

CONSTITUTIONAL PROVISION FOR RECALL OF LEGISLATORS UNDER THE 1999 NIGERIAN CONSTITUTION: A CRITICAL EXAMINATION*

Abstract

It is common knowledge that electoral accountability exists when there is clarity of responsibility for political outcomes and voters can effectively sanction those responsible for those outcomes through the powers to, among other things, remove them from office where the exercise of their powers does not lead to the expected outcomes. Thus, for legislators, there is legislative accountability where the electorates have the power to remove an erring legislator from office for misconduct committed in the course of discharging his/her responsibilities. Until 1999, there was no legal mechanism for checking the excesses of legislators by the electorates in Nigeria. Though the 1999 Constitution makes provision for recall of legislators, there has never been an incident of successful recall proceedings in Nigeria. This raises the question as to whether the said provisions of the Constitution are potent enough to protect the power of the people to recall legislators who they no longer want. It is against the foregoing background that this work sets out to critically examine the constitutional provisions for recall of erring legislators in Nigeria. It was found that the said provisions are not sufficiently positioned to check the excesses of the legislators by the electorates. The work therefore recommends an improved legal regime through constitutional amendment.

Keywords: Recall, Legislator, 1999 Nigerian Constitution, Critical Examination

1. Introduction

Benjamin Disraeli, a 19th century British politician who twice served as Prime Minister of the United Kingdom, posited that ‘all power is a trust; that we are accountable for its exercise; that from the people and for the people all springs, and all must exist.’¹ The implication of the above postulation of Benjamin Disraeli is that the concept of public accountability is the hallmark of modern democratic governance.² This is because democracy remains a paper procedure if those in power cannot be held accountable in public for their acts and omissions, for their decisions, their policies, and their expenditures. Public accountability, as an institution, therefore, is the complement of public management. In this wise, Finn has observed that, where the public's power is entrusted to others, there is an important constitutional and fiduciary principle that those entrusted with public power are accountable to the public for the exercise of their trust.³ This is because the public's trust in the public sector is closely related to the level of confidence the public has in the public sector.⁴ The most widely praised as the best system of government in our contemporary world is democracy, which allows for high level of peoples participation in decision-making and policy formulation through representatives commonly known as legislators. Ideally, a democratic government is representative and accountable; representative in the sense that its policies align with citizens’ interests, and accountable in the sense that it is answerable to citizens for its conduct and responsive to their demands.⁵ The legislature is a unique institution in a democratic setting, composed of elected representatives of the people. It occupies a prominent position in modern democracies. The legislative arm of government has the responsibility not only to make laws, which is its primary function,⁶ but also to perform other important functions which include the representation of the interests of the people, overseeing the activities of the executive, safeguarding public finances and providing an avenue for redressing public grievances.⁷

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¹B Disraeli, *Vivian Grey* (London: Henry Colburn, 1826) p. 206

²M Bovens, ‘Public accountability’, in E. Ferlie, L. Lynne & C. Pollitt (eds.), *The Oxford Handbook of Public Management*, (Oxford: Oxford University Press, 2004) p1

³ P Finn, ‘Public trust and public accountability’ (1994) *Griffith Law Review*, Vol 3 No 2, page 228.

⁴C Barnes and D Gill ‘Declining Government Performance? Why Citizens don't Trust Government’ (2000) *State Services Commission Working Paper* No 9, page 4.

⁵C Kam, ‘Representation, Accountability and Electoral Systems’ (2016) *Canadian Parliamentary Review/Winter*, pp17-21 at 17

⁶ JAO Akintayo, ‘Legislation in Democratic Governance in Nigeria (Ibadan: Humanities Research Centre, 1999).

