

Chapter 6

Ubuntu as Reflected in the Kgotla System of the Government in Botswana

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ABSTRACT

The chapter illustrates the application of Ubuntu to governance through a democratic system called “Kgotla.” The chapter places and defines Ubuntu as a unique African philosophy and worldview. The author explains how it is utilized in the Kgotla system of Botswana. The chapter describes how the African way of life embodied in Ubuntu at the Kgotla is based on collectiveness or communalism, cooperation, and joint resolution of conflicts and restorative justice among the villagers. The chapter reports that Kgotla system has now been incorporated as a business model in industry using the traditional knowledge of Ubuntu.

INTRODUCTION

Botswana has an interesting application of the concept of *Ubuntu* to governance through an indigenous democratic system called “Kgotla”. *Ubuntu* is a Nguni (Zulu) word and in Setswana it is *Botho*. It is a concept that describes a person who has a well-rounded personality or character, who is courteous, self-disciplined, and well mannered. According to Mandla (2009) in the concept of *Ubuntu* there exists a common link to others through their interactions with other fellow humans leading to the discovery of their own human qualities.

The concept of *Ubuntu* is an example of a social contract of mutual respect, responsibility and accountability. With *botho*, members of society have towards each other as defined in the process of earning respect by first giving it to others. In this process people and groups gain empowerment by empowering others (Botho & Vision, 2016).

In Botswana or Lesotho they would say, “*Motho ke motho ka Batho*” while the Zulus from South Africa would say “*Umuntu ngumuntu ngabantu*” and in Zambia the Leya also say “*Muntu muntu kam-*

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bokabantunyina” which means that a person is a person through others! In other words, we affirm our humanity when we acknowledge it in others.

In South Africa, the proverb tallies with Bishop Desmond Tutu’s view of *Ubuntu*. He asserts that *Ubuntu* means “I am human because I belong.” He further defines this African humanist philosophy as follows:

A person is a person through other persons. None of us comes into the world fully formed. We would not know how to think, or walk, or speak, or behave as human beings unless we learned it from other human beings. We need other beings in order to be human. (Tutu 2004:25)

Mbiti (2008:106) also reinforces the view that in Africa humanity means, “I am because we are; and since we are, therefore I am.” Ulvestad (2012) also asserts that the community is usually based on family focusing on humanness, caring, sharing respect and compassion. This is at the heart of the *Ubuntu* philosophy.

The Kgotla System

The *Kgotla* system is a platform for regular discussions, consultations and exchange of ideas on major community or national issues among citizens. It promotes and embraces the idea that everyone is entitled to his opinion (“*Mua lebe ubua la gagwe*”). The open forum encourages tolerance and freedom of expression among people who might have different views. The system further advocates the idea that “*ntwa kgolo ke ya molomo*” (no fight should result in fistfights; the fiercest of fights is verbal). Hence, through *Kgotla* local communities are able to request audiences with their traditional leaders, their representatives in Parliament, and even their President if they feel they have something to get off their chests (Morapedi in Botswana Notes and Records: 2018: vol. 50). As *Kgotla* is a vehicle for resolving disputes among its local communities it handles both civil and minor criminal cases (<https://www.gov.bw>) (Crowder: 1988: pp. XIV).

The Place of *Ubuntu* in the Kgotla

The *Kgotla* concept is based on the idea of *Ubuntu* that expresses that humans do not exist as individuals. Instead, humans belong to one large shared community in which each person is connected to everyone else. Other elements in the society include communal decision-making and displaying respect for the elderly. As part of this communal decision-making custom, every village has a *Kgotla* similar to town hall meetings in the Western democracies, where town/village residents meet to express their thoughts and opinions about issues that will impact the community or society as a whole.

In the Botswana society, this philosophy of *Ubuntu* is incorporated in the *Kgotla* system of governance. *Kgotla* as a place where all members of the community are invited for an open dialogue; it is a platform for discussion where the spirit of democracy, which is enshrined in the *Ubuntu* philosophy, is upheld. *Kgotla* reflects the perspectives of the local people since everyone is invited and is held in the open air and is open to all. Everyone is entitled to his/her own views no matter what they are. The head of the community or the village is the Chief and he/she is the shepherd of the people. He/She is Chief by the grace and honor of the people. Since every participant at the *Kgotla* is entitled to his/her views, based on the old adage “*mua lebe ubua la gagwe*” everyone is entitled to his/her perspective. There are certain mechanisms for allowing all voices to be heard. The *Kgotla* is regarded as a neutral ground which encourages the idea of openness to all who wish to express themselves unperturbed. The role of the chief

and elders is most unique. Rather than lead or chair the discussion, they are expected to listen and then summarize the discussions. They are uniquely trained to do this. In summary, therefore, must be seen to be a fair and balanced reflection of the proceedings of the *Kgotla* by those present, which indicates that the elders must have very good constructive and creative listening skills. They are well steeped in oral traditions. The *Kgotla* is regarded as a foundation of national unity and sustenance of true democracy in Botswana. Every village has a *Kgotla*!

