

Conflict Resolution in Traditional Africa Appraising the Ubuntu Approach

Kenneth .N. Agetue¹, Eugene, C. Anowai²

Abstract— This paper examines the Ubuntu as a conflict resolution mechanism in traditional African justice system that emphasises communal co-existence and restorative justice. It is a restorative process rooted in the African humanist philosophy of I am because we are. It emphasizes interconnectedness, humanity, and collective well-being, aiming to heal, restore broken relationships and reintegrate offenders into the community, rather than merely punishing them. Over time, Ubuntu has significantly shaped conflict resolution practices across traditional African societies. The TRC of South Africa remains one of the celebrated processes that utilized and enjoys the principles of Ubuntu. This paper aims to ascertain the efficacy of Ubuntu as a conflict resolution mechanism in traditional African justice system, highlighting its socio-cultural impacts, contemporary relevance and challenges. Adopting the method of analysis, the paper argues that the strength of Ubuntu as a traditional conflict resolution mechanism lies in its ability to harmonize individual grievances with collective well-being, thus ensuring social cohesion and restorative justice. However, it reveals that Ubuntu is fraught with systemic limitations such as gender exclusion, colonial influence and limited adaptability to modern legal systems. This paper concludes by advocating for a systemic hybrid model that integrates communal and restorative elements of the Ubuntu as a traditional justice system with the formal justice systems in order to effectively address modern day conflicts.

Keywords: Ubuntu; conflict resolution; humanity; restorative justice; communalism; communal ethics.

¹² Department of Religious Studies and Philosophy, Delta State University, Abraka, Nigeria. kennethagetue@delsu.edu.ng

² Department of Philosophy, Chukwuemeka Odumegwu Ojukwu University, Igbariam, Nigeria chukwueloka@yahoo.co.uk

© 2025 the Authors. This is an open access article distributed under the terms of the Creative Commons Attribution License, Attribution-NonCommercial 4.0 International (CC BY-NC 4.0).

INTRODUCTION

Conflict is common in every society. It is inevitable in all human societies due to differences in interests, goals, values and aims among people. Most conflicts arise in the basic units of society such as families, clans, villages and so on. (Kariuki, 2015; Ekpo & Alobo, 2023). Conflicts may be managed so that they do not escalate and lead to crisis. Hence, conflict management is different from peace building which seeks to prevent conflicts from developing in the first place by engaging all stakeholders in processes that facilitate peaceful coexistence. Conflict resolution therefore deals with settlement of conflicts that may already exist (Lawal, Orunbon, Ibikunle & Faduyile, 2020).

Conflict resolution in traditional Africa involves a variety of techniques, such as mediation, negotiation and reconciliation (Ekpo, et al., 2008). Hence, amongst most African communities, there are frameworks that are in place for the resolution of conflicts and for preventing escalations that could lead to violence and threat to the social life of the community (Kariuki, 2015). Elders, leaders and members of the community actively participate in these mechanisms, which are most times employed in combinations (Agetue & Maduabuchi). In traditional African justice systems, the goals of conflict resolution are to uphold justice, foster social harmony and restore justice. Since most African communities have traditional leaders known as Chiefs or Emirs who are granted certain traditional powers to settle disputes, the methods vary from culture to culture. It encourages the use of non-violent conflict resolution techniques which are community-based grassroots initiatives through collaboration, communication and good governance (Agetue and Maduabuchi, 2025).

Ubuntu is a famous indigenous term in African philosophy embedded in the Nguni maxim *Umanuntu ngumuntu ngabantu*, which translates to "a person is a person through others." And for decades and even centuries, it has long served as the ethical bedrock of conflict resolution in traditional African societies (Ramose, 1999; Ekpo, 2025). Ubuntu as a traditional conflict resolution mechanism is rooted in communalism, restorative justice, and collective accountability and contrasts fundamentally from the Western adversarial systems by prioritizing social harmony over punitive measures (Mbiti, 1969; Nabiebu & Ekpo, 2025). Historically, pre-colonial African communities, from the Zulu *Indaba* councils to the Tswana *kgotla* courts, relied on Ubuntu-inspired mechanisms to mediate disputes, repair relationships and reintegrate offenders into the society (Uwazie, 1994). These systems were not merely judicial tools but embodied a worldview where individual identity was inseparable from communal well-being. Hence, this philosophy underpinned conflict resolution systems that sought to repair social ruptures rather than punish offenders.

