

The Recall Process in Nigeria: Legal Framework, Challenges, and Implications

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DOI: 10.56201/ijssmr.vol.11no4.2025.pg.189.205

Abstract

Democratic governance hinges on the accountability of elected officials, with the recall process serving as a critical mechanism for citizens to remove underperforming legislators before term completion. In Nigeria, this process, enshrined in the 1999 Constitution (as amended), faces significant implementation challenges. This paper aims to analyze the legal framework, practical challenges, and comparative benchmarks of the recall process in Nigeria. Employing doctrinal legal analysis, case studies of prior recall efforts, and comparative analysis of practices in Kenya, Latin America, and the United States, the study finds that high signature thresholds, political interference, and logistical complexities undermine the effectiveness of the Nigerian recall process. It concludes that the current system is more theoretical than practical. Major recommendations include lowering the signature threshold, strengthening the independence and capacity of the Independent National Electoral Commission (INEC), and enhancing voter education to ensure the recall process serves as a functional tool of democratic accountability.

Keywords: Recall, Democracy, Constitution, INEC, Accountability, Democratic Governance.

Introduction

Democratic governance rests on the principle that elected officials are accountable to the electorate, not only at the polls but throughout their tenure. One vital mechanism designed to uphold this accountability is the recall process, which grants citizens the constitutional right to remove legislators before the end of their term for non-performance, misconduct, or loss of public confidence (Nnaji & Uzoechi, 2024; Qvortrup, 2021). In Nigeria, this provision is embedded in the 1999 Constitution (as amended), particularly in Section 69 and its counterparts in state-level legislations. While the recall process theoretically reinforces the sovereign power of the people, its practical application has been fraught with legal, political, and administrative complexities (Osakwe, Obidimma & Okeke, 2024). Notably, several attempts to recall lawmakers—such as the high-profile cases involving Senators Dino Melaye and Abdul-Aziz Nyako—have failed to progress beyond preliminary stages, raising concerns about the effectiveness of the process (Osakwe, Obidimma & Okeke, 2024).

The recall mechanism has attracted scholarly attention both as a democratic safeguard and a legal innovation. Scholars such as Vandamme, (2020) and Whitehead, (2020) have recognised its value as a corrective tool that encourages elected representatives to remain accountable and responsive to their constituencies. Similarly, Qvortrup (2021) argues that the recall process symbolises the maturing of democratic culture by empowering the electorate to act between election cycles. Yet, the literature also highlights serious limitations, such as onerous procedural thresholds, political interference, and low civic engagement, which collectively hinder successful recall efforts. Comparative analyses, including those by Nnaji and Uzoechi, (2024) and Anushiem and Chukwumah, (2019), reveal that Nigeria's recall procedures are not

only cumbersome but also lack institutional safeguards that exist in more established democracies, particularly in terms of electoral neutrality and judicial oversight. However, these existing studies often fail to conduct a comprehensive inquiry into the legal framework, practical experiences, and comparative benchmarks that could illuminate the effectiveness and prospects of the recall process in Nigeria. There is a noticeable gap in the literature regarding the doctrinal clarity of recall provisions, the institutional readiness of bodies like the Independent National Electoral Commission (INEC), and the broader implications for legislative accountability and democratic consolidation. This paper addresses that gap by critically engaging with the law, practice, and outcomes of the recall process in Nigeria. Specific objectives of this study are to:

1. Analyze the constitutional and legal provisions governing the recall process in Nigeria, particularly as outlined in the 1999 Constitution and the Electoral Act.
2. Explore the practical challenges hindering the successful implementation of the recall process, including legal, political, administrative, and procedural barriers.
3. Evaluate the level of public awareness and involvement in the recall process and how citizen engagement impacts its effectiveness.
4. Assess the implications of the recall process for political accountability, democratic governance, and the independence of electoral institutions.
5. Suggest policy recommendations and legal reforms that can enhance the effectiveness of the recall process in strengthening democratic accountability in Nigeria.

To that end, the study proceeds as follows. After this introduction, the Method section outlines the analytical and comparative approach adopted. The next section, The Recall Process in Nigeria: Why and How, provides an overview of the legal basis, rationale, and procedural steps involved in initiating and executing a recall. The paper then examines Prior Recall Efforts and Their Outcomes, drawing on documented case studies to illustrate systemic and contextual barriers. The following section, Comparison with Regional and Global Practices, situates Nigeria's recall mechanism within broader African and international democratic experiences. Challenges and Prospects delves into the structural, legal, and political obstacles facing the process and evaluates its future potential. The final section, Conclusion and Recommendations, summarises the key findings and proposes legal and institutional reforms to strengthen the recall process as a functional tool of democratic accountability.

Method

This paper adopts a qualitative research approach, employing doctrinal legal analysis complemented by comparative and case study methods. The doctrinal component involves a close examination of primary legal texts, including the 1999 Constitution of the Federal Republic of Nigeria (as amended), the Electoral Act 2022, relevant judicial decisions, and guidelines issued by the Independent National Electoral Commission (INEC). This analysis seeks to unpack the statutory and constitutional provisions governing the recall process in Nigeria, with a focus on the procedural steps, institutional roles, and legal thresholds required for its execution.

To contextualise the practical realities of the recall mechanism, the study further adopts a case study approach, analysing selected past recall efforts in Nigeria—such as those involving Senators Dino Melaye, Abdul-Aziz Nyako, and members of various State Houses of Assembly. These cases are used to illustrate the procedural, political, and institutional challenges confronting the recall process and to assess the extent to which the legal framework supports or hinders successful implementation. In addition, the paper undertakes a comparative analysis by examining recall processes in selected jurisdictions across Africa, Latin America, and the United States. This comparative lens enables the identification of best practices and highlights

the structural and procedural differences that influence the success or failure of recall efforts globally. Sources of data include legislation, judicial pronouncements, reports from electoral bodies, academic journal articles, media coverage of recall attempts, and reports by civil society organisations. Through this triangulation of legal, empirical, and comparative materials, the paper seeks to provide a comprehensive understanding of the recall process in Nigeria, its challenges, and its broader implications for democratic governance and legislative accountability.