⁷PLAC, ‘Guide to Effective Representation in the National Assembly’ (2016) <<https://placng.org/i/wp-content/uploads/2019/12/Guide-to-Effective-Representatio-for-Lawmakers.pdf>> accessed 23/01/2024

It must be observed however that the hallmark of legislative role in any democratic society is representation.⁸ The representation function is critical to the long-term sustainability of a democracy. This is because the citizens need to feel that their representatives listen to them and will also take their issues seriously as well as addressed them. In fact, it is safe to say that in a democratic government, the members of the legislators are the agents of the people and must, in the exercise of their functions, represent the interest of the people. The main idea behind legislative functions within any democratic polity is to ensure quality policy-making process, accountability and good governance through effective checks on the other arms of government. In this wise, Mahajan⁹ has submitted that the legislature is the most important of all the three organs of government because it is the laws made by the legislature that are interpreted and enforced by the judicial and executive arms respectively. Indeed, for democracy to thrive there is a need for the active participation of citizens through representation, especially legislative representation.¹⁰

It is in view of the foregoing that the legislature best reflects the concept of representative democracy. This is so because beside its law making functions, it protects the democratic ideals and collective aspirations of citizens by overseeing other governmental arms or institutions to 'ensure law, order and constitutionalism' in politics and national life.¹¹ It is universally accepted that a credible election is the heart of a representative democracy because a credible election not only confers legitimacy on political leadership, it is also crucial to the sustenance of democratic order.¹² In a representative democracy, electoral systems, especially those that give the people the power to remove elected officials decide how well voters can hold politicians accountable and which groups in the society are more likely to see their interests represented.¹³ It gives voters some control over politicians who abuse their power: voters can punish or reward politicians through re-election or other career concerns like impeachment and recall, and this creates incentives for good behaviour.

In recent times there have been instances where the legislators representing some constituencies in Nigeria have fallen out with the electorates and the electorates call for their recall.¹⁴ These developments usually trigger the interest of the people in the constitutional provision on recall of legislators in Nigeria, especially, on the possibility of its successful implementation. It is generally believed that most Nigerians are completely disillusioned with the selfish attitude and dismal performance of their legislators both in the National Assembly and the State Houses of Assembly. Nigerian legislators are usually accused of showing more interest in matters that would improve their already bloated salaries and allowances, and general welfare; at the expense of the welfare of the people whom they claim to represent. It is pertinent to note that, just as the executive heads of the federal and State governments in Nigeria could be removed from office before the expiration of their tenure, an erring legislator could also be removed from his seat in the legislative house before the expiration of his term.¹⁵ The process of removing a legislator from the legislative house by the electorate of his constituency is referred to as 'recall'.¹⁶ The constitutional provision on recall of erring legislators by the electorates is one of the salient innovations of the 1999 Constitution. Prior to the said 1999 Constitution, the process of recall was unknown to the Nigerian Constitutional jurisprudence, as it did not feature in any of the previous Nigerian Constitution. Thus, under the current Nigerian Constitution any member of the National Assembly or State House of Assembly may have his term of office prematurely terminated through his recall by voters of his constituency. The implementation of the recall provision under the 1999 Nigerian Constitution has, so far, encountered many

⁸OO Nwaubani, 'The Legislature and Democracy in Nigeria, (1960-2003): History, Constitutional Role and Prospects' *Research on Humanities and Social Sciences* Vol.4, No.15, pp, 81-90

⁹VB Mahajan, 'Political Theory: Principles of Political Science (4th edn; New Delhi, L-chad and company Ltd, 2012) pp 449-450.

¹⁰ OO Nwaubani, *op cit*.

¹¹NE Obianyo, 'Between Representative Democracy and Exploitative Democracy: Analysis of the Legislator and Political Corruption in Nigeria 1999-2010' nn S.A. Ezeudu, E.E. Ezeudu, J.O. Onuoha & S.C. Nwizu (eds) *Nigeria at Fifty; Issues Challenge and Agenda* (Vol 2, Enugu: Time & Enterprises, 2011) p 267.

