**MAKERERE UNIVERSITY**

**MAKERERE UNIVERSITY BUSINESS SCHOOL**

**FACULTY OF COMMERCE**

**DEPARTMENT OF FINANCE**

**PROGRAM: BACHELOR OF REAL ESTATE BUSINESS MANAGEMENT**

**COURSE NAME: REAL ESTATE DISPUTE RESOLUTIONS**

**COURSE CODE: BRE3207**

**ACADEMIC YEAR: 2024/2025**

**YEAR OF STUDY: III**

**SEMESTER: TWO**

**CREDIT UNINTS (C.U): 3**

**FACILITATORS**

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**Course description**

The course includes a detailed examination of the theory and practice of Alternative Dispute Resolutions (ADR) methods to develop an understanding of the operation and implications of various ADR theories and practices and to assess their value. It evaluates the experience and incorporation of ADR options in dispute resolution, in civil, administrative, family and criminal contexts. Additionally, the course explores the application of ADR processes in the international environment, including International Commercial Arbitration, and other forms of international dispute resolution in non-commercial contexts, including those raising human rights and natural resource issues.

**Course Objectives**

**The objectives of this course are:**

1. To enable students, develop the ability to critically assess the legal, social and other issues associated with ADR
2. To prepare students for the participation of ADR while in practice
3. To develop students with basic mediation skills, including communication, analysis, and issue identification

**Course Learning Outcomes**

1. Students will appreciate the social relevance and historical context of Dispute Resolutions models.
2. Students will have the capacity to identify and analyses the complex drivers of dispute behavior in the community.
3. Students will be able to develop basic mediation skills, including communication, analysis, and issue identification
4. Students will be able to adaptively apply ADR theory in varied practical contexts, including international, industrial, and socio political

**Course Outline**

|  |  |  |  |
| --- | --- | --- | --- |
| **No**  | **Topics**  | **Description**  | **Hours**  |
| 1 | **Real estate conflict management** | * Definitions
* Nature of disputes
* Concept of conflict management
* Concept of dispute resolution
 | **6** |
| 2 | **Sources of disputes in Real Estate** | * Property valuations
* Property agency
* Property management
* Property insurance
* Management contracts
 | **6** |
| 3 | **Alternative dispute resolutions (ADR) in real estate** | * Negotiation
* Mediation
* Conciliation
* Early Neutral Evaluation
* Expert Determination
* Mini -Trials or Executive Tribunals
* Dispute Review Board (DRB)
* Adjudication
 | **20** |
| 4 | **Arbitration** | * Origin and development of arbitration law
* Sources of arbitration law
* The requirements for arbitration
* The law governing arbitration
* Role of courts in arbitration
 | **5** |
| 5 | **The Arbitration Process** | * Arbitration agreements
* Arbitration reference
* Arbitrator and umpire
* Procedural, powers and duties of arbitrators
* Procedures at the hearing
* Evidence in arbitration
* The award
 | **8** |
|  |  | **Total** | **45** |

**Mode of Delivery**

1. Lectures
2. Class presentations
3. Case Studies

**Mode of assessment**

1. Course work 30%
2. Final exam 70%

**Total 100%**

 **Readings**

Kakooza A. C. (2010). Arbitration, Conciliation and Mediation in Uganda: A focus on the practical aspects.

Aptlawyer (2024). Role of Alternative Dispute Resolution in Uganda.

[*https://aptlawyer.ella-solutions.com/role-of-alternative-dispute-resolution-in-uganda/*](https://aptlawyer.ella-solutions.com/role-of-alternative-dispute-resolution-in-uganda/)

The World Bank Group (2006). Alternative Dispute Resolution Manual: Implementing Commercial Mediation.

[*https://documents1.worldbank.org/curated/en/922161468339057329/pdf/384810ADR1Manu1l1Mediation01PUBLIC1.pdf*](https://documents1.worldbank.org/curated/en/922161468339057329/pdf/384810ADR1Manu1l1Mediation01PUBLIC1.pdf)

Obaikol, E. & Ogwapit, J. F. (2017). Dispute Resolution. The Land Governance Assessment Framework Technical Report.

[*https://www.landnet.ug/landwatch/wp-content/uploads/2018/04/DISPUTE-RESOLUTION.pdf*](https://www.landnet.ug/landwatch/wp-content/uploads/2018/04/DISPUTE-RESOLUTION.pdf)

Walker B. (2022). The Anatomy of an Arbotration Agreement.

[*https://www.nortonrosefulbright.com/en-ug/knowledge/publications/d667d800/the-anatomy-of-an-arbitration-agreement*](https://www.nortonrosefulbright.com/en-ug/knowledge/publications/d667d800/the-anatomy-of-an-arbitration-agreement)