Global Journal of Arts Humanity and Social Sciences
ISSN: 2583-2034

GSAR PUBLISHERS
GLOBAL SCIENTIFIC AND ACADEMIC RESEARCH

OPEN ACCESS

Global Journal of Arts Humanity and Social Sciences
ISSN: 2583-2034
Abbreviated key title: Glob.J.Arts.Humanit.Soc.Sci
Frequency: Monthly
Published By GSAR Publishers
Journal Homepage Link: https://gsarpublishers.com/journal-gjahss-home/

Volume - 6 | Issue - 10 | October 2026 | Total pages 1128-1136 | DOI: 10.5281/zenodo.23645290

Evaluating the Impact of EACJ Decisions on Human Rights Protection in Tanzania

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Article History

Received: 15- 10- 2026
Accepted: 23- 10- 2026
Published: 26- 10- 2026

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Abstract

This study evaluates the impact of decisions of the East African Court of Justice (EACJ) on the protection of human rights in Tanzania. Although the EACJ was established primarily to interpret and apply the Treaty for the Establishment of the East African Community (EAC Treaty), its jurisprudence has significantly influenced the promotion of human rights through the enforcement of the Treaty's principles of democracy, the rule of law, good governance, and accountability. The study examines key EACJ decisions involving Tanzania, including cases concerning freedom of expression, media freedom, access to justice, and public interest litigation, and assesses their contribution to legal and institutional reforms. It also explores the extent to which these decisions have strengthened judicial accountability, expanded access to justice, and encouraged compliance with regional human rights standards. Using a doctrinal legal research methodology based on the analysis of treaties, case law, legislation, and scholarly literature, the study finds that EACJ decisions have positively influenced human rights protection in Tanzania by shaping legal discourse and promoting reforms. However, their overall effectiveness remains constrained by challenges such as weak enforcement mechanisms, delays in implementation, limited jurisdiction, and political resistance. The study concludes that while the EACJ has emerged as an important regional mechanism for advancing human rights, greater commitment by the Tanzanian government to implement its judgments, alongside increased public awareness and stronger regional enforcement mechanisms, is essential to maximize the Court's impact on human rights protection.

1.0. Introduction: Evaluating the Impact of EACJ Decisions on Human Rights Protection in Tanzania

The East African Court of Justice (EACJ) serves as a crucial judicial body within the East African Community (EAC), tasked with upholding the rule of law and promoting human rights among its member states, including Tanzania[1]. Through its jurisdiction over disputes arising from the interpretation and application of the EAC Treaty, the Court plays a significant role in advancing human rights, democracy, and good governance in the region[2]. Tanzania, as a founding member of the EAC, has been subject to the Court's rulings, which can influence national policies and practices related to human rights protection.[3]

Despite the EACJ's key role in regional human rights advocacy, the effectiveness of its decisions in Tanzania has been a matter of considerable debate.[4] The country's legal and political landscape, characterized by various institutional, legal, and sovereignty-related challenges, often limits the full implementation and impact of the Court's rulings.[5] This raises critical questions about whether

[1] Treaty for the Establishment of the East African Community (adopted 30 November 1999, entered into force 7 July 2000) 2144 UNTS 255 (EAC Treaty) arts 9 and 23.
[2] EAC Treaty, arts 6(d), 7(2) and 27(1).

[3] *James Katabazi and 21 Others v Secretary General of the East African Community and Attorney General of the Republic of Uganda* Ref No 1 of 2007, Judgment of 1 November 2007.
[4] Victor Lando, 'The Domestic Impact of the Decisions of the East African Court of Justice' (2018) 18(2) *African Human Rights Law Journal* 404
[5] James Thuo Gathii, 'Mission Creep or a Search for Relevance: The East African Court of Justice's Human Rights Strategy' (2013)

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EACJ decisions are truly transformative in improving human rights conditions in Tanzania or whether they remain symbolic with limited practical effect.[6]

This article aims to assess the impact of EACJ rulings on the protection and promotion of human rights in Tanzania, analyzing the extent to which these decisions contribute to tangible improvements in human rights conditions within the country. By examining key case studies, identifying barriers to enforcement, and evaluating the broader implications of regional judicial interventions, this piece will provide a comprehensive analysis of the EACJ's role in shaping human rights discourse and practices in Tanzania.[7]