The Recall Process in Nigeria: Why and How

In any functioning democracy, the relationship between the electorate and their elected representatives is not merely limited to periodic elections. Mechanisms must be in place to ensure continued responsiveness, accountability, and performance throughout a lawmaker's tenure (Papadopoulos, 2014). The recall process serves precisely this function by offering voters the opportunity to withdraw their mandate before the end of a legislator's term (Osakwe et. al. 2024). In the Nigerian context, the recall process is enshrined in the 1999 Constitution (as amended) and further operationalised by the Electoral Act 2022, with the Independent National Electoral Commission (INEC) serving as the central authority in its administration (Oraegbunam & Onah, 2023). However, while the legal framework appears comprehensive, the implementation of recalls in Nigeria has been marked by significant institutional inertia, political interference, and logistical complications (Osakwe et. al. 2024). Consequently, although the mechanism ostensibly empowers constituents to address political underperformance, its practical utility remains largely theoretical.

Nigeria's adoption of the recall process is inspired by the need to strengthen democratic values and ensure that elected officials remain accountable to those they represent. Theoretically, it embodies a potent check on legislative authority, providing a democratic channel through which dissatisfied constituents can enforce political consequences. Yet, in the twenty-five years of Nigeria's Fourth Republic, there has been no record of a successful recall, despite widespread public discontent with legislative performance in many constituencies (Nnaji & Uzoechi, 2024).

The constitutional framework governing the recall of elected officials in Nigeria is primarily captured in Sections 69 and 110 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). Section 69 outlines the procedure for the recall of members of the National Assembly, comprising the Senate and the House of Representatives, while Section 110 provides an identical structure for members of the State Houses of Assembly. According to these provisions, a recall process is initiated when a petition is presented to INEC, signed by at least half of the registered voters in the constituency of the elected official in question. Upon receiving the petition, INEC is mandated to verify its authenticity and, if found valid, to conduct a referendum within 90 days. If a majority of voters in the referendum support the recall, the lawmaker is constitutionally required to vacate their seat (Anushiem & Chukwumah, 2019).

While the provisions appear straightforward, the practical application is riddled with challenges. Firstly, the requirement that 50% of registered voters must sign the petition sets an extremely high threshold, especially given the prevailing rates of voter turnout and political disengagement (Oraegbunam & Onah, 2023). For instance, in many constituencies, even during general elections, it is uncommon for more than 40% of registered voters to cast their ballots. Therefore, mobilising over half to support a recall petition—not just to vote but to actively sign and verify their signatures—represents a formidable challenge (Osakwe et. al. 2024). Moreover, the constitutional process is heavily reliant on the administrative and supervisory roles of INEC, which, while theoretically independent, operates within a political

ecosystem that often subjects it to interference, funding constraints, and operational bottlenecks (Nnaji & Uzoechi, 2024).

In compliance with its constitutional mandate, INEC has developed a set of administrative guidelines that define the operational framework of the recall process. These guidelines break the process down into three distinct phases: (1) the submission and verification of a petition, (2) the collation and validation of verification results, and (3) the conduct of a referendum. Each phase involves detailed documentation, specific timelines, and multiple layers of oversight intended to ensure procedural integrity (INEC, 2024).

The process begins with the submission of a petition signed by at least 50% of registered voters in the affected constituency. The petition must include names, permanent voter card (PVC) numbers, and signatures or thumbprints to facilitate verification. Once submitted to the Chairman of INEC, the Commission is required to acknowledge receipt and formally notify the legislator in question. This notification, issued in writing, marks the official commencement of the recall process and triggers preparations for verification (INEC, 2024).

Verification represents the most intricate and crucial phase. According to INEC's procedure, the verification exercise is conducted in all the polling units of the legislator's constituency. INEC appoints several categories of officers to facilitate the process, including Verification Officers, Supervisory Electoral Officers, and Assistant Electoral Officers. Both the petitioners and the lawmaker may also nominate Verification Agents—individuals who must be registered voters—to monitor the process and ensure fairness. These agents must be accredited by INEC and their details uploaded via a designated portal no less than a week before verification begins (INEC, 2024).

The actual verification involves the biometric authentication of signatories using the Bimodal Voter Accreditation System (BVAS). Voters who have signed the petition must present themselves at their respective polling units on the appointed day to verify their identity and confirm their support for the recall. The exercise is scheduled from 8:30 AM to 2:30 PM, though extensions are permitted if necessary. Each voter is authenticated and recorded using Form EC 41, with results collated at multiple levels. The collation process is carefully structured and documented using Forms EC 41A through EC 41E, with collation officers at the Registration Area (RA), Local Government Area (LGA), and Constituency levels each performing specific functions. If the number of verified petitioners exceeds 50% of registered voters, the petition is deemed valid, and INEC is obligated to proceed to the referendum stage (INEC, 2024).

Once verification has confirmed that the recall petition meets the constitutional requirement, INEC must conduct a referendum within 90 days. The referendum essentially serves as the final arbiter of the recall process, providing an opportunity for all registered voters in the constituency to either validate or reject the petition's call for the legislator's removal. INEC initiates this phase by publishing public notices to inform voters of the referendum date, procedures, and voting guidelines (INEC, 2024).

To conduct the referendum, INEC appoints Referendum Officers (ROffs) and supervisory staff, including Electoral Officers and Assistant Electoral officers at the LGA level. All officers are required to take an oath of neutrality to preserve the integrity of the process. Similar to regular elections, the referendum is conducted using the open-secret ballot system. Only registered voters who present their PVCs are allowed to vote, and voting takes place from 8:30 AM to 2:30 PM, with the possibility of extensions if the turnout is high (INEC, 2024).