The advent and imposition of colonial legal frameworks interrupted traditional Ubuntu practices within the various African countries' legal systems, relegating them to customary law status, thus giving more preference to the Eurocentric legal frameworks

(Mamdani, 1996; Ironbar, et al., 2025). Ubuntu persisted as a narrative opposing colonial violence in spite of this marginalization, offering a culturally rich alternative for post-independence nations grappling with the aftereffects divisions. South Africa's Truth and Reconciliation Commission (TRC), for instance, drew explicitly on Ubuntu principles to address apartheid-era trauma, emphasizing forgiveness and collective healing (Tutu, 1999). Also, the Ubuntu principles were revived in the post-genocide situation in Rwanda through the *Gacaca* tribunals, where community-elected judges mediated confessions and reparations. This initiative was celebrated for fostering reconciliation. However, critics noted procedural flaws and gender biases (Burnet, 2012). This resilience underscores the adaptability of Ubuntu and its enduring relevance in contexts where formal justice systems fail to address deep-rooted social conflicts.

This paper thus examines Ubuntu as a conflict resolution mechanism in traditional African justice system, highlighting its socio-cultural impacts, contemporary relevance, and challenges. It argues for a hybrid model that integrates communal and restorative elements of the Ubuntu as a traditional justice system with the formal justice systems in order to address modern-day conflicts. This ensures a legal and justice system that is not only effective but significant to contemporary dispute resolution mechanisms.

CONFLICT RESOLUTION PROCESSES IN UBUNTU

The conflict resolution process in Ubuntu focuses on restoring relationships through dialogue, empathy, and community involvement. It emphasises shared humanity (I am because we are) and restorative justice, repentance, forgiveness and reparations. These reflect in South Africa's TRC, aiming for collective harmony, not just punishment. Major steps often include shared problem-solving, acknowledging harm, remorse, forgiveness, and repairing damage, facilitated by community elders or leaders (Murithi, 2006).

Ubuntu serves as a traditional process of determining wrongdoing and seeking a resolution between two parties. Ubuntu has the principle of allowing community members share their views and make their opinions known during the process of reconciliation (Murithi, 2006). The actual process of the Ubuntu, according to Murithi (2006), involves five key stages, which include; first, after the views of victims, perpetrators and witnesses were heard, which is known as the fact-finding process, the offenders, if considered to have done wrong, are encouraged, both by the Council of Elders and other community members in the *Inkundla* or *lekgotla* forum, to acknowledge responsibility or guilt. Second, the offenders are assisted to demonstrate true remorse or show a sign of true repentance. Third, offenders are supported to plead for forgiveness and the victims are in turn encouraged to show mercy to the offenders.

Fourth, where necessary and possible, at the suggestion of the Council of Elders, offenders are required to pay compensation or reparation for the wrongs done. The

compensation was not in-kind, but a symbolic signs, with the primary aim of reinforcing the remorse of the offenders. And fifth stage seeks to consolidate the whole process by encouraging the parties to commit themselves to reconciliation. This whole process of reconciliation usually involved the victims and offenders as well as their family members and friends, in a participatory manner. At the end of the adjudication process, both groups are allowed to embrace co-existence and to work towards healing the broken relationship between them, thus contributing towards the restoration of peace and harmony within the community, which is necessary for the integrity and viability of the society. Ubuntu as a conflict resolution approach suggests that a society with divisions and broken relationships could commit itself to reconciliation towards a peaceful and harmonious community (Marfo, 2015). Conflict resolution in Ubuntu involves collective responsibility of elders, families, and in some cases, spiritual leaders who jointly mediate in order to resolve disputes.

Elders play major role in the whole process of adjudication. Council of Elders such as the *Indaba* and *kgotla* among the Zulu and Tswana people respectively take major and active participation in conflict resolution (Murthi, 2006). Communally, disputing parties would sit together informally and resolve conflicts in order to maintain social harmony and restore social bonds in the community (Kariuki, 2015). Hence, all approaches to conflict resolution aim at restoring social order. In some cases, fines and compensation were used but only as means to acknowledge the wrongs done and restore the parties. The fines and the compensations were not retributive in nature but compensatory and reparatory. The social bonds enabled elders to resolve disputes since the threat of exclusion from the community made parties willing to settle (Kariuki, 2015).

Conflict resolution by elders is usually based on social or cultural values, norms, beliefs and processes that are understood and accepted by the community. Hence, people are able to abide by the decisions arising from them. It is said that as a man grows old, his prestige increases according to the number of age-grades he has passed. An elder's seniority makes him almost indispensable in the general life of the community (Kenyatta, 1965). Hence, the presence or advice of elders is sought in all functions including in conflict resolutions. Elders hold supreme authority and customs demand that they be given due respect and honour, not only when they are present, but even in their absence (Kenyatta, 1965). Respect for elders, ancestors, parents, fellow people and the environment is therefore cherished and firmly embedded in the mores, customs, taboos and traditions of Africans. According to Bujo (1998), the admonitions, commandments and prohibitions of ancestors and community elders are highly esteemed; they reflect experiences which have made communal life possible up to the present. Hence, elders hold a sacred position in Ubuntu societies, serving as spiritual guides, mediators and custodians of culture. They are always required to lead rituals,

resolve conflicts and provide counsels. Their sagacity and experience are seen as essential for maintaining the spiritual and cultural integrity of the community

Conflict resolution in Ubuntu involves rituals and symbolism as essential components in healing relationships, restore social harmony, and reintegrate offenders into the community. These practices emphasize communal values over individual desires and signify the metaphysical aspects of African traditional beliefs.

