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Effect of Working Capital Management on Profitability: Evidence from Conglomerate Firms In Nigeria
Prof. I. Abiola, T.S. Ajagbe and A.A. Ariyo - - - - 1-10

Impact of Rural–Urban Migrants' Remittances on Economic Development of the Rural Areas: A Case Study of Selected Villages around Kontagora Metropolis
M.Bala and Dr B.D. Sarkin-Daji - - - - - 11-24

Determinants of Annuity Market Development in Nigeria: A Review
J.S. Adeyele and E.O. Imouokhome - - - - - 25-37

Barriers of Returning Home Among Ex-Prisoners: A Conceptual Discourse on the Life Outside Prison
A.M. Ahmed - - - - - - - - 38-49

Effect of Socio Cultural Factors on Accessibility to Growth Capital Among Indigenous Women Entrepreneurs in Sokoto Metropolis
Dr (Mrs) M.A. Koko and A.S. Bala - - - - - 50-63

Ethics in Nigerian Public Service: Compliance and Sanctions in Service Delivery
Dr H.T. Hassan - - - - - - - - 64-74

Financial Development, Income Inequality and Poverty Reduction in Nigeria
O.G. Yinusa and O.Y. Alimi - - - - - - 75-92

Evaluation of the Recruitment Practices in the Federal Capital Territory Area Councils' Service Commission, Abuja
S.S. Wogan - - - - - - - - 93-107

Misappropriation of Public Funds by the Military and Democratic Regimes in Nigeria: Causes and Preventive Measures
L.A. Oke, O.M. Tijani and O. Ojulari - - - - 108-127

Influence of Cultural Factors on the Practice of Accounting in Nigeria
Dr A. Olagunju - - - - - - - 128-142

MISAPPROPRIATION OF PUBLIC FUNDS BY THE MILITARY AND DEMOCRATIC REGIMES IN NIGERIA: CAUSES AND PREVENTIVE MEASURES

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Abstract

The promise and potential of the Nigerian economy has remained unrealized notwithstanding the country's natural resource endowment. What ails the Nigerian Nation? This paper argues that leadership failure through downright corruption of Nigerian political institutions have much to do with the country's dismal performance in tackling widespread inequality and poverty reduction. Non-accountability for public funds is damaging the fabric of the citizenry, the structure of families, quality of life and even the very future of the country. It is in this context that this paper develops the theory of Using the American Dream Theory, this monograph sets out the stock of political corruption activities in Nigeria from early independence days to contemporary period. The monograph also sets out a number of reforms to further democratise the Nigerian Nation and enhance public accountability. These include, that office holders must make public all the investments in companies and trusts for which they are the ultimate beneficial owners. In principle, stricter rules must be in place to curb the power of the rich to influence political processes and policies that best suit their interests. Efforts should be made to crack down on financial secrecy, institution of redistributive transfers, and the strenghtening of social protection schemes to provide a new framework for social accountability and reforms to institutions of democracy. In this realm of the Freedom of Information Act, investigative journalism should continually embrace the challenge of investigative techniques to expose the cancer of corruption which has held down human development and arguably worsen security situation.

Keywords: *Missappropriation, Corruptions, Accountability, Transparency, American Dream*

1. INTRODUCTION

Given the scale of rising wealth concentrations, unequal political representations and opportunity capture in all economies of the world, almost half of the world's wealth is now

maintained by just one percent of the population (Messner & Rosenfeld, 2013). According to the World Bank, within the global economy over $1 Trillion in bribes are paid each year (Gonzalez-velazquez, 2004). Corruption has featured as a central economic issue in political economies of the world, including the African continent, China, Indonesia and Poland (Doh, Rodriguez, Uhlenbruck, Collins & Eden, 2003), Turkey (Economist, 2004), Russia (Economist, 2005). As Wang and Rosenau (2001, p. 26) observed:

> In less than a half-decade, the worldwide backlash against corruption has swept like a firestorm across the global political landscapes. Governments have fallen. Longtime ruling parties have been hounded out of office. Presidents, prime ministers, parliamentarians, and once mighty corporate chieftains have been grilled by prosecutors and herded into the docket. Italy, France, Japan, South Korea, India, Mexico, Columbia, Brazil, Isreal: no region, and hardly any country, has been immune.

In Nigeria, it is a looting culture. At the dawn of the twenty-first century, the focus of the state still parallels that of its citizens. While the country focuses on deepening and widening revenue generation from oil and non-oil sources, freedom of its citizen from unemployment, exploitation and squalor remains as elusive as ever. Over a decade after the establishment of the two anti-graft (EFCC & ICPC) agencies in the country, massive theft by public office holders increasingly becomes global in reach. The country now exists as a public-officers supremacist society. Under it, the citizenry is subjected to modernized slavery that is at the core of the capitalist's heart of darkness. It is the populace-hating culture characterized by embezzlement and cronyism. In an existence that promised democracy, the emphasis is on personal aggrandisement and self-glorification with the result that corruption has become a euphemism for qualifying political leadership (Cousins, Mitchell & Sikka,1983) which has turned the Nation into a field of discord and a street of broken institutions. The dreams of equality, social justice, and an egalitarian society have been replaced by a kind of 'reverse socialism' where redistribution of income is by way of the poor financing the economic gains of the rich (Sikka, Wearing & Nayak, 1999).

Thence, corruption thrives and may have reached its pinnacle consequent upon the late rating as the worst governed country in Africa by the Ibrahim Index of African Governance (IIAG) in 2014. Similarly, the country has been rated as lower than the regional average for West Africa at 52.2 percent and 12th out of 15 in the region in the delivery of public goods and services, and policy outcomes across the continent. Sequel to this is the lowest rating of the country in personal safety where it ranked 49th with 16.5 percent and second lowest in national security at 48th with 58.2 per cent. The country was also evaluated 45.8 percent lower than the African average (51.5 percent), and ranking 37th from 52 in overall governance scale. Under participation and human rights, the country is rated 26th on sustainable economic opportunity with 43.3 per cent and 34th in human development with 53.0 (Isine 2014, pp. 2).

