

**CREATING A CULTURE OF IMPUNITY IN ZIMBABWE:
A CASE FOR PHILOSOPHICAL INPUT IN DEVELOPMENTAL ISSUES**

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ABSTRACT

Crimes are endemic especially those committed by political leaders. Africa is indeed bleeding from crimes such as embezzlement of funds, abuse of resources, human rights abuses, persecution and torture of people, and above all, non-prosecution of persons responsible for crimes committed. The non-prosecution of political heavy weights inversely encourages the continuation and perpetuation of transgressions that threaten to destroy Africa politically, economically and socially. Philosophically speaking acts of non-action against wrongdoing aspire to create a form of Leviathan and ensure that a new dynasty of political non-accountability and one-party exists. Such practices will be analyzed as ways of contributing to the system of under-developing the continent, in the end the paper suggests and appeals to the utilization of philosophical systems that humanize people such as Ubuntu philosophy.

Key Words: Impunity, non-accountability, non-development, Ubuntu, development

INTRODUCTION

Morality in political systems is a virtue which political leaders and any kind of leadership ought to seek and promote. Ideally, political pundits and ethicists insist that governance should be for the greater good of the community and not for an individual and his or her followers or group of individuals. Though this is the case the opposite is what occurs in Africa. The tendency in the political systems of Africa is that statesman and their followers create a system of impunity. In simpler terms, the political choices that leaders pursue at most tend to contribute to the non-advancement of their states. The paper will therefore analyze the principles of responsibility and obligations linked to accountability, duties and rights in retrospect of events that have occurred in Zimbabwe since the colonial period. The critical investigation of the mentioned will conclude with the urging of the utilization of humanizing philosophy which the author speculates that it is the true way to achieve sustainable development.

ANALYZING IMPUNITY

Impunity is defined as the failure to uphold justice. In simpler words impunity is the failure to meet obligations of states such as to dealing with any kind of violation of people's rights. The United Nations Commission on Human Rights defined impunity as:

the impossibility, *de jure* or *de facto*, of bringing the perpetrators of violations to account – whether in criminal, civil, administrative or disciplinary proceedings – since they are not subject to any inquiry that might lead to their being accused, arrested, tried and, if found guilty, sentenced to appropriate penalties, and to making reparations to their victims (United Nation Commission on Human Rights, 2005).

In fact, a system of government knowingly and willingly ignores blatant criminal cases committed can rightly be termed as upholding impunity. Reasons for the non-prosecution of crimes in most cases are not spelt out. There are therefore two kinds of impunity which can be easily mentioned; these are related to individuals not being prosecuted and to the government itself not putting restraint to its own excessive activities. A point to be borne in mind is that some of the non-prosecuted cases are those committed by the state. Furthermore, impunity is compounded by the tendency of government acting as if nothing has occurred. Though the government acts in this way, it is essential to realize that on the other remove general populace is well aware of the kind of abuses that have occurred. Interestingly as well is the fact that if a criminal case points at individuals who is in high offices the case will be closed or at most suspended to the end of time. There is a sense in which criminal cases of some high officials lessened to be more of a non-event.

In current African political systems it is important and interesting to note that the powers that have the moral and legal authority to take to task any form of abuse are the very systems that seem to condone and perpetuate the practice. In the Zimbabwean case the government actually instructs and in fact carries out the abuses. For instance the Gukurahundi (Clear up the chuff) period (1986-1987), 2000 onwards farm invasions and the Murambatsvina (Clean-up) (2004) to mention just a few, the Zimbabwean political leadership actually instituted and instructed the projects. During the Gukurahundi period it is suspected that over twenty thousand people of the Ndebele tribe died and equally a good number displaced (Catholic Commission on Justice and Peace, 1989 pg 23). Furthermore, after the brutal incidences no explanations, no apologies and no efforts were made to reconcile and make recompense as should be done by any authority that is responsible for its people. A responsible authority ought to have apologized and explained to the citizens what was going on, why such exercises were carried out and even offer the mitigation measures. As a result of the non-apologizing and non-explanation of events has led to legal and property crisis.

