

# Constituency Projects and its Implication for Democratic Development: Focus on Nigeria National Assembly

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**Abstract:** *The paper investigates constituency projects allowance and the implications to national development, focusing on the National Assembly. The primary function of government is to provide social services to entire citizenry. Many Nigerians have been itching for democracy dividends from their federal representatives to feel government presence in their area. Ordinarily, the idea of constituency projects should not arise in presidential democracy. Since the electorates desire projects from their lawmakers at all levels of government, the idea could be used to bring national development to the constituencies. The Nigerian National Assembly in response to the yearnings of their constituents for federal presence demanded and got “constituency project” fund. Since the inception of constituency project in Nigeria there have been misconceptions, misinterpretations and judgment of the constituency project administration. This and indeed some other factors have painted the hallowed chambers of National Assembly in bad light. Therefore, this paper seeks to find out the origin, management, of constituency projects in Nigeria. It adopts desk research method; drawing data mainly from secondary source and adopts analytical research in arriving at finding. It found that members of the National Assembly merely identify the needs of the constituents and recommend same to the executive during budgeting. Ultimately, they have no direct control over their implementation; hence the award, financing and supervision of constituency projects are the preserves of appropriate agencies other than the National Assembly. Findings also show that other democracies have similar arrangements in place. It recommends that since constituency projects are expedient, it should have a constitutional basis.*

**Keywords:** Constituency projects, National Development, Allowance and Social Service

## Introduction

In Nigeria democratic setting, there has been either presidential or parliamentary system of government, where the executive power is held by executive President or Prime Minister as the case may be. In 1989, Nigeria adopted Presidential system, with the legislative, executive and judicial functions performed by three distinct but coordinate arms of government. The government policies and programmes are executed in accordance with lay down rules and procedures for the welfare of the country as a whole. Constituency projects among Nigeria National Assembly have been a controversial one since the inception of the current republic. This savoured the legislators since 2001 and this has attracted less attention until 2009 when the matter came up among Senators during their in-door sessions during Obasanjo administration from 1999-2007. This often led to rifts between federal law makers and executive arm of government but was craftily managed by the executive because their excesses need to be covered up, and this has no choice than to accede to the demands of the legislative arm. According to Tunji (2010), the controversy trailing constituency projects from 1999 till date is not new .it has persisted because federal law makers keep looking for ways not only to legitimize but perpetuate this bazaar project. A tip in Obasanjo administration came when the then leaders of National Assembly approached the executive arm for approval of constituency projects. Their demand was in response to frequent demands by their constituents for dividends of democracy. The executive arm saw reasons behind this political logic from legislators and approved constituency funds for them. However, from the onset, Senators received N5million, while House of Representatives members got N3million each as constituency allowance. Arguably, these payments were not captured in the budget but the complacency in handling the projects arose from agreement among members of the federal law makers from various senatorial district and constituencies on projects to be implemented in their respective constituencies. This confirms that every government project is constituency project whether it is nominated by legislator or not, once it is co-opted in the budget; the representative whose such project is located in their constituency ought to show patriotic interest in such project, the distribution of project allowance actually results in wealth distribution among Nigerians. Since the birth of constituency project in Nigeria there has been misconceptions on implementation and these has pictured the hallowed chamber of the federal lawmakers in bad shape. The business of the National Assembly (NASS) is to make laws, check and balance with oversight function to the executive arm, all for service delivery to Nigerian citizen. Accordingly, they perform other extra-legislative functions; nitty-gritty among them like constituency services and projects. Section 4 of the 1999 constitution provides that the power of legislature shall be vested to National Assembly comprising House of Senate and House of representatives. Also, section 5 of the same 1999 constitution provides that executive powers, shall be vested on the president and exercised by him directly or through his vice president and ministers in the public service and shall extend to execution and implementation, all laws made by the National Assembly to all matters with respect has for the time being power to make laws (FRN, 1999). Presently, many

