

Godwin Kakande

Partner | ALN Uganda | MMAKS Advocates

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Background

Godwin is a Partner in the Corporate Advisory team at ALN Uganda | MMAKS Advocates, one of the leading law firms in Uganda. He specialises in mergers and acquisitions and advises on all types of corporate and commercial law related matters, including capital markets, oil and gas, Public Private Partnerships (PPPs), telecommunication, data protection and privacy, insurance, insolvency, and private equity. He routinely advices on various tax matters relating to income tax, VAT, withholding tax, transfer pricing, capital allowances and deductibility of expenses.

Godwin is an Advocate of the High Court of Uganda and Kenya and is also admitted to the New York State Bar. He previously worked with ALN Kenya | Anjarwalla & Khanna, Kenya's largest law firm.

Godwin holds an LL.M Degree in Corporate Law from Cornell University Law School and an LL.B Degree from the University of Pretoria.

Professional Membership

- Advocate, High Court of Uganda
- Advocate, High Court of Kenya
- Member, Uganda Law Society
- Member, Law Society of Kenya
- Member, New York Bar Association
- Member, American Bar Association

Professional Qualifications

- Postgraduate Diploma in Tax and Revenue Administration, East African School of Taxation
- Postgraduate Diploma in Law, Kenya School of Law
- Admitted to the New York State Bar
- Master of Laws (LL.M), Cornell University, School of Law, USA
- Bachelor of Laws (LL.B), University of Pretoria, South Africa

Career Summary

2023 – Date: Partner, MMAKS Advocates, Uganda

2021 – 2023: Senior Associate, MMAKS Advocates, Uganda

2019 – 2021: Principal Associate, MMAKS Advocates, Uganda

2017 – 2019: Associate, MMAKS Advocates, Uganda

2016 – 2017: Associate, Anjarwalla & Khanna Advocates, Kenya

2015: Trainee Lawyer, Anjarwalla & Khanna Advocates, Kenya

Top Matters

Corporate & Commercial

- Acting for the Sanlam Group, a South African diversified financial services group operating across several selected global markets globally, in connection with the creation of a Pan-African Joint Venture between the Sanlam Group and the Allianz Group, one of the leading integrated financial services providers worldwide, and present in 11 African countries, including conducting legal due diligence on the Ugandan entities of the Allianz Group, providing legal advice on the anti-trust, regulatory and employment implications and advising on the structuring options based on the obligations of Sanlam Group's listed entity in Uganda.
- Advising Bayport Management, an African consumer lending company, in connection with a proposed Initial Public Offering and listing on the London Stock Exchange (IPO). Including conducting a high-level due diligence on a Bayport subsidiary in Uganda and also advising on regulatory compliance in Uganda as a result of the IPO.
- Acting for Vivo Energy Investments, a company incorporated in the Netherlands and listed on the London Stock Exchange and with operations in marketing and distributing petroleum products under the 'Shell' brand and Engen brand in 23 countries across Africa, in connection with a 50% acquisition of Kuku Foods, a company that operates fast food restaurants under the KFC (Kentucky Fried Chicken) brand in various African countries.
- Acting for Qatar Holding LLC, an affiliate of the Qatar Investment Authority (QIA), the sovereign wealth fund of the state of Qatar, in connection with entering into an agreement to invest USD 200 million in Airtel Mobile Commerce BV, one of Africa's leading mobile money businesses.
- Acting for PayPal Inc., a USA payments company, in connection with a proposed equity investment in Flutterwave Inc., a Nigerian and U.S. based payments company with offices in Lagos and San Francisco that provides digital payment solutions for merchants operating within multiple African countries including conducting a high level financial and regulatory compliance and licenses review in respect of Flutterwave's activities in Uganda.
- Advising Asian Paints Group, a leading Indian paint company manufacturing a wide range of decorative and industrial use, in connection with a proposed acquisition of shares in Basco Products (Kenya), a leading paint manufacturer in Kenya that wholly owns Basco Products (Uganda) Ltd, which is also involved in the paint manufacturing business, including conducting a comprehensive due diligence on Basco Products (Uganda) and advising on the regulatory approvals required for the transaction and completion procedure.
- Acting for Catalyst Principal Partners, a leading private equity firm, in connection with a cross-jurisdictional deal involving the merger and acquisition of Superfoam, Euroflex and Vitafoam, all leading manufacturers of polyurethane foam and spring mattresses in Kenya, Uganda and Malawi, including conducting a due diligence on Euroflex, advising on the tax structuring, advising on regulatory approvals and on the

- completion procedure.