Accreditation and voting occur simultaneously, and voters are only allowed to cast their ballots at the polling unit where they are registered. Both the petitioners and the legislator may again appoint Polling Agents to monitor proceedings, provided they submit their names and credentials to INEC in advance. The referendum officer begins by introducing themselves and

explaining the voting procedure before placing the ballot box in plain view to ensure transparency (INEC, 2024).

Once voting ends, the votes are counted in the presence of all agents and recorded in Form EC 42A. These results are then collated at the RA/Ward level into Form EC 42B, at the LGA level using Form EC 42C, and finally at the constituency level in Form EC 42D. The final declaration is recorded in Form EC 42E. If the majority of valid votes cast in the referendum support the recall, the lawmaker is officially removed from office. If the majority oppose the recall, the process is terminated, and the legislator continues to serve out their term (INEC, 2024). The table below details the reform process:

Table 1: Summary of INEC Guidelines on the Recall Process in Nigeria

Phase	Key Activity	Responsible Parties	Relevant Forms/Tools
1. Petition Submission	Submission of petition signed by $\geq 50\%$ of registered voters	Constituents	-
	Acknowledgement of petition & notification to lawmaker	INEC Chairman	-
2. Verification	Accreditation of Verification Agents	Petitioners & Lawmaker (via INEC portal)	-
	Biometric authentication of petitioners at polling units	INEC, Verification Officers, Petitioners	BVAS, Form EC 41A
	Verification results collation at RA/Ward level	Supervisory Officers	Forms EC 41B, 41C, 41D
	Final collation and declaration at constituency level	Constituency Collation Officer	Form EC 41E
3. Referendum (if verified)	Public notice and voter education	INEC	-
	Accreditation & voting using open-secret ballot	INEC, Referendum Officers, Accredited Voters	PVCs
	Ballot counting & collation at polling units and various collation levels	INEC, Polling Agents, ROFFs	Forms EC 42A, 42B, 42C, 42D
	Final declaration of result	Constituency Returning Officer	Form EC 42E
4. Outcome	If majority votes in favour \rightarrow lawmaker is recalled	INEC	-
	If majority votes against \rightarrow lawmaker retains seat	INEC	-

Source: Compiled from INEC regulations and guidelines for the recall of a member of the national assembly, house of assembly of a state or area council of the federal capital territory (2024)

Prior Recall Efforts and Their Outcomes

The Nigerian Constitution provides a legal mechanism for recalling elected representatives through Sections 69 and 110 but the actual execution of this process has proven exceedingly difficult. Since the return to democratic rule in 1999, numerous recall attempts have been initiated across different parts of the country. Yet, despite this constitutional provision aimed at enhancing democratic accountability and empowering the electorate, no successful recall has been recorded to date (Osakwe et. al. 2024). Each attempt has been characterised by complex legal maneuvers, administrative bottlenecks, insufficient voter mobilisation, and deeply entrenched political interests. This section offers a comprehensive examination of the most prominent recall efforts in Nigeria's Fourth Republic, analysing their outcomes and implications for democratic governance and accountability.

Recall Attempt of Senator Dino Melaye (2017–2018)

Arguably the most publicised recall attempt in recent Nigerian history involved Senator Dino Melaye, who represented the Kogi West Senatorial District. In 2017, a group of constituents initiated a petition seeking his removal from office, citing allegations of poor legislative performance, consistent absenteeism, and general misconduct (Osakwe et. al. 2024). However, beyond these stated grounds, it became evident that the recall effort was significantly coloured by political motivations. Melaye, known for his flamboyant persona and controversial political rhetoric, had developed a strained relationship with key figures within the ruling All Progressives Congress (APC), despite being a member of the party at the time. His frequent clashes with the state governor and federal party leadership made him a polarising figure, thereby intensifying the desire among certain political actors to remove him from office (Njoku, 2021; Osakwe et. al. 2024).

The Independent National Electoral Commission (INEC), in line with its constitutional mandate, proceeded with the recall process by verifying the signatures submitted in the petition. This marked the first time in recent memory that a recall process progressed to the verification stage. A referendum date was eventually announced. However, during the verification exercise, it was discovered that a substantial proportion of the submitted signatures were either unverifiable or did not correspond with INEC's voter register. Consequently, the recall effort failed to meet the constitutional threshold that requires at least 50% of registered voters in the affected constituency to endorse the petition (Anushiem & Chukwumah, 2019).

Senator Melaye, in turn, contested the process in court, alleging procedural irregularities and political victimisation. The legal tussles surrounding the recall further delayed proceedings and raised critical questions about the impartiality and transparency of the process. Ultimately, the courts ruled in favour of Melaye, declaring the process null and void. This outcome demonstrated the formidable procedural and legal hurdles that must be overcome to successfully recall a Nigerian legislator (Anushiem & Chukwumah, 2019).

The failed recall attempt against Melaye underscores several core deficiencies in the Nigerian recall framework. First, the numerical requirement of securing 50% of registered voters' signatures is exceptionally high, especially in a political environment marked by voter apathy and low electoral participation. Second, the process highlighted the power imbalance between elected officials and their constituents. Melaye's access to legal resources, media influence, and political networks enabled him to resist the recall effectively. As Njoku (2021) posits, such mechanisms in Nigeria are often more symbolic than functional, due to the embedded structural weaknesses and elite manipulation that define the country's political processes.

Recall Attempt of Senator Bukola Saraki (2018)

In 2018, the then Senate President, Dr. Bukola Saraki, also became the subject of a recall attempt following his defection from the All Progressives Congress (APC) to the opposition Peoples Democratic Party (PDP). Representing Kwara Central Senatorial District, Saraki's move was interpreted by many of his constituents—particularly APC loyalists—as a betrayal of political trust (Adebiyi, 2022). The attempt to recall him was thus more a retaliatory political action than a genuine expression of democratic dissatisfaction. Petitioners cited non-performance and disloyalty, although there was little evidence to support these claims in terms of his legislative record (Awotokun & Okotoni, 2020).

