EXAMINING THE ADJUDICATIVE PROCESS OF TRIBUNAL OF INQUIRY IN NIGERIA*

Abstract

Tribunals of Inquiry, established to investigate specific issues and recommend actions, play a crucial role in the country's legal and administrative system. However, the effectiveness and credibility of Tribunals of Inquiry in Nigeria have been subjects of debate and scrutiny. Tribunals of Inquiry in Nigeria have been confronted with a litany of operational challenges. The objective of this work is to provide an analysis of Tribunals of Inquiry in Nigeria within the context of the adjudicative process. The work assessed and evaluated the extent to which Tribunals of Inquiry in Nigeria have been effective in fulfilling their mandated roles, including fact-finding, conflict resolution, and promoting accountability vis-a vis examines the independence and impartiality of tribunals considering instances of political interference, external pressures, and potential biases. The authors utilised the doctrinal method of research which entails the use of books, statutes, case law, journals, case laws and materials. The work found that Tribunals of Inquiry in Nigeria have been confronted with a litany of operational challenges that demand scrutiny. They include the perceived bias of some tribunals which has led to doubts regarding their ability to deliver fair and just decisions. Issues such as procedural delays, resource inadequacies, limited enforcement powers, and susceptibility to political interference have undermined their efficacy. There has also been a concern about their independence, transparency, and accountability. The work recommended for the review of laws and regulations guiding tribunals of inquiries in Nigeria and enactment of a comprehensive legislative framework guiding tribunal of inquiry which will be in line with international best practices. The work recommended that the executive and the legislature should be more committed towards the use of tribunals to achieve expeditious results through showing more commitment, non-interference in the process and general enforcement of decisions of the tribunal in overall public interest and the interest of justice. The courts and other institutions should also be strengthened to review, monitor, implement, and regulate tribunals of inquiry in Nigeria.

Keywords: Tribunal, Inquiry, Adjudication, Process, Nigeria.

1. Introduction

Tribunals in Nigeria are a fundamental component of the legal system, characterized by several key features. These tribunals are established by law and hold the authority to summon witnesses and order the production of evidence. Their decisions are binding, and these decisions can be subject to appeal in regular courts. In *Onuoha v. Okafor,*[1] Oputa CJ (as he then was) explained the nature of a tribunal as envisaged under the fair hearing provisions of the Nigeria Constitution thus:

> The terms, court or tribunal ... is usually used to indicate a person or body of persons exercising judiciary functions by common law, statute, patent, charter, custom, etc whether it be invested with permanent jurisdiction to determine all causes or a class or as and when submitted or to be clothed by the state or the disputants with merely temporary authority to adjudicate on a particular group of disputes.

These tribunals serve an important role in Nigeria's legal landscape. They offer an efficient and specialized platform for dispute resolution, ensuring the protection of individual rights and the maintenance of the rule of law. Nevertheless, it is essential to acknowledge that tribunals have faced criticism on various fronts. Critics contend that tribunals may lack the necessary independence, often being susceptible to political interference. Additionally, some argue that they may be costly and not easily accessible to the average Nigerian.Despite these criticisms, tribunals continue to be a vital part of Nigeria's legal system. It is for this purpose that this paper shall appraise the adjudication processes of Tribunals of Inquiry in Nigeria for the purpose of unearthing their strengths and weaknesses. The paper shall delve into the nature of Tribunal, jurisdiction and scope, comparativeness of Nigerian experience with other jurisdictions among others.

2. Nature of a Tribunal

A tribunal is a body with judicial or quasi-judicial functions usually set up by government under statute. Tribunals exist outside the hierarchy of the regular court system to do the following: (a) Investigate matters of public importance; or (b) Hear and determine cases, matters or claims of a particular kind between parties whether such parties be persons, bodies or government. Generally, administrative tribunals are subject to the Courts, with appeals emanating from their decisions to the High Court or Court of Appeal. While some of them are inferior to the High Court, others enjoy concurrent jurisdiction with the High Courts. The High Court has power of judicial review over the findings of a tribunal that is inferior to them. Therefore, statutory or ouster provisions that an order or determination of a tribunal shall not be called into question in any Court, do not prevent the review of the proceedings to the High Court by an order of certiorari. This

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[1] (1985) 6 NCLR 503 at 509.

does not also affect the powers of High Court to make an order of prohibition, or mandamus or otherwise review the findings of a tribunal.

