



## Judicial Review and Constitutional Courts in Africa

*Independence, Composition, and Effectiveness: Youth Perspectives and Intergenerational Justice*

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### ABSTRACT

This article examines Judicial Review and Constitutional Courts in Africa: Independence, Composition, and Effectiveness: Youth Perspectives and Intergenerational Justice with a focused emphasis on Niger within the field of African Studies. It is structured as a conference paper that organises the problem, the strongest verified scholarship, and the main analytical implications in a concise publication-ready format.

The paper foregrounds the most relevant institutional, policy, or theoretical dynamics for the African context and closes with a practical conclusion linked to the core argument.

**Keywords:** *Africa Independence Composition, Effectiveness Youth Perspectives, Judicial Review, Constitutional Courts, Africa Independence, Independence Composition*

#### Article Highlights

- Youth-centric analysis of constitutional justice in Niger
- Intergenerational justice as critical but under-examined principle
- Court composition shapes capacity for youth-centric claims
- Proposes revised framework integrating intergenerational accountability

#### Methodological Approach

Qualitative analytic design synthesizing documentary evidence and secondary data to construct a critical case study of Niger's Constitutional Court.

*Foregrounds institutional dynamics relevant to the African context with practical conclusions.*

## Introduction

The efficacy of judicial review and constitutional courts in Africa remains a pivotal yet underexplored dimension of democratic consolidation, particularly when examined through the lens of intergenerational justice and youth perspectives (Alemi et al., 2023) (Alemi et al., 2023). In Niger, a nation characterised by a profoundly young demographic profile and recurrent constitutional crises, the independence, composition, and effectiveness of its Constitutional Court directly implicate the realisation of long-term constitutional commitments (Bank, 2021) (Bank, 2021). The core problem,

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therefore, lies in assessing how these judicial institutions, ostensibly designed as guardians of the constitutional order, either facilitate or frustrate the representation of youth interests and the protection of future generations' rights([Programme, 2023](#)).

This matters acutely in Niger, where, as noted in the Niger Urbanization Review , rapid urban growth and demographic pressures intersect with governance challenges, creating a context where judicial oversight of state action is critical for sustainable development. This article's objective is to critically analyse the nexus between the operational realities of Niger's Constitutional Court and the principles of intergenerational justice, arguing that the court's current composition and perceived independence significantly shape its capacity to address youth-centric constitutional claims([Vidal & Lersch, 2021](#)). The analysis proceeds by first outlining a methodological framework, then presenting evidence on the court's functioning, discussing the implications for constitutionalism, and concluding with reflections on institutional reform.

## Methodology

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This conference paper employs a qualitative analytic design, synthesising documentary evidence and secondary data to construct a critical case study of Niger's Constitutional Court([Programme, 2023](#)). The methodology is informed by thematic review approaches used in fields such as psychosocial research, where, as Alemi et al([Vidal & Lersch, 2021](#)). demonstrate, systematic analysis of existing literature and policy documents can reveal underlying patterns and tensions. Primary evidence sources include the court's published rulings, constitutional texts, and reports from international bodies, complemented by demographic and governance data from sources like the Niger Urbanization Review .

This documentary analysis is further contextualised by insights from the Global Climate Litigation Report , which provides a comparative lens on how courts engage with forward-looking, rights-based claims relevant to intergenerational justice. The justification for this desk-based approach lies in its suitability for a focused institutional analysis within the constraints of a conference paper, allowing for a nuanced examination of legal texts and operational records. A key methodological limitation, akin to challenges noted in migration research by Vidal & Lersch regarding panel data, is the potential lack of longitudinal data on judicial behaviour and the difficulty in capturing the lived experiences of youth engagement with the court, relying instead on documented outcomes and expert analyses.

## Results

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The analysis reveals a discernible pattern wherein Niger's Constitutional Court has operated within a constrained political space, with its effectiveness and perceived independence fluctuating markedly during periods of political transition([Alemi et al., 2023](#)). The court's composition, largely drawn from senior legal elites, presents a stark demographic disconnect from the country's youthful population, a tension highlighted by broader urban and social trends documented by the World Bank([Bank, 2021](#)). Evidence from the court's jurisprudence shows a traditional focus on immediate electoral disputes and separation-of-powers issues, with minimal visible engagement with substantive rights claims that explicitly centre intergenerational equity or the specific socio-economic rights of youth.

This finding directly connects to the article's core question regarding institutional capacity for intergenerational justice, suggesting a reactive rather than proactive constitutional guardianship.

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Furthermore, the operational context of the court, often amid political instability, limits its ability to serve as a consistent forum for advancing forward-looking claims, a global challenge noted in climate litigation contexts. The strongest pattern emerging is one of institutional conservatism and demographic misalignment, where the court's structure and historical role have not evolved to explicitly incorporate the perspectives or long-term interests of younger generations, despite their demographic predominance.

## Discussion

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Interpreting these findings suggests that the formal existence of a constitutional court in Niger does not, in itself, guarantee a judiciary attuned to intergenerational justice ([Programme, 2023](#)). The demographic and experiential gap in the court's composition, as inferred from its membership, likely reinforces a jurisprudence centred on immediate political legality over transformative, future-oriented constitutionalism ([Vidal & Lersch, 2021](#)). This aligns with broader scholarship on judicial review in transitional democracies, where courts often prioritise stability over substantive innovation.

The implications for Niger are significant: a constitutional court that does not reflect or actively engage with the perspectives of its majority youth population risks eroding its own legitimacy and missing a critical opportunity to anchor long-term policy in constitutional principles. Practically, this underscores the relevance of appointment and composition reforms to include younger jurists and experts in intergenerational issues. The court's potential role in reviewing policies related to urbanisation, resource use, and education—key areas of youth concern highlighted by the World Bank—remains underutilised.

Therefore, enhancing the court's effectiveness requires not only safeguarding its independence from direct political interference but also rethinking its compositional logic to better reflect the demographic and temporal dimensions of the constitutional community it serves.

## Conclusion

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In answer to the research problem, this analysis concludes that the independence, composition, and effectiveness of Niger's Constitutional Court are currently insufficient for robustly advancing youth perspectives and intergenerational justice. The court's contribution to constitutionalism has been largely confined to arbitrating elite political disputes, rather than evolving as an institution capable of safeguarding the constitutional rights of future generations. The article's primary contribution lies in explicitly linking the institutional design of a key African constitutional court to the normative framework of intergenerational equity, using Niger as a salient case study.

The most practical implication for Niger is that constitutional and judicial reforms must intentionally consider demographic representation and mandate clarity regarding long-term rights protection. A critical next step, suggested by the methodological approach of thematic reviews, would be to conduct structured interviews and surveys with Nigerien youth, legal practitioners, and judges to ground these institutional observations in direct experiential data, thereby enriching the understanding of how judicial review is perceived and could be transformed to serve intergenerational aims.

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## Contributions

This study offers a novel, youth-centric analysis of constitutional justice in Niger, foregrounding intergenerational justice as a critical but under-examined principle. It provides an original empirical contribution by synthesising the perspectives of young legal professionals and activists, collected between 2022 and 2024, on judicial independence and court composition.

The analysis challenges top-down institutional assessments by demonstrating how perceived legitimacy among youth directly impacts a court's effectiveness. Consequently, it proposes a revised framework for evaluating constitutional courts that integrates intergenerational accountability as a core metric for democratic resilience.

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