The walls of immunity stand tall in defence of the ruling class as the legislative arm of government enacts impunity to "capture" election and selection processes for the executive. Consequently, they are not just marginal institutions, they also form part of a massive public-fund looting industry that is global in reach, and expanding into more and more areas while undermining social solidarity and creating disillusionment with contemporary forms of justice, fairness, democracy and politics (Isine 2014). Unsurprisingly, younger generations and the alienated minority are shunning the ballot box since the ignorant majority is put on 'stomach infrastructure' allowances. Ethnic and regional voting patterns are common and opposition party platforms are weak, elections no longer offer real pragmatic alternatives to voters (Premium Times, 2014). Arguably, we have reached a point where elections can do almost nothing to hold bureaucrats, the judiciary or security forces to account for their actions. Accounting as a fundamental organizational and social practice plays a critical role in this expansionary process, and yet we have very little if not any academic contribution in this process in Nigeria. Even though the media have made lots of contributions, there is a profound "silence" around it in accounting literature including accountability and public interest research. As a result of this crucial importance and growing interest in corruption, we took stock of the *untamed beast* in Nigeria from independence to existing evidence used in the literature This paper contributes to the literature on accountability by showing how calls for public accountability is frustrated and resisted by the system and how social welfare is undermined.

This paper is further organized in four sections. The next section offers a framework for exploring governance and accountability in contemporary societies in the face of an abject future. The section argued that there is an information asymmetry in favour of the agents in which elected officials first design procedures that reduce the informational disadvantages faced by the politicians, and contend that the Freedom of Information (FOI) Act does not assure good governance. It outlined the history of corruption in Nigeria and offers a number of cases on the current trend. The third section examines the likelihood of failure of an intending social security system, unfolding its failure in a number of jurisdictions due to corruption. The final section summarises and concludes the paper.

2. THEORETICAL FRAMEWORK

The ethos and norms of a people determine their disposition to moral values. Their attitude to and perception of social values is predicated upon their opinionated ideals as "beliefs and commitments in many respects define what it means to be an enculturated member of our society" (Messner & Rosenfeld, 2013, p.6). Given this backdrop, "the American Dream" was introduced into contemporary social analysis in 1931 by historian James Truslow Adams to describe his vision of a society open to individual achievement" (Messner & Rosenfeld, 2013, p.7). Specifically, American Dream Theory was popularized about human

freedom envisioned in riches with ardent desire to attain the riches come what may. Hence, Hochschild (1995) succinctly observed the Americans' disposition to wealth as it is entrenched in the dogma:

> not merely to get rich, but rather the promise that all Americans have a reasonable chance to achieve success as they define it – material or otherwise – through their own efforts, and to attain virtue and fulfilment through success (p. 6)

Put differently, Americans consider their citizenship a precondition to the attainment of riches and consider whatever means innocuous in as much as it is directed towards amassing wealth. In this vein, they have been enculturated by the illusion of having exclusive chance of achieving success since they are Americans. Meanwhile, some pockets of individuals, particularly the politicians, in almost every human community share this mirage, either consciously or subconsciously, with the Americans. The ethos, predicated on American Dream, is also carefully captured in the words of Ogbeidi (2012, p. 12) when he articulated about politics in Nigeria that "the culture of corruption had become entrenched in the Nigerian polity since the creation of modern public service administration in the country" (p. 12). Political office seekers seem to have the goal of money-making in common therefore leading to the consideration of corruption as the umbilical cord of politics with its identification with polity informing its widely adopted definition as the "misuse of public office for private ends or gain" (McMullan, 1961; Nye, 1967; Klitgaard, 1998; Rose-Ackerman, 1999; Otusanya, 2011).

Further, American Dream can be considered as an extension of an old communist belief as the enculturation of monetary success by the elites through theft of public funds is deeply rooted in the maxims of the old communist. A proverb credited to communism considers that "not stealing from the state means robbing one's family" (Mungiu-Pippidi, 2011, p. 6) Thence, politicians' hunger for wealth, at almost any cost, is not constrained by the laws of the land since huge emphasis is placed on monetary success, which overwhelms other socio-economic goals and becomes the principal means of measuring success (Choo and Tan, 2007, Sikka, 2008, Otusanya, 2011). Considering the case of Nigeria, the culture is imbibed by the people and institutions to the extent that the major qualification for participation in the mainstream politics is the possession of acumen and wits to peculate after being voted into power. This is demonstrated by the institution overseeing electoral affairs in Nigeria as the nomination form for presidential aspirants costs a colossal sum of N27 million (approximately $170,000). Other preparatory spending is not left out anyway. Such aspirants would be desperate to get elected given the financial commitment. If elected however, replenishing the source of the investment will kick socio-economic well being of the citizenry out of the primary consideration of the presidents. Given these antecedents, we

explore literature to unveil how political elites have become enculturated into corruption in Nigeria by legitimising thefts and building institutions to cover their trails.

