protect the rights of the citizens;
(b) To act as an indirect check on the misuse of powers by the administrators or any government officials;
(c) To investigate, publicize abuses of bureaucratic power and in some cases to initiate legal action much as a private citizen would.

From the context of the performance of government, the ombudsman can be regarded as an official appointed to provide a check on government activities in the interest of the citizens, and to oversee the investigation of complaint of improper government activity against the citizens. If the ombudsman finds a complaint to be substantiated, he publishes a report to that effect. However, the laws of each individual country determines to a large extent how far the ombudsman can go if cases becomes too unwieldy for him to handle.

In many countries around the world, where the institution of the ombudsman exists, the office of the ombudsman is made to function in all ministries and departments of the central government, as well as in many states, provincial or local government. Examples of some of these countries from the western world are countries in the Scandinavian enclave, Canada, Australia, the United Kingdom etc. As for the continent
of Africa, few examples like South-Africa, Ghana, Senegal, Nigeria, Tanzania, Algeria, etc., easily comes to mind.

The continent of Australia provides a classical case for the task performed by the ombudsman. Reference is being made to Australia here because counties in the continent of Africa would have a lot of lessons to learn here. In this country, the ombudsman offices deal with rights problems in all areas of government. The work of the ombudsman has transformed government in terms of its accountability and sensitivity of individual rights. McMillan, who was a former ombudsman in Australia and is now a commonwealth ombudsman, said this much about Australia:

The office of ombudsman is one example of an independent overseeing agency that is beyond the judicial and legislative branches of government … this new system of overseeing and accountability has developed in response to the shortcomings of legislative and judicial methods in providing effective practical protection of people’s rights (McMillan: 2006).

A perusal of the performance of the ombudsman office in many countries in Africa shows that there are still a lot of flaws in matters of human rights, accountability and good governance. These developments have started to agitate the minds of Africans, such that serious consideration is now being given to issues of human rights and accountability in governance. Countries as South Africa, Ghana, Sierra Leone, Tanzania, Botswana, Uganda, etc. are cases in point.

**Why African States Deserve the Office of the Ombudsman in Their Public Services**

The institution of the ombudsman is spreading across countries in the African continent as an instrument for enforcing accountability both in governance and services delivery. Although the presence of the ombudsman institution indicates government’s commitment to ensuring that citizens can seek redress against maladministration, very few countries in Africa, with the possible exception of South Africa according to Olowu (2002) “… have been able to tackle the central problems confronting ombudsman organizations in African countries”. The major problems responsible for this situation
being the lack of adequate resources, bureaucratization, the denial of freedom for these bodies to operate independently and the over centralization of the instrumentalities of government in countries such as Kenya, Zimbabwe, Zambia, Mali, Gambia, Burkina, Faso, Angola, Benin etc.

When the institution of the ombudsman is considered globally against the context of the African situation, it now becomes a thing of reality to acknowledge the fact that the structure and boundaries of the state are changing in almost all countries around the world. Governments of a range of political persuasions are showing themselves willing to privatize previously state-owned organizations. These initiatives aim to improve performance in service delivery as well as to provide services that meet people’s needs. The United Kingdom citizens’ charter is probably the best-known example. This charter according to Shand (1996) “involves consultation with clients about what they want and aspects of services they particularly value”. Much more information on available services may be provided. Commitments to provide a certain type, volume and quality of service may be made and performance measured against their commitments. They provide greater client choice and complaint and redress mechanisms. Services may be tailored to individual needs rather than standardized. Empowerment of staff to respond appropriately to client requirements is also stressed. In many countries, these reforms have a strong element of debureaucratization or administrative simplification. This means that public servants are perceived as existing to help citizens, and not to make their lives difficult. This powerful concept simply means devolution. This implies that decisions made closer to their actual point of impact and therefore with greater knowledge of likely results, are more likely to be better decisions. Social networks and cohesive community groups are able to demand better services from government and able to articulate priorities, and to complain if they are not delivered. Compared to other regions of the world, Africa’s history;

… reflects a lesser degree of social mobilization. Councilors and officers in Africa usually lack this permanent pressure to perform and deliver, which has proved a significant factor for improving service delivery elsewhere (Whatson: 2002).
An emphasis to be made here is that most of the current reforms being initiated worldwide considers both personal and institutional accountability to be very important. Still, the nature of accountability is increasingly affected by the changing nature of relationship between the public sector and the community. This increased formality enhances accountability by offering rights of redress not previously available.