As if that were enough, the disturbances resulted in displacement, and non-activities related to production. Small businesses were closed and were demolished in certain instances, rural farming ceased, farm workers lost their jobs not to mention little income all this ultimately culminated in forced migration. A good number unwillingly moved to neighboring countries in search of better livelihood and even better political, social and economic situations. Thus the strained movement of people, cessation of productive activities, and dissatisfaction contributes to underdevelopment in a state in the sense that people stopped working and concentrate more on saving their lives.

The best way to describe the government's actions then is to say that it does not respect people, does not respect private property and has no respect for the rule of law. In fact the law of the jungle is what comes into force. In the law of the jungle each is involved in self-preservation while ignoring the safety of others, in this law it is each man for him or herself and no

one is spared. Yet in this case there are sacred cows who are not hurt or injured in the struggle for self-preservation, they are in fact protected from the law of the jungle. Apparently, it is not clear why others are protected and others are not, any law should be applied to all indiscriminately. The practice of discriminatory application of the law implies that there is a deliberate circumvention of legal and political expectations and ignoring of contemporary practices that argue for the respect of the citizenship rights regardless of the sex, tribe, race and or social standing of the person. In other words it is expected that the government should protect its citizens yet in this case, it is the government which has become the perpetrator or violator of people's rights.

In order to ensure that there are sacred cows, the government and its authorities have in fact paralyzed the legal and judiciary system. This has been done through appointing apologetics to high legal offices such as judges in the High Court and Supreme Court, ignoring legal judgments, and granting rewards for judging in favor of the powers that be. In addition, the authorities ensure that they are not questioned by appointing to other high offices in their land those who are their surrogates. Such practices are unique to African states, as the practice ensures that the authorities become law unto themselves and answerable to no-one.

Incidentally, such practices results in five important outcomes that are at the same time intrinsically connected to impunity.

The five outcomes are:

- The creation of neo-Leviathan.
- A system of non-accountability and a non responsible government created.
- Overriding of citizens' rights.
- A deliberate avoidance of justice.
- The dejection and helplessness of the ordinary citizenship.

NEO-LEVIATHANS

When discussing the issue of the creation of a Leviathan, the author argues that when impunity is rampant, the Hobbesian account of leadership which is above the law and who enforce the law on behalf for others but not on itself (Hobbes: 1998) is what becomes of a non impugned government. The argument of Hobbes is that the ordinary people have ceded their freedom and right to make laws to their leaders (Hobbes, 1998). Leviathan's actions and decisions cannot be questioned or appealed against moreover in Leviathan's government there is no division of powers (Hobbes, 1998; Berki, 1984). This is the sought of system which many African states seek to establish to ensure that the authorities are in no way found as contradictors of the law. The different thing which exists in the expected modern political systems and that of Hobbes is that, for Hobbes the imaginary political powers attain their positions and immunity from the contract that ordinary people set-up. On the other hand the modern system argues that all citizens and even those in authority ought to be equal to the ordinary person. That is no one should be regarded as above the law and immune to prosecution no matter what position he or she holds in society. In other words the law should be applied impartially to all. By implication this means that law should uphold the rights of all and not that of a few individuals who are in control of state systems. Inversely in Leviathan's way of governing, injustice is supported politically and legally. Injustice in the sense that a group of individuals that run the country are not answerable for

their activities while the ordinary person on the street if, by chance, commits a similar crime is called for answering. In this sense prejudices and biases occurs (Rawls, 1971 section 38).

Besides arguing that Leviathanian societies grant immunity to prosecution to certain individuals, it will be pertinent to note that instead of individuals, it is the state institution happens to maintain the system of impunity. This is done through keeping tight-lipped about the kind of abuses as was the case with Gukurahundi, promulgating anti-social laws such as AIPPA (Access to Information and Protection of Private Act) and POSA (Public Order and Security Act), and controlling law enforcing agencies and judiciary systems. By so controlling all forms of security which should in other senses be for ensuring that the law is followed and impartially applied to all members of society, the new-Leviathans circumvent the rules of the contemporary political expectations. By disabling all systems that may question activities, then such mentioned activities are done so as to ensure that the leaders remain unquestioned and not found on the wrong side of the law and possible face prosecution. Ultimately all this results in sustaining systems of non-accountability and non responsible acts of the government.