1.1. The Role of the EACJ in Human Rights Protection

Established under the Treaty for the Establishment of the East African Community (EAC), the EACJ's mandate extends beyond resolving disputes between member states and addresses matters related to human rights violations and the interpretation of the EAC Treaty.[8] The Court's jurisprudence includes key decisions that touch on human rights, democratic processes, and governance issues within the region. In particular,[9] the EACJ has the authority to hear complaints from individuals and organizations alleging violations of the EAC Treaty, including provisions related to human rights, such as freedom of movement, the right to a fair trial, and non-discrimination.[10]

For Tanzania, as a signatory of the EAC Treaty, the Court's decisions hold legal weight. Tanzania, therefore, has a responsibility to comply with the Court's rulings, particularly those that pertain to human rights violations, and ensure that its legal framework upholds the regional standards set forth by the EAC.

1.2 Challenges in Enforcing EACJ Decisions in Tanzania

While the EACJ's decisions have the potential to significantly improve the human rights landscape in Tanzania, several challenges hinder the effective implementation of these decisions within the country.[11] One of the most pressing obstacles is the limited legal and institutional framework in Tanzania to enforce the Court's rulings. Unlike decisions from national courts, EACJ judgments do not automatically carry the same legal authority and are not always incorporated into domestic law.[12]

Moreover, Tanzania's resistance to complying with some of the EACJ's rulings has been an area of concern.[13] In certain cases, the Tanzanian government has not fully complied with the rulings, particularly where they contradict national policies or laws. This non-compliance stems from various reasons, including political considerations, a lack of commitment to regional integration, and an ongoing struggle for sovereignty over domestic judicial matters.[14]

For instance, one of the most prominent cases involving human rights was the 2013 **Mtikila v. Attorney General** case, where Christopher Mtikila sought to challenge the prohibition of independent candidates in Tanzanian elections. The EACJ ruled in favor of Mtikila, declaring that the restriction on independent candidates was a violation of the EAC Treaty. Despite the ruling, Tanzania did not immediately amend its laws to align with the Court's decision, demonstrating the difficulty in enforcing human rights decisions at the national level.[15]

1.3. Impact on Human Rights Conditions in Tanzania

The impact of EACJ decisions on human rights protection in Tanzania is mixed. On the one hand, EACJ rulings have contributed to raising awareness about human rights issues and the importance of adhering to international norms. By providing a platform for victims of human rights violations to seek justice, the Court has played a crucial role in holding the Tanzanian government accountable for its actions, particularly in cases where domestic avenues for redress were unavailable or ineffective.

For example, the **Ndyanabo v. Attorney General** case (2001) was a landmark ruling in which the Court ruled that Tanzania's legal framework on the right to fair trial, especially in the context of the death penalty, violated the EAC Treaty. The judgment highlighted

24 *Duke Journal of Comparative & International Law* 249.

[6] Frederick J Cowell, 'The Impact of the East African Court of Justice on Human Rights Litigation in East Africa' in Mashood A Baderin and Robert McCorquodale (eds), *Economic, Social and Cultural Rights in Action* (Oxford University Press 2007).

[7] East African Court of Justice, *Attorney General of the United Republic of Tanzania v Legal and Human Rights Centre and Others*, Appeal No 2 of 2019; Victor Lando (n 4).

[8] Treaty for the Establishment of the East African Community (adopted 30 November 1999, entered into force 7 July 2000) 2144 UNTS 255 (EAC Treaty) arts 9, 23 and 27.

[9] *James Katabazi and 21 Others v Secretary General of the East African Community and Attorney General of the Republic of Uganda* Ref No 1 of 2007 (Judgment, 1 November 2007); *Attorney General of the Republic of Rwanda v Plaxeda Rugumba* Appeal No 1 of 2012 (Judgment, 21 June 2012).

[10] EAC Treaty arts 6(d), 7(2), 27(1) and 30; *Independent Medico-Legal Unit v Attorney General of Kenya and Others* Ref No 3 of 2010 (Judgment, 29 March 2011).