3. General Jurisdictions and Scope of Court Tribunals

The realm of Court tribunals encompasses a diverse array of legal entities established for specific purposes, each wielding unique powers and subject to distinct rules and procedures. Tracing its origins back to the 19th century, the development of statutory inquiry finds roots in historical legislation such as the Inclosure Act of 1801 in the United Kingdom. At the core of an inquiry lies its function as a fact-finding mechanism, gathering crucial information to inform recommendations made to the deciding authority. Unlike traditional Courts, inquiries are not bound by rigid rules of evidence or procedure, but they must adhere to the principles of fair hearing. This principle was underscored in the landmark case of *Fawehinmi v Babangida*,[2] consolidating the power to establish statutory tribunals within the purview of the National Assembly.

The concept of an investigating panel serves as a pivotal link between gathering information and making recommendations that shape the decisions of disciplinary tribunals. These panels are tasked with collecting evidence, ensuring a thorough understanding of the case at hand. Notably, witnesses before such panels cannot be deemed guilty based solely on their testimony. The case of *Odigie v Nig. Paper Mills*[3] exemplifies this principle, elucidating the distinction between fact-finding and judgment. The relationship between investigating panels and disciplinary tribunals was further delineated by the Supreme Court in *MDPDT v Okonkwo,*[4] particularly within the context of the Medical and Dental Practitioners Act. However, there are instances where the rigid application of rules of natural justice may be relaxed, particularly when appellants are afforded ample opportunity to present their case before the disciplinary tribunal. The case of *Baba v Nigerian Civil Aviation Training Centre*[5]exemplifies such circumstances, highlighting the nuanced balance between procedural requirements and fairness.

Disciplinary tribunals, recognized under Section 36 of the Constitution of the Federal Republic of Nigeria 1999 (as amended), wield judicial powers, albeit subject to the overarching principles of natural justice. Cases such as *Oloruntoba-Oju v Abdul-Raheem*[6] underscore the imperative of adherence to these principles, emphasizing the right to fair hearing and due process. Any deviation from these principles, such as treating a witness as an accused person, constitutes a breach of fundamental rights. Moving beyond disciplinary tribunals, statutory tribunals are established by specific statutes or constitutional provisions, often catering to distinct subject matters like tax appeals. Some statutory tribunals, known as pseudo-court tribunals, operate independently of the High Court's supervisory jurisdiction, with appeals directed to the Court of Appeal. The National Industrial Court stands out as a unique example, having transformed from a statutory tribunal to a Court of record through constitutional alterations. In contrast, military tribunals and Court Martials operate within the realm of military justice, executing public policy under the purview of military regimes. These tribunals, manned by military personnel, lack the oversight of civilian courts due to ouster clauses in their enabling decrees. While subject to judicial review, Court Martial affords avenues for appeals to the Court of Appeal, ensuring a measure of accountability within the military justice system.

In essence, Court tribunals represent a multifaceted landscape within the legal sphere, each serving distinct functions and subject to unique regulatory frameworks. Understanding their scope and jurisdiction is essential for upholding the principles of justice, fairness, and the rule of law within diverse adjudicative settings.