NO ACCOUNTABILITY AND RESPONSIBILITY

Any kind of system that is controlled by a group of people and or where partiality exists also ensures that certain individuals stay unquestioned. In case of institutes that condone practices that ensure the continued abuses of human rights, it is pertinent to note that the same institutes avoid some necessary modern principles of modern politics. The principles of accountability and responsibility are hugely avoided in neo-Leviathan's systems. In philosophical discourse the two –accountability and responsibility- are closely linked and they are also connected to roles of moral agencies. Now, the point of departure is that all institutes and states included are considered as moral beings. The argument that can be leveled to institutes as equal of an individual moral being is that states or governments are made up by sane beings who have moral responsibility. Additionally, the institutes have moral duties to execute on behalf of society (Rawls, 1971). In the words of John Rawls, governments have the moral and legal duties to ensure that social good is executed in society. As such it is plausible to argue that even states as institutes made by people are supposed to uphold society's good, the state also has responsibility and ought to be accountable to the individuals that constitute, give it power and that it governs on their behalf.

With this in mind, it is plausible to argue that a state can be allotted praise and can be blamed for activities that it carries out (Williams, 2009). In this sense, a state is morally blame worthy for failure to prosecute and call to accountability any individual who fails to respect any other person's rights. When a state acts thus it can be said to be responsible.

Responsibility for a state and government refers to carrying out the duties that a state government should carry out. By definition, responsibility is being answerable for decisions and actions ie. Doing what one ought to do –carrying out duties. Thus it is correct to argue that when someone is said to be responsible, that person is able to fulfill duties and at the same time answer for failure of carrying out duties. In the case of governments, there is a sense in which government as an agent of the people ought to act in ways which satisfy the ordinary people through respecting rights. In the words of Williams, the government act on behalf of others and thus among its responsibilities is to “pursue policies, respect legal requirements, reach

decisions about how to respond to situations, and create important benefits and costs for other agents” (Williams, 2009). As a way of interpreting the idea of Williams, it is plausible to say that the primary responsibilities of the government are to respect and protect the rights of its citizens (Hart, 1968 and Feinberg, 1970). This can be achieved through respecting the laws of the people and through promulgating laws that are pro-people rather than anti-people or a certain group of society. This same idea also affirms the thinking that the law is made so as to ensure that people act responsibly and the government to ensure that this is done without any kind of prejudice. At the same time the law help to defend equality and reciprocity between citizens (Williams, 2009). Rawls (1971) and Nozick (1974) would add that laws should be put in place so as to make sure that there is fairness in society and that people’s property is secured.

With this in mind, it then becomes interesting to note that certain African governments and in particular Zimbabwe shy away from such ideal. The laws that are promulgated in Zimbabwe at times end up serving the interests of a few people and their close associates at the expense of the general population. It is apparent from the above paragraph that the main ethos of laws is to guarantee equality of all before the law. That is the aims of removing any form of bias and thus ultimately trying to put impunity to an end. This though be the aim of having laws, the aim, is generally ignored by the Zimbabwean government through the non-prosecution of certain high profile individuals who committed and at the same time acted in committing crimes on behalf of the government. Furthermore, the government itself is to blame for the brutality it committed against its own people. In spite of all these crimes, the government has not acted positively in protecting its citizens. Answerable to the people is possible through question and answer sessions in parliament. And McNaughton notes that Questioning and punishment of government and government officials can be possible when there is a properly functioning opposition in parliament (McNaughton, 2002 pg 36). Yet this was not the case in Zimbabwe before 2005 when the opposition was always in the minority, the cases that were questioned by the minority party always failed to attract enough numbers to support it being debated.

As a matter of fact, it became a common practice that certain individuals even ministries became untouchables. There was no accounting for activities and even anti-society policies promulgated, everything was taken from a particular political party’s ideas and thinking, thus even ensuring that the particular party’s ideas were implemented. All decisions and actions were done in spite of the opposition’s voice that was contrary, as was the case in the bringing back of AIPPA and POSA, the legal acts were voted for by ZANU PF members of parliament who were then the majority in parliament (between the years 2000 to 2005). All this means that there was and is no true representation of ordinary people through the parliamentary system, also that openness of discussion is thwarted. Furthermore, it means that certain political parties advance their ideologies at the expense of the common good. McNaughton (2002) notes that, only through open discussions and through reports to parliament and acceptance and implementation of certain criticisms that emanate from others can there be true representation and can there be claims that accountability and responsibility are taking place in a government.