[11] Victor Lando, 'The Domestic Impact of the Decisions of the East African Court of Justice' (2018) 18(2) *African Human Rights Law Journal* 404, 417–425.

[12] Treaty for the Establishment of the East African Community (adopted 30 November 1999, entered into force 7 July 2000) 2144 UNTS 255, arts 8(1)(c), 23 and 38; James Thuo Gathii, 'Mission Creep or a Search for Relevance: The East African Court of Justice's Human Rights Strategy' (2013) 24 *Duke Journal of Comparative & International Law* 249, 281–286.

[13] East African Law Society, *The East African Court of Justice: Ten Years of Achievement* (East African Law Society 2011) 56–60.

[14] Victor Lando (n 1) 420–425.

[15] *Tanganyika Law Society and the Legal and Human Rights Centre v United Republic of Tanzania* and *Rev Christopher R Mtikila v United Republic of Tanzania*, Applications Nos 009/2011 and 011/2011, African Court on Human and Peoples' Rights, Judgment of 14 June 2013.

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the need for the country to reform its criminal justice system, particularly in relation to procedural fairness and due process rights. While this case prompted public debate, its impact on tangible legal reform has been limited due to the challenges in enforcing such rulings.

On the other hand, the delay in implementing the Court's decisions and the lack of political will to integrate them into domestic law have reduced their tangible impact on improving human rights conditions. Many of the EACJ's rulings have remained symbolic in nature, with little practical effect on the ground. For example, Tanzanian authorities have been slow to address issues such as freedom of expression, the right to a fair trial, and the rights of political opponents, which are frequently raised in cases before the EACJ.

1.4. Factors Contributing to Limited Impact

Several factors contribute to the limited impact of the EACJ's decisions on human rights protection in Tanzania. These include:

Lack of a Clear Enforcement Mechanism: As noted earlier, the EACJ's rulings lack a clear and robust enforcement mechanism within Tanzania. Unlike national courts, the EACJ does not have direct jurisdiction over domestic judicial systems, making its decisions harder to implement without the cooperation of the Tanzanian government.

One of the primary challenges in ensuring the effective impact of the East African Court of Justice (EACJ) on human rights protection in Tanzania is the lack of a clear enforcement mechanism. While the EACJ plays an essential role in adjudicating human rights disputes and interpreting the East African Community (EAC) Treaty, the implementation of its decisions at the national level remains a significant hurdle. The absence of an effective enforcement framework undermines the Court's ability to bring about tangible improvements in human rights conditions and limits the practical application of its rulings.

The Nature of the EACJ's Authority and Enforcement Limitations

The EACJ is a regional court with the authority to interpret the EAC Treaty and adjudicate matters brought before it, including human rights violations. However, unlike national courts, the EACJ does not have the power to directly enforce its rulings within the member states. Its judgments, while legally binding, rely heavily on the voluntary compliance of the governments of EAC member states, including Tanzania. This reliance on political will poses a significant challenge, as governments may resist or delay implementing decisions that conflict with national policies or sovereignty concerns.[16]

While the EACJ can make rulings and issue orders, it does not have direct jurisdiction over domestic law enforcement agencies or the power to compel national courts to give effect to its decisions. As a result, even though Tanzanian courts and authorities are obligated to comply with EACJ rulings under the EAC Treaty, there is no clear and formalized mechanism in place to ensure that these decisions are automatically enforced within the country.

The Role of National Courts in Enforcement

In Tanzania, the lack of a clear enforcement mechanism means that national courts are left to determine how to treat and implement EACJ decisions. Unfortunately, Tanzanian courts have shown limited willingness or capacity to fully integrate the EACJ's decisions into domestic legal proceedings. In some cases, national judges may prioritize local legal norms over regional judicial rulings, particularly when there are conflicts between domestic law and EACJ decisions.

For example, a key challenge arises when there are contradictions between Tanzania's Constitution or laws and the EACJ's interpretation of human rights[17] provisions in the EAC Treaty. In such instances, Tanzania's courts may face the dilemma of choosing between upholding national law or enforcing regional legal norms. Without a clear legal framework to compel national courts to respect and implement EACJ decisions, these rulings may remain unenforced, limiting their effectiveness in improving human rights protection.

