



The Role of Ubuntu

A Strategy for Peace and Justice in the World

Center of
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JUSTICE**



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The Role of Ubuntu: A Strategy for Peace and Justice in the World

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Ubuntu is an African worldview that interrogates what it means to be human. Ubuntu connotes humanness, a spirit of caring and community, harmony and hospitality, respect and responsiveness, that individuals and groups display for one another. It is thus the foundation for basic values that manifest themselves in the manner in which African people think and relate to one another. Hence it is often said that *umuntu ngumntu ngananye* (a person is a person through others) [1], Ubuntu as a life philosophy has long existed in Africa in different forms, well before colonization. This was visible in the way Africans lived all together, as a community, not identifying as individuals. And therefore, resources were to be shared as a community. There were structures of leadership (elders) or kings (but still assisted by elders), that ensured that there was order in society. If an individual committed a wrong, the whole community would be affected, and the reverse was true when something good was done in the community.

From a linguistic perspective, the term Ubuntu is comprised of the “u” the abstract noun prefix “bound” and the noun “-ntu” meaning “a person”, or “personhood” and “humanness” The word is common in the Nguni languages of Southern Africa, and other parts of Africa. (Hailey, 2008; Murithi; 2006 p.28). Examples include *botho* (Sesotho or Sotswana), *bumuntu* (Kisukama and Kihayi in Tanzania), *bomoto* (Bobangi in Cong), *gimuntu* (Kikongo and Gikwese in Angola), *Umundu* (Kikuyu in Kenya) *Umunti* (Uganda), *Umunthu* (Malawi), and *Vumuntu* (Shi Tsonga and Shi Twa in Mozambique). Therefore, it is prudent to note that Ubuntu has many meanings that are inexhaustible because this ethic or philosophy cannot be pinned down to have originated at a particular point in time in human history. But as the name suggests, it originated with African people (Bantu) as part and parcel of their cosmology and the implied individual ontology[2]. For instance, though in South Africa it is commonly known as Ubuntu, the same concept is found in different countries in Africa, holding similar, general-purpose, among different African cultures, yet given different names. For instance, the Baganda in Uganda call it *Obuntu bulamu* (humanness); in Northern Uganda, among the Acholi, it is called *Mato Oput*; in Kenya, the common slang term used among Kenyans as a symbol of unity is “*tuko pamojja*”(which means we are together).

Africa’s quest for sustainable peace needs to be built on reconciliation and co-existence based on human rights, and social, economic, and political justice, all of which lie at the heart of Ubuntu (Murithi, 2006, p 14)5. In this context, the overriding goal of Ubuntu is to strengthen societies’ capacity to promote positive peace for social solidarity. Africans can once again strive to conceive of one another through Ubuntu, with individual security, safety, and well being dependent on ensuring the same for others in the community. This indigenous peace-making process has also been used to address all manner of issues, ranging from family and marriage disputes, to theft, damage of property, murder, and war.

Ubuntu is people-oriented as against the modern sociopolitical order that promotes elitism or individualism. The concept of Ubuntu conveys the sense that whatever happens to the individual happens to the entire group, and whatsoever happens to the entire group happens to the individual. Thus the life of the individual is subsumed in that of the community, based on the understanding that the community produces the individual. The individual can only say I am because we are and because we are, therefore I am. Ubuntu’s understanding of the indivisibility of humanity creates a great capacity for forgiveness and reconciliation.[3]

It is imperative to note that societies that are governed by the principles of Ubuntu promote reconciliation to redress injustices, heal past wrongs, and maintain social cohesion and harmony, hence maintaining law and order in society. In other words, the sole purpose of Ubuntu is to reconcile antagonistic parties and to restore people, through forgiveness, for the common good of the whole society. This approach is contrary to the western system of justice. That is to say before colonization happened in Africa, the societies in Africa would view justice as a concern of the whole community and justice had to be dispensed for the benefit of the whole community. And it must be remarkable to note that many African societies and many African leaders, including our African judicial systems, have tried to maintain this system of justice. For example, by incorporating the customary laws which are the heart of Ubuntu, into the western system of laws that we adapted in Uganda, the Courts are allowed to be guided by customary laws in certain instances, according to Section 15(1) of the Judicature Act, and Section 10 of the Magistrates Courts Act; and as was seen in the case of Bruno Kiwuuwa V. Serunkuma and Namazzi. The Constitution of Uganda also establishes the institutions of traditional or cultural leaders [4] who play a great role in upholding the cultural values of communities [5].

