

CROSS-CULTURAL CONVERSATION IV  
FORUM FOR THE STUDY OF JURISPRUDENCE AND VALUE INQUIRY  
***RECOGNISING THE VALUE OF AFRICAN INDIGENOUS KNOWLEDGE SYSTEMS: THE CASE OF  
UBUNTU AND RESTORATIVE JUSTICE***  
PRESENTED BY: MOFIHLI TELEKI & SERGES KAMGA

HELD AT ROOM 232 MOOT COURTROOM, RIVERSIDE BUILDING, ROBERT GORDON UNIVERSITY,  
ABERDEEN, SCOTLAND, UNITED KINGDOM. DATE: 31 JANUARY 2024

---

## INTRODUCTION

The Interdisciplinary **Forum** for the Study of **Jurisprudence & Value Inquiry** in the on-western world (JVI) organized a cross-cultural conversation themed, ***“Recognising the value of African indigenous knowledge system: The case of Ubuntu and restorative justice”***. Present at this event were the academics, students, and staff of Robert Gordon University’s Law School.

Dr Olufemi Ilesanmi, the Forum Convenor, commenced with an opening remark. The event was moderated by Ms Lisa Collie, Principal Lecturer, Aberdeen Business School, Robert Gordon University, Scotland. Guest Authors were Dr. Mofihli Teleki, and Professor Serges Kamga, Dean Faculty of Law, University of Free State, Bloemfontein, South Africa. The Reviewer was Professor Francois du Bois, Theory and History of Private Law, School of Law, University of Leicester, Leicester, England.

## HIGHLIGHTS OF THE GUEST AUTHOR’S PRESENTATION

1. Mr Mofihli Teleki started the presentation explaining how Ubuntu means different things in different contexts. As a concept, Ubuntu lacks precise meaning. Socio-political backgrounds have so influence meaning and use of Ubuntu.
2. Ubuntu is an ancient belief system that is associated with African society, which helps to regulate the interpersonal relationship among Africans. Ubuntu is identifiable with nuances of “I am because you are, and we are”. The concept advances communalism, humanity, respect for human dignity, responsibility and accountability, forgiveness, peace and so on. Ubuntu principles have a connection with restorative justice which is preservative in nature through which it promotes peace and harmony in the society.
3. Mr Teleki feels that, although it is an ancient cultural concept, Ubuntu is relevant and important in the modern legal systems. According to him, there is a symbiotic relationship between the concept of Ubuntu and Restorative justice that is the cardinal principle of Ubuntu, as opposed to retributive justice which is not in line with what Ubuntu stands for.
4. In his case studies, the concept of Ubuntu as it relates to the Truth and Reconciliation Commission in South Africa is revisited. The Ubuntu nuances are also explored through the application of the Gacaca Courts in Rwanda. In South Africa, Ubuntu became a legal tool for restorative justice in the Truth and Reconciliation during the post-apartheid Regime. The purpose was to build and to maintain social orderliness through the grant of amnesty to the perpetrators of the Apartheid policy in South Africa as a reconciliation process. On the applicability of Ubuntu nuances in Gacaca courts in Rwanda, the expected outcome was amnesty and reconciliation. The purpose was for the resolution of structural problems within the administration of that government to restore peace during the aftermath of genocide. It claimed the lives of about 900,000 lives in Uganda within a short period of three months.

5. Dr Teleki listed shortcomings of with how Ubuntu concept applies in South Africa and Rwanda to include: 1) partial disclosure in truth-telling during the subsistence of the Truth and Reconciliation Commission (TRC), 2) limitations in relation to the scope of the TRC, 3) partial redress in post-apartheid South Africa, 4) Gacaca courts were reportedly fraught with corruption, and 5) violations during Gacaca courts proceedings which involves the killing of key witnesses.
6. Francois du Bois, the reviewer responded to the submissions of the first speaker. According to him, Ubuntu promotes restorative justice in modern societies. He accordingly posits that Ubuntu be accorded a primary place in restorative justice. Ubuntu must be properly administered to be beneficial to society and to work against injustice. After listing some of the challenges with the application of Ubuntu, he added that there are different understandings of Ubuntu just as Mofihli stated at the beginning.
7. Professor Serges who was the co-author and speaker responded after the reviewer's comment. For the co-author the theory of Ubuntu remains an African theory. In Post-apartheid South Africa, there are challenges around land redistribution in South Africa. The issue of whether or how white South Africans might identify with (and appreciate the practice of) Ubuntu is accordingly raised.
8. In other places, the concept is not called Ubuntu but other ideas that translate that “we are one another’s keeper”.
9. The moderator, Ms Collie, appreciated the second speaker and asked if attendees had questions. Online participants’ questions were taken first before questions from those physically present at the Moot Courtroom venue of the event.
10. The speakers responded to the various questions after the reviewer’s general remark. Lisa Collie thanked everyone.

## CONCLUSION

The cross-cultural event was educative and engaging as the participants displayed a high level of interest throughout the subsistence of the event. Dr Olufemi thanked the University authority for this wonderful opportunity. He equally thanked the key speakers, the participants, and members of the forum for supporting an engaging conversation.

He went ahead to announce that **the next cross-cultural conversation will be in May 2024, Wednesday the 8<sup>th</sup>** to be precise. The Guest Author will be Professor Nlerum Sunday Okogbule, the Vice Chancellor of the River State University, Nigeria. To review the presentation is Professor Veronica Rodriguez-Blanco, the former Head of Law School, University of Surrey in England.

Conversation Reporters: Joel Chinemelum Chigbo, Priscilla Amponsah-Yeboah, Blessing Ayodele and Abel Uloko

Here is the link to the live coverage of the maiden conversation:

[https://rgu-ac-uk.zoom.us/rec/play/2gWx3JN05H\\_XpYuY0FagZgWydHZzhKfJLOsRxO-OYqDCmKOz\\_GfRxNSEY-OVqaM4kbg6kHX4vV6clEi.oTJOQ5cuMgf4K7T?startTime=1677675600000&x\\_zm\\_rtaid=Tk3oamE3RFmcUjR3JTJcCQ.1678275038074.4be9d3a49b17043b78ec40c024f2907b&x\\_zm\\_rtaid=568&fbclid=IwAR0Buo1rVjZB59YolsEu540\\_uSJEa6nGySTOLoLTC4W9EnCRv2nT94Ycf4](https://rgu-ac-uk.zoom.us/rec/play/2gWx3JN05H_XpYuY0FagZgWydHZzhKfJLOsRxO-OYqDCmKOz_GfRxNSEY-OVqaM4kbg6kHX4vV6clEi.oTJOQ5cuMgf4K7T?startTime=1677675600000&x_zm_rtaid=Tk3oamE3RFmcUjR3JTJcCQ.1678275038074.4be9d3a49b17043b78ec40c024f2907b&x_zm_rtaid=568&fbclid=IwAR0Buo1rVjZB59YolsEu540_uSJEa6nGySTOLoLTC4W9EnCRv2nT94Ycf4)

Passcode: ne1+e%P8

You still have an opportunity to comment or ask questions from our Guest Author or the Forum Reviewer. To keep the Conversation going online, visit <https://www.facebook.com/groups/734792564748549>