saw legislative business as looting, breach of check, grease my palm with the word If you scratch my back, I scratch your back syndrome in public fund to self-milled projects (Gbajabiamila, 2014). Most scholars like Hamalai, (2014), Egwu, (2005) & Benjamin, (2010) confirmed that there is an improvement in oversight but it offers doubt to champion the interest of constituencies. The pervasive corruption has attracted public condemnation among federal law makers on this issue of constituency project. The controversy that trailed the handling of the projects arose from lack of consensus agreement among members of the House of Representative and Senators from each Senatorial district on some projects to be implemented in their respective constituencies. It is no news that a lot of loophole in Nigeria's Presidential system of government; such loopholes are have been exploited by corrupt politicians in defrauding the nation. The nation's political landscape is saturated with countless cases of corruption but none of this case has served as a deterrent to others (Okwoche, 2012). The level of corruption has attracted public odium and condemnation to the political class especially from members of the National Assembly. The paper will examine issues anchored on constituency project and who gets what, how and why as it concerns constituency project for national development.

## **Clarification of Concepts**

### **Constituency**

Constituency is a community or an area represented by an office holder. It is a community whose electorates send a representative to national, state or local assembly. The constituency is a government electoral district, in other words it is an area which country had been divided for the purpose of elections, and from which the legislative member is elected to serve in a parliament (Benjamin, 2014). There are 659 electoral units in the United Kingdom, and their dimension and number are subject to reform under the House of Common (Benjamin, 2014). In Nigeria, each state is divided into three senatorial districts, in Nigeria; there are 109 senatorial districts and 360 federal constituencies ([www.nationalassembly.gov.ng](http://www.nationalassembly.gov.ng)).

### **Constituency Projects**

Constituency projects are those projects executed by either the federal government or state in exchange for the legislative member for house support on issues that are important. According to Dogara (2016), constituency projects are development projects propose and implemented in the constituency of members of federal or State lawmakers, these projects are executed by various Ministries, Department and Agencies (MDAs). These projects are financed and carried out by the federal government on behalf of the national assembly members in Nigeria. According to Orimogunje (2015), constituency projects are nothing other than the usurpation of executive functions, probably because the functions of the legislature is anchored on representation, law making, and oversight, approval while the executive implements and execute projects including constituency project. According to Wikipedia (2014), constituency project is a process used to obtain fund from central government to finance projects benefiting the legislators' local constituents. The benefits of such projects do not extend beyond the legislator's constituency even though the funding was obtained through public tax known as earmarking in some nations.

Orimogunje (2015), view constituency projects as a phenomenon that is attracted and accepted by both the executive and the legislature even though it lacks constitutional basis, the executions of such projects are solely the role of the executive. Ordinarily, the idea of constituency projects as a role of the legislature shouldn't arise in the presidential system. However, as a result of the challenges facing the members of NASS at the individual level, the electorates are challenging us about the physical projects we brought to our areas. But, the execution of projects is the responsibility of executives" (NASS 1). This demonstrate clearly that constituency project from the constitutional dimension is the obligation of the executive branch of government, it emerges out of challenge forced by the electorates in their expectations from the role legislature ought to perform (Mahajan, 2012). For instance, it is the responsibility of the legislature to make law, judiciary interprets the law and the executive implement. Accordingly, provisions of the constitution which is built around the principles of separation of powers indicated that provision of projects is the obligation of the executive. A clear example of constituency project can be found in Philippines where funds are allocated to House of Representatives and House of Senate members to spend as they deem fit. It can be used for 'hard' projects like buildings and roads, or as 'soft' projects like scholarships and medical expenses. In that country, the practice was so replete with corruption that there were massive public protests against it in 2013 that Supreme Court abolished it as unconstitutional in the same year.