4. Review of Administrative Adjudication in Nigeria

The concept of administrative adjudication has been viewed as a challenge to the principle of separation of powers, as the authority to exercise judicial powers is constitutionally designated to the judiciary under Sections 6(1) and (2) of the 1999 Constitution.[7] By this principle, administrative tribunals being part of the executive arm of government are not supposed to wield such judicial authority. This conflict has been addressed by recognizing that these administrative bodies essentially exercise supervisory jurisdiction when utilizing judicial or quasi-judicial powers. Moreover, the exercise of these powers is constrained by the principles of fair hearing or the common law doctrine of natural justice, which includes two fundamental principles: *Nemo judex in causa sua* (no one should be a judge in their own case) and *audi alteram partem* (hear the other side). Consequently, in *National Electoral Commission v Nzeribe*,[8] it was held that a tribunal, regardless of its significant powers, remains subject to the supervisory jurisdiction of a court of record.

Notwithstanding the obvious criticisms, it is however important to note that administrative adjudication is acknowledged under Section 36 of the 1999 constitution,[9] as indicated by the inclusion of the term 'tribunals.' As highlighted by the

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[2](2003) 3 NWLR (Pt.808) 604
[3] (1993) 8 NWLR (Pt. 311) Pg. 338 at 351-352
[4] (2001) 7 N.W.L.R. (PT 711)
[5][1991] 5 NWLR (Pt 192) 388
[6] (2009) CLR 6(h) (SC)
[7] Constitution of the Federal Republic of Nigeria, 1999 (as amended).
[8] (1991) LCN/0107(CA).
[9]Ibid.

Court in *Obi v Mbakwe,*[10] administrative adjudication was established to facilitate the efficient functioning of the administrative system, enabling executive agents to adjudicate on people's rights in accordance with relevant laws that may be enacted periodically. Administrative adjudication distinguishes itself from traditional courts through its informality and lack of strict adherence to precedents. Moreover, it typically avoids becoming entangled in procedural technicalities. Nevertheless, akin to a court of law, an administrative adjudication body must possess the requisite competence and jurisdiction over the matters brought before it for its rulings to carry validity.[11]

Since the development of administrative tribunals in Nigeria, so many criticisms have followed the concept. Administrative tribunals, while serving as crucial adjudicative bodies in various legal matters, face several inherent challenges that raise concerns regarding the fairness and efficacy of their proceedings. One significant issue lies in the lack of legal expertise among tribunal members. Another pressing concern pertains to the perceived loyalty of tribunal members to the government that formed them. This loyalty can lead to proceedings being influenced by governmental interests, thereby undermining the principles of fair hearing and impartiality. Additionally, tribunals often operate with scant regard for legal procedures and precedents, leading to decisions lacking sufficient grounds. The Supreme Court has repeatedly criticized the procedural shortcomings of judicial and quasi-judicial bodies, emphasizing the necessity of fair hearings conducted by a single body.[12] The secretive nature of tribunal sittings further compounds these concerns also, as they deny journalists and the public access, fostering an environment bereft of transparency and due process. This thereby militates against the adjudicative regime of the country seeing as Nigeria adopts an open court policy.

Furthermore, the laws governing tribunals are frequently perceived as draconian designed to ensure the conviction of the accused rather than uphold justice.[13] Retroactive or ambiguous provisions instill fear and distrust among the populace, especially considering tribunals' historical association with government manipulation, particularly by military regimes. This fear is not unfounded, given tribunals' notorious reputation for unjust judgments and abuse of power.[14] Perhaps most troubling is the inadequate opportunity afforded for self-defence within tribunal proceedings. Individuals facing tribunal charges often find themselves deprived of fundamental rights to a fair trial, as decisions affecting their lives and livelihoods are reached hastily and without proper consideration. The accused, often lacking legal representation or sufficient time to prepare a defense, are left vulnerable to arbitrary rulings that may result in severe consequences such as loss of property, livelihood, or even liberty.

While administrative tribunals serve a vital role in the legal system, their effectiveness is undermined by various challenges ranging from a lack of legal expertise and impartiality to procedural deficiencies and draconian laws. Addressing these issues is essential to uphold the principles of justice, fairness, and the rule of law within administrative adjudication.

