

## THE NIGERIAN NATIONAL ASSEMBLY AND THE OVERSIGHT OF CONSTITUENCY FUND

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**ABSTRACT:** *Given that legislature possess power to provide constituency services, an understanding of this function is instrumental in appraising constituency fund with respect to legislative oversight. While different nomenclatures of constituency fund exist across national cases (Pork Barrel in the United States, Constituency Development Fund in Zambia), a defining feature of its operation in Nigeria opens a vacuum to be filled to ensure probity in the management of the fund. Drawing on a desk review interviews from key respondents on the one hand, and data from BudgIT reports on federal constituency projects in Nigeria on the other hand, this study examines the framework for the operation of constituency fund and analyze the extent of utilization of constituency fund in Nigeria. The study explores the use of oversight tools for effective management of constituency fund. Findings from the study showed that the modalities involved in the operation of constituency fund in Nigeria permit corruption and embezzlement of fund to hold sway. Findings also suggest relevant oversight tools such as routine oversight, audit queries etc. capable of ensuring proper and actual implementation of constituency fund.*

**KEYWORDS:** legislature, constituency fund, oversight, national assembly, constituency project

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### INTRODUCTION

One fundamental function of government is the provision of public services and preservation of human lives and properties. Among the familiar institutions of government stands the legislature, the mainstay of a representative democracy through which the will of the people can be expressed and implemented (Brunner, 2013; Mattes & Mozaffar, 2011). As the law-making institution of government, the legislature also performs other instrumental functions known as representation and oversight. Being the representative of the people, the legislature is a platform for expressing the opinions and aspirations of the constituents in policy making process (Arter, 2011; Rehfeld, 2006; Urbinati & Warren, 2008). Oversight function of the legislature relates to the role of providing effective checks on the performance of the executive arm and its agencies to ensure effective implementation of government policies for the good ordering of the society (Fagbadebo, 2019; Friedberg, 2011; Pelizzo & Stapenhurst, 2004).

One of the measures put in place by the government to facilitate development is constituency fund. Constituency fund as evolved as a form of government funding appropriated by the legislature, directed to ensure equitable distribution of public goods through constituency based project (Kakungu, 2013; Ochieng & Tubey, 2013; Ojwang, 2014). Public goods of this kind entails provision of boreholes and public health services, renovations of roads and parking facilities, lighting of public spaces and roadways, among others. This important role of the legislature to

constituency development has gained credence across countries including United States of America, Ghana, India, Jamaica, Kenya, Liberia, Malawi, Malaysia, Namibia, Nepal, Pakistan, Philippines, Rwanda, Tanzania, Uganda, Zambia, Zimbabwe etc. (Baskin, Haibo, Samrat & Ryan, 2010; Chibomba, 2013; International Budget Partnership, 2010). While the concept remains a relatively new field of research (International Budget Partnership, 2010; Kakungu, 2013), the growing prominence associated with its spread is situated in a number of addressable governance challenges inhibiting the provision of public project amidst prolonged executive bureaucracies; participation of constituents in the choice of project to be provided; and power of the legislature to allocate fund for the development of their constituency (Chibomba, 2013; Hickey, 2010; Ojwang, 2014; Orimogunje, 2015).

Be as it may, a number of literature have focused on executive leadership and its related activities (Ambar, 2012; Carausan, 2015; Genovese, 2000). Further still, existing studies with regards to the operation of constituency fund in Nigeria are also diminutive with scanty studies on constitutionality, administration and management of constituency fund (Anyanate, 2009; Orimogunje, 2015; Udefuna, Jumare & Adebayo, 2013). Findings from these studies are replete with shortcomings such as lack of institutionalized framework for the operation of constituency fund, embezzlement of fund, non-execution and under-implementation of project, non-involvement of the constituents in the choice of project, contract inflation etc. These challenges, necessitate the vital function of legislative oversight for effective management and implementation of constituency fund in Nigeria to achieve desired objective.

The import of legislative oversight vis-à-vis effective implementation of constituency fund is anchored on the premise that legislators, being representative of the constituents, are vested with the mandate to promote good governance in their constituencies (Ashworth & de Mesquita, 2006 Lisa, 2012; Policy and legal Advocacy Centre, 2016). As such, the legislature reserved the power to hold the executive accountable on implementation of policies. A further justification for this approach is inferred from the study hypothesis: pre-oversight tools ('power of the purse') is used by the Nigerian National Assembly in the appropriation of constituency fund during budgeting process. However, post-oversight tools (audit queries, public account committees, record checking, location visits) which serve to 'check whether the policy is properly implemented' have not been effectively utilized (Pelizzo & Stapenhurst, 2004:4). The paper has five sections. In addition to this introductory section, we establish the significant role of the legislature to constituency development in the second section. What precedes the second section is the theoretical anchor for the study. Other sections include the research approach, the major findings and the discussion arising therefrom, thus leading to conclusion.