Various African leaders have also commented on the application of Ubuntu in societies, as a positive remedy to conflicts. Therefore, Ubuntu philosophy is widely used in Africa. For instance, the president of South Africa Jacob Zuma in 2012 stated thus

“If we build a society without these two...we are building a society of hooligans...if we do not agree as people, let us agree with respect and not by violence, saying whatever we like to people. That does not build a nation... South Africans are not hooligans. We are a nation of very proud respectful people who stand up for their rights but do so without losing dignity and Ubuntu.”(SAPA 2012)

Desmond Tutu commented;

“You know when Ubuntu is there, and it is obvious when it is absent. It has to do with what it means to be truly human, to know that you are bound up with others in the bundle of life”

South Africa's former president Thabo Mbeki commented then;

Ubuntu inspires Community members to act in solidarity with the Vulnerable, the weak and poor, and helps them to behave in specific ways for the common good.”

The South African Government's 1996 white paper on welfare also described Ubuntu as;

“The principle of caring for each other's well being...and a spirit of mutual support. Each individual's humanity is ideally expressed through his or her relationship with others and theirs in turn through other people. It also acknowledges both the rights and responsibilities of every citizen in promoting individual and Societal well-being.”

In South Africa, in the post-apartheid period, the government employed Ubuntu to redress the injustice, intolerance, hope, human rights abuse, and inhumanity that characterized the apartheid regime. This resulted in the National Unity and Reconciliation Act, 1995. The Act provided that the major goal “of the Commission shall be to promote national unity and reconciliation in a spirit of understanding which transcends the conflicts and demands of the past.”

Ubuntu was also used in Rwanda as an alternative to the Western conflict resolution built on the modern judicial system. Approximately 120,000 people were, allegedly, responsible for exterminating a million people in the 1996 genocide (Wilson, 2011). Wilson projects that it would take about 120 years to bring them to justice using the Western judicial system. The Rwandan government however acknowledged this situation and instead adopted a traditional method known as Gacaca developed from Communal law. This version of Ubuntu was employed to resolve village or family discord. Aside from prompt trial, it facilitated peace-building and accelerated healing. The peace process was not punitive but was founded on the notion of forgiveness and reconciliation. This was finally achieved

In Uganda, the Ubuntu philosophy was applied among the Acholi reconciling the former rebels of Lord's Resistance Army under the leadership of Joseph Kony, who had committed multiple atrocities to the people. Many LRA members finally decided to surrender and return to the community. This was not easy, but the Acholi Community applied the Philosophy of Mato Oput to create reconciliation between the former rebels and the victims in society [6][7] Therefore we can see from the above analysis, the concept of Ubuntu has been widely applied Uganda, among cultures, and even in the judicial system, especially in the area of settling disputes in the local communities. It has been seen also among clans, cultures and traditions, in the raising and grooming of children, and also, among people in the general sense of living together in harmony as a community. Even theologians all over Africa have preached extensively on the relevance of Ubuntu. For example Desmond Tutu of South Africa, Benezet Bujjo[8], Emmanuel Katogole [9]