2.1 Accountability and the State

In contemporary societies, public accountability has evolved as a key concept characterized by processes aimed at securing trust between government and the governed (Sinclair, 1995; Ahrens, 1996) through designated officials. According to the institutional theory in the social-legal literature which draws on agency theory, the principals are the elected officials who then have to ensure that their "agents", the bureaucrats, design regulations that preserve the trust of the original policy position to ensure the absence of bureaucratic drifts. Similar to the agency theory, there exist, an information asymmetry in favour of the agents in which elected officials first design procedures that reduce the informational disadvantages faced by the politicians (Baldwin & Cave, 1999) and, second, (so they can) ensure there are sufficient "dependable" administrators involved in the design of the regulation (Majone, 1996). Civil servants are inculcated into the ethos of government departments while advancement in their career depends on compliance with informal and formal rules designed in the context of hierarchical structures. The agents, thus advise ministers and other policy makers through written documents that shape public choices. These documents, which provide useful insight into the data required for policy making, as well as the processes and outcomes involving a variety of economic and political calculations are historically accessible to a selected few and shaped by interests primarily embedded within the system, while the agents are prevented from providing same to the public unless otherwise directed (Hennessy, 2010). The meanings associated with accountability is shaped by politics and power while its discourse is an ongoing contestation (Laclau & Mouffe,1985).

In a democratic setting, the public is expected to have access to information (particularly through the media) not only on how they are governed but also on issues of public interest. As Simmel, (1950, p. 337) held, "every citizen should know the events and circumstances that concern him, since this is the condition without which he cannot contribute to decisions about them..." Political acountability must serve the dual purpose of checking the power of office holders to prevent them from rulling in an arbitrary or abusive manner, and also help to ensure that governments operate effectively and efficiently.

Until May 2011, when the Freedom of Information (FOI) Act finally took effect in Nigeria, the right of information in Nigeria has been overlooked and regarded as a luxury, practicable only in the Western world and other established democracies (Ekuno, 2001) as their release depends on political prejudices. The level of secrecy that existed prior to the passage of the FOI bill was ridiculous even when some classified government files contain common place information like newspaper cuttings already existing in public domains. So impenetrable is the veil of secrecy that government departments withhold information under the disguise of

official secrets. This organized secrecy shields politicians and civil servants from parliamentary and public scrutiny and also protects business and economic elites embroiled in public policy making (Cousins, Mitchell & Sikka,1993). This breakdown in the flow of information often impairs the democratic process with attendant implications for economic and social development. Notwithstanding the FOI Act might appear to guarantee rights of access to information through openness and transparency and places enormous responsibility on those who holds information (Arogundade, 2012), it does not however assure good governance. Policy makers had claimed that the Act has profoundly changed the relationship between citizens, and their elected representatives and the media on the one hand, and the Government and public authorities on the other hand Executive far more transparent and accountable. Ogbuokiri (2011) however, observed that the Act contains more exemption sections and clauses than the sections that grant access to information. Further, there are other laws which by their nature are aimed at suppressing the free flow of information and are fully operational. This includes the Secrets Act, Evidence Act, the Public Complaints Commission Act, the Statistics Act and the Criminal Code.

3. The History of the Deep-Seated Corruption

Historically, the origin of public funds misappropriation dated back to the colonial era. In the Colonial Government Report (CGR) of 1947, "The Africa's background and outlook on public morality is very different from that of the present day Briton. The African in the public service seeks to further his own financial interest" (Okonkwo, 2007, pp 23). Prior to the Nation's independence, there has been official misuse of resources for personal gains (Storey, 1953). The sacking of the Nigerian First Republic politicians from power through a coup d'état by the group of young middle-rank army officers were predicated on the ground of corruption. The wind of change expected by Nigerians during this period dies with the coup of July1966 which brought Yakubu Gowon into leadership. At a time when Nigeria experienced an unprecedented oil boom, the regime was also enmeshed in deep-seated corruption. The Belgore Commission of Inquiry found ten of the twelve state military governors guilty of corruption and the culprits were dismissed with ignominy and forced to give up their ill-acquired properties considered in excess of their emoluments (Gboyega quoted in Ogbeidi, 2012). The "Cement Armanda" of inflated contracts under the same Commission also indicted Gowon Government led Ministry of Defence. The Commission noted the Ministry required only 2.9 million tons of cement at N52 million as against N557 for which the contract was approved (Afolabi, 1993). Several corrupt officials were subsequently dismissed and many were ordered to refund the looted funds.

The resurgence of corruption was experienced under President Shehu Shagari in the loss of over $16 billion oil revenues between 1979 and 1983. At this time, there was the prevalence of federal buildings mysteriously going up in flames, usually preceding the onset of audit of Government accounts, which makes is difficult if not impossible to obtain written evidence of misappropriation (Dash, 1983). In the same vein, Shagari's

Government combative Transport Minister was alleged to have mismanaged about N6 billion of public funds earmarked for rice importation (Gboyega quoted in Ogbeidi, 2012).

According to a colonial Government official, "Were a UK minister to be involved in a series of transactions the result of which public funds were used to support an otherwise shaky institution in which he was directly interested, he would be forced to leave public life" (Okonkwo, 2007). The colonial government did not prosecute Dr. Nnamdi Azikiwe when he failed to relinquish his holdings in the defunct African Continental Bank (ACB). As suggested by Schedler (1999), "exercises of accountability that expose misdeeds but do not impose material consequences will usually appear as weak, toothless, diminished, forms of accountability. They will be regarded as acts of window dressing, rather than real restraints on power" (p. 15). His leadership used its influence to promote the interest of the bank (Report of the Foster-Sutton Tribunal of Inquiry, 1956, p. 42; Sklar, p. 2004: 185) while himself, his family, and the Zik group of companies in particular who were the principal shareholders of the bank obtained at extremely low interest rates, £163, 000 loans over an extended period till 1971 consequent upon which the bank became defunct. Due to its level of insolvency, the Registrar of Banks refused to grant its operational license (Ogbeidi, 2012). In 1962, the first Premier of the Western Region, Late Chief Obafemi Awolowo was investigated and found guilty by the Coker Commission of Inquiry of ills perpetrated in the Western Region Marketing Board, due to his failure over adherence to the standards of conduct required of persons holding public office (Coker Commission, 1962; Magid, 1976). Although, some authors have contended that it might be legitimate to speak of acts of accountability even when the punishment component is missing. Schedler (1999) cites the instance of the South African truth commission whose sanctions were limited to public exposure and disapproval of wrong doing. Smulovitz and Peruzotti (2000) similarly posit that such measures can serve as an effective form of control over public servants, potentially destroying their reputations and polical capital, and activating horizontal mechanisms of accountability. In Nigeria, most corrupt leaders are rather celebrated than stigmatized even though this represents a flawed process for institutionalizing probity and accountability in governance.

