



Research Paper

Constitutional Development and Human Security Promotion in Africa: The Case of Nigeria & South Africa

Dr. Kelvin Bribena

Faculty of Law
Niger Delta University
Bayelsa, Nigeria

Abstract

Constitutional development in African states was at its peak during the days of the Cold War and the realist's emphasis on state centric and politico-military security which was preferred above other paradigms. This relegated human security concerns to the lowest ladder of security consideration. However, the end of the Cold War in 1990 heralded the ascendancy of human security in socio-political discourse on the continent due to the widening of threats and the securitization of entities and issues which were left out of security concern by Western countries. This study dwells on the dynamic nexus between constitutional development and the promotion of human security in Africa, with focus on South Africa and Nigeria. It seeks to unveil the similarities and differences between the variables in the two countries and their relevance to the continent. The study adopts historical research design, and therefore depends on secondary data which would be presented and analyzed qualitatively with content analysis technique. The study concludes that African states need to embrace human security paradigm in their constitutional development in order to address the root sources of security threats and violent conflicts within their domain, since most of the conflicts on the continent are traced to human security deficits within the states.

Keywords: Constitutional development, human security, South Africa, Nigeria, Africa.

Received 01 July, 2025; Revised 09 July, 2025; Accepted 11 July, 2025 © The author(s) 2025.

Published with open access at www.questjournals.org

I. Introduction

Throughout Africa's history, constitutional development has been impacted by a variety of challenging events, including pre-colonial times, colonial rule, and the post-colonial era, which was marked by military interventions and civilian rule, all of which were impacted by neo-colonial dynamics. The indigenous peoples of the continent demanded better forms of government due to socioeconomic and political factors, which in turn pushed for constitutional reforms. Many political crises, including as civil wars and military coups, plagued Africa in the years after independence, and poor leadership was a common factor. Shortly after gaining independence, several problems arose, including religious and ethnic strife, sociopolitical unrest, identity crises, discord, and the difficulty of constructing a nation.

In response to these ongoing problems, African leaders across the continent—in the east, west, central, and southern regions—reviewed their political systems through the prism of liberal political philosophy. During constitutional discussions in particular, fundamental liberal principles like capitalism and democracy started to impact major choices. Nevertheless, undemocratic practices, authoritarian policies, and military decrees continued to shape the constitutions of many African nations. The United Nations, which fought against dictatorships and colonial legacies, was one of several international organisations that put pressure on these governments to improve their performance.

As far as the UN was concerned, these issues posed serious challenges to post-WWII reconstruction efforts and human security. Liberal democracy, which it championed, started to supplant autocratic practices, particularly in Africa, because of its emphasis on individual rights, equality, freedom, the rule of law, and constitutionalism. Global attention has been drawn to several African states, such as Egypt, South Africa, and

Nigeria, for their historical significance and leadership positions in the political evolution of Africa. These nations are among more than 50 in the continent. Among Africa's nations, Nigeria stands out as a leader in the fight for human security and freedom. Its efforts to assist peace initiatives in Sudan, supervise democratic elections across Africa, and eliminate apartheid in South Africa are clear indications of this devotion. It was for these reasons that Nigeria was dubbed the "Giant of Africa."

Despite its progress towards AU peace and constitutional development, Nigeria has faced challenges to its internal human security. The continuous terrorist actions of groups like Boko Haram, environmental and food problems caused by oil infrastructure devastation, and pervasive abduction are among them. The world is worried about these concerns, and the country isn't as united as it once was.

Systemic dysfunction, such as the late arrival of voting materials, fraud, violence, and intimidation of voters have all afflicted Nigeria's democratic process and its many elections. These tendencies undermine public trust in democracy and put citizens in risk. Ghana, Liberia, South Africa, Ethiopia, the Democratic Republic of the Congo, Sudan, and many more African nations face comparable election-related difficulties.

Political crises occur in about 20-25% of African elections, according to a 2011 study by the International Peace Institute. There was a great deal of election violence that caused widespread death and displacement in countries including Kenya (2007–2008), Zimbabwe (2000, 2008), Côte d'Ivoire (2010–2011), and Nigeria (2011). These violent incidents perpetuate a vicious cycle of instability by eroding public faith in democratic institutions.

In a report released before the 2019 elections in Nigeria, the US Institute of Peace cited a lack of political will, communal violence, persistent inequalities, and ethnic and religious tensions as major causes of electoral violence and human insecurity, lending credence to these claims.