Ubuntu in Botswana's Structure of Government

Operationally, Botswana's structure of government is made up of the 1) House of Chiefs and the 2) House of Parliament based on the Roman Dutch law. The House of Parliament makes laws for modern Botswana reflecting and incorporating development strategies, democracy, unity, self-reliance and *Ubuntu* concepts, while the House of Chiefs (Ntlo ya Dikgosi) is to have an oversight of the laws that may violate or abrogate long held values and traditions of Botswana. The House of Chiefs is like the vanguard of the old traditions of the country. A United Nations (2008:19) report stated, "The development plans of Botswana have always been based upon five national principles, which are Democracy, Development, Self-reliance, Unity and *Botho* which have abundant tenets of *Ubuntu*. These principles have also been adopted in the "Long Term Vision for Botswana" (Vision 2016). *Ubuntu* is reflected and widely understood as "a social contract of mutual respect, responsibility and accountability," which is part and parcel to a world view-that says *Ubuntu* emphasizes the importance of interdependence, communalism and the subservience of the individual to the welfare of the community as a whole (University of Botswana 2012).

Botswana National Vision Council outlined the Seven Pillars of the Vision by the incorporating the *Ubuntu* concepts. The strategies adopted permeate the fabric of Botswana's national development strategy (*Botho* & Vision: 2016). The roots of a true democracy are implanted in the *Ubuntu* concept where the will of the people is observed and fulfilled.

Theoretically, Botswana's Vision 2016 says that the concept of *Ubuntu* concept must permeate through every aspect of life in Botswana and must be central to education development strategies, workplace, as well as community and home life. At the *Kgotla* the community and belonging to the community are part of the essence of traditional African life. The speakers always acknowledge the wisdom of the elders and those present at the *Kgotla* forum. Many of the wise elders will sometimes speak in parables or metaphors to illustrate their depth of appreciation and understanding.

To understand the *Kgotla* and its impact on Botswana's governance culture, one needs to read Isaac Schapera's book of 1938, entitled "A Handbook of Tswana Law and Custom" where he described the *Kgotla* as a place where disputes and other transgressions are adjudicated. According to the United Nations review (2002.p.20) the customary courts handle approximately 80% of criminal cases and 90% of civil cases in the country. Accordingly, the U.N. report further indicates that:

Botswana's legal system is plural, comprising Roman-Dutch common law and statutory law, together with customary law. Roman-Dutch law was imported from the Cape Colony into Botswana in 1891, primarily to apply to non-Batswana, but subsequently it was applied to all persons in Botswana. The Roman-Dutch and customary law systems co-exist, although there are differences in their substance and in their application. The highest court in Botswana is the Court of Appeal. The High Court has jurisdiction to hear and determine civil and criminal proceedings. Customary law is administered by the chief

(kgosi), and cases are generally dealt with at the kgotla. The bulk of customary law is unwritten and practice can vary between different kgotla. The local police are officials of the kgotla and appeals are heard in the Customary Court of (Appeals, p.22)

Incorporating Kgotla Concepts in Business and Industry

The *Kgotla* concept has been adopted and branded as a great corporate idea in decision-making and innovative processes. In industries like mining and manufacturing, the *Kgotla* concept has been successfully adopted and used as a conceptual framework. Martin de Liefde, a Dutch national with experience in applying *Kgotla* principles in corporate management, has promoted the adoption of the *Kgotla* tradition in corporate decision-making processes. His company trains corporate leaders to apply the *Kgotla* principles and processes in dialogue with the employees. The *Kgotla* decision-making model is founded on the premise that everyone's voice in an organization counts, which promotes ownership of the outcomes of the decision-making process (see de Liefde, 2012).

Martin de Liefde deserves credit for bringing the process of decision making using the *Kgotla* concept as a corporate business management model (*Kgotla*: vimeo, 2017). He uses this indigenous knowledge of *Ubuntu* as a platform for dialogue, where the spirit of democracy is upheld and decisions are always arrived at by consensus chaired by a village chief or a headman.

In Botswana, the Shoshong *Kgotla* is regarded as the oldest in the country and has been identified as the model to set the trend on how the principles of *Kgotla* could be applied successfully by a corporate manager to bring about profitability to their own enterprise. The *Kgotla* process can play a democratizing concept in the business by incorporating the principles of ownership and participation in the social agenda of the business enterprise!