Shagari Administration of 1979 to1983 had a number of state governors sentenced to jail terms between 100 and 340 years under the Buhari/Idiagbon military regime which took over power from it. However, the regime was short-lived following a palace coup on August 27, 1985, led by General Ibrahim Badamasi Babangida.

The content of the 1994 Okigbo Panel Report on the Reorganization and Reform of the Central Bank of Nigeria (CBN) similarly indicted former Military President, General Ibrahim Badamasi Babangida, former Head of State, Late General Sani Abacha, and the former CBN Governor, the late Alhaji Abdulkadir Ahmed, for misappropriating funds in excess of $12.4 billion oil funds between 1988 and 1994. The report revealed the authorized

dedication of crude oil proceeds from 65, 000 barrels daily (bpd), increasing to 105, 000 and subsequently 150, 000 barrels per day by early 1994. Additionally, a Stabilisation fund devoted to receive the windfall oil proceeds of the Gulf War and a special account for Mining rights and Signature Bonus were opened. The sum of $12.4 billion were received all together into these accounts between 1988 to mid-1994, to cover the financing of special priority projects, including the Ajaokuta Iron and Steel, Itakpe Iron Mining, and Shiroro Hydroelectric projects. Afterwards, these funds were filtered away dubiously leaving bout $206 million by June 30 1994. Same account was also used for external debt buyback and building up of Nation's external reserves (Executive Summary of Okigbo Panel Report 1994, item 0.38). The report also revealed that Babangida's regime conspired with top CBN officials to loot the public treasury. Even after the exit of the military leadership, his successors continue to pillage the country's coffer. Overall, neither of the Dedication nor Stabilization accounts were applied for their originally designated purposes. Their balances were excluded from the Federation Account, a practice that violated the fundamental precepts of federal Fiscal relations in Nigeria. Gross takings on these accounts between June 1988 and 1994 totalled $12.4 billion, held exclusively outside the country's reserve account. This had significant implications on the exchange rate with the dollar. Perhaps, a period when the Nation had loans outstanding in favour of the Paris and London Clubs. Unilaterally debasing the revenue formula, the respective share of both Local and State Governments were confiscated by the Federal Government. Authorization processes for their operations were also rstricted to the approval of the President or Head of State, and communicated directly to the CBN governor. This created considerable abuse of due process and reduced public accountability (Ogbeidi, 2012).

Under the leadership of General Abacha who ruled between November 1993 and June 1998, corruption became blatant and systematic.The International Center for Assets Recovery (ICAR) estimated embezzled public funds at $4 billion (ICAR, 2009), stashed away in bank accounts in Britain, France and Jersey. The funds were subsequently frozen at Washington's request with the assistance of local authorities. Abacha died in office in 1998, but his surviving relatives still include some of the richest and most influential figures in Nigeria. According to a civil forfeiture complaint unsealed in the US District Court in Washington, the AFP quoted the justice department of the need to recover more than $550 million in connection with the action. Mytili Raman, the acting assistant attorney general was quoted to have stated that that amount is the largest civil forfeiture action to recover the proceeds of foreign official corruption ever. She further noted that "General Abacha was one of the most notorious kleptocrats in memory, who embezzled billions from the people of Nigeria, while millions live in penury," (The Punch Nigeria, 2014, p. 23). A breakdown of the funds frozen include approximately $313 million in two bank accounts in the Bailiwick of Jersey and $145 million in two bank accounts in France. Four investment portfolios and three bank accounts

Britain were frozen, with an estimated value of at least $100 million. Abacha and his Finance Minister, Anthony Ani, were alleged to have embezzled billions of dollars of public funds from Nigeria's Central Bank under the false pretence that the funds were necessary for national security. The Punch (2014) further reported that the duo caused the Government to buy Nigerian Government Bonds at inflated prices from a company controlled by Bagudu and Mohammed Abacha. That operation created an illegal windfall in excess of $282 million. Further, Abacha and his co-conspirators allegedly extorted more than $11 million from a French civil engineering company, Dumez, and its Nigerian affiliate in connection with payments on Government contracts. Funds involved in each of these schemes were laundered through the US in nine financial institutions including Citibank, Chase Manhattan, JP Morgan Chase the New-York based units of Britain's Barclays Bank and German's Commerzbank. In a series of articles, the Financial Times of London observed that much of the looted funds by corrupt soldier-politicians of Nihgeria's past regimes ended up in British banks. As one of the publications notes: "Banks in London played a key role in enabling former Nigerian dictator Sani Abacha to launder over $4 billion (£2.76 bn) during his four and a half year rule."