Given the increase in crime and social disintegration associated with bad leadership and incorrect policy choices, discussions on human security continue across Africa. Because of these factors, international experts have proposed a plethora of economic changes and plans meant to change the continent, but foreign investment remains low. Many liberals see these ongoing issues as proof of long-standing cultural traditions that impede progress. They frequently argue that Africa's problems may be solved by embracing western or European ideas.

Constitutional conferences, referendums, the establishment of states, power-sharing agreements, quota systems, and federal character principles are some of the procedures that African nations have used to resolve these challenges. The goals of these reforms are to strengthen constitutional foundations and foster national unity. Nevertheless, in spite of all these endeavours, many African countries' political discourse is still centred on talks of amending their constitutions.

Human security and national unity have been the goals of several panels and committees set up in Nigeria throughout the years. All the way from the abortive Third Republic to the current Fourth Republic, there have been a plethora of changes, beginning with the Independence Constitution of 1960 and continuing through the Republican Constitution of 1963, a number of military decrees, the Constitution of 1979, and so on. However, Boko Haram terrorism, herder-farmer conflicts, kidnappings, armed robberies, prostitution, and ritual killings (like "Yahoo-Yahoo Plus") continue to pose significant security concerns to the nation.

Some scholars and policy experts have used these problems to label Nigeria and other African nations as failed states. Corruption is a major roadblock to human security and constitutional advancement. Many African countries remain impoverished and underdeveloped due to corruption, even though the continent is rich in natural resources. Because of corruption, it has been impossible to implement the suggestions made at national conferences and in research initiatives. The theft or mismanagement of public monies intended for human development and infrastructural projects is unfortunately common.

Prominent figures implicated in high-profile corruption cases in Nigeria, such as James Ibori, Diezani Alison-Madueke, and Farouk Lawan, have been found guilty of embezzling public monies. Such incidents exacerbate Africa's instability, brain drain, and chronic underdevelopment, creating a difficult situation for Africans and investors alike.

South Africa

A number of treaties and constitutional reforms founded on liberal principles have defined South Africa's path towards bringing its varied and frequently competing multi-ethnic populace closer together. The draughting of the constitution followed a historical trend of the white minority receiving an outsized share of power and

privilege. An important turning point occurred in May 1902, when Douglas Macpherson signed the Treaty of Vereeniging at Melrose House, Pretoria. This treaty ended the Anglo-Boer War, a major conflict that had threatened human security in the area. A new constitution was ratified in 1910 in South Africa under British supervision, resulting from political manoeuvring. This constitution substantially marginalised the indigenous Black people by giving power to the white minority. For decades, this kind of government sowed discord and discontent; until, in 1961, a whites-only vote established the Republic of South Africa, resulting in yet another exclusive constitution.

With the introduction of a new constitution in 1983 came a tri-cameral legislature, with White, Coloured, and Indian chambers—once again, the Black majority was left out. Reducing ethnic tensions and improving human security did not receive major attention until the 1993 interim constitution. As flawed as it was, it served as a stepping stone to the more inclusive Constitution of 1996, which sought to advance democracy as a system rather than build a democratic order based on individual rights and freedoms for all South Africans.

Racism and other forms of group animosity have plagued South Africa for a long time, undermining efforts to provide human security and advance the country's constitution. According to studies, the country's current strategy for human security is moving away from state-centric approaches and towards methods that centre on individuals. Improving living conditions, safeguarding the environment, keeping people's dignity, and making sure they're safe are all part of this. There is a wide range of dimensions to human security in South Africa, including governmental, economic, social, religious, technical, and ethical considerations.

Sandy Africa's analysis of the 1994 Green Paper on Safety and Security lends credence to this idea by drawing attention to important ideas like bolstering democratic government, increasing accountability in the police force, and fostering community engagement in building a safe society. Both the White Paper on Defence (1996) and the White Paper on Safety and Security (1998) reaffirmed these principles, stressing that genuine security necessitates liberty, tranquility, engagement in government, safeguarding of rights, availability of resources, and a setting that promotes human flourishing (RSA, 1996).

Aims to foster social cohesiveness and eradicate racism and inequality have informed constitutional and policy changes in South Africa, in keeping with this framework. Successive administrations have introduced a number of programs to strengthen human security since the advent of democratic governance in 1994. Among the many notable instances are the following: the 1985 Nelson Mandela and Botha peace accord, the Electoral Act No. 73 of 1998, the National Social Cohesion Summit, the Delivery Agreement of Outcome 12, and many more.