INEC received the petition and began the preliminary stages of the recall process. However, Saraki and his supporters swiftly mounted a legal challenge, arguing that the petition was both politically motivated and procedurally defective. The matter was taken to court, where it became entangled in a web of legal arguments concerning the credibility of the signatures, the authenticity of the petitioners, and the conduct of the verification process. The courts eventually halted the process, citing insufficient proof of due process (Adebiyi, 2022).

The Saraki case illustrates the susceptibility of the recall process to manipulation by political actors and the judiciary's pivotal role in determining outcomes. While the intervention of the courts is necessary to safeguard constitutional rights, their involvement often becomes a tool for frustrating the process rather than facilitating justice. Furthermore, the high visibility and political stature of individuals such as Saraki complicate recall attempts, as such figures are often deeply entrenched in both the political elite and grassroots networks (Odiji & Azu, 2021). Ultimately, the failed attempt to recall Saraki reinforced the perception that Nigeria's recall mechanism is structurally designed in favour of incumbents. It also demonstrated the challenge of mobilising a genuinely broad-based and politically neutral campaign for recall in an environment where political loyalties are fluid and often prioritised over civic responsibility. Scholars such as Osakwe et. al. (2024) and Sule (2025), who argue that in emerging democracies, accountability tools like recall only thrive where institutional integrity and civic engagement are robust—conditions that remain largely unmet in Nigeria.

Recall Attempt of Senator Ali Ndume (2017)

Another significant recall effort targeted Senator Ali Ndume, who represented Borno South Senatorial District. The initiative emerged in the aftermath of a series of controversies surrounding his suspension from the Senate, which followed his defence of fellow senators accused of misconduct (Reuben, Amali, & Omoarebu, 2023). This created friction between Ndume and the Senate leadership, as well as other power blocs within the APC.

Petitioners alleged that Ndume had not effectively represented his constituency and that his involvement in national controversies had diverted his attention from local issues. INEC acknowledged the receipt of the petition and commenced the initial verification procedures. However, it soon became apparent that the petitioners lacked the numerical support needed to meet the constitutional requirement for a recall. The number of valid signatures fell far short of the 50% threshold, and the process was eventually abandoned (Osakwe et. al. 2024; Reuben et. al. 2023).

The Ndume case is instructive for several reasons. Firstly, it reveals the role of elite factionalism in initiating recall processes. Rather than being driven by popular dissatisfaction among constituents, many recall attempts are initiated by rival political actors seeking to weaken their opponents. Secondly, the case illustrates the pervasive voter apathy in Nigeria. Many constituents were either unaware of the recall process or simply indifferent, largely due to low levels of political education and mistrust of political elites (Reuben, Amali, & Omoarebu, 2023).

Moreover, the Ndume episode highlights the challenge of civic mobilisation in Nigeria's political system. The logistical and financial demands of coordinating a recall campaign capable of securing over 50% of signatures are daunting, particularly in rural or conflict-affected areas such as Borno State. Thus, the theoretical possibility of recalling an underperforming legislator remains largely unattainable in practical terms.

Recall Attempt of Hon. Opeyemi Bamidele (2018)

Honourable Opeyemi Bamidele, a former member of the House of Representatives from Ekiti State, also faced a recall attempt in 2018. The petitioners accused him of neglecting his legislative responsibilities and prioritising his senatorial ambition over his constituents' needs. The recall effort coincided with internal wrangling within his party, suggesting that it may have been orchestrated by political rivals aiming to curtail his influence ahead of the 2019 general elections (Osakwe et. al. 2024).

INEC received the petition and commenced the verification process. However, as with the previous cases, the petitioners failed to gather sufficient valid signatures. The recall process was therefore terminated at the preliminary stage (Osakwe et. al. 2024).

This case reflects the intersection of political rivalry and accountability mechanisms in Nigeria. Rather than serving as a neutral tool for evaluating legislative performance, recall petitions are often deployed as weapons in intra-party conflicts. Additionally, the case underscores the difficulties faced by ordinary citizens in challenging entrenched political figures who possess access to significant financial and institutional resources.

Bamidele's recall attempt illustrates how power asymmetries undermine the recall mechanism. Even when there is genuine discontent, the structural and procedural hurdles, combined with a lack of civic infrastructure to support grassroots mobilisation, make it nearly impossible to achieve the recall of an elected representative.

Recall Attempt of Senator Suleiman Hunkuyi (2018)

Senator Suleiman Hunkuyi, who represented Kaduna North Senatorial District, faced a recall effort shortly after his defection from the APC to the PDP. The move was interpreted by his former political allies as a betrayal, and the recall petition was quickly mobilised, citing political disloyalty and poor representation (Shedrack, 2019).

The recall effort proceeded along familiar lines. A petition was submitted, and INEC began the verification process. However, the legitimacy of the petition was quickly challenged in court, with Hunkuyi alleging irregularities and procedural non-compliance. The courts intervened and eventually quashed the process, citing flaws in documentation and signature verification (Shedrack, 2019).

The Hunkuyi case reinforces the trend of judicial intervention as a consistent obstacle in recall processes. It also reflects the broader issue of elite control over political processes in Nigeria. Rather than empowering citizens, the recall mechanism has been appropriated by political elites as a tactical tool for settling scores. The conflation of political loyalty with legislative accountability in this case once again undermines the democratic intent of the recall provision.