¹²K Animashaun, 'Regime Character, Electoral Crises and Prospects of Electoral Reform in Nigeria' (2010) *Journal of Nigerian Studies, Vol. 1 No. 1*, p. 2; Z O Alayinde, 'An Analysis of the Legal Regime of Election Administration in Nigeria' (2016) *Journal of Law Policy and Globalization Vol. 46*, p. 110

¹³T Person & G Tabellini, 'Electoral Systems and Economic Policy' in BR Weingast and DA Wittman, *Oxford Handbook of Political Economy* (UK: Oxford University Press, 2006) 723-728 at 724

¹⁴A Esan, "Al-Makura: NHRC Calls for Recall of Legislators Over Impeachment", *National Mirror*, July 22, 2014, available at nationalmirroronline.net/news/cal-makura-nhrc-calls-for-recall-of-recallof-legislators-over-impeachment Accessed on 21/1/2024. (reporting that the Nigerian Human Rights Community (NHRC) called on the people of Nasarawa State to recall all the lawmakers involved in the plot to unseat the State Governor. Umaru Al-Makura).

¹⁵AJLC Volume 5 Number 3 (2015) RECALL OF ERRING LEGISLATORS UNDER THE 1999 CONSTITUTION OF NIGERIA: CHALLENGES AND PROSPECTS, UDOFA, Imo J., pp 1-11

¹⁶Malemi, E., *The Nigerian Constitutional Law* (3rd edn. Lagos: Princeton Publishing Company, 2012) p. 211.

challenges, and, to date, no legislator, whether at the National Assembly or the State House of Assembly, has successfully been recalled. Against this background, this paper sets out to examine the rationale for the introduction of the recall provision, the challenges confronting its implementation and the prospects and continued relevance of the recall provision in the Nigerian Constitution.

A Brief Explanation of the Functions of a Legislature

Modern legislatures perform a myriad of functions and roles, which derive from their constitutional position in a democracy as well as their existence and activities overtime. Regardless of the legislature's diverse functions, there are three functions most essential and central to the legislature - lawmaking, representation and oversight. These three functions are more or less generic to the legislature irrespective of the nature of governmental arrangement. They are as follows;

Law Making

Lawmaking is the basic function of the legislature and remains central to the existence of any legislative institution. Fundamentally, governance incorporates the entire process of public policy formulation and delivery including reconciliation of societal differences hence, the legislature in its task of lawmaking becomes the first point of reference. This is because laws can only be enforced by the executive arm after they have been formulated by legislature. Lawmaking by the legislature consists of identifying compromises between ideas and interests that emerge in the process of governance. The legislature is therefore responsible for reconciling, opposing and conflicting interests within the political system. Such opposing interests could be between the state and the citizens or state institutions or different segments of society. However, it must be stressed that, the mere fact of the legislature having the primary responsibility of law making does not imply that it initiates all legislations; some legislations are initiated by the executive arm of the government.

Oversight

Legislative oversight is a process by which the legislative body takes active role in understanding and monitoring the performance of the executive arm and its agencies. The demand of modern democratic practice in terms of accountability has created a situation where it is not enough that laws are passed, but that such are implemented. Oversight activities take place after a law is passed and involves monitoring executive activities for reasons of efficiency, probity and accountability. Although most legislatures have the constitutional power of oversight, its nature makes it a more complex and demanding activity because it requires acquiring a great deal of information about the executive arm and its activities. Oversight is usually exercised through specialized legislative committees.

Representation

The idea of a representative assembly dates back to the pre-modern democracy era. However, this notion of representation has changed fundamentally over the years and become standardized in the age of democracy. In modern times, the legislature represents a key institution of political representation. This is because members are known to represent the interests of different constituencies and groups within the political entity. In this light, the fulcrum of legislative activity is expected to be the articulation and aggregation of diverse interests of the represented constituencies into the policy process. For instance, the legislature as an instrument of liberation has also been found relevant in the promotion of gender parity in governance. Indeed, several countries have embarked on affirmative action as a means of increasing the level of participation of women in governance. Countries such as Angola, Gambia, Kenya and Nigeria have witnessed agitations in that regard. The above trend buttresses the conception of the legislature as an instrument of social-cultural and political liberation.