Therefore, the act of reconciliation is based on African understanding of politics and law as they unfold in real life. As already noted, umuntu is the maker of politics, religion and law. In the philosophical sense, Ubuntu is the basis of law and politics, because it is the Umuntu who makes the laws that govern politics, business, medicine, and other fields of life. Hence in the Ubuntu philosophy, all people are equal before the law, and all power belongs to the people. These principles are also enshrined in the Constitution of the Republic of Uganda, 1995 (2015 as Amended), under Article 21[10], Article 1[11] of the same. Article 126 of the same Constitution provides that judicial power is derived and shall be exercised by the Courts established under this Constitution in the name of the people and in conformity with law and with the values, norms and aspirations of the people. All these provisions clearly portray that the government should always rue in consideration and in the interest of the people. The constitution also provides for the concept of public interest litigation, as provided for under Article 50(2), of the Constitution [12] where an individual can sue on behalf of others. This is clearly an aspect of Ubuntu, where an individual is expected to be concerned about his society and the society as well hence the humanness in society.

It is imperative to note that the philosophy of Ubuntu contradicts the Western system of Justice that was inherited by the African states upon colonialism. For example, Ubuntu looks at justice being dispensed to the whole community, at forgiveness other than punishing the offender, at holding a family or society accountable for the mistakes of an individual. This is almost the opposite of the western System of Justice, which system looks at dispensing justice for the individual, not entirely the whole community, punishing the lawbreakers (hence the Penal Code CAP 120), and holding individuals liable rather than the entire community. And finally, in the western system, the offender does not have to seek forgiveness from society as a way of reconciling back to society.

These contradictions can be traced in earlier cases that were presided over by the white judges and other foreign judges that never understood the application of the principles of Ubuntu in the African context setting a bad precedence as analyzed below.

In the case of *R V. Amkeyo*,^[13] where Amkeyo had been charged with possession of stolen property and the main witness against him was a woman whom he claimed to have married according to native custom. On the basis of the law of evidence, the testimony of this woman should not have been admitted given the desire to protect marital confidentiality. The issue was whether a woman married under native custom was a wife in a strict sense of the word and whether the relationship between Amkeyo and the woman could be construed as a marriage.

Chief Justice Hamilton indicated in this regard that the woman was not a free contracting person in the relationship. The woman was treated more in the form of a chattel and the relationship was potentially polygamous. The Chief Justice concluded that the relationship was one of wife purchase and did not fit with the idea of marriage as generally understood among the civilized peoples and therefore, the alleged custom was implicitly repugnant to a good conscience, justice and morality. This decision, revised in the African eye, would be considered inhumane because it sought to demean customary marriage; it is not Ubuntu to hold that women married under customary marriage are not considered as married.

In the case of *Mwenge v. Migade* [14], where the plaintiff challenged the right of the defendant to sell his land which the plaintiff claimed was part of Bataka land that was inalienable. Judge Grey in his judgment, considered provisions of the 1900 Buganda Agreement and legislation passed by the Buganda government (1908 Land law) to hold that the practice showed that Butaka tenure no longer existed and the alleged custom was repugnant and that the custom be abrogated. This decision can be criticized for having gone ultra vires of the pre-existing principles of Ubuntu, where land in Buganda was communally held, by kings and elders on behalf of the people. However, the 1900 Buganda Agreement had changed this whole system of land ownership, as the white man introduced individual ownership of land, hence encouraging individualism rather than communalism.

Such decisions were made based on the 1902 Orders in Council Repugnance clause. [15] It is prudent to note that the repugnance clause was a subjective test to our customary laws which were based on good conscience, natural justice and morality. As a result of this subjectivity, many native laws that were fundamental to the social fabric of the native communities were rendered inapplicable at the stroke of the Englishman's pen.

However, the test became more objective within the legal framework of Uganda as manifested in the 1995 Constitution, related Laws and Acts and by the Ugandan judicial system, hence creating good law. This development also enshrines principles of Customary law, which is a bedrock of Ubuntu, basing on the fact that the 1995 Constitution was made with the Consent of the People [16] (Abantu). Therefore it had to reflect the Ubuntu principles as analyzed below, unlike the 1902 Orders in Council [17]. It is also paramount to note that Ubuntu is inseparable from customary law, or as it may be called, people's Customs. However, the 1995 Constitution becomes the test of such customs, and only those customs that demonstrate Ubuntuism (humanness) qualify to be practised in Uganda.