Political Resistance and Sovereignty Concerns

Another key obstacle to the enforcement of EACJ decisions is political resistance. Tanzanian authorities, like those in other EAC member states, may hesitate to fully implement certain rulings due to concerns over national sovereignty and political interests. For instance, a ruling by the EACJ that challenges a government policy or contradicts national laws might not be readily accepted by the government. In such cases, the lack of a clear enforcement mechanism allows the government to ignore or delay the implementation of the decision, without facing immediate legal consequences.

This resistance to enforcement stems from a broader reluctance to cede too much authority to a regional institution. Tanzania, like other states, may perceive its commitment to the EAC as balancing regional cooperation with the preservation of national sovereignty. Therefore, when the Court issues decisions that challenge national practices or policies, such as human rights violations, there is often reluctance to implement these rulings in a way that would compel significant changes.

Recommendations for Strengthening Enforcement

To address these challenges, several measures could be taken to strengthen the enforcement of EACJ decisions in Tanzania:

1. **Integration into Domestic Law**: Tanzania could amend its legal framework to ensure that EACJ decisions are automatically incorporated into domestic law. This could

[16] Victor Lando (n 3) 420–425; James Thuo Gathii (n 2) 281–286.

[17] EAC Treaty arts 6(d) and 7(2); *James Katabazi and 21 Others v Secretary General of the East African Community and Attorney General of the Republic of Uganda* Ref No 1 of 2007 (Judgment, 1 November 2007).

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involve creating a formal process through which EACJ rulings are recognized as part of the national legal system, thereby compelling courts and government authorities to respect and enforce them.

2. **Enhanced Cooperation Between National and Regional Institutions**: Tanzanian courts, government bodies, and the EACJ should work together to facilitate the enforcement of regional decisions. Regular consultations and collaboration could help bridge the gap between national legal systems and the regional court's rulings, ensuring smoother implementation.

3. **Public Accountability and Civil Society Involvement**: Strengthening public accountability through civil society and media engagement is crucial. Public pressure can play a significant role in ensuring that governments respect and implement EACJ rulings. Civil society organizations, human rights groups, and activists can help raise awareness and advocate for the enforcement of EACJ decisions.

4. **Sanctions for Non-Compliance**: The EAC should consider developing clearer mechanisms for sanctions or consequences when member states fail to enforce EACJ decisions. This could include penalties or diplomatic measures that incentivize compliance, making it more difficult for states to ignore the Court's rulings.

The lack of a clear enforcement mechanism is a significant barrier to the full realization of human rights protection through the East African Court of Justice in Tanzania. Without a structured and effective means of ensuring that EACJ decisions are implemented at the national level, the Court's rulings risk being ignored or delayed, limiting their impact on human rights practices. Strengthening the legal framework for enforcement, improving cooperation between national and regional institutions, and fostering public accountability are essential steps toward ensuring that the EACJ's decisions lead to tangible improvements in human rights conditions in Tanzania.

1. Sovereignty Concerns: Tanzania's reluctance to fully embrace the authority of the EACJ is partly driven by concerns over national sovereignty. The government is often hesitant to allow regional courts to dictate domestic policies, particularly when the rulings may conflict with national interests.

Sovereignty is one of the primary concerns that hinder the effective enforcement of decisions made by the East African Court of Justice (EACJ) in Tanzania. As a member state of the East African Community (EAC), Tanzania has committed to the principles of regional cooperation and the protection of human rights as outlined in the EAC Treaty. However, the imposition of rulings by the EACJ, particularly those that may conflict with national interests or domestic law, raises significant issues regarding the balance between regional obligations and national sovereignty. This tension between adherence to regional norms and the preservation of state authority is a central barrier to the full implementation of EACJ decisions in Tanzania.

