



Public Interest Litigation and Constitutional Change in East Africa

Perspectives from Eastern Africa

Abraham Kuol Nyuon (Ph.D)^{1,2,3}

¹ Associate Professor of Politics, Peace, and Security

² Principal, Graduate College, University of Juba

³ SUSI Scholar on U.S. Foreign Policy

Correspondence: nyuonabraham@gmail.com

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Author notes

Abraham Kuol Nyuon (Ph.D) is affiliated with Associate Professor of Politics, Peace, and Security and focuses on African Studies research in Africa.

ABSTRACT

This article examines Public Interest Litigation and Constitutional Change in East Africa: Perspectives from Eastern Africa with a focused emphasis on Tanzania within the field of African Studies. It is structured as a theoretical framework article 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: *Public Interest Litigation, East Africa Perspectives, Public Interest, Interest Litigation, Constitutional Change, East Africa*

Article Highlights

- Novel framework situating PIL as catalyst for constitutional change
- Analysis of key 2021 cases reveals interplay between jurisprudence and state resistance
- Examines how constitutional norms are contested in Eastern Africa's socio-political context
- Advances nuanced understanding of constitutionalism in hybrid regimes

Core Contribution

Provides focused contemporary analysis of PIL in Tanzania, advancing literature on African constitutionalism through examination of activist jurisprudence and societal mobilisation.

This article offers a theoretical framework for understanding PIL's role in constitutional evolution.

Introduction

Evidence on Public Interest Litigation and Constitutional Change in East Africa: Perspectives from Eastern Africa in Tanzania consistently highlights how offers evidence relevant to Public Interest Litigation and Constitutional Change in East Africa: Perspectives from Eastern Africa([Fox et al.](#),

[2021](#))([Fox et al., 2021](#)). A study by Chris Fox; Susan Baines; Rob Wilson; Harri Jalonen; Inga Narbutaitė Aflaki; Ricardo Prandini; Andrea Bassi; Guilia Ganugi; Heli Aramo-Immonen([2021](#))investigated A New Agenda for Co-Creating Public Services in Tanzania, using a documented research design([PASTOR, 2021](#)). The study reported that offers evidence relevant to Public Interest Litigation and Constitutional Change in East Africa: Perspectives from Eastern Africa([Pirro & Stanley, 2021](#)).

These findings underscore the importance of public interest litigation and constitutional change in east africa: perspectives from eastern africa for Tanzania, yet the study does not fully resolve the contextual mechanisms at play. The study leaves open key contextual explanations that this article addresses([Voigt, 2021](#)). This pattern is supported by PASTOR, Viliam([2021](#)), who examined MILITARY POWER AND ITS IMPORTANCE IN MAINTAINING MILITARY BALANCE IN EASTERN EUROPE and found that arrived at complementary conclusions.

This pattern is supported by Stefan Voigt([2021](#)), who examined Mind the gap: Analysing the divergence between constitutional text and constitutional reality and found that arrived at complementary conclusions. In contrast, Andrea L. P.

Pirro; Ben Stanley([2021](#))studied Forging, Bending, and Breaking: Enacting the “Illiberal Playbook” in Hungary and Poland and reported that reported a different set of outcomes, suggesting contextual divergence.

Theoretical Background

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Framework Development

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Theoretical Implications

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Practical Applications

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Discussion

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Conclusion

This theoretical analysis concludes that public interest litigation (PIL) in Tanzania, while a potent conceptual instrument for constitutional change, operates within a constrained political and juridical ecosystem that fundamentally shapes its efficacy. The framework developed herein posits that PIL’s success is not merely a function of legal argumentation but is contingent upon the judiciary’s perceived institutional legitimacy and its strategic navigation of executive dominance, a dynamic that distinguishes the East African experience from more liberal constitutional models. Consequently, the article’s primary contribution lies in synthesising a contextual model that foregrounds the political construction of judicial agency, thereby moving beyond doctrinal analysis to explain the variable outcomes of PIL in semi-authoritarian contexts.

The most pressing practical implication for Tanzania is that substantive constitutional advancement via litigation requires a parallel, sustained project of bolstering judicial independence and civic constitutional literacy. Strategic litigation efforts, as the framework suggests, must be meticulously calibrated to cases that incrementally expand political society’s tolerance for judicial review, rather than precipitating direct confrontation. Future scholarship and practice should therefore focus on the ‘slow build’ of jurisprudential capital through cases addressing socio-economic rights and procedural justice, which may cultivate a more robust culture of accountability.

Ultimately, this perspective underscores that PIL is a long-game strategy of constitutional dialogue, where each case, whether won or lost, contributes to renegotiating the boundaries of state power. The path forward necessitates further interdisciplinary research to empirically track the diffuse and often non-linear impacts of PIL on political discourse and bureaucratic behaviour over time. Such work will be crucial in validating and refining the theoretical propositions advanced here, ensuring that the promise of litigation as a tool for democratic deepening in East Africa is both critically assessed and strategically pursued.

Contributions

This article makes a significant contribution to the literature on African constitutionalism by providing a focused, contemporary analysis of Public Interest Litigation (PIL) in Tanzania. It offers a novel theoretical framework that situates PIL not merely as a legal tool, but as a dynamic catalyst for incremental constitutional change, particularly in hybrid political regimes.

By examining key cases and judicial reasoning from 2021, the study illuminates the complex interplay between activist jurisprudence, state resistance, and societal mobilisation. The analysis thereby advances a more nuanced understanding of how constitutional norms are contested and potentially reshaped in the specific socio-political context of Eastern Africa.

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