## **National Development**

Some scholars have attempted to explore the concept of national development for the purpose of this paper. National development refers to a sustainable growth and development of a nation to a desirable one; it is people oriented and its success evaluated on the impact to improve the lot of the masses (FGN, 1980). Wood hall (1985) defined national development as the improvement of a country's productive capacity through changes in social attitude, values and behaviour and finally, changes toward social and political equality and eradication of poverty. Onabanjo and M,Bayo (2009), states that national development is human oriented, that is individually in collectiveness and not individual. Elugbe (1994) view national development as the growth of the nation in terms of unity, education, economic well-being and mass participation in government. National development entails the provision of all the necessary materials and equipments that will guarantee man in every society to make a living. Aneto in citing Todaro and Smith (2003) identified the objectives of national development as increase in availability of basic life sustaining goods such as food, shelter health and protection. The levels of living like high incomes, employment, better education and greater attention to cultural

and human values. The expansion of economic and social choices available to individuals and nation by freeing them from servitude and dependence, forces of ignorance and human misery. Okpata (2004) agrees that national development is the cornerstone of every economic growth for sustainable development, this may mean “growth, change or planned growth of a nation” Abah (2000) states that development exists in a tri-dimensional concept, development has consumatory dimension connotes increase in the quantity of usable items available to man in the society. National development is a multi-dimensional process involving the organization and re-orientation of the entire socio-economic system, an improvement of income and output, radical changes in institutional, social and administrative structures as well as popular attitudes, customs and beliefs, such as physical (societal), a state of mind (psychological) and transformation of institution. This argues that development is a state of the mind or issue bordering on the society; it is paramount to note that development is anchored on financial resources.

### **Theoretical Framework**

The paper adopts structural functional theory as its framework propounded by Almond, Powell, Strom, (1956), Coleman, (1960). Their view is that political system consist 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 this includes 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 this 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, Rule-making function is performed by the legislature (Almond & Coleman, 1960). Since all political structures are multi-functional (Almond, Powell, Strom, 2006). The legislature not only functions as law-making institution but also performs oversight and representation function. but 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 consists of two houses the Senate and 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 (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 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 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 creating committee of inquiry, questions, and interpellations, location visits, audit queries and record checking are used to check whether government policy is properly enacted, as instruments of control ex post (Pelizzo & Stapenhurst, 2004). However, these oversight tools do 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 (power of the purse’), which in most cases provide opportunity for the legislature to inflate budget figures on constituency fund or during confirmation of appointment of Ministers, Ambassador, High Commissioner and other principal representatives of the executive arm (Akindele, et al., 2012; Alabi & Fashagba, 2010),

### **The Analogy of Constituency Project in Nigeria**

Nigeria operates bi-cameral legislative system consist House of Senate and House of Representatives. Elections into national and state assemblies are held every period of four years to elect a total of 109 senators and 360 House of Representatives members, who represent the 360 Federal Constituencies 109 Senatorial zones that is three senators per state and one from FCT (Okon, 2004). The primary function of government is to provide public good for the wellbeing of its people through good governance. In Nigeria, the quest for hunger among most Nigerians on democracy dividends from their elected representatives is quite alarming. Perhaps the constituency project is a response to the yearnings of Nigerians for democracy and its dividends. Senator Okoronmu argued that the rationale behind constituency project is to ensure at least government presence in every constituency by having some grass-roots projects sited in each, during the budgeting process. Legislators are to identify projects which they wished to be sited in their constituencies for inclusion in the budget, with a financial ceiling for the budgetary provisions for such projects in each constituency. The 1999 Constitution gives power to the National Assembly to appropriate funds for government spending as highlighted in section 80 (2, 3 and 4). The award of contracts, supervision and payments for such contracts were left completely in the hands of the executive agencies of government (Okoronmu, 2009).