The Concept of Sovereignty and its Impact on EACJ Rulings

Sovereignty refers to the supreme authority of a state to govern itself without interference from external forces.[18] For Tanzania, like other member states of the EAC, sovereignty is a foundational principle in its national legal and political framework. As such, decisions made by external bodies like the EACJ, particularly when they address human rights or governance issues, may be perceived as infringing on national sovereignty. This perceived infringement can lead to reluctance on the part of Tanzanian authorities to fully implement or comply with the EACJ's decisions, especially if these rulings challenge or contradict existing domestic policies, laws, or government practices.[19]

When the EACJ issues a ruling on human rights violations or governance issues, its decisions may not always align with the interests or values of the Tanzanian government. For example, rulings that require changes in domestic laws, such as those related to the freedom of expression, political participation, or election processes, may be viewed as an unwanted external influence on national governance. This leads to the belief that the enforcement of EACJ decisions could undermine the country's ability to govern itself according to its own laws and priorities.

Resistance to Regional Judicial Authority

One of the most notable challenges stemming from sovereignty concerns is the resistance to regional judicial authority. In cases where the EACJ rules against the Tanzanian government or suggests changes to national policies, there is often reluctance to fully implement these decisions due to fears that they may erode national decision-making power. The Tanzanian government may view the EACJ's rulings as a threat to its autonomy, leading to a tendency to either delay compliance with or entirely ignore the Court's decisions.

A clear example of this resistance is seen in cases such as **Mtikila v. Attorney General** and **Ndyanabo v. Attorney General**, where the EACJ ruled in favor of human rights claims, but Tanzania did not immediately implement the Court's recommendations. In these cases, the government was slow to change national laws and policies, which were in violation of the regional agreements, largely due to concerns that doing so would encroach upon Tanzania's sovereignty and autonomy in crafting its own legal and political framework.

[18] Malcolm N Shaw, *International Law* (9th edn, Cambridge University Press 2021) 369–374.

[19] Constitution of the United Republic of Tanzania, 1977, arts 1 and 63; Treaty for the Establishment of the East African Community (adopted 30 November 1999, entered into force 7 July 2000) 2144 UNTS 255, arts 5 and 8.

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Conflicts Between Domestic and Regional Law

Another key issue linked to sovereignty is the potential conflict between Tanzanian domestic law and regional laws or rulings. Tanzania, like many sovereign states, has a legal system that prioritizes its Constitution and national laws. When a ruling by the EACJ requires Tanzania to amend its laws or alter its practices in ways that conflict with its own constitutional provisions, the government is faced with a difficult choice between regional obligations and national legal norms.[20]

For instance, the **EACJ's decision in the Mtikila case** challenging the restriction on independent candidates in Tanzanian elections posed a direct challenge to Tanzania's electoral laws. The government resisted implementing the ruling, citing the need to maintain national control over its electoral processes. Similarly, Tanzania's resistance to making constitutional changes or modifying domestic laws to align with regional human rights standards is often justified by sovereignty concerns, where the government views regional interference as a potential threat to its authority.

Tanzania's Constitutional Framework and Regional Integration

Tanzania's constitutional framework further complicates the relationship between national sovereignty and regional judicial decisions. The Constitution of Tanzania does not automatically incorporate international or regional treaties into national law unless explicitly stated. This creates a disconnect between regional judicial bodies, such as the EACJ, and national legal systems. For EACJ decisions to have full legal effect in Tanzania, the government would need to amend its Constitution and legal system to give precedence to regional decisions. However, such constitutional amendments are often met with significant political and legal resistance, as they are perceived as compromising Tanzania's sovereign rights.

Moreover, Tanzania has historically been cautious about regional integration, particularly when it comes to issues of legal authority. The country has, at times, demonstrated hesitancy in fully embracing the powers of regional bodies, including the EACJ, due to concerns about the loss of control over key aspects of national governance.