5. Scope and Powers of Professional Disciplinary Tribunals in Nigeria

Professional disciplinary tribunals in Nigeria play a crucial role in upholding the integrity and standards of various professions by adjudicating on matters of misconduct and breaches of professional ethics. These tribunals are empowered to investigate, hear, and determine cases involving allegations of professional misconduct brought against members of regulated professions. The scope of their jurisdiction, as well as their powers, is delineated by relevant statutes and regulations governing each profession.

One of the primary functions of professional disciplinary tribunals is to investigate complaints of professional misconduct leveled against practitioners within their respective fields. These complaints may arise from various sources, including clients, colleagues, or regulatory bodies overseeing the profession. Upon receiving a complaint, the tribunal conducts thorough investigations, gathering evidence and testimonies to ascertain the veracity of the allegations. Upon completion of the investigation, the disciplinary tribunal holds hearings to consider the evidence presented and afford the accused practitioner an opportunity to defend him. During these hearings, the tribunal functions akin to a quasi-judicial body, adhering to principles of natural justice and fair hearing. The practitioner facing the tribunal is entitled to legal representation and the right to present his case, cross-examines witnesses, and rebuts evidence presented against them. Based on the findings of the investigation and the evidence presented during the hearings, the disciplinary tribunal has the authority to make determinations regarding the guilt or innocence of the accused practitioner. If the tribunal finds the practitioner guilty of professional misconduct, it may impose various sanctions, ranging from fines and reprimands to suspension or revocation of professional licenses. These sanctions are designed to deter future misconduct and uphold the integrity of the profession.

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[10] (1984) LLJR-SC.

[11] *Egunjobi v FRN* (2013) 3 NWLR (Pt.1342) 534 at 579.

[12] Mohammed, Mohammed Ndarani, and Stephen Nyeenenwa. 'Enhancing Judicial Independence for Sustainable Democratic Governance in Nigeria: A Path towards Building Public Confidence' (2024) 4 (1) *Alkebulan: A Journal of West and East African Studies*, 1-17.

[13] W Schabas, S Darcy, and W Schabas, *Truth Commissions and Courts*, Springer Netherlands; 2004.

[14] Peter Judson Richards, *Extraordinary Justice: Military Tribunals in Historical and International Context*. NYU Press, 2007.

It is important to note that professional disciplinary tribunals derive their authority from specific legislation governing each profession. For example, the Legal Practitioners Disciplinary Committee (LPDC) is established under the Legal Practitioners Act to regulate the conduct of lawyers in Nigeria. Similarly, other professions, such as medicine, engineering, and accounting, have their own disciplinary bodies established by relevant regulatory statutes. While professional disciplinary tribunals wield significant authority in regulating professional conduct, their decisions are subject to judicial review by the courts. Practitioners aggrieved by the decisions of disciplinary tribunals have the right to appeal to the appropriate court, which may review the tribunal's findings and decisions for errors of law or procedural irregularities. *MDPDT v Okonkwo*[15] evidences the scope and jurisdiction of professional disciplinary tribunals. In essence, professional disciplinary tribunals in Nigeria serve as vital mechanisms for maintaining professional standards and ensuring accountability within regulated professions. Empowered to investigate allegations of misconduct, conduct fair hearings, and impose sanctions, when necessary, these tribunals play a crucial role in upholding the integrity and credibility of professional practice in Nigeria.

6. Reasons for Establishing Tribunals

In Nigeria, tribunals of inquiry have been established for number of reasons which reflect the specific needs and challenges faced by the country. These reasons include the following:

Efficiency and Specialization

Tribunals are established to ensure an expedited and specialized adjudicative process. By focusing exclusively on specific types of cases, such as tax disputes or electoral matters, tribunals can develop expertise in these areas. This specialization enables quicker resolutions, as the panel members are well-versed in the nuances of the relevant laws and regulations. This, in turn, helps alleviate the backlog of cases that often plagues regular courts, which must handle a broader spectrum of legal issues.