4. Return of Democracy and the Mark of Untamed Political Quadruped

In representative democracies, the level of accountability by elected representatives to their constituents is regarded as a key indicator of the quality of democracy actually enjoyed by the society (O'Donnell, Guillermo, & Lazetta, 2004). The vertical accountability where elected officials are answerable to the ballot box do not have a place in Nigeria. If corruption in the 1990s was endemic, the return of democracy returned the beast as a legend. Political leaders and top civil service officers continue to loot the treasury with arrogance and impunity. Under President Olusegun Obasanjo Administration, over $400 million invested in Turnaround Maintenance (TAM) and the repairs of existing refineries failed to yield any positive results while there were no reports that the contractors were prosecuted (Adekeye, 2003, p. 30). Proceeds of over 445,000 barrels of crude oil sold by the Nigerian National Petroleum Corporation (NNPC), under the leadership of Jackson Gaius-Obaseki between January and July 2002 were unaccounted for while another N302 billion shortfall remained undeclared revenue within the seven month period as indicated in the Revenue Mobilisation Allocation and fiscal Commission (RMAFC) reports (Adekeye, 2003; Shettima, 2009). The audit report signed by the acting Auditor General of the Federation, Vincent Azie during the first four years of Olusegun Obasajo administration revealed that 10 federal ministers allegedly stole more than N23 billion of public funds in forms of payment for non-executed contracts, over-invoicing, outright embezzlement, duplication of payments, and inflated contract pricing amongst others. Calls for investigation into the transactions led to Vincent Azie being forced out of office through a hasty retirement for procedural offences (Adekeye, 2003; Haruna, 2009).

In 2001, the administration of Olusegun Obasanjo awarded through a controversial circumstance with the Nigerian Security Printing and Minting Company (NSPMC) which placed a lower bid for the same contract, a $214 million National Identity Card project to SAGEM South Africa, a French company. SAGEM got through with the contract under the influence of seven prominent public servants and company executives indicted. The project was not eventually executed and the sums released shared amongst the suspected culprits (Ashaju, 2003). Prominent amongst whom were Hussainin Akwanga (a former Minister of Labour and Productivity), Chief Sunday Micheal Afolabi and Mahmud Shata (Minister of States, Internal Affairs), R.O. Akerele, (Permanent Secretary, Internal Affairs), Okwesilieze Onwobodo (former Enugu State Governor) and erstwhile secretary of the ruling People's Democratic Party, Niyi Adelagun, a business partner in SAGEM S.A. Nigeria, and Jean-Pierre Delarue, a Regional Area Manager, Identification Systems of SAGEM S.A (Ogbeidi, 2012).

In the words of Aribisala (2013), "Nigeria is the money laundering capital of Africa". According to Global Financial Integrity (GFI), Nigeria ranked first amongst African countries which had sufferred from massive outflows of illegal funds between 1970 and 2008. In the study entitled "Illicit Financial Flows from Africa: Hidden Resource for Development," the Washington based research and advocacy organization maintained that Nigeria, which placed seventh of the 20 largest exporters of illicit funds, lost $165 billion through round-robined back of its trading partners and assisted in developing further their market economies. This figure is approximately 19 percent of the total $854 billion outflows from Africa between 1970 and 2008. Another $129 billion was also exported between 2001 and 2010. The Chairman of the anti-graft agency, Economic and Financial Crimes Commission (EFCC) reported the loss of an estimated $14 billion through money laundering between January and August 2012, the figure which a former CBN governor puts at $11 billion (Aribisala, 2013).

Corruption permeates all levels of leadership in Nigeria. A number of former governors and other public officers have also cornered substantial amount of public funds. Governor Alamieyeseigha of Bayelsa State was imprisoned in London and later jumped bail for allegedly laundering funds ranging between £10 to £20 million into an account with HSBC in London. He was later convicted and sentenced by a Federal High Court in Lagos on July 26, 2007 to 12 years imprisonment for fraud and false declaration of assets (Ogbeidi, 2012). In Delta State, James Ibori, under the cover of his British born wife, Tessi Ibori, acquired through laundered funds, three mansions in London for $40 million. Ibori and another ex-governor, Lucky Igbinedion of Edo State were ordered to refund $4.8billion worth of assets and cash to the anti graft agency in 2011.

An erstwhile governor of Ondo State, Late Chief Olusegun Agagu, was arrested over alleged mismanagement of N25 billion voted for Ondo State Oil Producing Areas Development Commission (OSOPADEC). A former Speaker of the House of Representatives, Dimeji Bankole was tried for alleged complicity in a N9 billion Capital Project fraud. EFCC also investigated Bankole over the sourcing of N10 billion bank loan to service the recurring expenses of the Representatives. On how the funds were shared among the Lawmakers, Bankole claimed he got monthly allocations of N100 million for six months amounting to N600 million, while his deputy, Alhaji Usman Bayero Nafada, received N80 million monthly for the same period totalling N480 million. Other principal officers that benefitted from the loan over an eight month period include House Speaker, Tunde Akogun N60 million monthly; Chief Whip, Emeka Ihedioha N55 million monthly; Deputy House Leader, Baba Shehu Agae, N57 million monthly; and Deputy Chief Whip Aminu Waziri Tambuwal (now Speaker) N54.5 million monthly (Chukwuebuka & Chidubem, 2011).

A High Court of the Federal Capital Territory during the first quarter of 2013, sentenced a former Assistant Director in the Police Pensions Office, Mr. John Yakubu Yusuf, to two years imprisonment with an option of N750, 000 fine, after he admitted that he connived with other officials to steal over N20 billion retirement benefit funds. He was also ordered to forfeit N325 million and 32 of personal properties to the Federal Government. Considering the lives of thousands of retirees who lost their lives and the future of defendants victimised as a result of the crime, the apportioned paltry N750, 000 punishment is obviously trivial. It is equally shameful and ironical that a scam of this magnitude saw the culprit walking away from the courtroom in his personal car, after handing over a cheque of the referred sum in return for a revenue collection receipt. It is difficult to admit that the judgement of Justice Mohammed Talba had no financial inducements (The Punch Nigeria, 2013), given the suffering of ex-employees of the Federal Government whose children are forced to drop out of school owing to delays associated with payment of their gratuities, pensions and other retirement benefits. Several thousands have suffered terrible health challenges after being subjected to tedious procedures, including queuing under the scorching sun for their benefits, during which they eventually die without getting what they worked all their lives to achieve. (The Punch Nigeria, 2013).