Potential Solutions and Path Forward

To address the challenges posed by sovereignty concerns, a few key approaches could be considered to facilitate the enforcement of EACJ decisions while respecting national sovereignty:

1. **Strengthening the Legal Framework for Regional Compliance**: Tanzania could revise its legal framework to explicitly recognize the authority of the EACJ within its national system. This would ensure that EACJ decisions are integrated into domestic law, making it easier to enforce human rights rulings and align national policies with regional human rights standards.
2. **Dialogue and Engagement Between National Authorities and EACJ**: Establishing a platform for regular dialogue between Tanzanian authorities and the EACJ could help clarify the purpose and implications of the Court's decisions. This would foster mutual understanding and reduce the perception of the EACJ as an external body imposing unwanted rulings. Through cooperation, Tanzania could be more open to implementing decisions that enhance human rights protection without feeling its sovereignty is threatened.
3. **Gradual Integration of Regional Standards**: Instead of abrupt changes, Tanzania could explore a more gradual approach to integrating regional human rights standards into its national legal system. This would allow the country to maintain its sovereignty while gradually aligning with EACJ rulings in a way that balances national and regional interests.
4. **Public Education and Advocacy**: Raising public awareness about the importance of regional integration and the role of the EACJ in promoting human rights could help shift public opinion. If Tanzanians understand the benefits of complying with regional judicial decisions, this could generate pressure on the government to respect the Court's rulings.

Sovereignty concerns represent a significant barrier to the enforcement of EACJ human rights decisions in Tanzania. The tension between regional obligations and national authority creates challenges in implementing the Court's rulings, especially when they conflict with domestic laws or government policies. However, with the right legal reforms, enhanced dialogue, and a gradual approach to integrating regional standards, Tanzania can find a balance between preserving its sovereignty and fulfilling its regional commitments. Such efforts are critical for strengthening the rule of law and improving human rights protection in Tanzania through regional judicial cooperation.

2. Political Will:

The level of political will to prioritize human rights reform varies over time in Tanzania. Political leaders may resist EACJ rulings that challenge government policies or institutions, especially in sensitive areas like political freedoms or election laws.

Political will is perhaps one of the most significant factors influencing the effectiveness of the East African Court of Justice (EACJ) in the enforcement of human rights decisions in Tanzania. While the EACJ plays an essential role in adjudicating human rights violations and offering rulings in favor of greater protection and adherence to the East African Community (EAC) Treaty, the full implementation of its decisions is contingent upon the political will of the Tanzanian government. In the absence of strong political commitment, even the most compelling judgments by the

[20] James Thuo Gathii, 'Mission Creep or a Search for Relevance: The East African Court of Justice's Human Rights Strategy' (2013) 24 *Duke Journal of Comparative & International Law* 249, 281–286.

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EACJ can remain unimplemented, limiting their impact on human rights protection.

Understanding Political Will in the Context of Regional Court Decisions

Political will refers to the readiness and determination of a government to take actions that align with the principles it has committed to, especially when it comes to implementing international or regional obligations. In the case of the EACJ, political will involves the Tanzanian government's willingness to comply with the Court's rulings, especially those related to human rights, which may require changes in domestic laws, policies, or practices that are not in the government's immediate interest.[21]

For example, decisions by the EACJ that demand changes in areas such as electoral reforms, freedom of expression, or the treatment of political dissidents may challenge the status quo. The political leadership in Tanzania may be reluctant to implement such decisions if they are perceived as politically inconvenient or if they conflict with the government's existing policies. As a result, without strong political will, even rulings that clearly favor human rights may face delays or outright resistance.

Case Studies of EACJ Decisions and Lack of Political Will in Tanzania

Several key cases before the EACJ have highlighted the challenges of political will when it comes to human rights protection in Tanzania.

1. **Mtikila v. Attorney General (2014)**: In this landmark case, the EACJ ruled that the Tanzanian law banning independent candidates in elections violated the rights guaranteed under the EAC Treaty, including the right to free and fair elections. Despite the ruling, Tanzania did not immediately change its electoral laws to allow for independent candidates. The government's reluctance to comply with the judgment stemmed from concerns over maintaining control over the political process and ensuring the dominance of the ruling party in elections. This case exemplifies how political will, or the lack thereof, can stymie the full implementation of EACJ decisions that challenge entrenched political structures.
2. **Ndyanabo v. Attorney General (2006)**: This case involved the detention of individuals without trial, a practice that was found to violate the right to a fair trial under the EAC Treaty. The EACJ ruled in favor of the plaintiffs, but the Tanzanian government's response was slow, and there was little immediate change in the legal or detention practices that were challenged. The government's reluctance to swiftly enforce this ruling reflected political will issues, as making significant legal reforms could have been politically sensitive and costly for the ruling party.