Rituals are cultural symbols of people's distinctive way of life such as the ideas of a group, providing valuable insight in all human interactions and relationships and embodied in institutions, social relations, systems of belief and customs, the use of objects and material life Clarke, Halts, Jefferson & Roberts, 1976). In African cosmology, ritual practices are routine and symbolic actions and repetitive activities through which connections are made with what is considered to be the most valuable dimension of life (Ohaja & Anyim, 2012). Hence, ritual practices are an aspect of the superstructure of a society. Rituals in Ubuntu promote social cohesion and collective consciousness of the people within the community. Rituals thus signify practical aspects of the cultural and religious life of the people whose admissibility promotes behavioral change, conformity and socioeconomic drive within a particular society (Hogan, 2006). These rituals express sacred values that promote communalism, mutuality, commitment and responsibility in inter-personal relationships among members of the community. These rituals within conflict resolution in Ubuntu take place in forms of libation ceremonies or shared meals at end of the adjudication in order to show that both parties have embraced peace and are willing to co-exist in harmony within the community. These ritual acts are believed to facilitate healing (Bennett, 2011).

Reconciliation is one of the major aims of Ubuntu as a traditional African conflict resolution approach. Hence, the offenders and reconciled with the victim and thus reintegrated into the community, which ensures that justice is restored. In the effort to ensure reconciliation, some disputes may sometimes require compensation of the victim, which is done out of compassion and reparation, not out of retribution. Reconciliation as conflict resolution in Ubuntu philosophy centers on restoring community harmony through shared humanity, emphasizing forgiveness, collective healing, restorative justice through acknowledgement of guilt, feeling of remorse and reparation (Murithi, 2009). These are exemplified by the South Africa's TRC, involving elders and community forums such as *lekgotla* which aims at sustainable peace by addressing the root causes of the dispute and transforming relationships than just punishing offenders (Tutu, 1999).

Reconciliation is said to be complete when rituals or some ancestral ceremonies are involved. This ensures a deeper healing among the parties, families and the community in general. A typical reconciliation process in Ubuntu involves the four stages which are not different from but part of the five stages of the Ubuntu conflict resolution processes

as discussed earlier. They include fact-finding which involves hearing from all sides, that is, the victims, offenders and the witnesses. Acknowledgement which involves the offenders acknowledging their guilt is the next stage. The next stage is remorse and forgiveness which involves demonstrating genuine remorse, asking for mercy and showing forgiveness. The final stage is reparation or restitution which involves paying symbolic or actual compensation. As soon as reconciliation is completed, then all parties mutually accept the outcome and embrace peace thus ensuring social cohesion and restorative justice in the community.

HUMAN-CENTRIC AND INTERCONNECTEDNESS

Ubuntu believes in shared humanity, thus promoting the idea that "I am because we are." This as an essence of Ubuntu thus emphasises that an individual's identity and well-being are deeply intertwined with the community. It reflects a belief in the interconnectedness of all people and the understanding that one's humanity is enhanced through relationships and mutual support (Noyonika, 2024). Hence, conflict is a threat to everyone and as such requires collective resolution. All individuals are intrinsically connected to one another through the community. The existence of one person as a human is validated through the recognition of the interest of all the community members. This is why it is believed in African thought system that a human person determined only in relation to the community.

Interconnectedness and humanity are the core beliefs of Ubuntu which emphasise respect and recognition of the inherent worth in every person in relation to one another in the community. This principle encourages individuals to acknowledge their own humanity and the humanity of others, thus promoting an environment of mutual respect, dignity and at same time valuing each person's unique contributions and experiences. The welfare of the individual is inseparable from that of the whole community (Elamin, Elamin, & Salisu, 2025). This contrasts sharply with the individualistic lifestyle obtainable in the Western system which prioritizes personal or individual welfare over the collective welfare. It fosters an inclusive and empathetic society, and for this reason everyone must take responsibility and take part in resolution of every dispute in order to promote social cohesion and ensure that justice is restored and assured. This goes a long way to show the interconnectedness of every individuals in the community since there is shared responsibility to ensure the well being of everyone in the community. Ubuntu thus encourages resolving disputes through dialogue and consensus, rather than through adversarial or punitive methods bearing humanity in mind. Ubuntu's human-centric and interconnected principles offer transformative vision of justice that heals rather than divides (Noyonika, 2024).