### **Constituency Fund: The Legislature at the Centerpiece of Providing Public Goods**

Across polities, the practice of using territory to construct constituency for national legislature is widespread (Rabinder, 2015; 2008; Russo, 2011; Urbinati & Warren, 2008). For one, Pitkin (1967:8) refers to constituency as a 'single, highly complex concept'. In line with this study, constituency is operationalized as an electoral unit wherein citizen's vote is counted for the purpose of electing a political representative. This perspective recognizes the representative function of the legislature as the focus of providing constituency service. Legislators represent a definite and

smaller constituencies, and this makes interaction with the constituents easier to determine their needs and aspirations (Ashworth & de Mesquita, 2006; Dovi, 2007). One policy tool that supports legislative involvement in this direction is constituency fund. Constituency funds are fund earmarked for infrastructure projects in electoral constituency through allocations influenced by legislator representing the constituency (Baskin et al, 2010; Ochieng & Tubey, 2013; Udefuna et al, 2013).

While the concept of constituency funds has assumed different nomenclature across polities (Hickey, 2010; International Budget Partnership, 2010), a defining feature of its mode of operation requires legislators to exercise substantial control over the distribution and allocation of funds for developmental project per constituency. Reference cases bounds: Pork Barrel policy was introduced in the United States ‘as constituency spending that assured voters of a legislator’s contribution to their welfare’ (Keefer & Khemani, 2009:12). In Zambia, Constituency Development Fund was approved by the Parliament in 1995 to provide opportunity for legislators to implement project in their constituency (Chibomba, 2013). Constituency Development Fund was established in Kenya under the Constituency Development Fund Act 2003 which allocate ‘a specific part of the national annual budget to the constituencies for purposes of infrastructural development, wealth creation ...at the constituency level’ (Constituency Development Fund Act, 2003: 3). Other country cases of constituency fund includes Constituency Development Grant in Bhutan; Member of Parliament Local Area Development Scheme in India; Electoral Development Funds in Papua New Guinea; etc. (Africa Leadership Institute, 2009; Baskin, 2010; Baskin et al 2010; Chibomba, 2013). In Nigeria, constituency fund or zonal intervention fund was initiated to facilitate even distribution of projects in every part of the country as ‘proper representation in the House of Representatives and in the Senate’ (Udefuna et al, 2013: 648). Constituency fund thus provides avenue for legislators to present issues affecting their constituents in the Parliament for legislative action.

Yet, one fundamental gap that relates to the operation of constituency fund in Nigeria stem from its inclusion in the national budget which in the view of Olaoye (2014:1) has aided ‘the unbridled legislative over-bearing role in the Federal budget process [as] one of the emerging and festering institutional challenges causing budget failure in Nigeria’. Evidences abound on cases of budget padding and late passage of appropriation bill (see Agunyai & Olawoyin, 2019; Akindele, Adeyemi and Aluko, 2012; Alabi & Fashagba 2010). Furthermore, the lack of institutional framework for the operation of constituency fund in Nigeria provides opportunities for embezzlement of fund, kickback for award of project and non-execution and under-implementation of project (Ezea, 2011; Orimogunje, 2015; Udefuna et al, 2013).

### **Almond’s Structural Functional Theory: A Reflection on the Use of Oversight Tools by the Nigerian National Assembly**

Almond (1956) popularized the structural functional theory in political science which was hitherto a major framework for biological and sociological research. Almond views a political system as consisting of structures which perform role functions, while functions deals with consequences involving objectives as well as processes and patterns of actions such that failure of one structure to perform its function leads to disorderliness of the political system. Structures are many and they include institutions such as legislature, executive, judiciary, political party, election management

body, among others. Functions on the other hand are divided into input functions and output functions. The input functions are performed by non-governmental institutions and they includes political socialization and recruitment, interest articulation, interest aggregation and political communication. The output functions on the other hand are performed by the government, which include rule making, rule application and rule adjudication (Almond & Coleman, 1960). Rule-making function is performed by the legislature. Since all political structures are multifunctional (Almond, Powell, Strom, 2006), the legislature not only function as law-making institution but also performs oversight and representation function. Because it is a complex system whose parts work together to promote solidarity and stability (Almond & Coleman, 1960), ineffective use of oversight tools by the legislators cause disorderliness on the functioning of the political system.

The National Assembly which consists of two houses—the Senate and the House of Representatives- is Nigeria’s legislative arm of government. Oversight functions of the Nigerian National Assembly are stipulated in sections 88, 89, 128 and 129 of the Nigerian constitution (FRN, 1999). Oversight function empowers legislators to monitor and review the activities of the executive arm and its Ministries, Departments and Agencies (henceforth, MDAs) on a continuous basis to ensure effectiveness of government and compliance with appropriated policies (Fagbadebo, 2019; Policy and Legal Advocacy Centre, 2016). The exercise of oversight function by the National Assembly is carried out through a mechanism known as the committee system, which was formed for general and specific purposes. Oversight tools provided in the Nigerian constitution are investigative hearings, audit queries, record checking, summons, location visits, interactive session, committee hearings, hearings in plenary sessions, questions, question time, and the public account committees (FRN, 1999). Pelizzo and Stapenhurst (2004) group these oversight tools into two viz: instruments of control ex ante and instruments of control ex post, which correspond to the timing of the oversight exercise. Oversight tools as instrument of control ex ante are used before a policy is enacted by the government. Request of documentation, hearings in plenary sessions, hearings in committee, etc. becomes pertinent in this respect. On the other hand, oversight tools such as creation of committee of inquiry, questions, and interpellations, location visits, audit queries and record checking, which are used to check whether government policy is properly enacted, are instruments of control ex post (Pelizzo & Stapenhurst, 2004).