3. The Nature Recall Proceedings in Nigeria

Accountability is the product of definite social arrangements; that is, citizens should institute defined procedures, laws and requirements which do more than hope for official accountability. The implication of the foregoing is that the State should, through the instrumentality of the law, promote public accountability.

Powell argues that electoral accountability exists when;

- i) there is clarity of responsibility for political outcomes, and
- ii) voters can effectively sanction those responsible for those outcomes.¹⁷

The power to recall legislators is a direct democratic mechanism towards achieving legislative accountability by which the electorate could monitor the performance of their elected representatives and remove them from office before the expiration of their constitutional term. The provision on the power to recall is one of the

¹⁷G B Powell & G B Powell Jr., *Elections as instruments of democracy: Majoritarian and proportional visions* (UK: Yale University Press, 2000) pp. 50-51

innovations of the 1999 Nigerian Constitution. However, the implementation of this constitutional provision in Nigeria has encountered several daunting challenges and abuses; as a result of which no successful case of recall has so far been recorded in Nigeria. Recall is the process by which a legislator may be removed from his legislative seat before the expiration of his constitutional term¹⁸ by the electorate of his constituency on grounds of loss of confidence. Bhanu¹⁹ defines 'Recall' as a unique political device exercised by the electorate to remove a particular legislator from office. He asserts that the power enables the electorate to scrutinize the performance of representatives in the legislature and to remove the incompetent ones and those that do not pay enough attention to their constituents. According to Maskell,²⁰ the recall provision is seen as a device to assure regular and close oversight of elected public officials, and to make elected officials more continuously, rather than periodically, responsible and responsive to the will and desires of the electorate. With recall procedures available, it is argued that there would be no need for the electorate to tolerate an incompetent, corrupt, and/or unresponsive official until that official's term is over.²¹

In Nigeria, by virtue of section 14 of the Constitution, sovereignty belongs to the people of Nigeria from whom government through the Constitution derives all its powers and authority. The implication of the forgoing provision is that the people are the sovereign authority and the people exercise sovereignty through their electoral vote in accordance with the Nigerian Constitution. The constitutional provision for recall of legislators by the electorate may, therefore, be seen as a clear recognition of the sovereignty of the people under a democratic government. Recall is a direct democracy mechanism, since it involves the people directly in the control, removal and replacement of legislators before the expiration of their constitutional term of office. The electorates' right to recall legislators is one means of ensuring the latter's accountability towards the people. It is the citizens' prerogative to determine whether an errant or non-performing representative should continue in office for the full term or not. Under the 1999 Constitution, a member of the National Assembly duly elected, holds his seat for a term of four years but before the expiration of his term, he may lose the seat in any of the ways specified in section 68(1) of the Constitution, which, among other grounds, includes being recalled by the electorate. For clarity of thought, section 68(1)(h) provides as follows;

(1)A member of the Senate or of the House of Representatives shall vacate his seat in the House of which he is a member if –

(h) the President of the Senate or, as the case may be, the Speaker of the House of Representatives receives a certificate under the hand of the Chairman of the Independent National Electoral Commission stating that the provisions of section 69 of this Constitution have been complied with in respect of the recall of that member.

The recall of a legislator from the Legislative House could be equated to the impeachment of the executive heads of government, such as the President, Vice President, Governor, or Deputy Governor, primarily, as both processes seek to remove the political office holders from office before the end of their constitutional term. However, unlike the impeachment of the executive heads of government, which is the responsibility of another arm of government – the legislature, the recall of the legislator is entirely the responsibility of the electorate of the legislator's constituency. The only ground for exercising the power of recall is that the electorate of the legislator's constituency has lost confidence in him. The power of recall vested in the electorate, is, therefore, intended to be used to check and control the performance of the legislator, who, in turn, is expected to ensure effective representation of his constituency or face removal through recall.