COMMUNALISM AND COLLECTIVE WELL-BEING

Ubuntu places communalism and collective well-being at the heart of its conflict resolution processes. This approach contrasts with the Western adversarial system, emphasising social harmony over individual responsibility. Here, conflict resolution in Ubuntu ensures that disputes are resolved in a way that it reflects communal consensus rather than hierarchical authority (Schapera, 1955). The emphasis on community is central to Ubuntu, with a strong focus on collective support and well-being. Ubuntu promotes the idea that the health of the community directly impacts the health of its members (Noyonika, 2024). This belief manifests in practices that prioritize communal needs over individual desires, such as communal decision-making, collective resource management, and mutual aid. Ubuntu fosters a culture of support and collaboration, thereby helping to build resilient communities where people work together to address challenges and celebrate successes (Schapera, 1955).

Furthermore, Ubuntu embodies the concept of collective or general well-being, which integrates physical, emotional, and spiritual health of the community. This comprehensive approach highlights the importance of nurturing all aspects of a person's life and recognizing that well-being extends beyond just individual concerns to include the broader community (Noyonika, 2024). Hence, it promotes practices that enhance collective wellness, such as shared rituals, communal celebrations, and collective problem-solving. Ubuntu in its approach to conflict resolution encourages resolving disputes through dialogue and consensus, rather than through adversarial or punitive methods. This approach is rooted in the belief that restoring harmony and understanding is essential for maintaining strong communal bonds. Focusing on reconciliation and mutual understanding, Ubuntu helps to resolve conflicts in a way that strengthens rather than divides communities (Noyonika, 2024). Hence, Ubuntu's emphasis on communalism and collective well-being offers a transformative vision of justice that repairs social ruptures than deepening it.

RESTORATIVE JUSTICE

Conflict resolution in Traditional Africa justice system emphasizes restoration of justice. It focuses on restoring harmony and repairing relationships rather than solely punishing offenders (Agetue & Maduabuchi, 2025). This involves a process where individuals, guided by community elders or leaders in most instances, acknowledge responsibility, express remorse, seek forgiveness, and offer reparations for their offences. In traditional Africa, all methods of conflict resolution aim at restoring social order. In some cases fines and compensation were used but only as means of acknowledging the wrongs done and thus restore the parties or reintegrate the offender into the society. The fines or compensations were not retributive in nature but compensatory (Agetue & Maduabuchi, 2025).

In the Ubuntu system, justice is not about retribution but about restoring balance within the community. When conflicts arise, the goal is to address the underlying issues and heal relationships rather than simply punishing the offender (Elamin, Elamin, & Salisu, 2025). This approach is deeply communal, involving all stakeholders in the process. Elders, community leaders, and even the broader community play a role in mediating disputes. This ensures that resolutions are fair and acceptable to all parties to the dispute. This participatory approach fosters a sense of shared responsibility and accountability. Conflict resolution in Ubuntu is thus achieved through dialogue and consensus-building. Traditional practices such as *indaba* (a gathering for discussion) or *lekgotla* (a community court) are used to facilitate open communication (Elamin, Elamin, & Salisu, 2025). These forums allow everyone involved to voice their perspectives, ensuring that all sides are heard.

The emphasis is on understanding the root causes of the conflict and finding solutions that promote reconciliation and unity, thus ensuring social cohesion restoration of justice. This process often seem to consume so much time but is essential for maintaining lasting peace and social harmony in the community. Restorative justice is therefore a key component of the Ubuntu system. Offenders are encouraged to acknowledge their wrongdoings, apologize and make reparation to those they have offended. This approach not only addresses the immediate conflict but also seeks to reintegrate the offender into the community, reducing the chances of conflicts in the future (Elamin, Elamin, & Salisu, 2025). In essence, justice and conflict resolution in the Ubuntu system are deeply restorative and community-oriented. They prioritize the restoration of harmony over retribution, emphasizing dialogue, forgiveness, and shared responsibility. Thus, this approach effectively resolves conflicts and also strengthens social cohesion which ensures that the community remains united and resilient.

RELEVANCE OF UBUNTU CONFLICT RESOLUTION APPROACH TO MODERN JUSTICE SYSTEMS

The significance of Ubuntu to modern conflict resolution approaches cannot be overemphasized. First and fundamentally, as a traditional conflict resolution, it focuses on repairing harm, thus ensuring social cohesion and restorative justice. Hence, it is restorative and not retributive in nature. Ubuntu could provide strong rational and practical basis for modern restorative justice programs, such as victim-offender mediation and family group conferencing. These are increasingly used in juvenile justice and post-conflict societies as alternatives to the formal court systems (Lawal, Orunbon, Ibikunle & Faduyile, 2020). While the western world places emphasis on a judicial system presided over by lawyers and judges, traditional Africa uses council of elders, king's court, peoples (open place) assemblies and so on, for conflict resolution and justice dispensation (Nwolise, 2005). Traditional conflict resolution process

encourages the disputing parties to use words of forgiveness or rituals and facilitate reintegration into the communities unlike what is obtainable in modern legal systems. These words as used in traditional conflict resolution processes such as Ubuntu holds relevance to modern day justice systems. This ensures a justice system that is both restorative but encourages social harmony in the society as against the retributive available formal systems.