However, the listing of these oversight tools does not suggest that the Nigerian National Assembly are accustomed with them nor made use of them effectively. Oversight tools are frequently used during budgeting process (e.g ‘power of the purse’), which in most cases provide opportunity for the legislature to inflate budget figures on constituency fund (Akindele, et al., 2012; Alabi & Fashagba, 2010), or during confirmation of appointment of Ministers, Ambassador, High Commissioner and other principal representatives of the executive arm (questions and questions time).

## **RESEARCH METHOD**

The paper is based on qualitative research. Data were obtained through a desk review method of interviews from the Newspapers involving expert opinion with purposively selected stakeholders. Three categories of respondents were drawn from former and serving lawmakers, former and serving members of the Executive, as well as the Civil Society Organisations. The choice of

respondents was informed by their roles as experts and stakeholders on the operations of constituency fund in Nigeria and oversight function of the Nigerian National Assembly. While lawmakers and members of the Executive provide official information on the operation of constituency fund and oversight functions, Civil Society Organisations as gatekeepers of the system helps to sieve and balance the views of the politicians. Data were analyzed through content analysis. Data were also sourced from BudgIT document on 2015 and 2016 federal constituency projects in Nigeria. BudgIT is an organisation that makes use of technology device to track and monitor the progress of constituency projects across states in Nigeria. Based on available data, 15 states were captured in the 2015 documents and they include: Anambra, Cross River, Delta, Edo, Gombe, Imo, Jigawa, Kano, Kebbi, Kogi, Kaduna, Niger, Ondo, Oyo and Ogun. On the other hand, 19 states were captured in the 2016 document which include: Akwa Ibom, Cross River, Delta, Edo, Ekiti, Enugu, Gombe, Imo, Jigawa, Kano, Kebbi, Kogi, Kwara, Niger, Ondo, Oyo, Osun, Ogun and Sokoto. Data were analyzed using Multiple Pearson Correlation. Multiple Pearson Correlation measures the strength and direction among pairs of continuous variables.

### **Findings and Discussion**

This section presents and discusses the findings of the study. It is guided by the study objectives which are directed at finding out the framework for the operation of constituency fund and to analyze the extent of utilization of constituency fund in Nigeria. The study further makes attempt at exploring oversight tools for effective utilization of constituency fund in Nigeria.

#### ***Framework for the Operation of Constituency Fund in Nigeria***

Constituency fund was initiated by the Nigerian National Assembly during the 4th National Assembly as a means for achieving constituency service<sup>1</sup>. The fund is provided in the budget under the “Zonal Intervention Projects” (ZIP) of the federal budget as projects implemented by lawmakers in their constituency<sup>2</sup>. The modality for the operation of the fund requires legislators to recommend projects to be sited in their constituencies for inclusion in the budget, while the award of contracts, supervision and payments for such project are the preserves of the appropriate executive agencies of government<sup>3</sup>. Hon. Sulaimon Lasun<sup>4</sup> further explained that ‘[legislators] don’t get cash for any constituency project’. Once a lawmaker recommends a project, the execution

<sup>1</sup> Senator Shehu Sani, Kaduna Central Senatorial District, Kaduna State. This interview was adapted from Premium Times, April 22, 2018, ‘Analysis: How Nigerian Lawmakers Share N100 Billion Zonal Intervention Fund Annually. Available: <https://www.premiumtimesng.com/news/headlines/265828-analysis-how-nigerian-lawmakers-share-n100-billion-zonal-intervention-fund-annually.html>

<sup>2</sup> Ibid.

<sup>3</sup> Rt. Hon. Dogara Yakubu is The Speaker of the 8<sup>th</sup> House of Representatives. He made this statement at a Keynote Speech Summit on Political Representation, Constituency Relations and Intervention Services, held at The International Conference Centre, Abuja on 20th June, 2016. Available: <http://yakubudogara.com.ng/keynote-address-at-summit-on-political-representation-constituency-relations-and-zonal-intervention-services/>

<sup>4</sup> Hon. Sulaimon Lasun is a member and Deputy Speaker of the House of Representatives. This interview was adapted from Information Nigeria, June 9, 2015. ‘Funds for Constituency Projects Not Given To Lawmakers – Deputy Speaker, House of Reps’. Available: <http://www.informationng.com/2015/06/funds-for-constituency-projects-not-given-to-lawmakers-deputy-speaker-house-of-reps.html>

of such projects is the prerogative of the Executive branch<sup>5</sup>. The MDAs are responsible for the actual implementation of projects while the Office of the Secretary to the Government of the Federation (OSGF) will monitor, evaluate, verify implementation and authorise payment at various stages of project execution<sup>6</sup>. The intervention by the Executive to situate the supervision of constituency projects in the OSGF is to ensure that projects are not abandoned even when members of the National Assembly that nominate them leave office<sup>7</sup>.