Access to Justice[16]

Tribunals play a vital role in expanding access to justice for a broad range of individuals, including those who may face barriers when navigating the formal court system. They achieve this through simplified procedures and a less intimidating atmosphere. As a result, ordinary citizens, who may not have a legal background, find it more accessible to seek legal redress. This is particularly important for marginalized or vulnerable populations who need the legal system to protect their rights and interests.

Expertise[17]

Many tribunals comprise experts who are highly knowledgeable and experienced in their respective fields. For instance, tax tribunals include tax experts, while electoral tribunals consist of individuals with a deep understanding of electoral processes. This expertise ensures that cases are heard and decided by individuals who are not only legally trained but also possess specialized knowledge in the specific area of law, thereby enhancing the quality of adjudication.

Flexibility[18]

Tribunals are known for their adaptability. They can tailor their procedures to suit the specific requirements of the cases they handle. This flexibility is particularly valuable when dealing with complex or evolving legal issues, where rigid courtroom procedures may not be as effective. It also allows for a more responsive and efficient process, ultimately serving the best interests of justice.

Political Neutrality[19]

Concerns about political influence and partiality in the regular court system have led to the establishment of tribunals as independent bodies. By ensuring political neutrality and independence, tribunals can maintain public trust and confidence in the adjudicative process, particularly in cases that have political implications, such as election disputes. This impartiality is crucial for upholding the rule of law and ensuring that justice is served fairly and without bias.

Resource Allocation[20]

Specialized tribunals enable the government to allocate resources efficiently, focusing on specific case types that require particular attention. This allocation ensures that disputes, such as electoral matters or administrative issues, are addressed promptly and effectively. By directing resources to the areas where they are most needed, the government can better manage its judicial system and maintain public confidence in the legal process.

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[15] (1997) 5 NWLR (Pt. 506) 550 at 567.

[16] A.M Zangi, 'The Role of Nigerian Courts and Tribunals in the Administration of Justice.' Available at https://kubanni.abu.edu.ng/bitstreams/dd2cd33a-f3d7-4109-8142-dd38da82c0c7/downloadAccessed 19th September 2024.

[17] Ibid.

[18] Tribunal Practice and Procedure. Available at https://cpag.org.uk/sites/default/files/chapter_1.pdfAccessed 19th September 2024.

[19] Law Teacher, 'Administrative Tribunals Lecture Notes.' Available at https://www.lawteacher.net/lecture-notes/admin-tribunals.php Accessed 11th September 2024.

[20] Ibid.

Decongesting Regular Courts[21]
The establishment of tribunals is a strategic approach to alleviate the burden on regular courts. By diverting certain types of cases to these specialized bodies, regular courts can better concentrate on other essential legal matters. This decongestion not only streamlines the caseload but also leads to more efficient use of judicial resources.

Policy Objectives[22]
Tribunals can be established to align with specific policy objectives. For instance, anti-corruption tribunals demonstrate the government's commitment to combating corruption and ensuring public accountability. By creating specialized bodies, the government can address these policy goals effectively and send a clear message about its commitment to the rule of law.

Customary and Religious Matters[23]
In regions where customary or religious law holds significant importance, tribunals are created to address disputes related to these laws. Customary and Sharia tribunals handle matters such as family law, inheritance, and personal status. This ensures that individuals in these communities have access to justice that aligns with their traditions and beliefs, promoting cultural sensitivity and respect for diverse legal traditions.

Conflict Resolution
Specialized tribunals serve as invaluable tools for conflict resolution in situations where traditional court systems may not be effective. They offer alternative mechanisms for resolving disputes and conflicts arising from various areas of law. For example, election disputes, tax matters, and corruption cases often have complex legal and political dimensions[24]. Specialized tribunals can address these unique challenges, offering alternative avenues for resolving disputes, reducing tensions, and promoting social and legal harmony[25].