Article 2 (1) of the 1995 Constitution [18] provides that the constitution is the supreme law of Uganda. Article 2(2) states that if any other law or custom is inconsistent with any of the provisions of this constitution, the constitution shall prevail, and that other law or custom shall, to the extent of the inconsistency be void. Objective No. 24 [19], provides that cultural and customary values which are consistent with fundamental rights and freedoms, human dignity, democracy and with the constitution may be developed and applied in Uganda. Furthermore, Section 15 (1) of the Judicature Act,[20] empowers the High Court of Uganda with the jurisdiction to observe and apply, as long as it is not contrary to Article 2 of the 1995 Constitution or not repugnant to natural justice equity and a good conscience and not incompatible either directly or by necessary implication with any written law. Section 10 (1) of the Magistrates Court Act,[21] emphasizes on the right to observe, enforce the observance and not to deprive any person of the benefit of any civil customary law which may be applicable, that is not repugnant to justice, equity or good conscience. Finally, Section 24 of the Local Council Court Act [22] also indicates that in exercising their duty to see that justice prevails, they shall be guided by the rule of natural justice and apply the customary law.

A leading example is the Female Genital Mutilation Act [23] which criminalizes the practices of female genital mutilation as a custom among the Sebei, Subiny and Pokot tribes because of the inhumanness of the Act, being degrading, contrary to Article 24 of the 1995 Constitution. Sections 4 to Section 8 provide for the different penalties for carrying out the practices of female genital mutilation or an attempt to do so, or procuring, aiding or abetting or even participating in the event leading to female genital mutilation. By so criminalizing the custom indicates that it is repugnant to natural justice, good conscience and morality. Because such a practice is inhuman, therefore it does not pass the test of Ubuntu, as reflected under Article 2 (1) of the 1995 Constitution, it was declared null and void in Uganda.

In the case of *Uganda v Alai*, [24] the accused was charged with Adultery. In his argument in defence, while relying on the decision of Chief Justice Hamilton, in the famous case of *R V. Amkeyo*, [25] he stated that a woman married under customary law, is not a wife, hence not being held liable for adultery. Udo Udoma CJ (as he then was), held that marriage under the laws of Uganda included customary marriage under customary law. Hence Ali was convicted for committing adultery. The decision of Court reflects the Ubuntu (humanism) application of the law. That is to say, it would be inhuman to hold that customary marriage is unlawful as it is what the majority of Africans would afford. The reason would be that if the decision was negative, it would encourage people to commit adultery, which act is not Ubuntu in Africa.

In the East African Court of Appeal, in the case of *Kabali V. Kajubi* [26] Court held that the decision of the High Court in Uganda was not in consideration of the African culture, basing on the fact that in the African context, even the children born from Customary marriage are considered children in the family. Therefore, they too deserved to be given a share of the property. The East African Court of Appeal applied the principles of African humanness to render such a decision.

In the case of *Salvatori Abuki and others v. Attorney General*, [27] Salvatori Abuki and Richard were convicted with the offence of witchcraft, under the Witchcraft Act, Sections 2, 3 and Sections 7. However, applicants appealed to the Constitutional Court to declare that the punishment of banishment from their land for 10 years, pursuant to Section 7 of the Witchcraft Act, was unconstitutional as it contravened their right to livelihood pursuant under Article 22 of the 1995 Constitution. The issue before the Constitutional Court was whether the banishment of a person from his land violated the right to life provided for under Article 22. The court ruled in favour of Abuki, basing its decision on the human fact that if you denied a person his only source of survival, then you would be denying the right to life. Hence Section 7 of the Witchcraft Act was declared null and void. This decision reflected Ubuntu in Society.