Albeit the process involved in the identification of project and disbursement of fund, constituency fund is not enacted as an Act of Parliament<sup>8</sup>. The lack of regulatory policy is concealed in executive and legislative bureaucracy that permits inclusion of constituency fund in the national budget<sup>9</sup>. Evidently, constituency fund with its accompanied vices (budget padding, late passage of appropriation bill, etc.) are channel for corruption by the executive and the legislature<sup>10</sup>. The absence of a legal framework is further exploited by the legislators to construe constituency projects as personal intervention projects in their constituencies<sup>11</sup>. Hon. Abubakar Adamu<sup>12</sup> differentiated between constituency project and personal intervention project. The former are projects influenced by the legislators and implemented by the executive while the latter are projects which legislators implement with their personal fund. However, since majority of the lawmakers

<sup>5</sup> Senator Mohammed Hassan represents Yobe South Constituency, Yobe State. He is also the Vice Chairman, Senate Committee on Federal Capital Territory. This interview was extracted from The Nation, October 8, 2017. 'Constituency projects: succour or conduit pipe'? Available: <http://thenationonlineng.net/constituency-projects-succour-conduit-pipe/>

<sup>6</sup> Dr. Abiba Lawal is the Former Secretary to the Government of the Federation. This interview was extracted from The Sun, September 8, 2017. 'Payment of constituency projects: FG reads riot act to MDAs'. Available: <http://sunnewsonline.com/payment-of-constituency-projects-fg-reads-riot-act-to-mdas/>

<sup>7</sup> Ibid.

<sup>8</sup> Auwal Musa Rafsanjani is the Executive Director Civil Society Legislative Advocacy Centre (CISLAC). This statement was adapted from Daily Trust, December 9, 2018. 'Lawmakers Spend Billions On Constituency Projects'. Available: <https://www.dailytrust.com.ng/lawmakers-spend-billions-on-constituency-projects.html>

<sup>9</sup> Jaye Gaskia is the Director Praxis Centre & Convener Take Back Nigeria Movement. (2018). This statement was extracted from Nigeria Current, Wednesday 6, 2018. 'Constituency Projects and National Development Process: Threat or Opportunity'. Available: <https://nigeriancurrent.com/2018/04/03/constituency-projects-and-national-development-process-threat-or-opportunity-by-jaye-gaskia/>

<sup>10</sup> Idayat Hassan is the Director of the Centre for Democracy and Development (CDD). This Interview was adapted from Daily Trust, December 27, 2016. 'Nigeria: Lawmakers Spend Billions On Constituency Projects'. Available: <https://www.dailytrust.com.ng/lawmakers-spend-billions-on-constituency-projects.html>

<sup>11</sup> Vivian Bellonwu is a Programme Officer at Social Development Integrated Centre. This interview was extracted from Premium Times, November 8, 2018. 'Despite controversies, constituency projects gulp N200bn in three years'. Available: <https://www.premiumtimesng.com/news/headlines/287741-despite-controversies-constituency-projects-gulp-n200bn-in-three-years.html>

<sup>12</sup> Hon. Abubakar Adamu represents Shiroro/Rafi/Munya Federal Constituency, Niger State. This interview was extracted from Daily Trust, November 10, 2018. 'How politicians bribe' constituents with projects'. Available: <https://www.dailytrust.com.ng/how-politicians-bribe-constituents-with-projects-263008.html>

will seek re-election to retain their seat in the parliament, constituency projects are labelled as personal intervention projects to give legislators advantage over other contestants<sup>13</sup>.

### ***The Extent of utilization of Constituency fund in Nigeria***

Since the inclusion of constituency fund in the 2004 annual budgets, constituency projects has featured in successive budget<sup>14</sup>. The National Assembly allocated N100 billion for constituency projects in the year 2004 and 2005 respectively<sup>15</sup>. Table 1 also reveals allocated fund for constituency projects in Nigeria from 2012 to 2017. (See Appendix 1:17, for allocated fund to each states in 2016 and 2017). Moreover, recurrent cases of abandoned and unexecuted projects are prevailing. Table 2 discusses the descriptive statistics of constituency projects allocated in the 2015 budget across 15 states. A total of 436 projects were examined; an average of 10 projects were executed, 5.1 projects are still ongoing, while 14.3 projects were never executed. By and large, 50 of the recognized projects were not implemented.