Real Estate & Property

- Acting for Abyssinia Group of Industries, one of the largest steel producers in East Africa, in connection with its acquisition of various land and steel manufacturing equipment in Uganda by way of an asset purchase, including undertaking due diligence on the assets, drafting, and executing the asset purchase agreement.
- Advising Gateway Delta Development Holdings, a Mauritian real estate development company, in connection with its acquisition of Metroplex Shopping Mall, including conducting a due diligence on the shopping mall, drafting, and negotiating the business and asset purchase agreement, drafting and filing relevant statutory forms for transfer of property as well as obtaining necessary consents from government authorities.
- Acting for Mandela Auto Spares, one of Uganda's leading compaies dealing with new genuine spare parts for vehicles, in connection with the acquisition of three property leases from Good African Coffee and Good African Café, including drafting and negotiating of the sale agreement of the property leases.
- Acting for Lexington Properties Limited in connection with the acquisition of Acacia Mall, the largest shopping centre in Uganda including conducting a due diligence on the property and drafted the sale agreement for the property.

Projects, PPP and Infrastructure

- Acting for Uganda National Oil Company in connection with sourcing a strategic partner to undertake and implementing the Kampala Storage Terminal (KST) Project including assisting with the commercial and financial structuring of the KST project, specialist legal advisory services, advisory on the selection of UNOC's strategic partner including preparation of Terms of References (TORs), Information Memoranda, and term-sheets for key financing and commercial agreements, documentation of UNOC's equity contribution to the project and advisory during commercial negotiations.
- Advising Africa Finance Corporation (AFC) that was approached by Yaatra together with its partners: Saipem, Lion Works and Baker Hughes – a General Electric Company – (the "Consortium"), with respect to contributing to the financing of the development of the 60,000 barrels per day refinery, a 211 km pipeline to transport the refined crude, an on-site storage facility and separate receiving storage terminal in Buloba on the outskirts of Kampala, Uganda.
- Acting for ResponsAbility Renewable Energy Holding (rAREH), a Mauritius based investment company with a focus on small-scale renewable energy projects in East Africa in connection with the proposed acquisition of a stake in 2 hydro power projects in Uganda, including conducting a comprehensive due-diligence on two hydropower projects which among others included a review of the respective power purchase agreements, construction contracts, operations & maintenance agreements, land leases, governmental support agreements, financing documents, shareholder and shareholder loan agreements, and other relevant material contracts, regulatory licences, employment contracts and insurance arrangements.
- Advising the International Finance Corporation in connection with the regulatory framework applicable to a proposed Public Private Partnership for the construction of a highway in Kampala, funded by the IFC, including advising on regulatory issues including procurement of contracts with the government, environment matters, employment and immigration matters, finance and tax.

Tax

- Advising Sanlam Limited in connection with various tax-related aspects of its joint venture with Allianz SE. The combined operations of Sanlam and Allianz will create a premier pan-African non-banking financial services entity operating in 29 countries across the continent with a combined group equity value in excess

- of USD 2 billion. The joint venture will become the largest non-banking financial entity on the continent.
- Acting for Ssanga Courts Limited, a property development company, in connection with a successful tax appeal at the Tax Appeals Tribunal against tax assessments issued by the Uganda Revenue Authority (URA) on Value Added Tax relating to the sale of residential apartments. The URA agreed to settle the matter by vacating the issued tax assessments.
- Acting for Crown Beverages, a subsidiary of SABMiller, in connection with a tax appeal at the Tax Tribunal of Kenya against a tax demand by the Kenya Revenue Authority for custom duties, including advising the client on customs regulations and provisions under the East African Community Customs Management Act.
- Acting for Diamond Trust Bank Kenya, a tier 1 lender in Kenya that is also listed on the Nairobi Securities Exchange, in connection with a tax appeal at the Tax Appeals Tribunal against an assessment by the Kenya Revenue Authority (KRA) on withholding tax on fees charged on its overseas nostro accounts. The decision, which was not appealed to by the KRA, set a precedent on the applicability of withholding tax on fees charged on nostro accounts by foreign banks.