Recall Attempt of Senator Natasha Akpoti-Uduaghan (2025)

The most recent case in Nigeria's evolving recall history is the 2025 attempt against Senator Natasha Akpoti-Uduaghan, who represents the Kogi Central Senatorial District. On 24 March 2025, a recall petition was submitted to INEC, alleging poor representation and disengagement from constituency affairs. However, Senator Akpoti-Uduaghan vocally disputed the legitimacy of the petition, alleging that the signatures were either forged or collected under coercion. She further accused key political figures—Senate President Godswill Akpabio and former Kogi

State Governor Yahaya Bello—of orchestrating the recall attempt as political revenge for her independence and refusal to conform to elite expectations (Sahara Reporters, 2025).

INEC initiated the verification process, and by 3 April 2025, it was evident that the recall had failed to meet the requisite threshold. A significant number of the submitted signatures were found to be invalid, unverifiable, or ineligible. The Commission formally declared the petition unsuccessful and terminated the process (Sahara Reporters, 2025).

The Akpoti-Uduaghan recall attempt brings into sharp relief the persistent structural, procedural, and political barriers that afflict the recall process in Nigeria. Despite being one of the few women in the Nigerian Senate, Akpoti-Uduaghan faced intense political pressure, suggesting that gender dynamics may also influence the frequency and nature of recall attempts (ThisDay Live, 2025).

Her case exemplifies the ease with which powerful actors can weaponise the recall process to intimidate or delegitimise dissenting voices. It also highlights the administrative weaknesses of the electoral system in authenticating citizen-driven initiatives. Without reforms to strengthen electoral integrity, promote transparency, and shield the process from undue influence, the recall mechanism will remain a blunt instrument, incapable of fulfilling its democratic promise.

The review of prior recall efforts in Nigeria reveals a recurring pattern of procedural failure, elite manipulation, and judicial obstruction. Whether in the cases of Senators Dino Melaye, Bukola Saraki, Ali Ndume, or the more recent Natasha Akpoti-Uduaghan, each attempt has ultimately failed to achieve its intended outcome. Despite being enshrined in the Constitution, the recall mechanism has not matured into a functional accountability tool. Rather, it remains a theoretically empowering but practically inaccessible provision.

Multiple factors account for this dysfunction: the unreasonably high constitutional threshold for valid signatures; the politicisation of the process; limited civic awareness; logistical challenges in voter mobilisation; and the overarching influence of the judiciary and political elite. Until these structural and institutional limitations are addressed, the recall process will continue to operate as a symbolic gesture rather than a substantive democratic recourse (Osakwe et. al. 2024).

There is an urgent need for reform—both legal and institutional—to align the practice of recall with its democratic ideals. Lowering the signature threshold, enhancing transparency in signature verification, streamlining legal procedures, and investing in civic education could render the recall process more effective and accessible. Only then can the mechanism serve as a meaningful check on legislative power in Nigeria’s evolving democracy.

Comparison With Regional and Global Practices

To better understand the effectiveness of Nigeria’s recall process, it is useful to compare it with other democracies. Here, a comparison is made with Kenya, Peru, Ecuador, and the United States.

Unlike Nigeria, Kenya’s recall process operates under a markedly different model. The Kenyan Constitution and the Elections Act require that a petition for recall obtain the signatures of at least 30% of registered voters, with an additional condition that a minimum of 15% of the voters in each ward participate. This lower bar was intended to make the recall process more accessible and responsive. A significant turning point occurred in 2024 when a High Court ruling eliminated the need for judicial pre-approval before the collection of signatures—a practice that had been widely criticised as an undue barrier. With this ruling, the Independent Electoral and Boundaries Commission (IEBC) was empowered to verify petitions without pre-emptive judicial oversight. However, even with these reforms in place, the Kenyan process has been beleaguered by challenges such as judicial delays, potential abuses by political

adversaries, and overall low levels of public awareness. Indeed, between 2010 and 2023, only two recall attempts reached the stage of a referendum, and neither succeeded because turnout was insufficient. This example illustrates that even when signature thresholds are reduced, other institutional and political factors can stymie the recall mechanism (Wafula, 2024).

A similar spectrum of experiences is observable in Latin America, albeit with considerable divergence between countries. For instance, Ecuador's 2008 Constitution empowers citizens to initiate recalls for all elected officials with a signature threshold of only 10%—or 15% for presidents—and restricts these attempts to certain phases of an official's term. Such a low threshold theoretically increases accessibility; however, in practice, presidential recall attempts have been exceedingly rare, with only three recorded since 2008 and none achieving success. On the other hand, Peru offers a more dynamic, if turbulent, picture. Following constitutional reforms post-1992, Peru instituted recall provisions at municipal and regional levels, setting the voter signature requirement at between 20% and 25%, varying by jurisdiction. Over a period spanning from 1997 to 2013, more than 5,000 recall attempts were recorded, and roughly 30% of these efforts succeeded in ousting incumbents. While this relatively high frequency of recalls at local levels demonstrates active public engagement and the potential for accountability, it has also contributed to political instability in some municipalities, where continual leadership changes disrupt long-term policy implementation and governance (Hufon, Fikri, Satria, & Wibisono, 2024).

In the United States, recall processes are determined by state law, resulting in a patchwork of regulations that vary significantly from one jurisdiction to another. Nineteen states currently permit the recall of state officials, with signature requirements ranging from as low as 10% in states like Colorado to as high as 25% in states such as Wisconsin. Local-level recalls can require even lower percentages, with some Californian cities requiring only 10–15% of the votes cast in the previous election. Although these lower thresholds make it administratively easier for citizens to mount recall efforts, practical challenges remain. High financial costs, as evidenced in the costly 2021 gubernatorial recall in California which exceeded \$300 million, and low voter turnout—often averaging around 35% in off-cycle recalls—undermine the effectiveness and public legitimacy of these measures. The decentralized nature of the United States' political system provides flexibility; however, it can also lead to uneven implementation and outcomes that are contingent on local political dynamics and administrative capacities (Office of the secretary of state, 2024).