One of the reasons for the introduction of the power to recall is to establish in a permanent manner 'a culture of consultation and reciprocal control law making and the use of power and privileges.'²² So also is the introduction of power of impeachment to check the excesses of the executive. Furthermore, it was based on the belief that, Nigerians have an idea of the goals of nationhood and the objectives of representation. It is this idea of conception which determines the depth of their faith in popular democracy and the nature of political judgment they form on the behaviour of their elected representatives. Constitutional provisions for recall of legislators are enshrined to strike a just balance between privileges, enjoyed by the legislators and abuse of powers or offices held by them. Expectedly the process is very cumbersome, anachronistic and time-consuming. The Nigerian

¹⁸JO Akande, *Introduction to the Constitution of the Federal Republic of Nigeria 1999* (Ibadan: Spectrum Books Ltd, 2000) p. 166.

¹⁹V Bhanu, 'Recall of Parliamentarians: A Prospective Accountability' (2007) *Economic and Political Weekly*, available at www.academica.edu/5794925/Recall_of_parliamentarians_A_Prospective. (Accessed 14/1/2024).

²⁰J. Maskell, "Recall of Legislators and the Removal of Members of Congress from Office", Congressional Research Service, (2012), available at <http://www.senate.gov/.../crs-publish.cf> January 5, 2012. (Accessed 14/1/2024)

²¹ *Ibid.*

²² REPORT OF POLITICAL BUREAU 1987 141 (Lagos: Federal Government Printers 1987).

Constitution has copious provisions on recall of legislators which is a special process outside the legislature itself, exercised at the instance of the members for their constituency expressing their loss of confidence in their legislative representatives. The recall provisions are meant to make the legislators to be alive to their responsibilities and to confirm that, sovereignty really belongs to the people. Unlike the American constitutional arrangement, where recall of legislators is only allowed at the State and local government levels, the 1999 Nigerian Constitution clearly provides for recall of legislators at both National and State Levels. By virtue of section 69 of the Constitution, a legislator in the National Assembly may be recalled in the following way;

A member of the Senate or of the House Representatives may be recalled as such a member if -

- (a) there is presented to the Chairman of the Independent National Electoral Commission a petition in that behalf signed by more than one-half of the persons registered to vote in that member's constituency alleging their loss of confidence in that member; and
- (b) the petition is thereafter, in a referendum conducted by the Independent National Electoral Commission within ninety days of the date of receipt of the petition, approved by a simple majority of the votes of the persons registered to vote in that member's constituency

Section 110 which provides for the recall of members of the State Houses of Assembly states as follows

110. A member of the House of Assembly may be recalled as such a member if -

- (a) there is presented to the Chairman of the Independent National Electoral Commission a petition in that behalf signed by more than one-half of the persons registered to vote in that member's constituency alleging their loss of confidence in that member; and
- (b) the petition is thereafter, in a referendum conducted by the Independent National Electoral Commission within ninety days of the date of the receipt of the petition, approved by a simple majority of the votes of the persons registered to vote in that member's constituency.

It is also pertinent to observe that Section 69 of the 1999 Constitution has been amended by Section 3 of the Constitution of the Federal Republic of Nigeria First Alteration Act 2010 as follow;

3. Section 69 of the Principal Act is altered, in paragraph (a), by inserting immediately after the word 'member' in line 4, the words, 'and which signatures are duly verified by the Independent National Electoral Commission'.

The purport of the forgoing provision is that the signatures of the petitioners must be duly verified by INEC. It is pertinent to observe that Section 110 of the Constitution relating to the recall of legislators has also been amended in the above like term by section 9 of Constitution of the Federal Republic of Nigeria First Alteration Act 2010. Thus, the signatures of the petitioners for recall for a member of state house must also be verified by INEC.