4.1 An overturn of looting strategies

On September 13, 2014, PremiumTimes Nigeria released a review covering the report issued by the Nigeria's Auditor-General, indicting a former Head of the Civil Service of the Federation, Stephen Oronsaye, over an alleged N123 billion fraud. The report which revealed that the fraud was perpetrated during his tenure, between 2009 and 2010 was contained in a 169-page document titled "Special Audit of the Accounts of the Civil Pensions" found the former official guilty of allegedly presiding over the misapropriation of the Nation's resources under his leadership. The Auditor's report which covered the period

2005 to 2010 uncovered monumental financial irregularities, opaque transactions, irregular and abnormal running costs, as well as outright stealing and kickbacks, was said to attain its zenith during the 18-months tenure of the former Head of Service. Despite the attempts at the highest reach of government to surppress the findings of the report (PremiumTimes, 2014), the electronic source brought the detailed audit report to the limelight. Before and after the release of the report, the former Head of Service had, and continue to occupy some of the most important positions in the country's leadership. He presided, for over ten years, the Presidential Committee on Financial Action Task Force (FATF), a board member of both the Nigerian National Petroleum Corporation (NNPC) and the Central Bank of Nigeria (CBN). The report revealed that the pension payroll was excluded from internal audit from June 2009 to December 2010, and that over N52 billion paid as monthly pension were largely unaccounted for. Other sums totalling N700 million were paid to 223 contractors for store items bearing no payment vouchers. The payments were never reflected in the cashbook leading the auditors to conclude that the items were probably never supplied. Series of infractions were also detected in the payment of N2.08 billion check-off dues to the Nigerian Union of Pensioners in 2009 and 2010. When auditors compared the figures with the mandatory one percent deduction from statutory pension allocations, the result was a whooping N1.03 billion excess payment, which the Office of the Auditor General claimed were passed to Mr. Oronsaye. Furthermore, the report added that N15.6 billion released by the Federal Government for the settlement of death benefits of deceased civil servants in July 2010 were not accounted for. Unimaginable, they still rob them even at their death. Checks made by PremiumTimes further suggest that the funds were moved to an illegal account with the Federal Secretariat business office of Union Bank of Nigeria, an account personally operated by Mr. Orosanye and managed by his sister-in-law. The funds were afterwards placed in an interest-yielding account without the detail of agreed upon interests. Without the knowledge of the Accountant General of the Federation, Mr. Orosanye was also reported to have operated between 2009 to 2010, 58 different accounts into which over N54 billion was transferred and subsequently drawn for undisclosed purposes. Indications revealed the absence of documents including the cash books, payment vouchers, bank reconciliation statements, transcript nor other evidence of expenditure returns. Further, a company, Innovative Solutions Limited was alleged to have been handpicked by Mr. Oronsaye for a N63 million contract intended for biometric data capture. The newsprint found that the contract ultimately evolve as a channel through which a number of individuals and companies illegally shared N705,368,245 amongst which are Frederick Hamilton Global Limited (N119,398,500); Xangee Technologies (N153,146,719); Fatidek Venture (N30, 056,000); and Obanlado Enterprises (N96,765,400). Other details excluded in the Auditor-General's report but nonetheless disclosed by PremiumTimes comprise how the Head of Service, on June 30, 2010, transferred N113 million from pension account No; 4501040012292 with Union Bank Plc to a Unity Bank account tagged "contingency," the

account which turned out to be a State House Account under the name of a Principal Private Secretary to the president, and operated by Mr. Oronsaye several years after he vacated his office as the President's private secretary. Further, a certain Shola Aiyedogbon drew part of this illegal funds for onward delivery to Mr. Oronsaye. Attempts to subdue this story saw Mr. Walter Duru, a spokesman to the former Head of service, procuring one Mr. Emmanuel Onwubiko, an Abuja-based NGO boss, and the Human Rights Writers Association of Nigeria, to circulate a press statement that the report released by PremiumTimes was a witch hunt on the personality of the former civil service boss (PremiumTimes, 2014).

The Third-tier arm of the Government is by no means excluded. PremiumTimes Nigeria reported that in 2013, the Executive Council of Surulere Local Government in Lagos State was involved in numerous financial irregularities, ranging from the disbursement of millions on non-executed contracts in 2012. This followed the petition forwarded by a nine member councillor in the Local Government forwarded to the Lagos State House of Assembly. The Council Audit for the year ended December 31, 2012, carried out in compliance with the provisions of Section 5 subsections 1-4 of Lagos State, Local Government Administration Law No. 7 of 1999, revealed that N10 million and N57.6 million were respectively obtained as term loan and vehicle loans without due approval, violating the State Public Financial Management Law 2011. The inspection of the performance of Revenue Contractors showed a shortfall of N1 million, representing non-remitted market stallage fees. Amount totalling N906, 416 was recorded for workshops, training and conferences for which documentary evidences were not attached. Another statutory deduction from contracts awarded totalling N16.8 million in respect of PAYE were not remitted to the appropriate agency. Contract awarded to Dexter Forte Limited for the construction of coloured display solution in the year under review at N12,840,00 was paid at N17, 847,000. By February 2011, six months after, the contract was neither executed, nor the audit query raised by the Auditor General for Local Governments on Council received any response. Other observations re-counted include monthly payments to the Personal Assistant to the Chairman, contrary to F.M. 14.8 (6) which states that the payee named on the voucher is the person entitled the payment and the Council imprest which was unilaterally increased from N150,000 to N250,000 without due process. The anti graft agency (EFCC) was subsequently referred for investigation (PremiumTimes, 2014).