When these diverse models are compared, Nigeria's recall process stands out not only for its extraordinarily high signature threshold but also for its seemingly paradoxical effect on democratic accountability. Rather than functioning as a dynamic tool for political self-correction, Nigeria's mechanism has, in many ways, become a barrier to participation. The requirement that 50% of registered voters sign a petition is daunting in a country where voter turnout is often low and where the political landscape is dominated by entrenched interests. This high threshold ensures that recall initiatives can only succeed if there is an overwhelming mobilization of support—a scenario that is rarely achievable in practice. In effect, the process becomes a theoretical deterrent rather than a practical instrument for removing unresponsive or incompetent lawmakers.

In contrast, countries such as Kenya and several in Latin America have attempted to strike a more manageable balance between citizen empowerment and political stability by setting lower signature requirements. Kenya's model, although not without its flaws, represents a deliberate effort to make recall a more accessible remedy without sacrificing the need for broad-based support. The removal of judicial pre-approval has been a noteworthy step towards this goal, even if subsequent challenges have persisted. Ecuador's low threshold similarly aims to democratise the recall process, yet the infrequency of recall attempts suggests that cultural and

political factors may dampen its practical impact. Peru's experience, with its high volume of recall attempts and a corresponding success rate of 30%, underscores the potential for such mechanisms to energise local politics—but also illustrates the risk of contributing to instability if recalls become too common.

The experience of the United States offers an interesting contrast in that the recall process, while widely variable in terms of administrative requirements and costs, still tends to be used predominantly in high-profile cases. Despite lower signature thresholds, the financial and organizational burdens associated with conducting a recall—combined with typically low voter participation—mean that the process is often reserved for situations of significant public discontent rather than routine accountability.

Taken together, these diverse approaches reveal that the effectiveness of recall processes is shaped by a complex interplay of legal thresholds, administrative capacity, judicial intervention, and political culture. Nigeria's recall mechanism—strict in its design and impractical in its application—exemplifies how a theoretically robust democratic tool can be rendered inert by procedural rigidity and the realities of a challenging electoral environment. The high signature requirement not only serves to protect incumbents from opportunistic challenges but also discourages genuine public mobilisation. In contrast, systems with lower thresholds, such as those in Kenya and parts of Latin America, strive to create more accessible means of accountability, though they too face hurdles related to public awareness and the potential for politicisation.

The overarching lesson from these comparative experiences is that the mere presence of a recall mechanism in a country's constitutional or legal framework is not sufficient to ensure effective democratic accountability. The practical impact of recalls depends as much on the institutional context and the political environment as on the specific legal provisions. In Nigeria, reform efforts aimed at lowering the signature threshold, streamlining verification procedures, and insulating the process from political interference could potentially transform recall from a symbolic provision into an operational democratic tool. Conversely, the experiences of Kenya, Ecuador, Peru, and the United States illustrate that even systems with lower thresholds and more flexible designs are not immune to challenges. Judicial delays, administrative inefficiencies, high costs, and political manipulation remain persistent obstacles to the effective implementation of recalls, regardless of the specific design features.

Challenges and Prospects

The constitutional provisions and INEC Guidelines on recall of elected officials in Nigeria was designed to empower citizens and enhance accountability. However, its practical application has been fraught with challenges that have rendered successful recalls virtually nonexistent since Nigeria's return to democratic rule in 1999. This is due to a litany of mutually reinforcing challenges.

One of the most significant impediments to successful recalls in Nigeria is the excessively high signature threshold. The requirement that 50% of registered voters in a constituency must sign a petition sets an almost insurmountable bar, particularly in areas with large populations and low voter turnout. In many rural constituencies, where logistical challenges and voter apathy are endemic, mobilizing such a large proportion of the electorate is a formidable undertaking. As scholars like Osakwe et. al. (2024) have noted, this prohibitive requirement not only discourages robust civic participation but also essentially neutralizes the recall process as a genuine tool for political accountability. The high threshold is intended to safeguard against frivolous recalls; however, it inadvertently ensures that only recall efforts backed by an overwhelmingly active electorate have any chance of proceeding—a condition rarely met in practice.

Compounding the problem of high thresholds is the pervasive influence of political interference. In Nigeria, political elites and incumbent legislators often manipulate the recall process to maintain their hold on power. The influence of political parties—supported by well-resourced networks and patronage systems—often leads to the deliberate undermining of recall efforts. Politicians have been known to use state resources, orchestrate legal challenges, or even engage in voter intimidation and coercion to discredit recall petitions (Anushiem & Chukwumah, 2019). This politicization of the recall process creates an environment where the initiative is seen less as a tool for holding officials accountable and more as an instrument for settling intra-party disputes or targeting political opponents. Such interference not only undermines public trust in the fairness of the process but also reinforces the structural power imbalances that favor the political elite.

Voter apathy and a general lack of public awareness further diminish the prospects of effective recalls. Many Nigerian citizens remain unaware of their constitutional right to initiate a recall, and even those who are informed may lack the motivation or resources to participate actively in the process. The absence of sustained civic education and widespread public awareness campaigns means that a significant portion of the electorate does not fully understand the procedural requirements or the potential impact of a recall. This low level of engagement is particularly problematic given that recalls are intended to be citizen-driven initiatives. Without broad-based involvement, the recall process struggles to gain the momentum needed to overcome its inherent procedural hurdles. Empirical data from past recall attempts, such as the effort against Senator Dino Melaye, reveal that even when a recall petition is submitted, a large number of voters do not partake in the necessary verification processes, leading to the failure of these initiatives (Osakwe et. al. 2024).