**Table 1: Allocation fund for Federal Constituency Projects, 2012-2017**

Year	Allocation Fund
2012	#60b
2013	#100b
2014	#100b
2015	#50b
2016	#100b
2017	#100b

*Source: BudgIT 2015; Sahara Reporters, 2017*

Further information in table 3 reveals the descriptive statistics of 2016 federal constituency projects across 19 states in Nigeria. Analysis from the table shows that an average of 41.5 projects were identified by the legislators out of which 16.6 of the projects were completed, 6.2 of the projects are still ongoing, while 16.9 of the projects were not executed.

<sup>13</sup> Ibid.

<sup>14</sup> Jaye Gaskia is the Director Praxis Centre & Convener Take Back Nigeria Movement. (2018). This statement was extracted from Nigeria Current, Wednesday 6, 2018. 'Constituency Projects and National Development Process: Threat or Opportunity'. Available: <https://nigeriancurrent.com/2018/04/03/constituency-projects-and-national-development-process-threat-or-opportunity-by-jaye-gaskia/>

<sup>15</sup> Senator Mohammed Ndume, is the former chairman, Senate Committee on Millennium Development Goals. This statement was adapted from Punch Newspaper, July 24, 2016. 'Purging the budget of constituency projects'. Available: <https://punchng.com/purging-budget-constituency-projects/>

**Table 2: 2015 Federal Constituency Projects across 15 states in Nigeria**

State	No. of Projects	Completed Projects	Ongoing Projects	Unexecuted projects
Anambra	33	15	14	4
Cross River	24	5	7	12
Delta	30	12	9	9
Edo	18	5	2	11
Gombe	33	14	0	19
Imo	29	8	9	12
Jigawa	29	19	2	8
Kano	39	4	3	32
Kebbi	32	18	4	11
Kogi	31	8	3	20
Kaduna	17	3	7	7
Niger	33	4	5	24
Ondo	33	14	3	16
Oyo	26	7	7	12
Ogun	29	9	2	18
<b>Mean (SD)</b>	<b>436 (29)</b>	<b>145 (9.6)</b>	<b>77 (5.1)</b>	<b>211 (14.3)</b>

*Source: BudgIT, 2015 Federal Constituency Projects Report*

Table 4 analyzes the correlation matrix of variables (number of projects, completed projects, ongoing projects and unexecuted projects) for the 2015 federal constituency projects in Nigeria. Analysis from the table shows a negative correlation (0.4) between number of projects and completed projects. Further analysis in table 4 also reveals a negative relationship between number of projects and ongoing projects (-0.06). Inference from these analysis indicate that large number of ongoing projects may not reach completion stage. Moreover, there is a significant relationship between number of projects and unexecuted projects as indicated by 0.55\*. This analysis indicate that large number of flimsy projects were included in the budget with no intention of implementing them. Correlation analysis between completed projects and ongoing projects shows a negative value as indicated by -0.04. i.e. if a project is ongoing the probability that it will be completed is low. Also, further analysis shows negative relationship between completed projects and unexecuted projects indicated by -0.38. Lastly, the correlation analysis between ongoing projects and unexecuted projects reveals a negative value (-0.53\*) which further buttress earlier result that an ongoing project has low probability of being completed.



**Table 3: 2016 Federal Constituency Projects across 19 states in Nigeria**

State	No. of Projects	Completed Projects	Ongoing Projects	Unexecuted projects
Akwa Ibom	30	4	4	22
Cross River	40	13	5	18
Delta	64	42	4	15
Edo	70	15	5	43
Ekiti	27	14	1	11
Enugu	24	4	13	1
Gombe	43	30	4	3
Imo	87	34	7	46
Jigawa	25	10	6	9
Kano	36	11	4	21
Kebbi	42	30	0	12
Kogi	52	9	17	32
Kwara	8	0	8	0
Niger	30	16	9	5
Ondo	41	16	4	16
Oyo	51	24	1	25
Osun	24	4	13	1
Ogun	71	26	9	36
Sokoto	24	14	4	6
<b>Mean (SD)</b>	<b>789 (41.5)</b>	<b>316 (16.6)</b>	<b>118 (6.2)</b>	<b>322 (16.9)</b>

*Source: BudgIT, 2016 Federal Constituency Projects Report*

**Table 4: Correlation Matrix Analysis of 2015 Federal Constituency Projects across 15 states in Nigeria**

Variables	Mean (SD)	No of projects	completed projects	ongoing projects	unexecuted projects
<b>No of Projects</b>	29	1.0000			
<b>Completed Projects</b>	9.6666	0.3982	1.0000		
<b>Ongoing Projects</b>	5.1333	-0.0678	-0.0488	1.0000	
<b>Unexecuted Projects</b>	14.3333	0.5501*	-0.3853	-0.5317*	1.0000