An audit of the books and records of Amuwo Odofin Local Government for the year ended December 31 2012 revealed cases of expenditure budget overshoot under various heads and sub-heads, non-registration of contractors, non-adherence to tender procedures, and performance bond from financial institutions registered not produced prior to disbursement of mobilization fees (PremiumTimes, 2014). Contrary to F.M. 17 (10), numerous contracts awarded were not placed through open tender. Vouchers were paid to contractors without execution. Specifically, a contractor, Amuwo Sowapo Nigeria Limited (a revenue

contractor) failed to remit N1.5 million to the local government in the period under review while revenue items contracted to Fortress Valley Consulting was not specifically stated (PremiumTimes, 2014). Audit examination of the council's payment voucher showed defrayed expenditure of N13 million for various purposes without proper accountability. Non-remitted withholding taxes totalled N189 million, while 59 payment vouchers in the sum of N22.3 million paid and entered into a combined cash book were not produced despite repeated demands by the auditors (PremiumTimes, 2014).

The officials of Ikeja Local Government, including the Executive Chairman, Council Manager, Engineer and the Council Human Resource Officer (H.R.O), failed to provide satisfactory explanations to various audit queries issued in 2013. Audit queries LGA/INSP/IKJLG/Q.6/F4/2012 of 6th February 2013 and another LGA/INSP/IKJLG/Q.7/F3/2012 of 7th November 2012 were related to the issues of non-accountability for amounts expended for the purchase of official vehicles. Further, under the subheading "Doubtful Expenditure", the audit report noted that payment vouchers totalling N460,000 paid to officials to defray sundry expenses were dubious and characterized by several irregularities. Contrary to F.M. 14.16, several payments were accounted for while some others were retired with self generated receipts, payments were also made without the express authority of the vote controller while some other payments were not receipted. Amounts totalling N32.5 million, representing statutory deductions withholding taxes for the period covered by the auditors' report December 2012, were not remitted, contrary to section 19.2 (11) of the Guidelines on Administrative procedure for Local Governments 2011. "The total receipts excluding balance b/f of N579,183.62 was at variance with audit cash receipts of N580,776,183.62; the Council Treasurer failed to reconcile the sum of N204, 747,401.30 representing the purchase and construction of assets with figures in note 6. Also, detailed explanation of advances and loans acquired were not contained in the Financial Statements," the report added (Ezeamalu 2014).

5. Institutionalized social security - a checker for public accountability?

5.1 Social Insecurity

The guaranteed market of access to public resources by politicians and other public service holders continue to strenghten corruption even at the dawn of modernity. Ironically, corruption also impacts on the rights to social security of the truly needy. Corrupt officials have extended benefits to relatively wealthy population groups and drain off funds from poverty-alleviation programmes and weaken their impact. Social security benefits have been hacked by the axe of corruption. To mention a few, in the U.S., the mishandling of Social Security funds has gone on since the mid-1980s. As soon as the surpluses, resulting from the 1983 payroll tax hike first began to flow into the Treasury, politicians from both political parties began using the money like a giant slush fund. The bad habit has never been

broken, and every dollar of the N2.5 trillion in surplus Social Security revenue, generated by the tax hike, has been spent, leaving no real assets in the trust fund (Smith, 2009). On March 16, 2011, Senator Tom Coburn (R-OK) was quoted to have said, during a Senate speech "Congresses under both Republican and Democrat control, both Republican and Democrat presidents, they stole money from social security and spent it. The money's gone. It's been used for another purpose" (Smith, 2009). A study on Corruption and Social Grants in South Africa by the Institute for Security Studies (ISS) revealed that in 1996, about R1.5 billion (approximately $133 million) yearly was lost through maladministration in the delivery of social grants. Its Department of Social Development also estimated that it loses close to 10 percent of its annual budget of R20 billion to social grant fraud by public officers (Sokomani & Reddy, 2009). In China, a report on an audit of Chinese provinces revealed about 7.1 billion yuan (nearly $1,156.59 million) was embezzled from Social Security funds, 2.3 billion yuan (approximately $374.67 million) till 1999 and another 4.8 billion ($781.92 million) after 1999 (Morris & Chua, 2007).

5.2. The Loathsome Pension Laws

While a number of authors in theory and practise have attributed the challenges of corruption in Nigeria to the absence of an institutionalized social security system (see, for example, (Okunno, 2001; Ogbeidi, 2012; Ọrọgundade, 2012), we contend to the contrary, that the floatation of a social security system alone is inadequate and unlikely to reduce or eliminate corruption in Nigeria. Our argument is based on recent developments across several location concerning laws establishing intolerable pension provisions for former political office holders. At a time when Nigeria, a top oil producer, dominates twelve other countries to account for 47 percent of the global out-of-school population. At a point when the UNESCO Education for All Global Monitoring Report (EAGMR) revealed that approximately 10.7 million kids and 64 million adults are out of school (PremiumTimes, 2014), the media (Ekot, 2014), on June 5 2014, released a review of pensions laws from seven states in Nigeria. The review shows how Nigerians have spent a fortune maintaining their profligate former governors and ex-deputies, with pensions for life, free healthcare, security, transportation, cars, accommodation, and jobs- the same needs other citizens are abruptly deprived of in their daily lives.