Logistical and financial constraints also present major challenges to executing the recall process. Conducting a recall referendum involves substantial resources—not only the cost of collecting and verifying signatures but also the expenses associated with organizing a referendum. In many constituencies, especially those located in remote or underdeveloped areas, the infrastructural and financial limitations make it difficult for INEC to manage the extensive processes required for a recall. This often results in delays and inefficiencies that further erode the credibility of the mechanism. In some cases, the high cost of recalling an official has been cited as an additional deterrent, as the financial burden falls both on the state and on the petitioners who must mobilize resources amid an already challenging environment. Judicial and bureaucratic delays represent another significant barrier to the effective implementation of recalls in Nigeria. Legislators targeted by recall petitions frequently resort to legal challenges, invoking technicalities and procedural irregularities to stall the process. Courts, already burdened by heavy caseloads, often take months—or even years—to resolve disputes surrounding recall petitions. Such delays not only prolong the uncertainty surrounding the status of the legislator in question but also discourage citizens from engaging in what becomes a drawn-out legal battle. At the same time, bureaucratic inefficiencies within INEC and other government agencies add further layers of delay, as cumbersome administrative processes impede the swift progression of recall initiatives (Njoku, 2021). These judicial and administrative bottlenecks collectively contribute to a climate in which the recall process appears more as a theoretical safeguard than as an actionable means of removing unresponsive or corrupt officials.

The political and institutional implications of an ineffective recall process are profound. A mechanism that is constitutionally guaranteed yet consistently fails to operate as intended undermines public confidence in democratic institutions. The inability to recall unresponsive or misbehaving legislators not only weakens the system of checks and balances but also emboldens elected officials to act with impunity. This erosion of accountability can fuel public

cynicism and contribute to a broader sense of disenfranchisement among voters. It also raises critical questions about the independence and capacity of institutions like INEC and the judiciary, both of which are tasked with ensuring that the democratic process is both fair and effective. If these institutions are perceived as being either incapable or unwilling to manage recall processes free from political interference, the overall credibility of Nigeria's electoral system comes under significant strain.

Despite the numerous challenges facing the recall process in Nigeria, there are prospects for reform that could enhance its functionality as a tool for democratic accountability. One of the most urgent reforms would be to lower the signature threshold required to initiate a recall. Reducing the requirement from the current 50% to a more attainable figure would likely encourage greater participation by making it easier for genuine grievances to be translated into actionable petitions. A lower threshold would not only remove a major procedural barrier but also signal a commitment to democratizing the recall process by making it more accessible to ordinary citizens.

In addition to reducing the signature threshold, strengthening civic education and public awareness is essential for improving the prospects of successful recalls. Comprehensive awareness campaigns should be launched to inform citizens about their rights and the procedural steps involved in initiating a recall. Such education would empower voters to engage actively in the process and help ensure that a recall, when necessary, is supported by a truly representative base of the electorate. By demystifying the process and highlighting its potential as a tool for accountability, civic education initiatives can mitigate the effects of voter apathy and bolster public confidence in the democratic system.

Enhancing the independence of INEC is another critical reform that could address many of the current challenges. As the primary agency responsible for managing the recall process, INEC must be insulated from undue political influence. Providing the commission with greater financial and administrative autonomy would help ensure that recall petitions are verified transparently and without interference. Such institutional reforms would enhance the credibility of the recall process and enable INEC to manage the logistical demands of large-scale verification more effectively. In line with this, there have been calls for further resource allocation and structural improvements within INEC to better handle the complexities associated with recall initiatives.

Judicial reforms also have an important role to play in improving the recall process. A fast-tracked court system specifically for resolving recall-related disputes would help minimize judicial delays and ensure timely adjudication of challenges. An independent and efficient judiciary is essential to protect the process from protracted legal battles that currently discourage both petitioners and voters. By ensuring that judicial interventions are expeditiously managed, the credibility and overall efficacy of the recall process could be significantly enhanced.

In summation, the challenges facing the recall process in Nigeria are multifaceted, spanning excessively high signature thresholds, political interference, voter apathy, logistical constraints, and judicial delays. These challenges have collectively rendered the mechanism more of a theoretical right than an effective tool for enforcing democratic accountability. However, by implementing targeted reforms—such as lowering the signature threshold, bolstering civic education, ensuring INEC's independence, and streamlining judicial processes—the prospects for a functional recall process could be markedly improved. Such reforms would not only facilitate the removal of underperforming or corrupt legislators but would also serve to reinforce public confidence in the integrity of Nigeria's democratic institutions. In a context where democratic accountability remains a critical concern, revitalizing the recall mechanism represents a promising avenue for enhancing both

governance and citizen participation. Through these measures, Nigeria could transform the recall process from a rarely used constitutional provision into a dynamic instrument of political renewal and accountability.

Conclusion and Recommendations

This study has critically examined the recall process in Nigeria, revealing a mechanism that, while enshrined in the Constitution and Electoral Act, faces significant hurdles in practical implementation. The analysis of prior recall efforts, such as those involving Senators Dino Melaye and Abdul-Aziz Nyako, demonstrates that high signature thresholds, logistical complexities, and potential political interference undermine the process's effectiveness. Comparative insights from other African nations, Latin America, and the United States highlight that while recall mechanisms can enhance democratic accountability, their success depends on appropriate legal frameworks, institutional support, and civic engagement. Ultimately, the recall process in Nigeria remains more theoretical than practical, requiring substantive reforms to fulfill its intended role of ensuring legislative accountability and responsiveness.