Also, principles of conflict resolution in traditional Africa when effectively employed could strengthen social cohesion. These principles were successfully adopted in some parts of Africa. The Ubuntu principles were used in the South Africa's TRC to resolve the post-apartheid conflict. Also, Rwanda's *Gacaca* courts reduced post-genocide tensions by blending Ubuntu principles with formal accountability system (Clark, 2010). These practical experiences have been applauded for their significant contribution in resolving conflicts and ensuring social cohesion in the aforementioned country's justice systems, despite their short-comings. This is therefore evident that Ubuntu as a conflict resolution approach remains relevant to modern day justice system in the aspect of social cohesion in the society, especially as it focuses on reconciliation and community well-being over retributive punishment. In the end the disputing parties embrace peace, thus promoting social harmony in the society.

The Ubuntu principles contribute to constitutional interpretation: This is evident in South Africa where Ubuntu has been recognized as an integral constitutional value, informing the interpretation of human rights and shaping jurisprudence in the areas of criminal law, eviction and defamation. It influenced the abolition of the death penalty as well as the operation of the Truth and Reconciliation Commission (TRC). Hence, it has profoundly shaped South Africa's constitutional democracy since 1994 and is recognized as a foundational value in the post-apartheid constitution especially it basically informs judicial reasoning, human rights interpretation and transformative justice (Constitution of the Republic of South Africa, 1996). The role of Ubuntu in abolishing the death penalty, operationalising the TRC and humanizing eviction and defamation law underscores its enduring relevance. In the celebrated case of *S v Makwanyane* (1995), the Constitutional Court explicitly affirmed Ubuntu as part of the profound cultural heritage of the majority of the population, thus abolishing capital punishment.

In delivering the judgment, Justice Pius Langa argued that Ubuntu as an African approach recognizes the worth of human beings by acknowledging that even the worst criminal remains a member of the community. The ruling thus emphasises restorative justice over retribution, aligning with Ubuntu's focus on healing (Sachs, 2009). Also, in *Port Elizabeth Municipality v Various Occupiers* (2005), the Court prohibited arbitrary evictions, ruling that property rights must be in line with Ubuntu's emphasis on shelter as a dignity imperative. Justice Albie Sachs insisted on meaningful engagement

between both parties. This thus reflects Ubuntu's emphasis on dialogue. Furthermore, in the defamation case between *Khumalo v Holomisa* (2002), the court tried to balance free speech with communal dignity. The Court stressed that defamation claims must honor Ubuntu's respect for individual standing within the community while upholding media freedom. Hence, restorative remedies such as apologies were prioritized over monetary damages.

In addition, Ubuntu's flexibility allows integration with traditional and formal legal structures and digital innovations. It demonstrates remarkable adaptability in harmonizing with modern legal frameworks and digital technologies. Its emphasis on relational ethics, restorative justice and participatory dialogue enables seamless integration across different contexts. Ubuntu's relational core adapts to digital platforms, expanding its reach and relevance. Example of such flexibility and integration is evident in the Kenya's *Majimbo Courts* blend of Kikuyu customary law with constitutional principles in order to resolve land disputes (Okoth-Ogendo, 2002). Another example is the modern application in Ghana's *Akanfo App* which connects diaspora communities with elders for virtual mediations, thus preserving Ubuntu's relational principles across borders (Owusu, 2021). Hence, Ubuntu remain flexible and open to various traditional and modern innovations in order to ensure that social cohesion and restorative justice bearing humanity in mind.

Ubuntu ensures holistic reconciliation beyond legal outcomes. This is because it addresses emotional, economic and spiritual harm by offering multiple dimensions in its approach to justice. Ubuntu recognizes that legal verdicts alone cannot mend fractured relationships and as such, it fosters reconciliation through communal healing, restitution, and symbolic restoration. Among the Xhosa, offenders perform a ritual apology known as *ukuxolelwa*. This is done by kneeling before victims and elders to express remorse. This symbolic act restores dignity to both parties (Ntsebeza, 2006). Ubuntu thus sees spiritual harm as inseparable from physical or emotional injury, hence there is need for spiritual reconciliation through ritual in order to ensure cosmic balance since rituals reconnect individuals to ancestors and the community at large. For example, the Ashanti *Apotro* ritual combined livestock restitution with shared meals to repair social bonds, and also the libation ceremonies involve pouring alcohol to honor ancestors during mediations, seeking their guidance to legitimize resolutions (Busia, 1951). Example of a modern application is evident in Germany's victim-offender mediation programs which effectively resolve 70% of cases through reparations and dialogue, avoiding courtroom trials (Pelikan, 2020).