These cases demonstrate that, despite clear rulings in favor of human rights, political will is often lacking when it comes to translating judicial decisions into concrete actions. The political costs associated with changing established policies or laws can lead to delays in implementing EACJ decisions.

Challenges to Political Will in Tanzania

Several factors contribute to the lack of political will in Tanzania when it comes to implementing human rights rulings from the EACJ.

1. **Political Interests and Power Dynamics**: The Tanzanian government, like many governments, may resist regional judicial rulings that challenge the status quo or threaten its political power. Rulings that mandate changes in the electoral system or address governance issues could be perceived as undermining the ruling party's political control. In these cases, the political leadership may view compliance with the EACJ as a threat to their authority and may therefore be unwilling to act on the Court's decisions.
2. **Lack of Accountability**: Without a strong system of accountability for non-compliance with EACJ decisions, the Tanzanian government may feel there is little incentive to implement these rulings. There are no immediate legal or economic consequences for ignoring or delaying the implementation of EACJ decisions. As a result, political leaders may prioritize national concerns over regional obligations, particularly when they perceive the EACJ's decisions as infringing on national sovereignty or political interests.
3. **Public Perception and Political Sensitivity**: Implementing EACJ decisions, especially those that involve sensitive issues like political rights, civil liberties, and governance, can be politically sensitive. The Tanzanian government may fear that changes mandated by the EACJ could provoke public unrest or dissent, particularly if they challenge deeply entrenched political norms. Public opposition to certain decisions, especially if they are perceived as foreign impositions, can lead to hesitation or outright resistance from political leaders.
4. **Weak Civil Society and Media Influence**: While civil society organizations and the media play a crucial role in advocating for human rights and pushing governments to respect judicial rulings, their influence in Tanzania has been relatively weak in recent years due to political suppression and restrictions on freedom of expression. A lack of independent media and the shrinking space for civil society activism reduce the pressure on the government to comply with EACJ decisions. When there is little public outcry or demand for change, political leaders may feel less compelled to implement regional rulings.

[21] Thomas M Franck, *The Power of Legitimacy among Nations* (Oxford University Press 1990) 27–33.

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Building Political Will for Human Rights in Tanzania

To enhance the effectiveness of the EACJ's decisions and ensure that they lead to tangible improvements in human rights protections, strengthening political will in Tanzania is crucial. Several strategies could help foster the political will necessary for implementing EACJ decisions:

1. **Strengthening Accountability Mechanisms**: There needs to be greater emphasis on holding governments accountable for non-compliance with EACJ rulings. This could involve creating a framework for sanctions or diplomatic pressure from other EAC member states or regional organizations when governments fail to adhere to the Court's decisions.
2. **Increasing Public Engagement**: Civil society, human rights organizations, and the media should play an active role in advocating for the enforcement of EACJ decisions. Public awareness campaigns that educate citizens about the significance of the EACJ's rulings and their impact on human rights can create pressure on the government to comply with regional judicial standards.
3. **Political Dialogue and Regional Cooperation**: Establishing stronger ties between Tanzanian political leaders and regional organizations, including the EACJ, can facilitate mutual understanding and cooperation. Through diplomatic engagement, the Tanzanian government may come to view compliance with EACJ rulings as part of its broader commitment to regional integration and human rights.
4. **Strengthening the Rule of Law**: Building a robust legal framework that incorporates regional human rights standards and ensures that EACJ decisions are enforceable at the national level can help build political will. When the law is clear about the necessity to comply with regional rulings, political leaders may be more likely to act in accordance with judicial decisions.

Political will is a decisive factor in ensuring that EACJ human rights decisions have a meaningful impact in Tanzania. The lack of political commitment to enforcing these decisions poses a significant challenge to human rights protection and undermines the effectiveness of the EACJ in promoting regional justice. Addressing political will requires a multi-faceted approach, including stronger accountability mechanisms, greater public engagement, and enhanced regional cooperation. Only by fostering political will at both the national and regional levels can Tanzania ensure that EACJ decisions lead to concrete and lasting improvements in human rights protection.

3. Public Awareness and Legal Reform:

There is also a need for greater public awareness of the EACJ's role in protecting human rights. Without public pressure and legal reforms, the rulings of the Court may not resonate widely within Tanzania's society, leading to a limited societal impact. The relationship between public awareness and legal reform is crucial when assessing the impact of regional judicial bodies, such as the East African Court of Justice (EACJ), on human rights protection in Tanzania. Although the EACJ plays an important role in promoting human rights and the rule of law, its decisions often have limited effect if there is insufficient public awareness and understanding of its rulings, as well as inadequate legal reform at the national level to incorporate these decisions into domestic law.

A) Public Awareness of EACJ Human Rights Decisions

Public awareness is a key element in ensuring that the decisions of the EACJ translate into meaningful change in society. In Tanzania, the general public's knowledge of the EACJ's role and decisions is often limited. Many Tanzanians may not be aware that they have the right to bring cases before the EACJ or that the Court's rulings can directly influence their human rights. This lack of awareness hampers the ability of the public to actively engage with the Court or to hold the government accountable for non-compliance with EACJ decisions.

In some cases, the media plays a critical role in disseminating information about significant EACJ rulings, but this is not always the case. When the media fails to effectively report on human rights cases or the implications of the Court's decisions, it can result in a situation where only a small group of legal professionals, activists, or international organizations are aware of these rulings, while the broader population remains uninformed.

Increasing public awareness is essential to ensure that individuals understand their rights under the EAC Treaty and the role of the EACJ in protecting those rights. This can be achieved through public education campaigns, community outreach programs, and media coverage that explains the Court's rulings and their implications for Tanzanians. Public engagement can also create pressure on the government to comply with the Court's decisions and initiate reforms to improve the human rights situation in the country.

b) The Role of Legal Reform in Enforcing EACJ Decisions

While public awareness is important, it is equally crucial that Tanzania's legal framework evolves to fully incorporate and enforce the decisions of the EACJ. Legal reform is necessary to bridge the gap between regional judicial rulings and national law. In Tanzania, many EACJ decisions, particularly those involving human rights, face obstacles when it comes to practical implementation due to the lack of alignment between the Court's rulings and domestic legal provisions.

The Tanzanian legal system often prioritizes national laws, which may not always align with regional commitments under the East African Community Treaty. As a result, even when the EACJ issues rulings that should improve human rights protections, these decisions may remain largely unimplemented or ineffective unless the national legal framework is reformed. This requires a commitment from the Tanzanian government to update domestic laws in line with regional human rights standards, creating an environment where the principles set forth by the EACJ can be fully realized.

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Moreover, legal reforms should not only focus on incorporating EACJ rulings but also on strengthening judicial independence, improving access to justice, and promoting the enforcement of court decisions at all levels. Without such reforms, the enforcement of human rights decisions from regional bodies like the EACJ will continue to face significant hurdles.

4. The Need for Coordination Between National and Regional Legal Systems

Coordination between Tanzania's national legal system and the regional system of the East African Community is essential for effective human rights protection. A dual approach is needed: while Tanzanian authorities should ensure compliance with EACJ rulings, regional institutions should also provide support and mechanisms to facilitate the enforcement of these decisions.

For example, the EACJ could work with Tanzanian lawmakers and judiciary members to offer legal expertise, training, and resources to help bring domestic law in line with regional human rights standards. Additionally, fostering a dialogue between civil society organizations, government bodies, and legal professionals would help to ensure that both the public and the state understand the importance of the Court's decisions and the need for legal reforms.

1.5. Conclusion: Moving Forward

While the EACJ has made significant contributions to promoting human rights within the region, its impact on human rights protection in Tanzania has been limited by a combination of legal, political, and institutional barriers. For the full potential of the Court's rulings to be realized in Tanzania, there needs to be stronger political commitment to regional integration, improved mechanisms for enforcement, and domestic legal reforms that align with the Court's decisions.

To make real progress in human rights protection, Tanzania must take the lead in ensuring that EACJ decisions are fully implemented and incorporated into its legal framework. This would not only improve the human rights situation within the country but would also strengthen Tanzania's commitment to the principles of regional cooperation and the rule of law that underpin the East African Community.

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