

## The Evolving Tapestry of Public Interest Litigation in Uganda.

Public Interest Litigation (PIL) in Uganda, though a relatively young legal phenomenon, has undergone a significant transformation since its formal constitutional adoption. Far from the traditional adversarial model where litigation is purely a contest between two private parties, PIL has emerged as a strategic legal tool used to enforce collective rights, hold public authorities accountable, and drive systemic social change. Its evolution mirrors the country's journey towards constitutionalism since 1995.

The foundation of PIL in Uganda is firmly laid by the **1995 Constitution**. Specifically, **Article 50(2)** is the engine room, providing that "*any person or organisation may bring an action against another person or organisation... alleging that a fundamental or other right or freedom guaranteed under this Constitution has been infringed or threatened, is entitled to apply to a competent court for redress.*" This provision introduced the principle of *locus standi* (legal standing) in a radically expanded form, allowing a third party or public-spirited individual to sue on behalf of others, including the poor, the marginalized, and the unborn. **Article 137(3)** further cemented this by allowing any person to petition the Constitutional Court regarding a breach of the Constitution. However, the early days of PIL were fraught with technical hurdles. Cases were often dismissed on procedural grounds, as judges struggled to reconcile the new, liberal constitutional spirit with old, rigid legal practices. This resistance, described by some as a "shipwreck of technicalities," gradually gave way to a more liberal approach, championed by progressive judges and persistent civil society organizations (CSOs).

The recent history of PIL demonstrates a clear shift from primarily focusing on political rights to tackling complex socio-economic and governance issues. This is evident in the area of **Socio-Economic Rights (SERs)**, where cases brought by organizations like the **Centre for Health, Human Rights and Development (CEHURD)** have challenged government negligence in providing essential services, or those by Greenwatch which have successfully enforced the constitutional right to a clean and healthy environment (**Article 39**), challenging the degradation of vital natural resources. Concurrently, PIL remains a critical safeguard for democratic principles. Landmark rulings in the area of Freedom of Expression have established wide-ranging protection for the press, while more recent petitions have challenged the constitutionality of disruptive actions like the mass shutdown of social media during critical political periods.

The ultimate impact of PIL on Ugandan constitutionalism is multifaceted. Beyond the immediate victory of an individual case, PIL serves as a powerful instrument for raising civic consciousness and promoting accountability. It provides a mechanism for marginalized communities, who often find political avenues closed, to assert their rights and compel the state to act in accordance with the law. Even when a case is unsuccessful, the litigation process often achieves what is known as political and symbolic impact, by forcing public disclosure of information and generating national debate on critical governance failures.

This evolving body of jurisprudence is now set to become more accessible and systematized. The ultimate recognition of the maturity of this legal mechanism is the launch of the **first ever Public Interest Litigation Compendium**. This milestone initiative, spearheaded by the **FIDELIS LEADERSHIP INSTITUTE**, is scheduled to be unveiled on **October 7th**. This compendium will consolidate landmark rulings that have shaped democracy, rights, and freedoms, serving as an invaluable reference tool for future lawyers, activists, and judges. This institutionalization is a powerful signal that PIL is no longer merely an academic concept or an activist's gamble, but a fully recognized, potent pillar of Uganda's struggle for the rule of law. For PIL to fulfil its promise as the "last resort for change," the Judiciary must continue to embrace a transformative constitutionalism interpreting the law not as a static historical document, but as a living instrument designed to achieve social justice.

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