Recommendations

To enhance the effectiveness of the recall process in strengthening democratic accountability in Nigeria, the following recommendations are proposed:

1. Reduce the requirement of signatures from 50% to a more realistic percentage (e.g., 30-35%) of registered voters in the constituency. This adjustment would align with international best practices and acknowledge the realities of voter turnout and political engagement in Nigeria.
2. Provide the Independent National Electoral Commission (INEC) with greater autonomy and resources to manage the recall process impartially and efficiently. This includes securing its funding, ensuring operational independence, and enhancing its logistical capacity to conduct verification and referendums.
3. Launch comprehensive voter education campaigns to inform citizens about the recall process, their rights, and the steps required to initiate a recall. This initiative should leverage various media platforms and community engagement strategies to reach a broad spectrum of the population.
4. Conduct a thorough review of the Electoral Act to clarify ambiguities and address gaps in the recall provisions. This should include specific guidelines on signature verification, dispute resolution, and the role of the judiciary.
5. Create an independent tribunal or committee to oversee the recall process and adjudicate disputes. This body should comprise legal experts, civil society representatives, and other stakeholders to ensure fairness and transparency.
6. Invest in and expand the use of biometric verification technologies, such as the Bimodal Voter Accreditation System (BVAS), to streamline signature verification and prevent fraud.
7. Foster partnerships with civil society organizations and community-based groups to mobilize citizens, monitor the recall process, and provide oversight.
8. Define specific grounds for recall, such as gross misconduct, non-performance, or violation of constitutional duties, to provide clarity and prevent abuse of the process.
9. Enact measures to protect petitioners and supporters of recall efforts from intimidation, harassment, or retaliation. This could include legal safeguards and mechanisms for reporting and addressing threats.

10. Undertake regular reviews of the recall process to assess its effectiveness, identify challenges, and make necessary adjustments. This should involve consultations with stakeholders, including political parties, civil society groups, and electoral experts.

References

- Adebiyi, O. M. (2022). The Rise and Fall of the Saraki Political Dynasty and the 2019 General Elections in Kwara State, Nigeria. *Journal of Administrative Science*, 19(2), 1-22.
- Anushiem, M. I., & Chukwumah, V. O. (2019). Recall Process Under the Constitution of Federal Republic of Nigeria: A Critique. *African Journal of Constitutional and Administrative Law*, 2.
- Awotokun, K., & Okotoni, O. (2020). Governance and the executive-legislative relations since Nigeria's fourth republic (1999–2019) and beyond. *Public Administration Research*, 9(2), 20-37.
- Constitution of the Federal Republic of Nigeria, 1999. (As amended)
- Hufron, Fikri, S., Satria, G. S., & Wibisono, R. B. (2024). The Power to Remove: A Comparative inquiry into recall mechanisms in Indonesia and the Philippines. *International Comparative Jurisprudence*, 10(2). <https://doi.org/10.13165/j.icj.2024.12.003>
- Independent National Electoral Commission, INEC. (2024). Regulations And guidelines for the recall of a member of the National Assembly, House of assembly of a State or Area council of the Federal Capital Territory (2024)
- NJOKU, C. O. (2021). Revisiting the recall process under the constitution of federal republic of nigeria, 1999 (as amended): Imperatives of constitutional amendment. *Renaissance university law journal (rnulj)*, 1(1), 24-32.
- Nnaji, E., & Uzoechi, R. (2024). Recall of Legislators as an Instrument of Legislative Accountability: A Critique. Available at SSRN 4840141.
- Office of the Secretary of State. (2024). *Procedures for Recalling State and Local Officials*.
- Oraegbunam, I. K., & Onah, C. A. (2023). Constitutional Provision for Recall of Legislators under the 1999 Nigerian Constitution: A Critical Examination. *IRLJ*, 5, 18.
- Osakwe, O. O., Obidimma, E. O. C., & Okeke, O. E. (2024). The recall of legislators and quest for sustainable democracy in nigeria. *Nnamdi azikiwe university journal of human rights law*, 1(1).
- Papadopoulos, Y. (2014). Accountability and multi-level governance: more accountability, less democracy?. In *Accountability and European Governance* (pp. 102-121). Routledge.
- Qvortrup, M. (2021). The recall as a mechanism for increasing accountability: An American case study. In *Democracy on demand* (pp. 160-177). Manchester University Press.
- Reuben, U. I. J. R., Amali, M. O., & Omoarebu, N. S. (2023). Critiquing the democratic ideals of standing orders of legislative house through the prism of the rules of the delta state house of assembly: lessons from a cross-country survey. *Nigerian journal of legal studies*, 12.
- Sahara Reporters. (2025). *BREAKING: INEC Rejects Petition to Recall Senator Natasha, Cites Failure to Meet Constitutional Requirements*. [saharareporters.com](https://saharareporters.com/2025/04/03/breaking-inec-rejects-petition-recall-senator-natasha-cites-failure-meet-constitutional). <https://saharareporters.com/2025/04/03/breaking-inec-rejects-petition-recall-senator-natasha-cites-failure-meet-constitutional>
- Shadrack, D. T. (2019). Intra-party conflicts in Nigeria: an assessment of causes, effects and conflict management strategies of the All Progressives Congress (APC). *Studies in politics and society*, 8(1&2), 1620.
- Sule, B. (2025). Political Parties and Representation in Nigeria's Fourth Republic. In *Nigerian Political Parties in the Fourth Republic: Evolution, Characteristics and Dynamics of Transformation* (pp. 347-367). Cham: Springer Nature Switzerland.
- ThisDay Live. (2025). *Akpoti-Uduaghan: Akpabio, Bello Using Fake Constituents to Initiate Recall Process* – *THISDAYLIVE*. [Thisdaylive.com](https://thisdaylive.com).

- <https://www.thisdaylive.com/index.php/2025/04/03/akpoti-uduaghan-akpabio-bello-using-fake-constituents-to-initiate-recall-process/>
- United Nations. (2023). *Goal 10: Reduce Inequality within and among Countries*. United Nations Sustainable Development; United Nations.
<https://www.un.org/sustainabledevelopment/inequality/>
- Vandamme, P. E. (2020). Can the recall improve electoral representation?. *Frontiers in Political Science*, 2, 6.
- Wafula, S. B. (2024, June 19). *Simplifying Accountability: Understanding The Process And Challenges of Recalling an MP in Kenya*. Soko Directory.
<https://sokodirectory.com/2024/06/simplifying-accountability-understanding-the-process-and-challenges-of-recalling-an-mp-in-kenya/>
- Whitehead, L. (2020). On reconciling recall with representation. *The politics of recall elections*, 229-247.