EVALUATION OF UBUNTU AS A TRADITIONAL CONFLICT RESOLUTION APPROACH

The Ubuntu conflict resolution approach, rooted in African communal ethics, remains very significant in resolving conflicts in African. However, it faces several challenges especially within contemporary contexts. First is the issue of gender exclusion. Its emphasis on communal decision-making often perpetuates patriarchal structures, that is, male-dominated structures that seem to marginalize women (Nyeck, 2018). The traditional process seems to restrict women from leadership roles, thus prioritizing male elders as mediators. Women are often restricted to peripheral roles such as preparing meals for mediations, but not involved in decision-making. Rituals invoking ancestral guidance as practised during the Ashanti libations, for example, often privilege male lineage, sidelining women's spiritual agency (Busia, 1951). Most traditional processes in Africa further reinforces gender stereotypes through proverbs like "a woman's place is in the kitchen" (Nussbaum, 2019). Women's disputes such as inheritance conflicts are not given adequate priority. In post-apartheid South Africa, for example, widows in rural areas faced eviction due to male-biased customary law, necessitating constitutional intervention (*Bhe v. Magistrate, Khayelitsha*, 2005). Gender exclusion remains one of the major challenges of Ubuntu in its restorative and transformative efforts in ensuring social harmony and communal co-existence in the society. This exclusion appears to contradict Ubuntu's commitment to human dignity and collective well-being. However, reforming the patriarchal structures and amplifying women's participation can help Ubuntu evolve into a more inclusive framework. As Ntlama (2019) argues that Ubuntu's promise of communal healing remains unfulfilled until it embraces the full humanity of women.

Another challenge of conflict resolution in Ubuntu is the influence of colonial legacies in conflict resolution. The European colonial administrations systematically suppressed indigenous justice mechanisms by imposing adversarial legal systems, thus recasting Ubuntu as primitive customary law (Mamdani, 1996). Colonialism deeply interrupted Ubuntu's communal conflict resolution approach by imposing Eurocentric legal systems, distorting traditional governance and weakening the socio-cultural foundations of African societies. These disruptions created hybrid systems where Ubuntu principles became subordinate to Western legal rules (Ramose, 1999). Colonial powers replaced Ubuntu's restorative practices with retributive and state-centered legal systems. The processes of dialogue in Ubuntu were marginalized, fostering distrust in state institutions (Mamdani, 1996). British authorities in South Africa, for example, codified distorted versions of the Xhosa respect (intloniphlo) principles to favor the male elites, amplifying the neglect of women's roles in conflict resolution (Chanock, 1985). Also, the colonial land dispossession and wage labour systems fractured the kinship networks vital to Ubuntu such that the 1913 *Natives Land Act* in South Africa displaced Black communities, dismantling the rural interdependence that underpinned Ubuntu's restorative economies (Platzky & Walker, 1985).

Urbanization and individualism further weakened communal bonds, sidelining Ubuntu's reliance on collective accountability (Comaroff & Comaroff, 2004). Today, post-colonial states struggle to decolonize their judicial systems while maintaining an international legal standard which is also a product of modern legal frameworks. Efforts like South Africa's Constitutional Court jurisprudence as evident in *S v Makwanyane* (1995) and Ghana's hybrid *Akanfo* courts demonstrate Ubuntu's resilience, yet colonial shadows linger.

Ubuntu faces modernization challenges due to its limited adaptability to modern legal frameworks in its conflict resolution effort. Its communal and restorative justice principles, while transformative in traditional African contexts, face significant challenges in integrating with modern legal systems characterized by individualism, formalisation, and globalisation. When we closely look at contemporary legal systems, we will observe that they require standardised procedures, they are written records and most importantly, they focus more on protection of individual rights such as equality, due process whereas the Ubuntu's oral tradition and communal-based system contrasts with these requirements. These modernization challenges are evident in the existing large urban populations (Sachs, 2009). Also, commercial disputes require swift resolutions and cannot be managed by Ubuntu because its process is time-consuming, and may not properly handle criminal cases demanding due process, (Himonga & Diallo, 2017) considering global best practices. Besides, Ubuntu's informal, dialogue-based processes struggle to be compatible with rigid procedural rules in modern courts. In *Fourie v Minister of Home Affairs* (2005), South African courts upheld same-sex marriage rights despite resistance from traditionalists invoking Ubuntu's communal ethics.