*Source: The Author*

Information in table 5 analyzes the correlation matrix of variables (number of projects, completed projects, ongoing projects and unexecuted projects) for the 2016 federal constituency projects in Nigeria. Analysis from the table shows a positive relationship between number of projects and completed projects indicated by 0.72\*. Interpretation from this analysis indicate that, given any number of projects to be implemented, substantial number of will be implemented if reasonable amount of resources are made available. However, the correlation analysis between number of projects and ongoing projects shows a negative value indicated by -0.04. Probable interpretation from this analysis suggest that ongoing projects constitutes a means for corruption as project may likely be abandoned. Table 5 further analysis shows a positive relationship (0.85\*) between number of projects and unexecuted projects. Further analysis also reveals a negative relationship between completed projects and ongoing projects (-0.04). Similarly, negative relationship exit

between completed projects and unexecuted projects as indicated by -0.38. Lastly, the correlations analysis between ongoing projects and unexecuted projects shows a negative value by -0.53. On the whole, observation from these analyses tend to reveal the scheming mechanism of ongoing projects as a means to divert fund meant for the implementation of constituency projects.

**Table 5: Correlation Matrix Analysis of 2016 Federal Constituency Projects across 19 states in Nigeria**

Variables	Mean (SD)	No. of Project	Completed Projects	Ongoing Project	Unexecuted Projects
No of Projects	41.5263	1.0000			
Completed Projects	16.6315	0.7205*	1.0000		
Ongoing Projects	6.2105	-0.0499	-0.4197	1.0000	
Unexecuted Projects	16.9473	0.8562*	-0.3368	-0.0105	1.0000

*Source: The Author*

Bribery and corruption has been identified as a major challenge to efficient use of constituency fund in Nigeria. The MDAs and the legislators in connivance with the contractors are the beneficiaries of constituency fund, rather than the constituents<sup>16</sup>. Most lawmakers lobby heads of ministries to insert flimsy projects in the budget as constituency projects<sup>17</sup>. Evidence reveals that, apart from nominating projects, some lawmakers also recommend contractor who after getting paid, bribe the legislator and abandons the project<sup>18</sup>. Observation from the respondent also shows that inflated projects are either ongoing, under implemented or never executed<sup>19</sup>. Where projects were seen completed, they are largely under executed against the actual description provided in the budget<sup>20</sup>.

<sup>16</sup>Abiola Afolabi is the Programme Manager, BudgIT. He made this expression when giving reports on 2015 constituency Projects. 'Revealed: Only 33% of 2015 constituency projects were completed'. Available: <https://www.thecable.ng/revealed-only-33-of-2015-constituency-projects-were-completed>

<sup>17</sup> Vivian Bellonwu is the Programme Officer at Social Development Integrated Centre. This interview was extracted from Premium Times, November 8, 2018. 'Despite controversies, constituency projects gulp N200bn in three years'.

<sup>18</sup> Dr. Abiba Lawal is the Former Secretary to the Government of the Federation. This interview was extracted from The Sun, September 8, 2017. 'Payment of constituency projects: FG reads riot act to MDAs'. Available: <http://sunnewsonline.com/payment-of-constituency-projects-fg-reads-riot-act-to-mdas/>

<sup>19</sup> Segun Onigbinde is the Lead Team, and Co. Founder, BudgIT. He made this expression when giving reports on 2016 constituency Projects. 'BudgIT: Only 40% of 2016 constituency projects completed in 20 states'. Available: <http://saharareporters.com/2017/08/29/budgit-only-40-percent-2016-constituency-projects-completed-20-states-0>

<sup>20</sup> Femi Adesina is the Special Adviser to the President on Media and Publicity. He made this statement when reacting to the response of the National Assembly on the distortion of the 2018 Budget. 'The National Assembly distorted the 2018 budget to further increase their allocation for constituency projects.' Available: <https://punchng.com/nass-distorted-budget-because-of-constituency-projects-presidency-insists/>

Another key issue identified by the respondents is the lack of constitutional policy to regulate the operation of constituency fund in Nigeria. Constituency fund was included in the National budgets in 2003, but not enacted as an Act of Parliament<sup>21</sup>. This contradictory positions of the government implies that the operation of constituency fund is concealed in bureaucratic secrecy that allows corruption to hold sway<sup>22</sup>. As such, cases of corruption in the National Assembly bears substantial relation to budget padding and budget delay to increase allocation for constituency fund in the budget<sup>23</sup>. In 2014, the former Senate President, David Mark and Speaker of the House of Representatives, Aminu Tambuwal, were accused of padding the 2014 budget by N53 billion (Akpatha, 2016). In the same vein, the former Chairman of Appropriations, Hon. Abdulmumin, Jibrin inflated the 2016 budget by adding about N250b constituency fund to the total figure as submitted by President Muhammadu Buhari. (Nigeria Model United Nations Society, 2016). The executive also delayed the release of the 2016 constituency fund to make the National Assembly approve external borrowing request of \$29.960billion by President Muhammadu Buhari (Ogunmade, 2016).

