



THE REPUBLIC OF UGANDA

**THE CONSTITUTIONAL COURT OF UGANDA  
AT KAMPALA**

*(Coram: Egonda-Ntende, Musoke, Madrama, Mugenyi & Gashirabake, JJCC)*

**CONSTITUTIONAL PETITION NO. 11 OF 2019**

**BETWEEN**

1. CENTRE FOR ARBITRATION  
AND DISPUTE RESOLUTION (CADER)
2. JIMMY MUYANJA ..... PETITIONERS

**AND**

**THE ATTORNEY GENERAL ..... RESPONDENT**

## JUDGMENT OF MONICA K. MUGENYI, JCC

### A. Introduction

1. This Petition was lodged by the Centre for Arbitration and Dispute Resolution (CADER), a statutory authority established under the Arbitration and Conciliation Act, Cap. 4 to perform the functions under sections 11, 12, 13, 14, 15 and 51 of the Act; and Mr. Jimmy Muyanja, the Executive Director of CADER, and an arbitration law practitioner and Fellow of the Chartered Institute of Arbitrators ('the Petitioners'). It is brought under Articles 50 and 137 of the Constitution, and the Constitutional Court (Petition and References) Rules, SI No. 91 of 2005.
2. The Petition challenges the failure to recognize CADER ('the First Petitioner') as a constitutionally established subordinate court, the decisions of which are not subject to appeal; its relegation as an administrative body, the decisions of which are subject to judicial review, and the Respondent's failure to lay the Judicature (Judicial Review) Rules, 2009 before Parliament or advise Parliament and the office of the Chief Justice to enact enabling laws for subordinate courts. It is supported by an affidavit deposed by Mr. Muyanja ('the Second Petitioner') that was lodged in this Court on 8<sup>th</sup> May 2019, in which the deponent attests to the High Court having been misdirected into the erroneous belief that the First Petitioner is an administrative body that is subject to judicial review proceedings.
3. The Petition is opposed by the office of the Attorney General ('the Respondent'), which contends that the Petition does not raise any question for constitutional interpretation, and denies any constitutional infringement or that CADER is a subordinate court established by the Constitution. The Answer to the Petition is supported by the affidavit of Mr. Allan Mukama, a State Attorney at the Respondent Office, who denies that the First Petitioner is a subordinate court and attests to some of the said entity's functions being administrative in nature and thus amenable to judicial review but not appeal.
4. At the hearing, the Petitioners were represented by Mr. Enoth Mugabi; while Mr. Jeffrey Atwine – Ag. Commissioner Civil Litigation at the Attorney General's Chambers appeared for the Respondent.