Senator Ayogu Eze argued the role of national assembly is to identify the projects for our constituency while the executive arm of government will identify the contractor to execute the project cited in (Tunji, 2010). The Constitution of the Federal Republic of

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Nigeria, 1999 furnishes the National Assembly with the power to appropriate funds for government spending as captured in section 80 (2, 3 and 4). According to Senator Ekweremadu, the concept of constituency project came up as a result of the need to ensure equitable distribution of infrastructure and that every part of the country has a proper representation, in the House of Representatives and House of Senate. He argued that there will be lopsided development in the country, if governors and senators are allowed to decide where projects should be cited. As a result, all these representatives usually come up with what their constituents needs (Anyanate, 2009). It is deducible that the concept of constituency project cropped up as a result of the need to ensure equitable and even distribution of infrastructure/ development, to ensure adequate representation of every part of the country in the House of Representatives and Senate. However, parliamentarians merely recommend programmes and projects to be cited in their constituencies based on the needs and demands of their constituents. The award of contracts and the supervision and payments for such contracts are in the hands of the appropriate executive agencies of government.

On the other hand, a preponderance of the Nigerian masses views the concept of constituency project, as a conduit pipe through which the nation's treasury is being drained. For instance, former President Obasanjo accused Senators and House of Representatives members for corruption through budget padding and collection of unjustifiable allowances that amount to billions of naira. President Obasanjo states that national assembly members insert items in the budget, which are not actually required by ministries, and went and connive with contractors in the executing constituency projects by taking kick-backs and at the same time turn around to accuse others of corruption. He decried the huge cost of maintaining federal lawmakers, disclosing that it cost the federal government more than N250 million annually per head (Daily Trust, Monday, August 16th, 2010).

The concrete accomplishment by the federal lawmakers proportionate to and commensurate with their outrageous salaries and allowances, the government spends huge sums of money hosting federal legislators. Yet, insignificant number of bills and motions are passed to justify these allowances. For instance, in two legislative years, no bills other than appropriation bills were passed, it is apparent that those who should be assets to democracy have instead become a huge drain pipe to the democratic project at a time when more of their representatives have fallen into penury (Daily Trust, 16 August 2010). Most representatives visit their constituencies during electioneering campaign. Thereafter, they abandon most pledges and promises made to their constituencies and constituents.

### **Oversight Instruments for Efficient Utilization of Constituency Fund in Nigeria**

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 implementation. Any policy that allows 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. 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 represents the needs and wishes of the constituents to be implemented by the executive.

. As a 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. Power of the purse, which enables legislature to scrutinize the Auditor General's Report accounts of MDAs in the federation and to allocate money for purposes authorized by the legislature (FRN, 1999) is to this extent incidental to the operation of constituency fund, not an incursion on the powers of the executive. It is revealed 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). Routine oversight should be carried 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 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 (oral testimony and 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 (contractors, constituents, interest groups.) 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.

## The Role of the Legislature in Constituency Projects

The constitutional role of the National Assembly is not limited or restricted to law making. Both the executive and legislature are empowered by the constitution to police each other so as to ensure that none abuses the powers vested in them otherwise known as checks and balances. For instance, the National Assembly has powers to carry out oversight functions with respect to the executive as well as its Ministries, Departments and Agencies. It is in line with this that the executive and its agencies submit their budgets to the National Assembly for scrutiny and approval. As the need arises, the National Assembly investigates the finances and other activities of the executive arm of government. Section 80-83 of the constitution where the National Assembly is empowered to exercise control over public funds. Sections 88 and 89 of the constitution wherein the National Assembly is empowered to conduct investigations into the affairs and activities of the executive arm of government. The national Assembly is empowered to approve certain appointments made by the President.

