



Kaggwa B. David  
(PARTNER)  
LLB (Hons)  
Dip LL, Dip LP (LDC)  
Mob: +256 (772) (702) 387 600  
+256 712 253 524  
+256 753 387 600  
Email: kaggwa@kaggwaowoyesigire.com

Owoyesigire W. Frank  
(PARTNER)  
LLB (Hons)  
Dip LL, Dip LP (LDC)  
Mob: +256 772 508 517  
+256 705 609 102  
Email: frank@kaggwaowoyesigire.com

Kasadha David  
(PARTNER)  
LLB (Hons)  
Dip LL, Dip LP (LDC)  
Mob: +256 772 916 190  
+256 703 826 477  
+256 712 916 190  
Email: david@kaggwaowoyesigire.com

Geoffrey Mudawa  
(ASSOCIATE)  
LLB (Hons), Dip LP (LDC)  
Mob: +256 782 688 665  
Email: geofferymudawa@yahoo.com

Mwesigwa David  
(ASSOCIATE)  
LLB (Hons), Dip LP (LDC)  
(OIC Hoima Branch)  
Mob: +256 712 817 349  
+256 772 907 093  
Email: dmwesigwa90@yahoo.com

Muhereza Wilbert  
(ASSOCIATE)  
LLB (Hons), Dip LP (LDC)  
Mob: +256 772 999 282  
+256 756 997 086  
Email: mhrzwilbert@yahoo.com

Zawedde Aminah  
(ASSOCIATE)  
LLB (Hons), Dip LP (LDC)  
Mob: +256 782 575 357  
+256 705 035 527  
Email: aminahzawe@yahoo.com

Kyogula Hannington  
(ASSOCIATE)  
LLB (Hons), Dip LP (LDC)  
Mob: +256 -703 868 351  
Email: hkyogula@gmail.com

Alibankoha Nolbert  
(ASSOCIATE)  
LLB (Hons), Dip LP (LDC)  
Mob: +256 775 696 509  
+256 702 980 037

Sajja Ismail  
(ASSOCIATE)  
LLB (Hons), Dip LP (LDC)  
Mob: +256 703 017 232  
+256 773 440 834  
Email: ismailajja66@gmail.com

#### Clerical Staff

1. Mwesigwa Jonah  
Mob: +256 782 752 502  
2. Kigenyi Kizza Paul  
Mob: +256 701 170 836

Our Ref: KOA/GEN/RSCH NO.1/16

5<sup>th</sup> March 2016

Dear Ladies and Gentlemen

#### SUBJECT:

### LEGAL OPINION ABOUT THE EXISTANCE AND LEGALITY OF HIS MAJESTY THE KING OF BUNYORO-KITARA KINGDOM AND THE KINGDOM AS AN INSTITUTION

We hereby give an independent legal opinion as regards the legality and the existence of His Majesty The Omukama (King) of Bunyoro Kitara Kingdom, and The Royal Institutions of the Kingdom in general.

**WHEREAS** the terms defined in the Administration of Bunyoro-Kitara Kingdom concerning its Royal Institutions and Rules Established, Granted and Founded by His Majesty The Omukama of Bunyoro-Kitara Kingdom have the same meanings in this independent legal opinion.

**AND WHEREAS** This legal opinion is confined and limited within the jurisdiction of the laws and the Constitution of The Republic of Uganda.

**AND NOW THEREFORE** let it be known that the following are constitutional, legal principles and facts:

#### BACKGROUND:

- That on July 24, 1993, the Republic of Uganda constitutionally restored the traditional kingdoms that thrived in ancient times that had been abolished by the Dr. Milton Obote's dictatorship government in 1967.

That the Kings and the kingdoms were restored by the Amendment [No. 8] Act - Statute No. 8,

*In all correspondence relating to the above subject, please quote our reference number*

Plot 247, Rubaga Road,  
Access Building, (Opp, SOJOVALO Hotel)  
Next to ORYX Petro Station  
1st Floor, Suite Nos. 505- 507  
P. O. Box 6376, Kampala – (U)

#### **Hoima Branch**

Located at 1st Floor, Stanbic Bank Building  
Upstairs Room 1 & 2

Email: [info@kaggwaowoyesigire.com](mailto:info@kaggwaowoyesigire.com)  
Website: [www.kaggwaowoyesigire.com](http://www.kaggwaowoyesigire.com)

Article 118 (1)- of 1993 enacted by the Parliament of Uganda and officially recognized and protected by the Constitution of the Republic of Uganda by Chapter IV. -Article 37

Chapter XVI. -Article 246. (1) - (6)- of 1995 and by the Amendment [No. 2] Act -schedule V. -Article 178.8- of 2005 and by the Acts Supplement [No. 4] -Act 6 of 2011.