In the case of *Uganda Association of Women Lawyers and 5 others v Attorney-General* [28] the petitioner petitioned in the constitutional court challenging the provision in, Section 4(1), (2) (3) (5) and (21) of the Divorce Act. This law indicates that the allegation of adultery is a satisfactory reason for a man to divorce his wife, meanwhile for a woman to prove adultery, she had to prove that her husband committed desertion, rape, bigamy or sodomy in order to divorce her husband. Petitioners argued that the Act establishes different grounds for men to divorce than women, so to the woman the law is discriminatory. The issue was whether the impugned sections of the Divorce Act are inconsistent with the Constitution. Justice G.M Okello allowed the petition and pronounced that the impugned section of the Divorce Act was inconsistent with Article 32 (1) of the Constitution and therefore, void. This case also emphasizes equality of both men and women under the law, which is an aspect of Ubuntu.

In the case of *Bruno Kiwuwa v Ivan Serunkuma and Juliet Namazi* [29], Ivan Serunkuma and Juliet Namazzi were both of the Ndigga Clan, however, they wanted to get married. This would be completely in contravention with the Kiganda Customary law, which does not allow people of the same clan to get married to each other. According to the Kiganda Customs, such an act is totally against ubuntu bulamu. It is completely inhuman, an abomination, an evil in Buganda, and therefore unacceptable. And it carries with it a lot of negative consequences not just to the individual, but to society as a whole. Therefore, Court ruled in favour of Bruno Kiwuwa in preventing the marriage. This case also reflected a decision of Court based on Ubuntu enshrined under customary law.

In the case of *Law Advocacy for women in Uganda v Attorney-General* [30], the petitioner filed a petition challenging the Constitutionality of Section 154 of the Penal Code which provides that it was an offence for a married woman to have sex with any man other than her husband, whether married or not, saying that the same law exonerated a married man's conduct who had sex with an unmarried woman and this treated women derogatorily contrary to Article 24 of the 1995 Constitution. It was held that section 154 of the Penal Act was inconsistent with Article 21 of the same Constitution. Hence it's inhuman, degrading the women in society. This ruling is in keeping with the view of Ubuntu that all people deserve to be treated equally.

In the case of *Mifumi (U) Ltd & Anor v Attorney General*, [31] the petitioners petitioned the Constitutional Court to declare that payment of bride price as consideration for marriage was unconstitutional, as it was contrary to Articles 31, 32, 33, 24, of the 1995 Constitution. And since this Custom does not pass the test laid under Article 2 of the same, it must be declared null and void. This was because this custom would subject women to inhuman treatment by men, and also, it would defeat the provision under Article 31 which states that marriage shall be entered into with free consent of a man and a woman. Court ruled that payment of bride price shall be given at free will rather than required. This makes such decisions in keeping with human dignity, unlike before.

The case of *Bestie Kemigisha v Mable Komuntale* [32], the plaintiff, a widow petitioned that the Toro customary practice of not allowing the women to inherit the property of their late husband was inconsistent with article 31 (2), Article 33 of the 1995 Constitution. Court held that Toro custom was repugnant to natural justice and good conscience according to Judicature Acts Section 15(1), Article 31(2) and Article 33. Hence it would be declared null and void pursuant to Article 2 of the 1995 Constitution. Therefore, women are to be accorded full and equal dignity with men. And this decision carries with it the human perspective that women deserve to be treated equally with men in society. That is to say, it is not Ubuntu to deny a woman the right to inherit property, since from that property she would be able to earn a living, hence being able to survive.

In conclusion, therefore, In Uganda, the decisions of Court in the different cases reflect that Court may also apply the principles of Ubuntu when rendering decisions, especially under matters that require the application of customary law. However, as analyzed above, the application of Ubuntu is limited, that is to say, especially under customary law, the customs and practices, must pass the test laid out under Article 2 of the Constitution of the Republic of Uganda, 1995(2015 as amended). It is equally prudent to note that any act that tends to limit the rights of a person, whether man, woman or even a child, without a lawful justifiable cause is in Uganda unlawful, null and void, and amounts to a violation of Ubuntu.

