



**FACULTY OF LAW**  
**END OF SEMESTER EXAMINATIONS - APRIL 2025**

**PROGRAMME: LLB**

**YEAR/SEM: YEAR 3/SEMESTER 2**

**COURSE CODE: LLB 3213**

**NAME: ALTERNATIVE DISPUTE RESOLUTION (ELECTIVE)**

**DATE: 2025-04-15**

**TIME: 2:00-5:00PM**

**INSTRUCTIONS TO CANDIDATES:**

1. Read the instructions very carefully
2. The time allowed for this examination is STRICTLY three hours
3. Read each question carefully before you attempt and allocate your time equally between all the Sections
4. Write clearly and legibly. Illegible handwriting cannot be marked
5. Number the questions you have attempted
6. Use of appropriate workplace examples to illustrate your answers will earn you bonus marks
7. Any examination malpractice detected will lead to automatic disqualification.

**DO NOT WRITE ANYTHING ON THE QUESTION PAPER**

## Section A Question is mandatory

### Question 1:

Mr. Baita Wilfred and Mr. Ota Brian have entered into a settlement agreement after the former failed to pay back USD 500,000 which had been dispensed to the former by the latter pursuant to a loan agreement. Mr. Ota Brian had defaulted in the payment of the said loan.

In this new settlement agreement, the dispute resolution clause reads as follows:

“Any dispute between the parties concerning the execution, interpretation and performance of this agreement will entail negotiation first. If the dispute has not been resolved through negotiation, the parties shall submit the dispute to arbitration.

The arbitration shall be held in Kampala and conducted in English. This agreement to arbitrate is not in any way an agreement to take away the parties’ right to file any matter arising or connected to this agreement in court.”

Mr. Baita Wilfred has again defaulted in paying back the USD 500,000 under this new settlement agreement. He believes he will at some point be able to resolve this matter as per the dispute resolution clause in this agreement.

Tasks:

- a. Through a well written legal memorandum citing the relevant law and legal authorities, educate Mr. Baita Wilfred on Arbitration and its principles. **(15 marks)**
- b. Mr. Ota Brian is not impressed by Mr. Biata Wilfred’s shenanigans and believes he can get a quicker remedy through Court. Advise him. **(10 marks)**

## Section B Choose any 1 question from both questions available

### Question 1:

Write short notes on the following:

- a. Adjudication **(25 marks)**
- b. Separability in Arbitration **(25 marks)**

### Question 2:

Write short notes on the following:

Pathological Arbitration clauses

The doctrine of separability in Arbitration

## Section C Choose any two from the four questions

### Question 1:

The International Bar Association through its “IBA Conflict of Interest in International Arbitration Guidelines” has since set the standard for what amounts to conflict of interest in Arbitration. Citing the relevant

law and authorities, discuss conflict of interest in Arbitration. **(25 marks)**

**Question 2:**

Traditional justice mechanisms, many of them ADR have existed in Africa since before the coming of colonialism. Discuss the different forms of Traditional justice mechanisms in Africa. **(25 marks)**

**Question 3:**

Discuss the principle of Kompetenz Kompetenz and how it is applied in Arbitration. **(25 marks)**

**Question 4:**

*The concepts of Mediation and Conciliation are often conflated and mixed up. .â?•In well written essay citing the relevant law and authorities discuss the two forms of ADR. **(25 marks)***