A little bit of time has been spent in trying to paint a global picture of what an ideal system of public service should be. Without pretensions however, one will make bold to say that the African public service has not really met up to acceptable standards. Adamolekun (2002) bemoaned the fact that the system has in large part suffered from “poor governance”. He started categorically “because countervailing power has been lacking, state officials in many countries have served their own interests without fear of being called to account”. He went further to bemoan the fact that politics has become personalized and patronage has become essentially to maintain power. The leadership assumes broad discretionary authority and loses its legitimacy. Information is controlled, and voluntary associations are co-opted or disbanded. The main areas in which the public service has been seen to fail in Africa are in the areas of rule of law, freedom of expression and association, electoral legitimacy, accountability and transparency, and development-oriented leadership (Adamolekun: 2002). An account given by Watson (2002) has it that in Uganda “People felt powerless to call government to account, they lacked information, women voices were not heard, they were subjected to domestic violence and there was large scale corruption in the public service”. This account according to Watson, was also found to be true in countries like Burkina Faso, Mali, Ghana, Tanzania and Zambia.

The truth of the matter is that all the above-mentioned problems concerning the African Continent have their foundations deeply rooted in the adverse history of colonial encounter with the developed world. Colonialism according to Pope (1996) “was marked by a lack of accountability – other than to London, Paris, Lisbon or elsewhere”. His account has it that colonialism was marked by an absence of transparency. The court existed, not to do justice and enforce the rule of law but to sustain the imposition of colonialism. The judges were simply civil servants wearing wigs. And the style of governance was characterized by government being done to the people, rather than a
people being governed by consent and the instruments of repression were handed over intact to the incoming administrations. Against such a background, the positive achievements of some African countries have been little short of astonishing (Pope: 1996). Ake (1993) was even more vociferous in his account about the African public service. He said that “with minor exceptions, public servants are not always objective, administration is often personalized, attitudinal orientations are more often than not diffuse rather than specific, particularistic rather than universalistic, astrictive rather than achievement focused”. Rules are not always taken seriously. Sometimes, they are applied ad-hoc and, worse yet, discarded altogether according to convenience. The failings of Africa’s public service seem no less than failings of ethics and morality. There is the high incidence of corruption, lack of integrity, unlawful appropriation of public funds for private-ends. Corruption in this regard must be seen as living organism – that rapidly adjusts all too readily to new environments. It is not a phenomenon of under development. Every society has corrupt elements within it. Much of the high brow cases of corruption in Africa have their origins and collaborators in the western developed countries.

The point that has been established thus far from the above account is that the African states and their public service need the office of the ombudsman, so that all the tenets of a credible public service would be seen to be present and working to the advantage of all. These tenets are loyalty, accountability, courtesy and respect, integrity, confidentiality, neutrality and service. Most of all, the tenet of respect for individual rights and liberty (rule of law), is very urgently desired – being one of the major hallmarks for the institution of the ombudsman.

**COUNTRY CASES**

**South Africa**

On the attainment of independence in 1994 after a bitter battle for self emancipation fought against the apartheid regime then in power, the South Africa of today can be said to have the most, comprehensive legislative and legal framework for the public service in Africa. These frameworks cover both policy and operational issues as laid out in the following white paper as presented by Picard (2002). These are White
In South Africa, the office of the public protector is the same thing as that of the ombudsman that operates at the central, provincial, municipal and local government levels. Section 182 of the Constitution backs up the Public Protector or the ombudsman’s power. The Public Protector has the power to investigate any conduct in state affairs or in the public administration in any sphere of government that is alleged or suspected to be improper or to result in any impropriety or prejudice, to report on that conduct and to take appropriate remedial action. The public protector Act regulates the performance of the functions of the public protector. It also broadens its jurisdiction to include any institution in which the state is the majority or controlling shareholder. The public protector as provided for in the act investigates maladministration, abuse of power, improper conduct, undue delay and any act resulting in improper prejudice to a person or institution (Maoka: 2006). Remedial action that can be taken by the public protector includes negotiation, mediation or conciliation to resolve the dispute, referring the matter to an institution that can deal with it more appropriately or recommending corrective action to the institution involved.