However, since there is a contradiction between the application of Ubuntu and the Western system of administering Justice that Uganda adopted [33] as analyzed above, I would highly recommend an application of Ubuntu that looks at justice as deserving to the whole community, which aims at reconciliation, forgiveness and restoration of individuals, peace and harmony in the community, over the western system of justice that does not so much focus on the community but rather the individual in society. Below is the recommendation on how best Ubuntu can be applied in Uganda.

Legally codifying Ubuntu would be the best way of applying Ubuntu in Uganda. Otherwise, its force of law is limited to mere influence on adjudication. Ubuntu now is simply seen as a social philosophy since the legal system promotes mainly individualism and capitalism. This current situation affects many crucial institutions, such as the land system in Uganda, and family structures. For example, under the Western Legal system, an individual is free to displace hundreds of people once he lawfully acquires land. This has happened before even in Kampala, leaving hundreds of people landless, jobless, which is not an aspect of Ubuntu. However, if Ubuntu were to be incorporated (codified) in the system of law, an individual could not simply evict people from land just because he has lawfully obtained ownership of that land. Proper, careful, lawful measures would be taken, with a view to the good of the community, not just the interests of an individual. Further, the political class can also play a part, by demanding for it. As well, the executive can play a part of enforcing this philosophy after it has been codified. Since it the duty of the executive is to enforce the law, the legislature after codifying Ubuntu should empower the executive to enforce it.

Social class also has its part to play, through cultural institutions. The challenge with our legal system is that the ideas of the cultural leaders are limited to giving advice, hence not binding on the government. This is evident under Article 246(e) [34], (f) [35] of the 1995 Constitution. Yet traditional leaders have the richest view of Ubuntu. *Therefore, laws and decisions made by cultural leaders in the sense of Ubuntu, as long they do not contradict the Constitution, should be binding in Uganda.* Therefore, cultural leaders should be part of the administration in Uganda since they are well conversant with Ubuntu norms and principles.

Ubuntu can also be pursued within the economic sphere. For example, *the government, while privatizing resources for some purposes, should realize that certain resources that are communally used by people should not be privatized.* As they are a symbol of togetherness, they create unity, peace, the art of sharing among people. And besides that, there are resources that are of a high benefit to people, that once sold, destroyed, society loses a lot. For instance forests and water sources, which are sources of food, water, medicine. Hence the government should not privatize such resources.

Technologically, Ubuntu can be used through sharing the Ubuntu Software that is being used today which has both an economic and technological significance. That is to say, unlike other software programs that require purchase and license, since they are highly copyrighted, people are free to share Ubuntu since it is not copyrighted, and this makes it easy to sensitize people about Ubuntu.

Ubuntu should also be incorporated in the curriculum of the education system of Uganda by the Ministry of education and sports. Schools must be encouraged to teach it, straight away from kindergarten, nursery, primary, secondary, up to the universities, including other vocational schools and colleges, both theatrically and practically. Ubuntu also should be made examinable at national levels.

Finally, the government should create a system, where there is a day where people can receive free services without pay, as a way of encouraging the heart of sharing among people. Communities should also continue encouraging people to do community services, like general cleaning, giving and visiting the sick, the poor and the needy, without expecting pay. Lastly, in the sense of encouraging people to give free services, professions must have a policy where people can also be evaluated about the free services they have also offered in the course of their profession, either annually, or after a certain period of time, and such people must be acknowledged in society. They must be appreciated, given awards, as a way of motivating others; for example, the lawyers who give pro bono services.

From the above research, I conclude and indicate that Ubuntu is still applicable in the Ugandan cultures and Africa at large. Though called by different names, this philosophy carries the same purpose of communalism. It simply needs legal, political and economic support for further advancement and enforcement. The social will of the people is already in existence.