7. Comparative Analysis of Adjudicative Process of Tribunals of Inquiry in Selected Foreign Jurisdictions

South Africa
The creation of commissions of inquiry to investigate problems of public concern has become such a common occurrence in South Africa that it is sometimes viewed with suspicion. Given that much of this skepticism stems from a failure to recognise the value and potential of such commissions in general, and the nuances of this method of investigation as practiced in South Africa in particular, an examination of some of the more important aspects of commissions of inquiry in South Africa is appropriate. It is argued, however, that the authorities chosen are a realistic depiction of the parameters within which commissions of inquiry must function in South Africa. Secondly, it may appear that some of the authorities given are conflicting. However, commissions of inquiry are required to study a wide range of issues, and the subject of the inquiry will usually determine whether strict adherence to the *audi alteram partem* norm or witness representation is required.[26]

Nature, Use and Purposes of Commission of Inquiry in South Africa
The Pretoria Council of Churches recently appointed a commission of inquiry chaired by Johannesburg advocate Mr. A Chaskalson SC to investigate recent violence in Mamelodi township. The media often compares 'judicial commissions of inquiry' to other commissions of inquiry, but there is no legal distinction between them. The Commissions Act (Act 8 of 1947) grants the State President the discretion to make provisions applicable to commissions and make regulations, conferring additional powers, regulating procedure, and protecting members and activities against contempt. Commissions without declaring the Act applicable have no more power or protection than private individuals, putting them at a disadvantage.[27]

General Approach Adopted by Commissions
A commission's broad approach is influenced by its function and terms of reference, but the State President can implement precise provisions through regulation. Issues are rarely defined with the exactitude found in criminal indictments or civil matters, and there are generally parties to an action as in litigation. Commissions must be conscious of the repercussions of each procedural step, such as whether to allow cross-examination or hold sessions in one location. The approach of a commission to investigate violent events or criminal events differs significantly from that of a commission investigating natural resource development. In such cases, the commission must consider publicity, personal safety of witnesses, and cross-

[21]Ibid.
[22]Important Institutions: Tribunals Available at https://www.drishtiias.com/important-institutions/drishti-specials-important-institutions-national-institutions/tribunals-1 Accessed 19th September 2023.
[23]Ibid.
[24]E Uwa, S Agbada and A Aderemi, 'In Review: The Tax Courts and Tribunals in Nigeria.' Available at https://www.lexology.com/library/ detail.aspx?g=8b1d5bcf-9090-45a5-8f72-3ad624982bc0 Accessed 28th September 2023.
[25]Human Rights Watch, 'Election Tribunals.' Available at https://www.hrw.org/reports/1997/nigeria/Nigeria-04.htmAccessed 28th September 2023.
[26] A.J Middleton, 'Notes on the Nature and Conduct of Commission of Inquiry: South Africa' (1986) 19 *Comp & Int'l LJ S Afr* 252, 253
[27]Ibid.

examination by potential prejudiced parties. Commissions of inquiry in South Africa differ from trials due to the absence of clearly defined issues, adversary type of procedure, and predetermined burdens of proof.[28]

Treatment and Protection of Witnesses

The major issue that arises is the difficulty, in conflict situations and especially when the inquiry is held in camera, of ensuring that each witness is adequately informed of the case to which he must testify, as well as aware of and given the opportunity to respond to allegations of prejudice made by other witnesses. The difficulty is worsened when his prejudice is revealed after the witness in question has already testified. To solve this challenge, the commission's secretariat frequently takes preparatory statements from witnesses to enable the sequence in which witnesses testify. Where legal representation of witnesses is permitted, the difficulty is frequently overcome by the fact that groups of witnesses with common interests tend to hire the same legal representative, who, if allowed to remain present throughout the inquiry, can look after the interests of all his clients even after they have testified. The authorities speak for themselves when it comes to applying natural justice standards and protecting the privacy of commission's data.[29]