Maoka who is the manager of outreach programmes in the office of the Public Protector in a conference paper said that the constitution provides that the public protector is independent and subject only to the Constitution. The Constitution also compels the public protector to be impartial and to exercise his power and perform his functions without fear, favour or prejudice. Furthermore, the organs of state, through legislative and other means, must assist and protect the public protector to ensure the independence, impartiality, dignity and effectiveness of this institution. In addition, Section 181(4) prohibits any person from interfering with the functioning of the public protector. The remuneration and other terms of employment of the public protector are
determined by the national Assembly and cannot be interfered with during the public protectors’ term in office.

**Why the office of public protector**

The Office of the public protector exists for the following reasons:

1. **Discrimination:** The state institutions were not always readily available to the poorest of the poor. There was also fear of reprisals if one complained.

2. **Geographical location:** Vast geographical rural areas of South Africa also make it impossible to reach each and every individual.

3. **Ignorance of Basic Human Rights:** Human rights cannot be properly exercised if not known by the people. The majorities of people in South Africa are blacks and are located in rural areas. As victims of oppression, they were deprived of any knowledge or their rights.

4. **Abuse of Power:** Abuse of power and chronic maladministration practiced by the apartheid regime and to put an end to it.

5. **Constitutional Democracy:** There is a need to maintain and sustain constitutional democracy.

Arising from the above-mentioned reasons, one can today conveniently say that the office of the public protector makes people and communities aware of their rights and steps are taken to protect and sustain them. Also, government is always made to observe and respect basic human rights as well as bringing the office closer to the people (Mazizibaba: 2006).

**Tanzania**

Makaramba (2006), who is a commissioner with the commission for Human rights and Good governance, explained that in Tanzania what obtains is a human rights institution –cum – ombudsman. But before now, there existed a ministry for good governance headed by a full – fledged minister. Then, through donor presence, the government was obliged to establish a commission for human rights and good governance with assistance from the Danish government (Shivji: 2004). The commission among other things receives complaints about violations of human rights and the abuse of
power and investigates them. It operates in a multi-functional fashion and deals with five broad constitutional mandates. These mandates are (1) Protection or investigators mandate (2) Promotive or educative mandate (3) Advisory mandate (4) Mediators mandate and (5) Quasi-adjudicatory’s mandate. The commission functions both as a national human rights institution as well as the office of the ombudsman. The commission is an independent government department incorporated in the country’s constitution. See chapter 6, part 1, Articles 129-131 of the 1977 constitution as amended by Act No.3 of 2000 and Act No. 16 of 2001. Historically, the commission became operational in March 2002 following the appointment by the president of its commissioners. It took over some of the functions of the defunct Permanent Commission of Enquiry (the P. C. E.), the first ombudsman institution amongst the English Speaking countries in sub-Sahara Africa. An account by Kiragu (2002) has it that “Tanzania established an ombudsman as early as 1967, becoming the second member of the commonwealth to do so”. The commission took over the unfinished business of the P.C.E.

The commission embarks on regular outreach activities involving conducting regional and district tours, conducting public meetings and holding talks. The commission also makes use of both the print and electronics media to carry out its public awareness campaigns. The commission also carries out public hearings and inquiries into some specific human rights and good governance issues.

Zambia

The duties of the ombudsman in Zambia fall under the jurisdiction of the commission for investigations. The commission came into existence in 1973 and commenced operation in 1974. The commission for investigation Act Chapter 39 of the laws of Zambia established it. The commission for investigations redresses grievances from members of the public and employers of public servants alike which arises as a result of maladministration or abuse of office or authority by public institutions and officers. It offers a confidential, free and effective service due to the mandate granted it under the commission for investigation Act.

The functions of the commission according to Musamba (2006), covers;
(a) Redressing grievances  
(b) Ensuring promotion of fairness and social justice  
(c) Monitoring administrative malpractices  
(d) Advising government on measures to be taken on matters relating to human rights and maladministration.