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[1] Ubuntu – Munyarandzi Felix Moreover, University of KwaZulu Natal, South Africa, 2014

[2] Ubuntu – Munyarandzi Felix Moreover, University of KwaZulu Natal, South Africa, 2014

[3] Ramose (1999) concurs that African philosophy has long been woven around Ubuntu, which creates a family atmosphere. It creates philosophical empathy and kinship among and between Africa's indigenous communities. He notes that Ubuntu is not restricted to Bantu speakers but it is also found in Sub-Saharan Africa. For example, in Senegal, the concept of "Teranga" reflects a similar spirit of collective hospitality and responsibility. Ubuntu is based on the notion that your pain is my pain; my wealth is your wealth. Your salvation is my salvation, or the Sotho saying "it is through others that one attains selfhood", as well as the slogan, an injury to one is an injury to all (Nussbaum 2003).

[4] Article 246 of the Constitution of the Republic of Uganda, 1996(2015 as amended)

[5] Although Ubuntu is conceived as a cultural ideology, it can be applied in politics, business, management and corporate governance. Thus according to Idoniboye-Obu and Whetho (2013), Ubuntu is a value system expressed to form human behaviour in the context of the treatment of others, especially the treatment of the governed by the political leaders. (P. 830).

[6] The Liu institute for Global Issues and the Gulu District NGO Forum point out that, the Mato Oput Ceremony itself has various forms across different clans. However, the common characteristics include; the slaughtering of a sheep (provided by the offender) and a goat (provided by the victim's relatives), the two animals are cut into halves and then exchanged by the two clans and the drinking of the bitter herb Oput by both clans to wash away bitterness takes place. The drinking of the bitter herb means that the two conflicting parties accept "the bitterness of the past and promise never to taste such bitterness again." The payment of compensation follows the ceremony. The victim or his family is compensated for the harm done for example, in the form of cows or cash. It is believed by many Acholi that Mato Oput can bring true healing in a way that formal system cannot.

[7] Paramount Chief Rwot David Ocen Acana II cited in USAID (2005) report on "Acholi. Youths and Chiefs Addressing practices of the Acholi culture of Reconciliation." Available : <http://WWW.nupi.or.ug/pdf/Youth-ChiefConferenceReport15-605.pdf>

[8] African Theology , 2003, Nairobi , Paulines Publications Africa

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[10] All persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law.

[11] All power belongs to the people who shall exercise their sovereignty in accordance with this Constitution.

[12] Any person or organization may bring an action against the violation of another person's or group's human rights.

[13] (1917) KLR 14

[14] (1933) ULR 97

[15] Article 20 of the 1902 Orders in Council

[16] Benjamin Odoki, the Such for National Consensus.

[17] That was a white man's law imposed on the Africans as analysed by G.W. Kanyeihaba in his book, Political and Constitutional History of Uganda, 2010 Edition.

[18] 1995 Constitution of the Republic of Uganda

[19] National Objectives and Directive Principles of State Policy, read together with Article 8(A) of the 1995 Constitution.

[20] Judicature Act Cap 13 of 2007

[21] Magistrates Court Act No. 16 of

[22] Local Council Courts Act No. 13 of 2006

[23] Female genital Mutilation Act No. 5 of 2010

[24] [1967] EA 596

[25] (1917) KLR 14

[26] Where there was a challenge in the distribution of property after the death of Kajubi's father and yet he had left many children behind Kajubbi as the first born, and the heir, argued that the children born out of the official marriage (customary marriage), deserved no property completely, while the clan head argued contrary.

[27] Constitutional Appeal No. 02 of 1997

[28] Constitutional Petition No. 2 of 2002

[29] Civil Suit No. 52 of 2006

[30] Constitutional Petition No. 13/05 & 05/06 of

[31] Constitutional Appeal No. 02 of 2014

[32] [2015] UGSC 13

[33] Because of colonization, and the fact that Uganda adapted the British laws under the receptionist clause (Article 15) of the 1902 Orders in Council.

[34] A person shall not, while remaining a traditional leader or cultural leader, join or participate in partisan politics

[35] A traditional leader or cultural leader shall not have or exercise any administrative, legislative, or executive powers of Government or local government

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