Such ruling exposes tensions between collective norms or customs and constitutional individualism (Modiri, 2012), and Ubuntu's emphasis on consensus risks sidelining the minority, especially conflicts that are based on individual rights and freedom (Himonga & Bosch, 2000). Therefore, the challenge of limited adaptability seems rooted in the structural incompatibilities with modern legal systems, colonial distortions and societal fragmentation. However, pathways to ensure a successful integration include legislative hybridization as seen in South Africa's *Recognition of Customary Marriages Act* (1998) which blends Ubuntu with principles of gender equality and procedural innovation as seen in Ghana's *Akanfo* App which digitises elder mediations, particularly in urban conflicts (Owusu, 2021). Hence, Ubuntu may not need to reject modern legal models but can evolve to meet its necessities.

CONCLUSION

The Ubuntu as a traditional conflict resolution approach is a communal and human-centered perspective that prioritizes reconciliation, forgiveness, community and

other principles of restorative justice. Its process demonstrates enduring value through its emphasis on communal healing and restorative justice. . The restorative process is informed and rooted in the African humanist philosophy of *I am because we are*. It emphasizes humanity's communal interconnectedness and collective well-being, aiming to heal and restore broken relationships in order to reintegrate offenders into the community than merely punishing them. The principles of Ubuntu have significantly shaped conflict resolution practices across traditional African societies, even in modern times. This is evident in South Africa where the judiciary, especially the Constitutional Court engages actively with Ubuntu jurisprudence. However, Ubuntu as a conflict resolution approach faces certain challenges such as gender exclusion, colonial influence and limited adaptability to modern legal systems.

These challenges reflects in various contexts such as patriarchal norms marginalizing women in mediation processes, colonial-era legal rules that distorted indigenous practices and procedural ambiguities not suited for modern legal concerns like conflicts based on individual rights and freedom. Hence, there is need as this paper argues for a systemic hybrid model that integrates communal and restorative elements of the Ubuntu as a traditional justice system with the formal justice systems in order to effectively address modern day conflicts. This not only reinforces the traditional communal ethos of Africa as enshrined in the principles of Ubuntu but improves the efficiency and effectiveness of modern justice systems across Africa. Hence, this systemic integration must go beyond existing successes recorded in recent past as seen in South Africa's *Recognition of Customary Marriages Act* (1998) and Ghana's *Akanfo App*. Hence, repositioning the Ubuntu in this systemic integration with the modern legal systems it can evolve to meet modern and global requirements that ensure holistic and effective conflict resolutions in modern day.

REFERENCES

Agetue K. N & Maduabuchi, R.O (2025). "The conflict resolution in the traditional African justice system: The gacaca a panacea to criminal justice system in Nigeria," *Essence Interdisciplinary-International Journal of Philosophy*, 14(2), 48-77.

Bennett, T. W. (2011). *Customary law in South Africa*, (1st ed.). Juta & Company.

Bujo, B. (1998). *The ethical dimension of community: The African model and the dialogue between North and South*. Paulines Publications Africa.

Burnet, J. E. (2012). *Genocide lives in us: Women, memory and silence in Rwanda*. University of Wisconsin Press.

Busia, K. A. (1951). *The position of the chief in the modern political system of Ashanti*. Oxford University Press.

Chanock, M. (1985). *Law, custom and social order: The colonial experience in Malawi and Zambia*. Cambridge University Press.

Clark, P. (2010). *The Gacaca courts, post-genocide justice and reconciliation in Rwanda*. Cambridge University Press.

Clarke J, Halts S, Jefferson T, Roberts B. (1976). *Subculture, cultures and class*, Halls S,

Comaroff, J. & Comaroff, J. L. (2004). "Criminal justice, cultural justice: The limits of liberalism and the pragmatics of difference in the new South Africa". *American Ethnologist*, 31(2), 188-204.

Ekpo, M. E. (2025). Governing Through Algorithms: Ethical and Legal Implications of Technological Governance. *AMCU*.

Ekpo, M., & Alobo, E. Nigerian Companies and the Prohibition on Political Donations: A Paradigmatic Shift as a Panacea for Compliance. *International Journal of Advanced Engineering, Management and Science*, 4(12), 268277.

Ekpo, M., Alobo, E., & Enyia, J. (2018). Impediments to the Development of a Strong Consumer Credit System in Nigeria. *World*, 5(1).

Elamin, M, Elamin, I & Salisu, A. (2025). "African problem -African solution: An examination of the application of the Ubuntu conflict resolution systems to prevailing conflicts in Africa: A case study of the Democratic Republic of Congo and Namibia's tension." *International Journal of Religion*, Vol. 6, 638-651.

Himonga, C., & Bosch, C. (2000). "The application of African customary law under the Constitution of South Africa". *South African Law Journal*, 117(2), 306-326.

Himonga, C., & Diallo, F. (2017). *Decolonising African jurisprudence: Ubuntu and the law*. Oxford University Press.