4. Process of Recall in Nigeria

From the foregoing provisions of the Constitution, the process of recalling a legislator may be summarised as follows:

Presentation of Petition

In Nigeria, the first stage in the recall process is the presentation of petition signed by more than 50% of the registered voters within the legislator's constituency. The said Petition is to be submitted to the chairman of the Independent National Electoral Commission and must also allege that the electorate of that constituency has lost confidence in the legislator representing them. From the wordings of the Constitution, it is clear that the specific acts and omissions of the legislator, which have made the electorates to lose confidence in the legislator, need not be stated in the petition. It has however, been suggested that lack of effective representation of the constituency by the legislator would be the basis for the loss of confidence. However, it must be observed that what may constitute lack of effective representation is highly subjective and is for the electorate to determine. If that is so, the question that would arise is whether the court can inquire into the reasonableness or otherwise of the reason given by the electorates. It must be observed that the requirement that the recall petition be signed by 50% of the registered voters in the legislator's constituency is highly unrealistic and would make it impossible for recall proceedings to be initiated. It is suggested that the requirement be reduced to 20%. The above argument notwithstanding, what a valid petition must contain, are the allegation of loss of confidence in the legislator, and the signatures of more than 50% of registered voters in the constituency. It must be observed however that the failure of the Constitution to prescribe grounds for initiating recall proceedings makes it susceptible to abuse as a political weapon in the hands of the constituencies or the political godfathers.

Verification of the Signatures of Registered Voters by INEC

After INEC has received the petition for recall of a legislator, the first task it must undertake is to verify the signatures of registered voters supporting the petition in the member's constituency. This is necessary to avoid a situation where a few persons forge the signatures of non-existent persons for the purposes of recalling a sitting member of the house. This requirement was introduced by sections 3 and 9 of Constitution of the Federal Republic of Nigeria First Alteration Act 2010.

Conduct of Referendum by INEC

After a petition is submitted to the Chairman of INEC and INEC has verified the signatures on the petition, INEC must conduct a referendum in the legislator's constituency within 90 days. Based on the petition submitted, an affirmative vote by a simple majority of the registered voters in that member's constituency will deem the legislator recalled. This process is to verify the true intent of the signatures received. It is submitted that the requirement of a simple majority of the votes of 'the persons registered to vote in that member's constituency' makes it impracticable to successfully execute recall proceedings. In this instance, it must be observed that in majority of elections conducted in Nigeria, it is not usually possible to get more than 50% of the registered voters to vote. The question then is how is it possible to get them to execute recall proceedings? It is suggested in this wise that the percentage required to carry out the recall should be a simple majority of those who participated in the referendum. This is enough to test the credibility of the legislator.

Presentation of Certificate of Recall of the Legislator to the Head of the Legislature

Where the referendum is successful, the Chairman of INEC shall present a certificate of recall of the legislator to the head of the legislature where he is a member; stating that the provisions of section 69 or 110 of the Constitution, as the case may be, in respect of the recall of that member have been complied with. This marks the conclusion of the recall process and the INEC shall thereafter conduct a bye-election in that constituency to fill the vacancy created by the recall exercise. It is however regrettable that the recall process as contained under the constitution is practically useless as the preconditions for same may not ever be actualised in any state. The requirement that the petition for recall will be signed by 50 percent of registered voters whose signature must be verified makes the process unrealisable. It is also submitted that by failing to provide the grounds upon which the Constituents can initiate recall proceedings, the Constitution has left the process at the whims and caprices of the constituents or politicians godfathers who may initiate the proceedings for no just cause or for the purposes of witch-hunting the legislator in question. There is therefore an urgent need to amend the recall provision in the Constitution of Nigeria to specify the grounds upon which a legislator could be recalled. Under the Constitutions of most of the States in America where the recall of legislators is authorised, the recall petition must specify the grounds upon which it is based. This introduces objectivity and fairness into the recall process and limits arbitrariness and abuse. A holistic approach must be adopted to address the problem of accountability in Nigeria.

