

ABSTRACT

TITLE: The utilisation of ubuntu can promote accountability in public officials and state institutions as well as give effect to social solidarity in South Africa.

AUTHOR: Nadeem Salie

DATE: 1 February 2018

INTRODUCTION

The primary thrust of my work is to cast aside vacuous claims about ubuntu whilst emphasising the communal obligations' focus of ubuntu. The state is duty-bound to give effect to socio-economic rights as enshrined in the Constitution. Ubuntu, with reference to its communal obligations' focus, could serve to facilitate the realisation of critical socio-economic rights as well as forge social solidarity. It is submitted that public officials that embrace ubuntu, as defined by an unwavering focus on communal obligations, will give effect to their duties (as provided for in the Constitution) as a means to create a just and caring nation-state.

METHODOLOGY

This is a mixed-methods study which delves into specific aspects of public law, anthropology and political philosophy. Political philosophy is explored as a means to develop a nuanced understanding of ubuntu whilst the anthropology discipline is utilised in order to develop a firm grasp of the lived reality of vulnerable groups.

There is a specific focus on Constitutional Court jurisprudence (as pertaining to the progressive realisation of socio-economic rights as well as ubuntu) and the relevant international law obligations of the Republic of South Africa (i.e. the 2015 ratification of the International Covenant on Economic, Social and Cultural Rights).

FINDINGS

An exploration of political philosophy sheds light on the political landscape within which ubuntu is deployed and serves to confirm that to discuss ubuntu is to engage in a political act. The discipline of anthropology can make a telling contribution to the application and reception of law by providing textured insights of the lived reality of vulnerable groups.

The Constitutional Court should utilise the minimum core obligation approach as a means to provide critical determinate content for key socio-economic rights. Furthermore, the Constitutional Court should embrace an oversight role in ensuring that the state does in fact progressively realise the subsistence rights of vulnerable groups.

Ubuntu can in fact mesh with a human rights regime. This thesis serves to confirm the manner in which ubuntu, understood as an unwavering focus on communal obligations, can promote the accountability of public officials in South Africa (as well as foster social solidarity) by facilitating the progressive realisation of constitutionally guaranteed socio-economic rights. However, the expectations demanded of ubuntu should be tempered in the absence of an economic transition to fundamentally transform the living conditions of vulnerable groups.