The whole idea of arguing for responsibility and accountability is to argue for discipline and to ensure that there is a constant touch between the people and its representatives. In a sense the idea of keeping in touch somehow proffer the idea of checks and balances that is required in making sure that the government carries out its mandate and acts according to people’s

expectations. Without doubt when checks and balances are in place abuses of people or citizens in general is put at bay, and rule of law and respect the people occur. At the same time, when checks and balances are fully functional autocratic tendencies become remote. Moreover, checks and balances also make certain that incompetence and unacceptable representatives are recalled or removed. Keeping an eye on the government also helps to enforce citizen's rights of exercising the right to chose leaders who guarantee them good governance. However, this idea of recalling and removing leaders (through elections) who are not performing as expected is at times not respected by some African governments. The case of Kenya (2008 elections), Zimbabwe (2008 election) and Cote D'Ivoire (2010 elections) prove that certain leaders are interested in keeping in power no matter what people think and expect of the leaders. Generally the leader's refusal to vacate office reveal that they are in a sense refusing to account and to be responsible to the people who put them in office. A leader who has that people's needs and wants at heart would certainly let the people's voice be heard and respect it, through doing what people want in this case leaving office since people would have voted the leader out. Fear of the unknown forces people to stay in power and at the same time such practices build upon impunity.

The refusal to vacate office and the continual recycling individuals who would have lost elections and giving them posts also show the idea of self-serving interests within some African governments. The case in point is found in the Zimbabwean set-up whereby losing candidates in elections were appointed ministers. People such as C. Mushohwe, C. Chimutengwende, J. Made, O. Muchinguri, P Chinamasa among others lost elections yet were appointed into ministerial offices (Hativagone, 2008; Zimbabwean Elections, 2008). All this reflect the idea of creating a culture of patronage. A culture of having unwanted people as representatives and leaders of people the very people who are unwanted (need revision). In a sense the practice perpetuates the idea of impunity a culture of not accounting to people and of not being responsible to the people. Over and above everything else, recycling and refusal to vacate offices also give credence to the suggestion that African political leaders find it fulfilling to oppress the general citizens and over and above all suppress people's rights. The egoistic tendencies of the African leaders also ensure that they maintain repressive and autocratic regimes and avoid what people really want, that is abusing people's rights.

RIGHTS OVERRIDDEN

Every human being has claims and or dues which should be accorded and be respected by society and the world at large. The rights are what governments ought to honor and respect without prejudice. These dues and claims are what are and is termed rights. Rights are given to men by virtue of being a member of the human species. Hobbes, Locke and Rawls assert that rights are natural. Rights are natural in the sense that they are granted to men by nature or by God. These rights include liberty, life, the pursuit of happiness, and property in its various forms (Locke, 1689). These rights are further analyzed by the United Nations Declaration of Human Rights (1948) into several distinct categories comprising of political, social and economic rights. In a categorizing these rights the United Nations affirm the principle of equality of all individuals in the world. Furthermore, the rights ought to be respected and upheld by any government, since they are not a privilege.

The argument that has been advanced by all who support the idea of rights is that: rights cannot be curtailed or removed by governments but rather that rights bring with them obligations that ought to be respected (Shivji, 1989; Campbell, 2006). On

the part of the ordinary citizens, there is the obligation to “obey the law, pay taxes... respect properly constituted authority” (McNaughton, 2002 pg 27). On the other hand, the government is obliged to guarantee protection to citizens. The protection of the citizens’ rights is attained through the respect of basic claims such as life, liberty, happiness and property, and protecting people from internal and external aggression. As noted in the preceding paragraph Hobbes and Locke highlighted the kinds of rights that should be accorded to people. In the modern thinking the rights have further been enunciated and specified. Among the most important of these claims is respecting of people’s right to elect a government (choice) and right to be chosen to office, freedom of conscience, freedom from torture, respect of property rights (private included) among others.