- That as regards the administration structure of the Kingdom; His Majesty The Omukama has a Prime Minister (Katikiro), a Royal Government including 21 Ministers, a Royal Parliament and a Supreme Council.
- That in 1933 and 1955 respectively an agreement was executed between the British Government and the father of the current Omukama (His Majesty Sir Tito Winyi Gafabusa) that all Royal prerogatives and privileges are never to be touched.
- That the current King, His Majesty Dr. Solomon Gafabusa Iguru 1<sup>st</sup> was crowned on the 11<sup>th</sup> day of June 1994 as Omukama (King) of Bunyoro-Kitara Kingdom.

**WHEREAS** The following are judicial principles and facts and are stated as follows:-

- That His Majesty The Omukama (King) Rukirabasaija Agutamba Solomon Gafabusa Iguru 1<sup>st</sup> of Bunyoro-Kitara Kingdom, was specifically recognized as the rightful heir to the throne and King of Bunyoro-Kitara by the Supreme Court of Uganda under; (Civil Appeal 18/94 and All Members of the Coronation Committee of Prince Solomon Iguru 1<sup>st</sup>, on the 25<sup>th</sup> day of April, 1994).

**That the following are also dynastical legal principles and facts:**

- His Majesty The Omukama is the 49<sup>th</sup> Omukama (king) of the Kingdom of Bunyoro-Kitara and 27<sup>th</sup> Omukama (king) in The current Babiito Dynasty.
- His Majesty The Omukama has a Prime Minister (Katikiro), 21 Ministers, a Royal Government, a Royal Parliament and a Supreme Council.
- The ancestors of His Majesty The Omukama of Bunyoro-Kitara Kingdom never renounced their rights, never abdicated the kingdom, never ceded sovereignty, suffered exile rather than capitulate and concede anything.

- Bunyoro-Kitara Kingdom is the “Grandfather” (ancestry, origin) of all Kingdoms of Uganda!. All other kingdoms and royal families in these Kingdoms in Uganda & Kingdoms of the African Great Lakes region are descended from Bunyoro-Kitara Kingdom from the current Royal Family of Bunyoro-Kitara, the Babiito. The kingdoms and Royal Families of the African Great Lakes region include that of Burundi, Eastern Congo, Kenya, Rwanda, northern Tanzania present day Karagwe and Uganda.
- At its height, Bunyoro-Kitara Kingdom controlled the Great Lakes Region of Africa with many small states in the Great Lakes region the earliest stories of the kingdom having great power comes from the Luo migration.. Most of the Royal descendants from Bunyoro-Kitara Kingdom who governed this great empire moved south to the Present day Rwanda. Later on new Kingdoms emerged in the Great Lakes Region such as Ankole, Buganda, Toro, Busoga, Bagisu of present day Uganda
- Bunyoro-Kitara rose to power and controlled a number of the holiest shrines in the region, as well as the lucrative Kibiro salt works of Lake Albert; having the highest quality of metallurgy in the region made it the strongest military and economic power in the Great Lakes region by then.

**Subject to the above; we are of the opinion that under the constitution and laws of The Republic of Uganda:**

- That the Republic of Uganda constitutionally restored the traditional kingdoms that thrived in ancient times but had been abolished by the dictatorship of President Dr. Apolo Milton Obote in 1967
- That after the collapse of the subsequent dictatorship regimes, the kingdoms in Uganda were restored and Kings regained their Royal Rights and Obligations.
- That His Majesty The Omukama (King) and his dominion were restored, recognized and guaranteed in the Constitution and the entire laws of the Republic of Uganda.
- That unlike the sovereign rights of the ancient kings held by then, the current restored Kingdoms have no political power per se.
- That His Majesty The Omukama (King) of Bunyoro-Kitara Kingdom, Rukirabasaija Agutamba Solomon Gafabusa Iguru’s 1<sup>st</sup> reign was restored by the Amendment [No. 8] Act - Statute No. 8, Article 118 (1)- of 1993 enacted by the Parliament of Uganda and officially recognized and protected by the Constitution of the Republic of Uganda by Chapter IV. -Article 37.-, Chapter XVI. - Article 246. (1) - (6)- of 1995 and by the Amendment [No. 2] Act -

schedule V. -Article 178.8- of 2005 and by the Acts Supplement [No. 4] -Act 6. of 2011.