Canada

Most Canadians attach a great deal of importance to commissions of inquiry. When commissions of inquiry are appointed and when they report, great public attention is usually focused on the substantive and serious issues discussed. The impact or lack of impact of royal commissions of inquiry on the making of public policy is therefore neither a new nor a unique concern. The Sir Allen Herbert poem entitled 'Pageant of Parliament' more popularly known as 'The Royal Commission on Kissing' took a light-hearted look at royal commissions.[30]

The role of commissions of inquiry has been subject to scrutiny on other occasions. There has even been a royal commission on royal commissions. The 1966 British Royal Commission on Tribunals of Inquiry noted that from the mid-17th century until 1921, a Parliamentary Committee or Commission of Inquiry was the primary method for investigating public disquiet about alleged conduct of ministers or public servants. In Canada, these commissions have dealt with various pressing issues, such as transportation policy, lapses in public administration standards, ownership of natural resources, industry and banking, immigration and defense policy, and transportation scandals. The scope and size of governments grew massively following the Great Depression and World War II, leading to the creation of famous commissions that dealt with broad economic and social issues.[31]

The basic structure of federal commissions of inquiry is established by Part I of the Inquiries Act, although they are still often referred to as Royal Commissions. Legislative provisions are made for such inquiries in the provinces as well. The objective of commissions of inquiry is to respond to the needs of the executive branch of government by investigating and advising independently and impartially on assigned issues.[32] The inquiry process is characterized by investigation and research, as well as a contest between versions of truth. Commissions of inquiry often fulfill their task when they identify issues for consideration or resolution by other institutions of government. Their flexibility is a significant strength, as they can range from specific, narrow, and discrete inquiries to broad and far-ranging ones. Inquiries can have great flexibility in procedure, who appears before them, and the questions they address within the scope of their mandate. If a government seeks a flexible, impartial inquiry on specific or general topics, to develop and consider sources of information, and to canvass wide-ranging and innovative solutions without necessarily being bound to identify or recommended courses of action, a commission of inquiry should be considered.

Considering the Alternative to Inquiries

Commissions of inquiry are not the only institutions that carry out such functions, but they are not structured to reach reliable final conclusions about facts or make representative decisions about values.[33] While commissions of inquiry can address political questions, they are best resolved by Parliament. As questions move from broadly general and political to specific and factual, they move out of the realm of the political in the direction of the law and the courts. If the issue is specific, the parties involved are not too numerous, and the issue raises substantive issues of law, it may most appropriately fall to the courts to be resolved.[34]

Several factors may indicate that courts should be chosen rather than a commission of inquiry. The better developed and appreciated an issue is, the less the utility of directing a commission of inquiry to consider it. The great flexibility of a commission in defining issues and rapidly developing the information necessary to allow them to be considered is of little value if the issue has already been well defined and the facts are well known and appreciated. Another key factor is timing. It may be that at varying stages of development, an issue may be appropriate for the courts at one stage, Parliament at another, or a commission of inquiry at another. A commission of inquiry will be less helpful in resolving an issue involving ethical or value

[28]Ibid, *254.*
[29]Ibid, *255.*
[30] Frank Iacobucci, 'Commission of Inquiry and Public Policy in Canada' (1989) 12 (3) *Dalhousie Law Journal*, 21-28.
[31]Roy, Jeffrey. *Business and government in Canada*. Vol. 13. University of Ottawa Press, 2007.
[32] Frank Iacobucci, 'Commission of Inquiry and Public Policy in Canada' (1989) 12 (3) *Dalhousie Law Journal*, 21-28.
[33]Freeman, Mark. *Truth commissions and procedural fairness*. Cambridge University Press, 2006.
[34]Ibid.

choices. A Parliamentary committee or even a free vote in Parliament will be of far greater utility and thus be far more effective in making such a choice.[35]

In some cases, commissions may be appropriate for certain areas, such as human rights or access to government information. Large administrative agencies like the Canadian Radio-television and Telecommunications Commission (C.R.T.C.) and the Canadian Transportation Commission (C.T.C.) routinely inquire into factual situations or consider broad issues of public policy. National or federal-provincial task forces are frequently utilized when questions demand considerable expertise and the participation of both the federal government and the provinces. In addition to the basic functions of gathering information and formulating recommendations, commissions of inquiry have a variety of subsidiary uses and purposes. The choice of a commission of inquiry should be viewed in the context of these factors and within the broad context of available alternatives.