The mandate of the ombudsman empowers him to investigate all public offices and officials up to the vice president. In the main, the commission offers complainants many advantages in that the entire process of redressing dispute is at no cost to the complainant. This encourages them to come forward to lodge their complaints. The commission is very independent because it is outside the control of any ministry or government officials, including the national legislature.

**Lesotho**

The main functions of the Lesotho ombudsman’s office are to mediate between government, departments, agencies and public servants. The office maintains close relationship with the public, parliament, the government, donor agencies, complainants, N.G.O.’s and the media. Section 134 of Lesotho Constitution empowers the ombudsman on how to exercise his powers. The office is answerable to parliament by way of annual report. In special cases of non-compliance by culprits, ministries/departments/agencies etc. the ombudsman submits special reports to parliament for investigation. An account by Putsoane and Mafisa (2006) has it that the office of the ombudsman is predominantly government sponsored thus making its work to be very ineffective.

The ombudsman office uses the Complaints Management system (CMS) to capture and handle all complaints lodged with it. Data are stored into the CMS and members of the public have free access to them to know what is happening. A careful study of the Lesotho situation reveals that the performance of the ombudsman is still evolving and its operation is still very much impeded by government.

**Sierra Leone**

Although the office of the ombudsman was constitutionally provided for through Section 148 Act No. 61 of the 1991 constitution, it did not come into full operation until
the year 2000. Its mode of operation is still tied to the apron string of the government. The office suffers from under funding and majority of the population still do not understand their (ombudsman) functions.

However, the office exists to protect citizens and the general public against the infringement of their rights by the public sector. The office also tries to create and maintain amongst citizens and the general public, high level of awareness of their rights to just, fair and reasonable service from public sector agencies (Gabbidon: 2006). For this reason, a viable public relations office is being developed to help with the process of information dissemination to the public and to carry out public enlightenment.

Gambia

The office of the ombudsman in the Gambia cane into existence in 1997 – expressed through Section 163 (1a, b, c,) of the 1997 Constitution and Section 3 (1a, b) of the ombudsman Act 1997. The ombudsman plays the role of an administrative watchdog, charged with the task of investigating maladministration resulting in injustice against a public officer or a private individual requiring a public service. The role stems from the fact that internal injustice from an administrator may occasion a grievance to a subordinate officer, which calls for administrative rather than a judicial remedy. Equally, members of the public including corporate entities that routinely require public services such as passport, public health etc. are bound to have grievances with the way their needs are being meet. The ombudsman duty is to dispense administrative justice by ensuring that all public officials perform their duties with justices, honesty and public responsibility. In like manner, public officers are held accountable for incorrectly applying laws, overstepping their authority and failing in their obligations to the citizens (Eboufaye: 2006).

Furtherance to the determination to strengthen the democratization process, enhance good governance and enthrone fundamental rights of the citizenry, UNESCO in collaboration with the government of Gambia, established the National Human Rights Unit (NHRU), to work in close collaboration with the ombudsman office in Gambia. The NHRU became fully operational in April 2005 and together with the ombudsman, they;
(a) Provide advice to government on matters relating to the promotion and protection of human rights.

(b) Ensure the realization of women and children rights.

(c) Collaborate with NGO’s to assist the NHRU with its work.

(d) To combat all forms of discrimination and to protect and promote the human rights of all citizens.

(e) Ensure conformity and ratification of all domestic legislation to international standards.

(f) To enhance greater awareness of internationally recognized human rights standards and its implementation.

(g) Cooperate with NGO’S to maintain standards of redress and matters of human rights.

(h) Implement educational and public awareness programmes with regard to the protection of fundamental rights (Sarr: 2006).

**Ghana**

The Commission on Human Rights and Administrative Justice (CHRAJ) is a constitutional and statutory body created under chapter 18 of the 1992 constitution of Ghana, Act 456. This is to support the new democratic system and to foster a culture of respect for fundamental human rights and freedom of expression in Ghana. In addition to investigating complaints of human rights violations and providing redress for administrative injustices, the CHRAJ educates the public about human rights and freedoms in accordance with its constitutional obligations (Quayson: 2006).

The CHRAJ also exists to promote integrity and decency in Ghanaian public service by investigating corruption and educating the public to appreciate the high cost of corruption and conversely, the significant pay-offs of a relatively corruption free society. In a nutshell, it can be said that the CHRAJ combines the roles of human rights, ombudsman and anti-corruption (Nugent: 1996). Other areas that the office of the ombudsman has covered in Ghana is the enhancement of the scale of good governance, democracy, integrity, peace and social development by promoting, protecting and enforcing human rights and freedoms and administrative justice for all persons in Ghana.
At its inception in 1993 when it handled 78,531 cases, records have it that by 2005, the commission handled an average of 12,000 cases annually (Quayson; 2006).

**Nigeria**

According to an account by Adamolekun (1985). It was the 1979 Constitution Section 274 (5) that gave legal seal to the institution of the ombudsman that came about through the public complaint Act 1975. In Nigeria, the ombudsman operates through the office of the public complaints commission (PCC). The annual report of the PCC (2004) made it clear that it was the Udoji public service Review Commission that Recommended for the establishment of the Public complaint Commission as an independent, impartial, extra-judicial statutory body to resolve administrative grievances. The work of the Commission covers all Ministries, Departments and extra-ministerial department in all the levels of government-federal, state and local government levels. The commission is empowered to investigate complaints lodged before it on administrative action taken by;

(a) Any department of the federal or state government;
(b) Any department of any local government authority;
(c) Statutory corporation or public institution set up by any government of Nigeria;
(d) Any 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;
(e) Any officer or servant of any of the aforementioned bodies.

Importantly, the commission has been in the forefront to bring succor to the under-privileged and helpless complainants. The type of complaint handled by the Commission according to the annual report (2004), bothers on wrongful dismissal or termination of appointment, non-payment of retirement benefits, seizure of farmlands, non-payment of pensions and gratuities, loss of parcels by NIPOST, complaints against NEPA (PHCN), NITEL etc. Record has it that as at January to December 2002, a total number of 14,873 cases were received by PCC. Of this number, 9,730 were satisfactorily resolved while 5,143 complaints were left pending. An argument can therefore be made that based on the number of cases reported to the Commission; it shows a manifestation of the growing public confidence and credibility, which the commission has earned over
the years. More so that the commission provides a cost free and speedy justice to aggrieved citizens of Nigeria.

Specifically, any citizen of Nigeria or any person resident in Nigeria is to be protected against any act of injustice. In this wise, the ombudsman is expected to investigate acts which are or appear to be:

(a) Contrary to any law or regulation;
(b) Mistake in law, or arbitrary in the ascertainment of fact;
(c) Unreasonable, unfair, oppressive or inconsistent with the general functions of administrative organs;
(d) Improper in motivation or based on irrelevant considerations;
(e) Unclear or inadequately explained; or
(f) Otherwise objectionable (Adamolekun: 1985)

**Overview of Country Cases and the Ombudsman Institution in Africa**

Judging from the practice of the institution of the ombudsman by countries around the world that have copied the Scandinavian ombudsman model, many countries in Africa have adapted the institution to suit their individual peculiarities. What is however still found worrisome is that despite the adoption of the office of the ombudsman into the governance and administrative practices of many countries in Africa, a lot of shortcomings are still being detected in the way they operate.

In South Africa for example, notwithstanding the impressive institutional arrangement for there to be transparency and accountability in governance and in the provision of public services, there is still strong evidence of the persistence of corruption and maladministration (Wright: 1996, New Nation: 1996). It is however gratifying to note that several of the ugly incidences are thinning down (Maoka: 2006), as a result of diligence on the part of government.

Tanzania has an enviable record of good performance in the stead of governance and administration. Leadership under President Julius Nyerere avoided excesses of abuse of human rights, nepotism and corruption. The successors of Nyerere have followed in his footsteps, although there are reported cases of corruption which are being vigorously tackled (Kiragu: 2002).
One thing that is very apparent concerning the institution of the ombudsman in African states is that it is fairly a very recent phenomenon. Not up to a decade old in very many countries in Africa. Also, the high incidences of corruption, the lack of respect for democratic tenets, poverty, ignorance and the near absence of enforceable agencies are factors that have been constraining the institution of the ombudsman from performing to the high level of efficiency and effectiveness that is expected of it. Also, the control of the institution of the ombudsman in African states is still very mush tied to the apron-string of government. This inhibits the performance of this body a great deal. Take the cases of countries like Zambia, Kenya, Lesotho, Sierra Leone, Gambia, Nigeria, Angola, Mali etc, as practical examples in Africa. There is however some remarkable cases of good conduct in the African continent from where majority of the countries still in need of improving the operations of the ombudsman can emulate. Tanzania, South Africa and Botswana are cases in point.

The ombudsman office only came into existence in 1997 in Botswana. But Botswana itself as a country is founded on a very solid political platform, nurtured by late Seretse Khama as President in the immediate post-independent era. In addition to high – quality political leadership, Botswana manifest a political culture of discipline, tolerance, patience and compromise. Ayeni (2002) summarized it all when he said that;

> Botswana’s record of performance has been made possible to a large extent, by the quality of its public administration, the caliber of people employed in it, and the appropriateness of the institutions and processes put in place.

The position of Ayeni proves the point that there is very often a direct correlation between national development performance and the quality of public administration, such that the poor developers are invariably also associated with weak administrative institutions, and vice versa.

**Prospects of the Future of the ombudsman Institution in African States and Their Public Services**

The job of the ombudsman no doubt is a challenge for people with high integrity since they are tasked with the duty of assessing the performance of government with a
view to improving the principles of social justice in the way government at all levels conducts its affairs. The challenge in this job is such that both government and organizations becomes compelled to open self up and submit totally to criticisms, complaints and suggestions on those to whom they offer services. In another light, hope is given to the common man because he becomes assured that governance is all about service and that they can seek redress whenever they are wronged and whenever there is a sign of maladministration on the part of public servants and people in government.

Incidentally, there is a global coincidence for the installation of good governance and credible public service, especially in the continent of Africa. Interestingly, this is the period when the New Partnership for African Development (NEPAD) and Millennium Development Goals (MDGS) initiatives are in top gear. These global initiatives challenges Africa to be conscious of her responsibilities and to give due and quality service to the people for her to attain the experiences and privileges of what it means to have good governance and quality services in her public institutions. It is pertinent here to accept that we cannot have good governance and quality service if we do not have the operations and machinery of assessing whether governments and services are being delivered in accordance with due process and acceptable standards; this is where the ombudsman is relevant and will continue to be relevant in the scheme of doing things the world over.

It will amount to wishful thinking if we delude ourselves that it has all been smooth sailing for the states in the African continent. Different countries have been experiencing different shortcomings and drawbacks. But these problems will become things of the past if every government and her public service accept genuine criticism, tolerate oppositions, reduce corruption and give ample respect to the rights of every citizens in African states.

Certainly, South Africa has daunting problems. But her reform system is driven by committed leaders and with both intellectual depth and an instinctive ‘feel’ for what makes for democratic accountability and transparency. For example, the South African governance process has built into it a legislation to call civil servants to account for their deeds and actions if the need arises’ (Pope: 1996). This is also true of Botswana and Tanzania.
A salient point that must not go unmentioned here is that there are many stakeholders in a country’s integrity system. Public service commissions, government agencies, civil servants, law enforcers, parliamentarians, auditor-general, the private sector and the general public. Here, more than ever, according to Pope; a ‘holistic approach’ is needed. A corrupt government system like we have abounding everywhere in Africa simply cannot be trusted to reform itself. And ethics cannot be changed without the public participating in the process. It is often very easy to throw up our hands in defeat because of the enormity of the problems. It is certain that a failure to act will only make the problem to get even worse. In Africa, the traditional methods of running the affairs of government have turned out disastrously. This is where the urgency for the institutionalization and empowerment of the office of the ombudsman should be of paramount interest to all nations in Africa.

**Conclusion and Recommendations**

As a matter of fact, many countries in Africa have all along been confronted with serious cases of unethical behavior as a result of which the public has been losing faith in public servants and politicians. No doubt, the state has vast powers that can be used both for the good of the individual and for the society. In the same manner, this vast power can and is often used to harass, frustrate and cause irritation and misery to the people. The use and exercise of these powers conferred on administrators and politicians to be used to manage and administer society for the general good and benefit of all, has very often been abused and corruptly exercised for the personal enrichment and aggrandizement of many leaders of the state. These powers have been used to sustain politicians in power, to suppress or gag criticisms and even to eliminate opponents or competitors for position of leadership. Leaders have misappropriated public funds and proprieties put at their disposal to be used for the development of society (Barlow: 1993). It is this gross abuse and misuse of power that has led to the demand for, and enactment of ethical codes. Ethical codes are specifically designed for public office holders and administrators, in contrast to other legal codes – such as criminal codes, civil codes and any other legal enactments that apply generally to the whole society including its leaders, managers and administrators.
This is where it is being recommended at the individual level that having a thorough understanding and knowledge of what the ombudsman’s work entails is a good prerequisite for appreciating what the work itself is all about. Since there is no specific training such as exists for traditional professions like law and medicine for an ombudsman, he has to be well versed in knowledge, skills and attitude to be able to have a fair knowledge of government, investigate their activities and maintain impartiality in their line of duty.

Even if the ombudsman possesses all the skills, knowledge and attitude, the organization in which he works matters a lot. The scope and latitude permitted by the organization in which an ombudsman works matters a great deal. The ombudsman realizes the degree to which the financial resources placed at his disposal affects his work. The effect may at times be quite far-reaching. For instance, when the fund available makes it impossible to take on enough staff of the required level of competence to allow a particular flow of complaints to be processed properly, such a situation is highly prejudicial to the ombudsman’s credibility in the eyes of the general public, many of whom will then find their expectations of this official disappointing. Another factor is the need for enough modern channels of communication both with members of the public and the ombudsman offices. This is where reliable modern facilities like computers, internet networking and efficient transportation become desired tools for the ombudsman to be able to meet up with the demands and challenges of the job.

Oosting (1996), the then president of the international ombudsman institute in the Netherlands made a very good case when he said that it would be very advantageous to the ombudsman to regularly exchange experiences with colleagues. According to him, contact with colleagues is a source of inspiration for one’s own work, whether it leads to the acquisition of useful insights that are worth following up, or whether it renews one’s confidence in an existing practice. It can also be of significance as a means of support, certainly when one has to do one’s work under what may be difficult circumstances, as it is the case with several ombudsmen within the Africa state.

At the institutional/governmental level, the central message is for the entire apparatus of government to be re-oriented along the path of reform that is closely linked to the development of both political and economic advancement of the society. In this
regard, sound economic policies and a stable political order should be pursued in
congruence with a competent administration that will be able to adapt to the challenges of
globalization.

At this junction, one should not fail to mention that the policy changes and
institutional transformation taken place in Africa must also optimally build human
capacity and improve on the quality of public services delivered to the people. Public
servants needs to be trained and improved upon for them to become more result and
client oriented. In like manner, citizens as the clients will need to assert their rights, and
at the same time demand for quality services to be provided. While striving to make this a
reality, governments in the various states in Africa will need to develop an ethical base
upon which the requirements of good governance, transparency, responsiveness,
accountability and a culture of excellence is entrenched. The ombudsman institution
would not be able to make phenomenal impact in the public services of African states, if
they operate bereft of the above-mentioned suggestions.
REFERENCES


Enhancing the Public Profile of the Ombudsman’s Office in Africa. 30th January to 3rd February, Abuja, Nigeria.


(18) Oosting, M. (1996): “The Ombudsman: A Profession”. This is a Workshop paper delivered at the International Ombudsman Institute, Netherlands. The workshop was titled Strengthening the Ombudsman Office in Africa. 26th August.


Workshop on *Enhancing the Public Profile of the Ombudsman’s Office in Africa*. Abuja, 30\textsuperscript{th} January – 3\textsuperscript{rd} February.

(23) Quayson, Richard (2006): “The management of the Public Relations Functions – Commission on Human Rights and Administrative Justice (CHRAJ), Ghana” in Regional workshop on *Enhancing the Public Profile of the Ombudsman’s Office in Africa*. Abuja, Nigeria 30\textsuperscript{th} January – 3\textsuperscript{rd} February.