As an example, the creation of the Shoshong *Kgotla* Trade Center (SKTC) was for purposes of sustainability and continuity of the community-based enterprises and interventions which emerges from the *Kgotla* dialogues envisioned by the local people of Shoshong (*Kgotla* Foundation: <https://kgotla.com/foundation/>). It is a concept that has been developed in the spirit of innovation within the Botswana tradition. It respects the traditions of the *Kgotla* and its functions and it seeks to strengthen its decision making, learning and entrepreneurship skills within the community. The *Kgotla* Trading Center preserves the ideals of *Ubuntu* in a traditional manner that allows the concept to be well grounded in the African humanism, self-reliance and unity the hallmark of Botswana's development strategy.

As indicated earlier the *Kgotla* Foundation concept has been adopted and branded in many countries. It uses the indigenous knowledge which is turned into a business model. Over 70 organizations in more than 11 countries around the world are using *Kgotla* interventions engaging over 75,000 people using the *Kgotla* concept in decision making processes (*Kgotla* Group: 2003-2019). Some of the corporations using this model include some of the biggest companies in mining, like the de Beers Company, the Royal Dutch Airlines (KLM), Rio-Tinto, Dutch Red Cross and many other mining companies in Southern Africa (Martin de Liefde: 2019). The *Kgotla* concept inspires the development of leadership through dialogue. There are certain books of inspiration that can be of influence to understand the way the concept can be effectively utilized to get the maximum results for industries. Some of the most influential book on the topic are as follows:

1. Willem de Liefde (2011): *ULC Leadership Navigator: Governance Without Fear*
2. Willem de Liefde (2011): *Lekgotla: Kgotla, Leadership through Dialogue*
3. Klaus Elle (2011): *Metaphorical Management: Using Intuition and Creativity*
4. Martin de Liefde et al (2012): *Safely into the Future: Palabora Lekgotla Process*
5. Willem de Liefde (2014): *The Ego's Echo: The Universal Life Cycle*

These books explain how *Kgotla* concepts are used in the branding in an *Ubuntu* strategy, that is, the participants are directly involved in decision-making. Willem de Liefde and his son Martin discovered that Botswana was the oldest democracy on earth using the *Kgotla* traditional model. They found out that its leaders are able to listen to the views of all the 2 million inhabitants through the use of the *Kgotla* system because every village has a *Kgotla*.

The *Kgotla* is famed as a place where every citizen is accorded a chance to listen to views of others also a chance to be listened to. Therefore, the *Kgotla* is famous and a critical place for community participation, consultation, involvement and ownership of developmental projects at the local level (Kgotla Group-website-2003-19). De Liefde has shown and facilitated the process which has helped over 60 multinational companies to manage their business effectively.

UBUNTU OPERATING SYSTEM IN TECHNOLOGY

Ubuntu is the name of the system used by the Linux operating system to distribute its software. It's a concept of sharing that may be uncommon in the secretive world of computer software but is inspired by the African philosophy of *Ubuntu*. Because the *Ubuntu* concept is viewed as non-discriminatory and is an inclusive system by definition, it has been incorporated by the Linux community as a computer operating system. *Ubuntu* is open to contributions from the Linux community where innovations are public and not private and the platforms of consuming that innovation should enable everyone to participate. The community has made *Ubuntu* as one of the widely used operating systems in the world for desktops and for servers. This openness vision motivates a variety of open source users to work together under the *Ubuntu* umbrella. In the world of computers, the spirit of open source, *Ubuntu* is absolutely free to download, use, share and improve however and wherever you like. Like the African *Ubuntu* philosophy, the open source software *Ubuntu* is user friendly. Its license allows people to experiment with and redistribute modifications. The license is technology neutral (*Ubuntu* Linux Software) and there is no discrimination against any person or group.

KGOTLA ENFORCING SANCTIONS FOR DEVIANCE FROM UBUNTU

The Constitution of Botswana and the Customary Court Act (Constitution: Part III: House of Chiefs) make provisions for the *Kgotla*, to mandate corporal punishment (i.e. flogging) to be administered by your peers under specified guidelines (Customary Penal Code: ss. 1-33). This form of corrective punishment has *Ubuntu* in that the results of flogging (corporal punishment) may be viewed by some as having immediate impact on the individual to influence his behavior. However, it can also have detrimental effects on some people which would be "un-*Ubuntu*."