The foregoing discussion on the appreciation and accordance of people’s dues is at times found lacking in certain African political practices. To highlight some of the abuses or some of the rights that have been overridden, the case of Zimbabwe will be used as a case of reference. Since Zimbabwe attained its independence in 1980, several citizen rights have and were overruled the most notable and frightening once occurred from the year 2000 onwards. Beginning from 2000 to date, the right to private property was and has not been respected. Several farms belonging to white farmers were overtaken by the mostly ZANU PF supporters through the use of purportedly war-veterans. To make matters worse there was no recompense for the lost farms. Additionally, several court orders that demanded the new-occupiers to vacate farms formerly belonging to commercial white farmers went unheeded and at times at the instigation of the government (Bell A, 2010; Zaba *et al*, 2010). Apart from the issue of farms the right to elect a government was as well overridden in 2008 when Mugabe lost the elections to Tsvangirai and went on to bring back even individuals who had lost elections to members of Tsvangirai’s political party. Thus the refusal to leave office meant that governing is reserved to certain individuals. In other words there are people who should rule and those who should be ruled. The thing that boggles the mind is that despite the unwilling to move out of office politicians, the same politicians are aware of what is expected in modern political systems, why don’t they want to move out of office. Furthermore, why are they not willing to listen to what the general populace desire?

The suggestion that is plausible is that perhaps the individuals are intending or intended to build a system whereby they can not be questioned and become the law unto themselves. As a matter of fact, when rights are overridden there is a by and large a divergence from executing social justice.

SOCIAL JUSTICE OVERRIDDEN

The whole idea of forming political entities is to try and foster a sense of common good. Common good is intrinsically connected to the idea of social justice or at best a synonym of social justice. In both cases, the general idea is that all in society ought to be treated equally, including the happiness and satisfaction of people in a society. Furthermore, the argument that can be advanced is that people should be granted their dues and in this sense it means people should be accorded their rights. Additionally, this would mean removing any form of injustice that is manifested in the form of oppression, harm, and suffering of the ordinary people (Bell R, 2002; en, 1989). Thus the main aim of upholding social justice is to ensure that the rights of the people are not trampled upon by those in power.

In the Zimbabwean case, it is plausible to argue that injustice has occurred and may continue to occur. As already highlighted, political and legal injustice has and will continue to be carried out. Thus the paper acknowledges that infringements on people's rights which ultimately resulted in derailment of human capacities that is people not being able to realize their ability and innovativeness. In a system that operates under unjust systems people's abilities and efforts (innovativeness) are generally unwelcome and crippled by unaccountable and non-responsible autocratic political system. As a result, such regimes generally cause despair in countries that have such systems of government.

DESPAIR CULTIVATED

Whenever unjust systems triumph there is always a sense of anger, dejection, resentment and ultimately uncooperativeness also becomes rampant as ordinary citizens try to show their displeasure. As a matter of fact, the ordinary people feel hopeless because every way which could have been used as a way of attaining redress against any form of oppression is dominated by the oppressor. Thus there is no way equality can be attained and as such misery upon misery is piled upon the people by unjust governments. It is important to remember that the unjust systems would have dominated all spheres that normally would be used as channels of advocating for equality such as judiciary and parliament among others. Furthermore, the general citizen feel that it is not empowered because the right to self-determination is denied of it.

Moreover, the very idea of not prosecuting high profile offenders, as is the case in governments that promote impunity, contributes to dejection of the general populace. Ultimately, there is a sense of lessened confidence in the whole government system. When people do not have confidence in a system of government it is also possible that cooperation is also lessened. Since people are not sure of what the government may be up to next or at best they may consider the government taking advantage of them. That is people thinking that the government is only interested in using the populace to meet the ends of the high profile leaders.

FAULTS OF IMPUNITY IN DEVELOPMENT

The foregoing discussion spelt out the ultimate results of systems that are not accountable. Of particular importance, the above paragraph reveals that non-responsible and non-accountable systems are fertile grounds for despair. The main result of despair is resentment and non-cooperativeness. As such, when cooperativeness is missing there is bound to be no progress or no attempts to better people's lives. Non-cooperativeness emanate from suspicion which in turn leads to distrust. Distrust is a disaster in development. True development is premised upon people working together in order to move towards the better or to making a better life. As such because of the distrust people end-up thinking that they are being exploited and used for individuals' selfish gains therefore they withdraw their innovativeness. Fear of exploitation and manipulation then becomes a hindrance to cooperation and thus no development.

Social and economic development is in everyway linked to political choices. The argument being advanced is that harmony is the guarantor of progress and advancement of people. