

Barriers of access to justice at the East African court of justice a case study of burundi

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This study examines barriers of access to justice at the East African Court of Justice with Burundi as a case study. The study focuses on disparities of official languages and legal systems existing between the Court and Burundi. The work is based on the assumption that Burundian nationals encounter linguistic and legal system constraints when bringing their cases before the regional court. The conclusion of the study is that Burundian nationals incur additional fees so as to meet the requirements of the EACJ whereas the latter faces difficulties to enforce its orders. The obstacles are tied to the background of Burundi, which developed a civil law system whereas the vast majority of the rest of the Partner States apply the common law system. As matters stand now, Burundi is negatively affected in that any material drafted at regional level should be translated from English to French, thus necessitating extra costs. This study recommends that French should be introduced into the community as one of the official languages, in the Court documentation and processes. This recommendation considers the fact that membership is open to any country, meaning that the EAC may admit other French speaking countries hence expending the need for French a language in the community. In the meantime, the study recommends the introduction of English in Burundi. The study also recommends the introduction of legal aid to facilitate access to legal representation as well as review of the EACJ Rules to reduce the complexities and make the rules user- friendly. The study further recommends harmonization of the EACJ framework and national constitutions to improve the enforceability of the EAC laws and the EAC Court decisions in Burundi.