Vocational and empowerment projects constitute another challenges to effective use of constituency fund in Nigeria. Vocational projects (such as vehicles, motorbikes, sewing machines, etc.) are incentives given to trained-and-skilled constituents to make a living, while empowerment projects are given to constituents as cash payments for free medical services, scholarship, etc<sup>24</sup>. Provisions like these are prone to corruption. In an instance, the issue of accountability by the relevant MDAs involved in the purchase of these items and payment of cash comes to mind<sup>25</sup>. Moreover, in what could be seen as party politics affairs, lawmakers distribute these items to party loyalist at the expense of other constituents' member<sup>26</sup>. More often, the implementation of constituency project only begins during electioneering campaign when lawmakers are seeking re-election to retain their seats in the National Assembly. During this period, constituency projects

<sup>21</sup> Senator Mohammed Hassan represents Yobe South Constituency, Yobe State. He is also the Vice Chairman, Senate Committee on Federal Capital Territory. This interview was extracted from The Nation, October 8, 2017. 'Constituency projects: succour or conduit pipe'? Available: <http://thenationonline.net/constituency-projects-succour-conduit-pipe/>

<sup>22</sup> Auwal Musa Rafsanjani is the Executive Director Civil Society Legislative Advocacy Centre (CISLAC). This statement was adapted from Daily Trust, December 9, 2018. 'Lawmakers Spend Billions On Constituency Projects'. Available: <https://www.dailytrust.com.ng/lawmakers-spend-billions-on-constituency-projects.html>

<sup>23</sup> Senator Mohammed Ndume, is the former chairman, Senate Committee on Millennium Development Goals. This statement was adapted from Punch Newspaper, July 24, 2016, 'Purging the budget of constituency projects'. Available: <https://punchng.com/purging-budget-constituency-projects/>

<sup>24</sup> Hon. Abubakar Adamu represents Shiroro/Rafi/Munya Federal Constituency, Niger State. This interview was extracted from Daily Trust, November 10, 2018. 'How politicians bribe' constituents with projects'. Available: <https://www.dailytrust.com.ng/how-politicians-bribe-constituents-with-projects-263008.html>

<sup>25</sup> Ebenezer Oyetakin is the Executive Secretary, Anti-Corruption Network. He made this statement during interview with Punch Correspondent. 'Constituency projects: Senate under fire over N1.4tn demand'. Available: <https://punchng.com/constituency-projects-senate-fire-n1-4tn-demand/>

<sup>26</sup> Abiola Afolabi is the Programme Manager, BudgIT. He made this expression when giving reports on 2015 constituency Projects. 'Revealed: Only 33% of 2015 constituency projects were completed'. Available: <https://www.thecable.ng/revealed-only-33-of-2015-constituency-projects-were-completed>

are portray as personal intervention projects to garner more supports against other contestants<sup>27</sup>. This scheming becomes possible because the constituents are not aware that constituency projects are funded from the Consolidated Fund.

### ***Oversight Tools for Effective Utilization of Constituency Fund in Nigeria***

Two perspectives speaks to the place of oversight tools in relations to constituency fund. On the one hand, it is argued that constituency fund is a breach of separation of powers as it confers executive function of budget execution on the legislature. The legislative framework with regard to budget system of most democratic states empowers the legislature to enact the budget and evaluates it, but not directly involved in its implementation. To this extent, any policy that allow members of parliament to be involved in the appropriation as well as expenditure of public fund is a departure from the principle of checks and balances. Therefore, legislative oversight may limit probity and accountability of constituency fund.

On the other hand, it is safe to assert that the constituency fund as contained in the national budget does not interfere with oversight responsibility of the legislature. This perspective is predicated on the implicit function of lawmaking through appropriation act. The budget as contained in the appropriation Act is a law embodied in a statute. In making law, it is the responsibility of the legislature to promote legislation that represent the needs and wishes of the constituents to be implemented by the executive. Furthermore, as it is the case in Nigeria, the operation of constituency fund requires legislators to identify projects to be located in their various constituency and appropriate fund for such project but not to be involved in the implementation process. Therefore, 'power of the purse', which enables legislature to scrutinize the Auditor General's Report accounts of MDAs in the federation (FRN, 1999: 85) and to allocate money for purposes authorized by the legislature (FRN, 1999:80) is to this extent incidental to the operation of constituency fund, not an incursion on the powers of the executive.

Against this background, this study discusses relevant oversight tools for effective utilization of constituency fund in Nigeria. It is revealed from this study that once projects have been recommended by the legislators, follow-up activities and actions to ensure proper implementation of projects have not been effective. Periodic assessment of project implementation in relation to agreed schedules of such projects is crucial to aid evaluation of policy objectives (Policy and legal Advocacy Centre, 2016). We suggest that routine oversight should be carry out regularly by legislative committees within their jurisdiction as provided in the Standing Orders. Routine oversight includes regular visits to MDAs and project location to know the stage of ongoing or completed project, committee hearings and inquiries or any informal meeting between members of parliament and the executive in furtherance of implementation of constituency project.