- That His Majesty The Omukama (King) Rukirabasaija Agutamba Solomon Gafabusa Iguru 1<sup>st</sup> of Bunyoro-Kitara Kingdom, was further recognized as the rightful heir to the throne and King of Bunyoro-Kitara by the Supreme Court of Uganda under; (Civil Appeal 18 of 1994) between the Members of the Coronation Committee of Prince Solomon Gafabusa Iguru versus Prince John Rukidi.
- That His Majesty The Omukama is the Chairman of the “Forum of The Kings and Cultural Leaders in Uganda”, he is the Head of the Babiito Dynasty (Main line of all dynasties in the region) established under Rule 113 (3) of the Rules of Procedure of the Parliament of Uganda).
- That His Majesty The Omukama (King) Rukirabasaija Agutamba Solomon Gafabusa Iguru 1<sup>st</sup> has a cultural privilege to crown all the kings in Uganda.
- That Similar to other reigning monarchs in Uganda, all traditional kings currently serve as "cultural figures" or "Traditional Leaders" and are barred from engaging in active partisan politics.
- That His Majesty The Omukama (King) is the 49<sup>th</sup> king of of Bunyoro-Kitara Kingdom and 27<sup>th</sup> king in the current Babiito Dynasty.
- That as an outstanding position within the cultural context in the Republic of Uganda all Sub-national monarchies are referred and described as a Reigning Monarchy within a Republic Government.
- That as regards the administration of Bunyoro Kitara Kingdom, His Majesty The Omukama has a Royal Government comprising of a Prime Minister (Katikiro), 21 Ministers, a Royal Parliament and a Supreme Council.
- That the ancestors of His Majesty The Omukama (King) Rukirabasaija Agutamba Solomon Gafabusa Iguru 1<sup>st</sup> never renounced their rights, never abdicated the kingdom, never ceded sovereignty, suffered exile rather than capitulate and concede anything, they maintained their original royal status and sovereign rights.
- That His Majesty The Omukama (King) Rukirabasaija Agutamba Solomon Gafabusa Iguru 1<sup>st</sup> is a constitutional king and also a heir to a dynasty that has kept all its ancient rights intact.
- That His Majesty The Omukama Rukirabasaija Agutamba Solomon Gafabusa Iguru 1<sup>st</sup> is a reigning constituent monarch, traditional ruler and reigns over a legally recognised territory with no

sovereign governing / political power. However all his titles, are recognised by the Republic of Uganda.

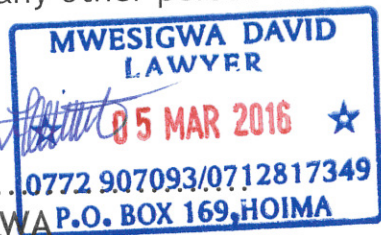
- That in Uganda, the ancient kingdoms and chiefdoms that were found by the colonialists when they first arrived on the African continent are now constitutionally protected as regional entities.
- That Bunyoro-Kitara Kingdom is the “Grandfather” (ancestral originator) of all Kingdoms of Uganda and of the African Great Lakes region, which includes the Royal families of Burundi, Eastern DR Congo, Kenya, Rwanda, northern Tanzania present day Karagwe and Uganda.
- That at its height, Bunyoro-Kitara Kingdom was a great empire originating from the Luo migration and it controlled many chiefdoms and small states in the Great Lakes region as it is indicated in the kingdom’s history. The Royal descendants from Bunyoro-Kitara Kingdom who governed this great empire moved south to the Present day Rwanda and later on new Kingdoms emerged in the Great Lakes Region such as Ankole, Buganda, Toro and Busoga of present day Uganda etc.
- That Bunyoro-Kitara rose to power and controlled a number of the holiest shrines in the region, as well as the lucrative Kibiro salt works of Lake Albert; having the highest quality of metallurgy in the region made it the strongest military and economic power in the Great Lakes region, by then it was called the inter-lacustrine region.

That in conclusion His Majesty The Omukama (King) Rukirabasaija Agutamba Solomon Gafabusa Iguru 1<sup>st</sup> is a constitutional king with a dynasty that has kept all its ancient rights intact.

This opinion is given for your sole benefit and may not be disclosed or relied upon by any other person without our prior written consent.

Prepared by:

  
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DAVID MWESIGWA  
dmwesigwa90@gmail.com



APPROVED BY;

  
.....  
NOTARY PUBLIC / COMMISSIONER FOR OATH