5. Conclusion and Recommendations

The legislative role in terms of law making is fundamental because, the will of the people is expressed through the laws of the country. This is so because the life of the people is bound to be affected reasonably by the nature and quality of the laws passed by the legislature.²³ Similarly, people perceive legislative functions very necessary because the legislature helps to watch the process of administration in order to safeguard the liberties of citizens based on constitutional provisions of the land.²⁴ One of the innovations in the 1999 Constitution aimed at curbing the excess of the legislators is contained in sections 69 and 110 of the Constitution which empowers the electorate to recall erring legislators. The recall process is meant to make the legislators to be alive to their responsibilities and to confirm that, sovereignty really belongs to the people. It is however suggested that, this power should be sparingly used in only deserving cases and should never be used as instruments of witch-hunting or character assassination. The processes involved in the recall of a legislator include the submission of a petition by the electorates in the legislator's constituency, verification of the signature of registered voters, referendum by INEC, presentation of a recall certificate to the head of the legislature where he is a member. Before the amendment of the 1999 Nigerian Constitution in 2010, the verification of signatures of voters in the legislator's constituency was absent; the requirement was introduced by the Constitution of the Federal Republic of Nigeria (First Alteration) Act 2010. It is however surprising that, since the 1999 when this provision was introduced into the constitution, the provision has not been successfully invoked; though there have been many attempts in that regard. Some of the reasons identified for the

²³ OO Nwaubani, *Citizenship Education and Nigerian Culture* (Lagos, T-Excel Publishers, 2000.) p 89

²⁴BO Nwabueze, *Echoes of the 1999 Constitution: Who is to Blame-the Razor or the Barber?* University of Nigeria Nsukka 32nd Communication Lecture (Nsukka: Ap express Publisher, Ltd, 1994) cited in OO Nwaubani, 'The Legislature and Democracy in Nigeria, (1960-2003): History, Constitutional Role and Prospects' (2014) *Research on humanities and social sciences* 4, pp 81-90.

unsuccessful implementation of the recall process include the requirement of 50% of the registered voters to sign the petition, the requirement of a simple majority of the votes of the persons registered to vote in that member's constituency for successful recall proceedings. It was also highlighted the absence of any particular reason for the initiation of the recall proceedings may lead to arbitrariness in which case the electorates and unscrupulous politicians may apply it for their selfish gains. The fact that the recall proceedings can also be initiated at any time and as many times as possible against the same legislator also makes it susceptible to abuse.

In view of the foregoing findings made in this paper, it is recommended as follows: The signatures required to present successful recall petition should be reduced to 20% of the number of registered voters in the constituency. This threshold is enough to ensure that there is a significant level of demand for a recall referendum without imposing unrealistic requirements on recall supporters. The risk inherent in the present requirement of 50% is that recall thresholds set too high would undermine public confidence in the accountability capacity of the recall process. More so, with the additional check of a recall referendum, this threshold would not expose the legislators to recall on the whims of the minority. Constituents triggering a recall petition should specify the reason for the recall on the petition. The recall supporters should be able to articulate their views and their reasons for asking for the recall in the petition. This is necessary to avoid a situation where political godfathers as well as the electorates use the recall process as an instrument to frustrate a legislator. The recall referendum should be made to be successful where a simple majority of persons who are accredited to vote in the recall proceedings votes in favour of the recall. This is necessary so as to make sure that the will of the people prevails. The current requirement of 50% of registered voters voting in favour of the referendum for it to be successful is to say the least, asking for the impossible. This is because there are usually very few cases in which more than 50% of registered voters vote in an election in Nigeria. So the law should only require a simple majority of those who were accredited to vote and who, in fact, voted for the referendum to be successful. There should be provided in the Constitution, a grace period of six months before and after a general election and six months after a recall referendum or by-election when no recall petition can be triggered. This would help avoid 'sore loser' recalls, where a recall is simply an attempt to re-run an election to get a different result. This would also minimize the potential disruption to an legislator from repeated recall attempts.