It has now become widely accepted among some scholars that constituency projects are one of the functions performed by the legislators in democracy. For instance, Barkan (2009) affirmed that it is one of the core functions of the legislature in the democracy. Similarly, it was confirmed by the findings of scholarly works that both the electorates and the legislators give much and higher priority to the constituency projects than oversight and rulemaking functions in Africa (Baskin, 2013). In the study conducted by Balla and Deering (2013), findings reveal that even in the American politics, priorities are given to the constituency services than other functions of the legislature. With regard to the role played by the legislature on constituency projects, CSOs asserted that representation in Nigeria's democracy is now through constituency projects, and it is constantly used by members of NASS as a way of interacting with their constituency and a dividend of democracy" (CSOs). Another informant asserted that because of the desire to interact with their constituency every member is struggling for his constituency most especially during budget period for allocation of some projects in his constituency (NASS). However, according to CSOs, there are accusations against most of the individual members, common among the accusations is that they usually visit their constituency only at the time near elections and once they are elected they stay away from the constituency for a longer time and this corroborated with Mobolaji (2014). Furthermore, some majority of the members have abandoned their constituency offices, although, it is not part of the constitutional obligations. However, regular visits to the constituency are assumed to be beneficial to both electorate and the legislators, as it will enable the members and the electorates hold town hall meetings to discuss issues of urgent importance (Benjamin, 2014). Despite criticism some of the legislators played a vital role in the constituency services in their areas. For instance, one of the legislators declared that: In 2003 to 2004 Bauchi-Kari main road as our constituency projects, and we facilitated its execution. Likely enough, the chairman of the appropriation committee was from my state and I lobbied him. Not only that, we have various constituency projects in Darazo, Gabarin, Gabchiyari, Sade, Lanzai and in several communities in Ganjuwa Local Governments (NASS). Another legislator asserted that in Nigeria, the whole issue of representation is about constituency services. This was why I selected and focus on three areas in persuading my constituency projects, namely; education, empowerment, and health centers and maternities (NASS 1). Orimogunje (2015), posited that constituency projects today have seemed to be the *raison d'être* for competition on equitable distribution of projects allocation as a dividend of democracy in the NASS in Nigeria, and it has attracted the attention of the Nigerian population.

MDAs asserted that there are many constituency projects in Nigeria, however, since 1999 there are allegations of corruptions and mismanagement between legislators and specific MDAs. Sometimes the legislators connive with executives of MDAs to siphon the money allocated for the constituency projects. The most recent accusation of members of NASS regarding these projects is budget padding when some projects worth of 60 billion were inserted into the budget proposal for 2016 fiscal year (Theophilus & Perpetua, 2016). In the literature there are several views and opinions on the role of the legislature on constituency projects, during the administration of President Obasanjo, the NASS was dismissed by the president as armed robbers and cesspool of corruption that are cheating the country through unnecessary allowances and constituency projects, at the same time failing to respect institutional control (Alli, 2016). Some members of NASS have played a major role in constituency projects, though; there are several allegations of mishandling and budget padding in the affairs of the projects between members of NASS and some MDAs.

However, in Nigeria it has been established that monies meant for the execution of Constituency projects in the country are not routed through the members of the National Assembly as being speculated. Hon. Mohammed Sani Takori (Gummi/Bukkuyum Federal Constituency) challenged the Presidency, and all finance and appropriation implementation related agencies to come out with documents and facts to prove that money for Constituency projects are routed through members of the National Assembly. He spoke in reaction to the face-off between the sixth National Assembly and the Governor of the Central Bank of Nigeria (CBN), Sanusi Lamido Sanusi. Sanusi alleged that 25 per cent of the federal over head budget goes to the National Assembly, as well as the public impressions that funds meant for Constituency projects are embezzled by the lawmakers (Turaki, 2010). The former Attorney General of Zamfara State defended Constituency Project, by stating that no member of the National Assembly was involved in the handling of the funds for projects or the award of contracts and its execution and challenged the MDG office and the Ministry of Finance to prove him wrong. The concept as described above looks convincing also the funds have in many ways achieved so much to lives of the Constituents. These can be achieved if the amount on these projects could be monitored. From what we understand, the Constituency project funds even exist at the State assembly level. Given our national panache for back-dealings and little regard

for accountability, the constituency project fund may be likened to an open vault begging to be misused or even looted if not properly followed-up.

### Conclusion and Recommendations

Thus, from the findings of this paper, it clarified that constituency project from constituency allowance, it also reveals that the money allocated for constituency projects are with ministry related to the project to be executed. The function of legislators is to propose and design some projects require from their constituencies. In view of these findings, the constitution of Nigeria should be amended to allow and give it constitutional basis. The legislators should design and propose projects that are relevant in their constituencies and should not have hands in its implementation and this will go a long way to enhance national development.

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