Related to routine oversight is the oversight function over public fund and audit queries. These oversight tools empower the legislature to carry out investigation into the management of fund by

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<sup>27</sup> Hon. Haruna Yerima, a member of the House of Representatives (2003-2007) from Borno. This statement was adapted from Daily Trust, December 9, 2018. 'Lawmakers Spend Billions On Constituency Projects'. Available: <https://www.dailytrust.com.ng/lawmakers-spend-billions-on-constituency-projects.html>

the MDAs. Since the legislature appropriate the fund which the executive utilize, the National Assembly can conduct audit investigation on ongoing or completed project to ensure compliance with statutory description of project to ensure the most effective and efficient use of resources.

Committee hearing (i.e oral testimony and questioning of witnesses) is a means through which the committee members can gather information on project executed by the MDAs. For the purpose of any investigation, section 89 (1) of the Nigerian Constitution empowered the National Assembly to procure evidence and summon any person to give evidence or relevant information under consideration (FRN, 1999). In this light, fact and evidence regarding the implementation or otherwise of constituency project can be presented by witnesses (e. g. contractors, constituents, interest groups etc.) who are directly or indirectly beneficiary of the project. Committee members can summon, issue warrants or invite MDAs whose response require further clarification or to be substantiated by documentary evidence.

## **CONCLUSION**

Despite emerging controversy as an incursion on the power of the executive over budget execution, constituency fund has continued to gain credence across countries, placed in the perspective of representative functions and constituency services. However, the lack of institutional framework for its operation in Nigeria have aided the means of corruption, such as contracts inflation of a given project, execution of substandard projects contrary to specifications, non-implementation of budgeted projects etc. The study thereby justifies the need for oversight tools (audit queries, public account committees, record checking, location visits) as effective mechanism to entrench probity in the management of constituency fund in Nigeria.

The Nigerian legislature only recommend project to be located in their constituency, the implementation of such project is the preserves of the appropriate MDAs of the executive arm. More so, legislature are involved in the appropriation of constituency fund during budgeting process. 'Power of the purse', is therefore significant to the operation of constituency fund. However, findings from this study reveals that oversight function such as follow-up actions of constituency projects have not been effectively utilized. The study also found that the Nigerian legislators are guilty of obtaining contracts from the various MDAs which has negative effect on requisite oversight tools (audit queries, public account committees, record checking, location visits) to ensure probity in the management of constituency fund. This study suggests that constitutional policy should be enacted to enhance the operation of constituency fund in Nigeria.

## **Implications for Future Research**

This study leaves two significant gap for future research. The dynamics of country-case studies should take into perspective the complexities of modern government system and bureaucracy with the view to uncover peculiarity in the operations of government and policies across national polities. The classical role of the legislature strictly confined to a law making institution and oversight role that should not be involve in constituency services still pervade legislative studies. This present opportunity for future study in that, country-case operation of constituency services could be examined. This will help to advance more scholarly works on the representative role of

the legislature as well as to identify county-specific legislative measure that could enhance the operation of constituency service.

The study has dwelt extensively on the modalities involved in the operation of constituency fund in Nigeria which permit corruption and embezzlement of fund to hold sway. Further investigation could be conducted to interrogate the desirability of constituency projects and level of satisfaction expressed by the beneficiaries (constituents). This could open up a revolutionary modification to the modus operandi by which constituency projects emanated and raise the question of who should initiate the project -the legislature or the people.

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**Appendix 1: Allocated fund for Federal Constituency projects to states in 2016 and 2017**

States	Allocated fund in 2016	Allocated fund in 2017
Abia	#1.99b	#2.08b
Akwa Ibom	#3.47b	#3.05b
Anambra	#3.33b	#3.82b
Bauchi	#4.68b	#3.45b
Bayelsa	#1.66b	#1.61b
Borno	#4.05b	#2.12b
Adamawa	#1.65b	#1.76b
Benue	#1.58b	#1.74b
Cross River	#1.86b	#2.31b
Delta	#3.52b	#2.75b
Ebonyi	#2.17b	#2.77b
Edo	#3.99b	#3.93b
Ekiti	#2.84b	#2.88b
Enugu	#4.52b	#3.99b
FCT	#2.62b	#2.07b
Gombe	#2.89b	#3.42b
Imo	#2.14b	#2.47b
Jigawa	#1.43b	#1.51b
Kaduna	#2.59b	#3.46b
Kano	#1.09b	#3.25b
Kastina	#2.57b	#2.65b
Kebbi	#3.02b	#3.12b
Kogi	#2.88b	#2.84b
Kwara	#2.9b	#3.78b
Lagos	#3.41b	#3.15b
Nasarawa	#1.63b	#1.78b
Niger	#1.56b	#2.39b
Ondo	#1.67b	#1.72b
Oyo	#1.57b	#1.85b
Osun	#5.94b	#4.80b
Ogun	#1.64b	#1.78b
Plateau	#1.63b	#1.82b
Rivers	#1.43b	#1.77b
Sokoto	#1.54b	#1.61b
Taraba	#3.14b	#2.95b
Yobe	#1.47b	#2.25b
Zamfara	#1.00b	#1.95b