Despite this, research shows that many of the changes have only helped to further entrench elites in power. Constitutions in South Africa have their roots in the country's colonial history, which has allowed for the pursuit of limited political goals by both former and present governments. Political parties have often served primarily as means of enrichment rather than unifying the nation and protecting its citizens. This approach, which is led by the elite, has weakened attempts to improve living conditions and has left Africa open to exploitation from both inside and without. The disparity between the well-being of citizens and the political leadership is shown by the regular transfer of money from the continent to Western banks.

Fombad (2011) noted in his study of the constitutional changes of South Africa that the constitution was changed 10 times in seventeen years, which is approximately once a year. The controversial clauses that allowed parliamentary members to swap party allegiance under certain situations were adopted by the 8th, 9th, and 10th amendments (2002-2009), which are particularly noteworthy. While lesser parties were crippled or even destroyed by as little as one defection, the dominant African National Congress (ANC) profited disproportionately from these "floor-crossing" regulations, which essentially shielded it from electoral consequences. In an effort to maintain party unity and prevent more factional disintegration, the 14th and 15th amendments were voted to ban floor-crossing in response to internal tensions within the ANC following the 2007 party conference.

The environmental and social sustainability of both South Africa and Nigeria are jeopardised by the same trends of elite-dominated leadership. According to Fombad, African nations would keep facing problems like poverty, corruption, sickness, and political instability unless their constitutions are robust and incorporate human-centered concepts and institutions. The profound institutional reforms necessary to counteract authoritarianism, inefficiency, and economic decline have not been implemented by many African nations, despite changes in leadership since independence.

II. Concluding Remarks

Developing a constitution, or what some scholars refer to as "remaking," "unmaking," or "rebuilding" a constitution, has been a long and arduous process across Africa. According to research, one of the biggest obstacles to enhancing human security is the way African politicians seek to gain power. After conducting this inquiry, we have come to the conclusion that a strong constitution is the foundation for improved security. Based on this, we propose a constitutional reform that will address Africans as Africans, free from foreign manipulations and meddling. In order to understand Africa for who we really are, we must examine the mechanical character that has been imposed by foreign bourgeoisies and pass it through our traditional African methods.

Human security advocacy in South Africa has shifted its focus to nation building, a contentious topic based on the idea that the country's unity is under jeopardy due to pervasive inequality. Anecdotes in literature also demonstrate how nation formation may exacerbate inequality while fostering a tenuous sense of solidarity. Conflicts in South Africa have their roots in minority groups, and our inquiry uncovered several obstacles to fostering human security in this area. South Africa's economy and the concentration of particular tribes or ethnic groups in one region are examples of how the country's bitter confederal system, fuelled by white supremacy, has polarised the country and, without effective human security measures, could spark civil war. Reengagement, renegotiation, and a focus on human growth are necessary for the advancement of human security in this type of climate, as is selfless sacrifice.

References:

- [1]. Aly Verjee, Chris Kwaja, and Oge Onubogu. (2018). Nigeria's 2019 Elections: Change, Continuity, and the Risks to Peace. United States Institute of Peace. www.usip.org
- [2]. Awofeso, O. (2014). Constitutional Development in Nigeria: Historical and Political Analysis. Published by MacGrace, Lagos, Nigeria.
- [3]. Ezeibe, C. C. (2010). Political Leadership and Crisis of Development in Sub-Saharan Africa, 1960-Present. M.Sc Thesis in Department of Political Science University of Nigeria Nsukka
- [4]. Fombad, C.M. (2011). "Constitutional Reforms in Africa and Constitutionalism in Africa: Reflections on Some Current Challenges and Future Prospects." *Buffalo Law Review* 59(4): 1007-1009.
- [5]. Goodluck, E.J. (2018). *My Transition Hour*. LWCA Publishers
- [6]. Hildyard, N. (2018). The World Bank, Red Flags and the Looting of Nigeria's Oil Revenues. Published by Corner House Research, United Kingdom; Global Witness, United Kingdom; Human and Environmental Development Agenda (HEDA Resource Centre) (HEDA) Nigeria; Re: Common is an independent and not-for-profit "association of social promotion "under the Italian law.
- [7]. International Peace Institute (IPI), (2011). Elections in Africa: Challenges and Opportunities.
- [8]. SAHO, (2017). A History of South African Constitution 1910-1996. www.sahistory.org.za. Accessed on 28/11/2018
- [9]. Hendricks, C. (2006). From State Security to Human Security in Southern Africa in edited by Cheryl Hendricks *Rethinking Human Security: The Implications of Gender Mainstreaming RSA (1994)*, White Paper on Reconstruction and Development, 15 November. <http://www.gov.za>, last accessed on 28 November 2018.