Traditionally, *Kgotla* adopts the code of conduct at its meetings and that is strictly observed and followed by everyone and is enforced by the chief or headman chairing the meeting. Failure to fulfill the will of the people (community) at such a *Kgotla* meeting, the offender has to pay in kind for such behavior as punishment. Offenders cannot hide themselves because everyone in the village or community knows them. In general, community involvement plays a crucial role in the village during social activities like weddings, funerals, providing an opportunity for social networking and building trust among families, friends and neighbors. If an offender does not adhere to the rules and conduct of behavior set by the community the consequence for that might be a fine of a goat or cow or flogging (if the case is serious) or payment in kind depending on how serious the offense is. Since everyone is of equal stature and importance at the *Kgotla* the rules are promulgated by one's peers! To fail to show a sense of respect to these moral standards of behavior might have consequences to your family which might alienate them from the community and the family of the victim you may have wronged. This kind of redress comes through the customary law of Botswana. Flogging is intended to bring about restorative justice pressure from society to reform rather than punishment that might alienate the culprit instead of reforming the individual.

Flogging has a history that goes back to precolonial and colonial days. An example is that of Phineas McIntosh which occurred in 1933 during rule of the British Empire. He was a white wagon builder in Bechuanaland Protectorate (now Botswana) who was accused of persistent unruly and always drunken and was mischievous with women. His behavior was bad and unwelcome in Bechuanaland Protectorate. This was during the reign of the Tshekedi Khama the regent of the Bangwato people. Tshekedi was holding the place of Seretse Khama who was overseas for his studies. The young white man, McIntosh was accused of flirting with young girls and women and sentenced at the *Kgotla* and was flogged according to the *Kgotla* rules. At that time, it was not customary in the British Empire to flog a white person. The judge was Tshekedi Khama and Bechuanaland was a neighbor of South Africa where color consciousness was always acute and sensitive. The British response to this incident was quick and swift. The British Commissioner responsible for Bechuanaland lived in South Africa. He immediately ordered 200 fully armed British Marines to go to Bechuanaland to restore law and order and uphold the white man's prestige and privilege. A kangaroo court was quickly put together to discipline Tshekedi the regent chief for disciplining the unruly Phineas. Admiral Evans from Cape Town with a military force came and deposed Tshekedi and banished him to Francistown. At the trial the Bangwato people came in great numbers to support their chief, and the protectorate was ungovernable. After the ban was lifted, Tshekedi was reinstated and continued as paramount chief of the Ngwato people. All this showed that the British administrators used raw power and there was no *Ubuntu* in their governance. In the court process, Phineas McIntosh tried to dissuade Admiral Evans that he had already been tried and had accepted the decision of the chief and had no complaints. This was not permissible because Tshekedi had used corporal punishment on a white man. The Commissioner felt that Tshekedi had no right to punish a white person. McIntosh had understood what the meaning of *Ubuntu* was all about as he had lived among them (Tlou & Campbell: 1997).

Another example comes much later in 1988 when I lived in Botswana where I worked on a USAID project at the University of Botswana. Our neighbor was a white person from South Africa, and he used to get drunk and mistreat his wife. One day he was so drunk that he threw his wife from the house and scattered her belongings in the driveway. As neighbors we called the police to come and deal with the situation. When the police came, he took out his gun and threatened anyone who would come close to his house. The police went back to call the military to deal with this situation. When the military came,

they forced him to go to the nearest chief and the chief had him put in a holding cell for the night until the next day. The next day the chief called the *Kgotla* meeting to deal with the case. According to Botswana custom, people who mistreat their wives are flogged in front of everyone as a deterrent to this kind of behavior. Since he was disarmed, he could not threaten anyone. The chief said that since he lived in Botswana, he should abide by the laws of Botswana and will be judged accordingly. He apologized to everyone at the *Kgotla* and agreed to take back his wife. He owned a beautiful horse-drawn wagon and from that day on, he would invite children and the neighbors to go out for rides on the wagon. He became such a nice gentleman and a great neighbor. He exhibited signs of *Ubuntu* and a good example of restorative justice at work.

CONCLUSION

The focus of this chapter is to place and define *Ubuntu* as a unique African philosophy and worldview and how it is utilized and pervasive in the *Kgotla system* of Botswana.

Johann Broodryk (2002:56) defined the concept of *Ubuntu* as follows:

Ubuntu is an ancient African worldview based on the primary values of intense humanness, caring, sharing, respect, compassion, and associated values, ensuring a happy and qualitative human community life in the spirit of family.

In the Botswana context, such values of caring, sharing and respect are present at the *Kgotla* which is regarded as a social contract between community and the leadership. As Nussbaum (2003:9) pointed out, *Ubuntu* is simply the movement and feeling of compassion for fellow human beings in our hearts and the spontaneous desire to act in a caring and compassionate way in which our selfhood is inspired by a sense of collective belonging. Whereas the Western worldview tends to be individualistic, the African way of life embodied in *Ubuntu* at the *Kgotla* is based on collectiveness or communalism. It is also based on cooperation and joint resolution of conflicts and restorative justice among the villagers. The *Kgotla* system has now been incorporated as a business model in industry using the traditional knowledge of *Ubuntu*.

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