

The five-judge panel ruled that the petition was about party procedures, not constitutional interpretation.

The Constitutional Court has dismissed a petition in which six legislators from the Democratic Party (DP) sought to nullify a 2022 cooperation agreement between their party and the ruling National Resistance Movement (NRM).

In a unanimous judgment delivered in Kampala yesterday, a panel of five justices held that the petition did not raise constitutional questions requiring interpretation by the court and declined to grant the declarations and orders sought by the petitioners.

The panel comprised justices Dr Asa Mugenyi, Hellen Obura, Musa Ssekaana, Moses Kawumi Kazibwe, and Margaret Tibulwa.

The petition was filed by Richard Lumu Kizito and five other DP Members of Parliament, who challenged the legality and constitutionality of the cooperation agreement signed in July 2022 between DP President General Norbert Mao and President Museveni.

Court records show that the petitioners had argued that they were elected on the DP ticket and are members of the party's National Executive Committee, which they described as the top decision-making organ of the party.

They contended that the agreement was signed without proper authorisation and consultation within party structures and that it undermined constitutional principles of democratic governance.

The respondents in the matter were Norbert Mao, DP Secretary General Gerald Siranda, the Democratic Party, and the Attorney General.

In its judgment, the court framed the central issue as whether the cooperation agreement and the manner in which it was executed contravened provisions of the



Mr Norbert Mao (L) and President Museveni after the DP leader swearing in as minister of Justice at State House on July 27, 2022. PHOTO/ PPU

Constitution. The justices examined the pleadings and affidavits filed by both sides before determining whether the petition raised substantive constitutional questions.

The court held that it is mandated under Article 137 of the Constitution to interpret the Constitution where a question arises as to its meaning or application. However, it emphasised that not every grievance or dispute qualifies as a constitutional question.

In dismissing the petition, the justices found no constitutional provision that was breached by the mere act of a political party entering into a cooperation arrangement with another political actor.

The court stated that the issues presented revolved around whether Mao had authority under the party constitution to enter into the cooperation agreement and whether proper consultation had been undertaken within party organs.

In the judgment, the panel stated that political cooperation agreements are

The justices concluded that the petitioners had not sufficiently established that the impugned agreement violated any express provision of the Constitution. The panel further noted that where disputes relate to compliance with a political party's constitution or internal rules, other legal avenues may be available.

part of the political process and do not automatically amount to constitutional violations. Therefore, such matters did not, in themselves, amount to violations of the national Constitution.

"The petition does not raise any substantive constitutional questions for interpretation by this court," the justices held.

The court therefore declined to grant the declarations sought, including a

declaration that the agreement was null and void and an order permanently restraining party organs from ratifying or implementing it.

The court observed that remedies such as judicial review before the High Court may be appropriate in circumstances where procedural impropriety or illegality is alleged in the exercise of administrative or organisational powers.

On the substance of the cooperation agreement, the justices considered the arguments advanced by the petitioners that the agreement bound DP to support the NRM government's legislative agenda, including votes on confidence and supply, and that it compromised democratic governance principles.

In its final orders, the court stated that the petition was dismissed for failure to raise constitutional issues warranting interpretation under Article 137. The decision effectively leaves the 2022 cooperation agreement between DP and NRM intact.