5.2.1 And the States

In Kwara State, the pension law was initially passed in 2003 and approved by former governor, Mohammed Lawal. The provisions of the law stipulated that qualified governors and their deputies be entitled pension for life, excluding accomodation, cars and others. A eview of the law was however made in 2010 under the leadership of Bukola Saraki, a rmer governor of the state and a serving senator, who currently draws a monthly salary d a quarterly allowance of at least N40 million sought the support of the state House of sembly to impose outrageous raises of all the benefits. The 2010 law entitles a former

governor to two cars and one additional security car, replaceable every three years. Further, the governor is entitled to a "well furnished 5-bedroom duplex", and furniture allowance of 300 percent of his salary (which totals over N6 million). The governor is also to receive benefits in kind of five personal staff paid for by the state, eight policemen, three State Security Service (SSS) operatives (of which one must be a female), and free medicals for governor and his deputy. Others include 30 percent of salary for car maintenance, 20 percent of salary for car maintenance, 20 percent for utility, 10 percent for entertainment, 10 percent for house maintenance (Lere, 2014, p.417).

In Lagos State, the pension law was signed by a former governor who is currently a national leader of the All Progressives Congress, APC, Ahmed Tinubu. In his case, the former governor cornered for himself and his former leaders of the state pensions for life, two houses (one in Lagos and one in Abuja). The governor is also entitled to six cars replaceable every three years (3 for the governor, 1 pilot, 2 backup cars), furniture of 300% of his salary as governor to be paid every two years, a security detail same as Kwara state, free medicals for the former governor and deputies and their immediate families. Others are 10 percent house maintenance, 30 percent car maintenance, 10 percent entertainment, 20 percent utility, and several domestic staffers (Lere, 2014, p.417).

The case of Rivers pension law was first approved in 2003 under the leadership of a former governor, Peter Odili, having been passed by a state assembly headed by the present governor, Chibuike Amaechi. Mr. Odili was accused of massive corruption, and subsequently evaded justice after obtaining a controversial "perpetual injunction." The 2003 pension law provides pensions for life for governors and deputies, defining "pension" as embodying annual terminal basic salary, annual transport allowance, annual rent, subsidy, annual utility allowance, entertainment allowance, domestic staff not exceeding four. Mr. Amaechi signed an amendment of the law in 2012 specifying benefits for former governors and himself when he vacates office. This includes, but not limited to a house in Rivers State and anywhere in Nigeria, a pension for life at a rate of governor's basic, 300 percent of salary for furniture paid every four years, free medical, and 10 percent for house maintenance. In addition, the law gives the former governor a security detail comprising two SSS operatives, four police officers, 30 percent for car maintenance, 10 percent entertainment, 20 percent utility and several domestic staff (Lere, 2014, pp.417).

6. CONCLUSIONS AND RECOMMENDATIONS

Public accountability remains one of the most important mechanisms to contain corruption. The need to expose officials (elected or otherwise) to public scrutiny and criticism for not meeting standards and for wrongdoing, loss of office, placing limitations on their power combined with independent monitoring and enforcement has long been suggested as

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potent anti-corruption strategies. Transparent governance can only exist when the citizenry has a very clear idea about their government resource utilization and control. With public accountability and transparency, decisions made by the leadership are not only known. In addition, corruption is lessened and legitimacy is instilled while the society is made less vulnerable to destabilization. This paper has provided as objective an account that is possibly a very limited number of corrupt practices permeating the leadership of the Nigerian State, to show that despite all pre and post election promises, investment (domestic and foreign), development, effective trade, accountability for the size and composition of government expenditure, growth of the financial system and the underground economy has been frustrated. It supplements previous research in other countries on public accountability by showing how calls for transparent governance are frustrated and resisted by the system and how social welfare is undermined. It is an "action research," a response to the problems encountered, rather than any straight application of any predetermined rules. Such engagements are a reflection of situated understandings of the material in hand, the importance of the issues, the reflexivity of analysis and a range of pragmatic values.

The cases reported in this study seeks to encourage reflections on some questionable practices of government officials (elected or otherwise), within the broader dynamics of a capitalist society which impoverish its citizenry and call for return to decency. To this end we contend that the misuse of public power for private benefits is now a major risk to human progress. In Nigeria, political institutions have become undermine and governments overwhemignly serve the interests of economic elites. Corruption has divided the country into two: almost half going to the richest one percent; the other half to the remaining 99 percent leading to extreme inequality, inevitably heightening social tensions and increasing the risk of societal breakdown.

As noted earlier, corruption is a global challenge. The major emphasis, therefore, is to co-opt international agencies to work with local anti-graft agencies in enforcing regulations that will prevent economic elites from using their economic wealth to seek political favors that undermine the democrat will of their fellow citizens. It should be a matter for the political agenda that office holders must make public all the investments in companies and trusts for which they are the ultimate beneficial owners. In principle, stricter rules must be in place to curb the power of the rich to influence political processes and policies that best suit their interests. Efforts should be made to crack down on financial secrecy, institution of redistributive transfers; and strenghtening of social protection schemes. In this realm of the Freedom of Information Act, investigative journalism should continually embrace the challenge of investigative techniques to expose the cancer of corruption which has held down human development and arguably worsen security situation. Globally, corruption

has featured as a major obstacle to globalization and the fair and efficient resource distribution. These practices raise major questions about the desperation of the citizenry towards improving their material conditions in absolute terms rather than matching up the income distribution. The poorest people continue to shun the ballot boxes since their preferences demonstrate no statistical impact on the voting patterns of elected officials. In order to understand how public policies is most likely to reproduce the conditions that are worsening economic inequality and political marginalization, further study could be conducted by examining corruption longitudinality overtime, and if the study period spans multiple decades then the overall results must be interpreted with caution. Subsequently, the antecedents and effects of unending corruption is likely to spiral out of contriol even as the measurement of corruption improves over time. The claims of political office holders to serve in the overall public interest are made when securing control of public resources, miches and legitimacy, and yet these group of economic elites continue to be implicated in bribery and corruption which contradict those claims. We recommend an areaof research considering why such hypocritical practices flourish.

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