Hogan M.O. (2006). *Academic dictionary of sociology*. EFP Book Series

Ironbar, V. E., Ekwok, L. N., Ekpo, M. E., Ekpang, J. E., Ogri, E. U., Oko, B. A., ... & Achu, R. A. (2025). Utilization of Digital Resources for Learning by Students with Intellectual Disabilities in Southern Nigeria. *Journal of Intellectual Disability-Diagnosis and Treatment*, 13(2), 237-253.

Jefferson T, (eds), Hutchinson. Constitution of the Republic of South Africa. (1996). Act 108 of 1996.

Kariuki, F. (2015). "Conflict resolution by elders in Africa: Successes, challenges and opportunities," *Alternative Dispute Resolution: Journal of the Chartered Institute of Arbitrators*, Vol 3 (2), 1-21.

Kenyatta, J. (1965). *Facing mount Kenya: The tribal life of the Gikuyu*. Vintage Books.

Lawal, R., Orunbon, N., Ibikunle, G & Faduyile, G. (2020). "Resolving conflict in African traditional society: An imperative of indigenous African system". *African Journal of History and Archaeology (AJHA)*, 4(1), 40-50.

Mamdani, M. (1996). *Citizen and subject: Contemporary Africa and the legacy of late colonialism*. Princeton University Press.

Marfo, C. (2015). *Language, culture and conflict resolution in Ghanaian communities*, (1st ed.). Sub-Saharan Publishers.

Mbiti, J. S. (1969). *African religions and philosophy*, (1st ed.). Heinemann.

Modiri, J. (2012). "The colour of law, power and knowledge". *South African Journal on Human Rights*, 28(3), 403-433.

Murithi, T. (2009). "An African perspective on peace education: Ubuntu lessons in reconciliation." *International Review of Education*, Vol. 55, 221-233.

Murithi, T. (2006). "Practical peacemaking wisdom from Africa: Reflections on Ubuntu". *The Journal of Pan African Studies*, 1(4), 25-34.

Nabiebu, M., & Ekpo, M. E. (2025). From Litigation to Arbitration? An Empirical Analysis of Dispute Resolution Trends in Nigeria's Oil and Gas Sector Post-Petroleum Industry Act (PIA) 2021. *Alkebulan: A Journal of West and East African Studies*, 5(2), 109-118.

Nabiebu, M., & Ekpo, M. E. (2025). The Legal And Regulatory Imperative For A Shared Telecommunications And Power Infrastructure Model In Nigeria's Oil And Gas Sector. *Journal of Rare Ideas*, 4(1), 1-11.

Noyonika, S. (2024). "Understanding and applying Ubuntu thought process". Retrieved from <https://meda.foundation/understanding-and-applying-ubuntu-thought-process/#:~:text=Another%20significant%20aspect%20of%20Ubuntu,strengthens%20rather%20than%20divides%20communities>.

Ntlama, N. (2019). "Customary law and the promotion of gender equality in South Africa: Revisiting the framework of regulation". *Potchefstroom Electronic Law Journal*, 22(1), 1-25.

Ntsebeza, L. (2006). *Democracy compromised: Chiefs and the politics of the land in South Africa* (1st ed.). Brill.

Nussbaum, B. (2019). "Ubuntu and the law". *African Human Rights Law Journal*, 19(1), 45-62.

Nwolise, O. B. C. (2005). "Traditional modes of bargaining and conflict resolution in Africa". In Olawale, I.A, (Ed.), *Perspectives on Peace and Conflict Studies in Africa*. John Archers Publishers Ltd, 152-168.

Nyeck, S. N. (2018). "Gender and Ubuntu in Botswana". *Journal of Southern African Studies*, 44(6), 1125-1140.

Ohaja M, Anyim C. (2012). "Rituals and embodied cultural practices at the beginning of life". *African Perspectives Religion*, Vol. 12, 10-24.

Okoth-Ogendo, H. W. O. (2002). "The tragic African commons: A century of exploration, suppression and submersion". *University of Nairobi Law Journal*, 1(1), 107-117.

Owusu, K. (2021). "Digitalizing tradition: Ghana's Akanfo app and transnational conflict resolution". *African Journal of ICT Policy*, 8(1), 45-60.

Pelikan, C. (2020). "Victim-offender mediation in Europe". *European Journal of Criminology*, 17(6), 718-737.

Platzky, L., & Walker, C. (1985). *The surplus people: Forced removals in South Africa*, (1st ed.). Ravan Press.

Ramose, M. B. (1999). *African philosophy through Ubuntu*. Mond Books.

Sachs, A. (2009). *The strange alchemy of life and law*. Oxford University Press.

Schapera, I. (1955). *A handbook of Tswana law and custom*. Oxford University Press.

Tutu, D. (1999). *No future without forgiveness*. Image.

Uwazie, E. E. (1994). *Conflict resolution in Africa: The case of the Fulani*, (1st ed.). University Press of America.