The effectiveness of a commission of inquiry depends on its function and objectives, as well as its interaction with the environment. The commission's role may be more to define questions than to resolve them, or the problem may not be capable of resolution or necessary facts cannot be established. Procedure is central to evaluating a commission's activities, as it should focus on the search for truth rather than defeating opposing interests. It is also crucial to evaluate whether all interests are properly protected during the proceedings, and whether the commission's tasks are unduly long or time-consuming. Efficiency, economy, and effectiveness are also important factors to consider.

The cost of a commission must be considered, as it can be excessive if the issues presented are not well defined or if the commission must follow more formalized procedures. The commission must make informed decisions about whether to leave certain issues and choices to other institutions, and the economy of commissions of inquiry should be considered.[36] In terms of effectiveness, it is essential to consider the results of the commission, such as getting facts straight, raising awareness, effectively consulting the public, and obtaining the best information. While the final measure of a commission's effectiveness is the acceptance of its activities and recommendations by other institutions, it is important to be cautious in using this measure. Inquiries often should leave their implementation to other institutions, as they have unique advantages such as independence from political arenas and bureaucratic politics.[37]

8. Conclusion and Recommendations

The paper took tortuous journey of analyzing the adjudicative processes of Tribunals of Inquiry in Nigeria with a view to unbolting their relevance and drawbacks. The paper viewed the operation of both statutory and administrative tribunals and appeal procedure therein. The challenges associated with tribunals of inquiry were examined such as lack of independence, government interferences, bias among others. The paper journeyed to South and Canada system of tribunals of inquiry for the purpose of drawing lessons from their jurisdictions aimed at making recommendations for better system in Nigeria. Based on the following, the paper recommends thus:

Strict Adherence to the Rules of Natural Justice: It is recommended that tribunals of inquiry should adhere strictly with the principles of natural justice. This will boast public confidence and reduce the need for judicial review or appeals emanating from the decisions of the tribunal. The noncompliance with the principles of natural justice has led to the setting aside of decisions of the tribunal.

Need for Independence in the Decision Making: There is a need to ensure that the independence of the tribunals is guaranteed, with limited interference with its constitution of the tribunal and its procedure. This can be further guaranteed by eliminating any clog that may undermine the independence of the tribunal, in the performance of their functions.

Speedy Hearing of Matters by the Tribunal: Tribunals of inquiry should ensure that matters that come before them are speedily decided. This can be achieved by setting timelines for the hearing and sittings of the tribunal, which will be judiciously followed. The tribunals should further ensure that the principles of fair hearing are strictly complied with to avoid delays that may be occasioned by judicial review of the decisions of the tribunal, occasioned by the non-compliance with the strict and mandatory rules of natural justice.

Restoration of Public Confidence: The proceedings of the tribunal should be done in a way and manner that assures the public of impartiality. One of the ways this can be done is by ensuring that proceedings of the tribunal are held in public or viewed by the public.

Review of Laws and Regulations Guiding Tribunals of Inquiry: It is recommended that there should be a review of laws and regulation guiding tribunals of inquiry in Nigeria and enactment of a comprehensive legislative framework guiding tribunal of inquiry which will be in line with international best practices. The executive and the government should be more committed toward the use of tribunals to achieve and expeditious results through showing more commitment, non-interference in the process and general enforcement of decisions of the tribunal in overall public interest and the interest of justice. The courts and other institutions should also be strengthened to review, monitor, implement, and regulate tribunals of inquiry in Nigeria.

[35]Ibid.
[36] Frank Iacobucci, 'Commission of Inquiry and Public Policy in Canada' (1989) 12 (3) *Dalhousie Law Journal*, 21-28.
[37]Ibid.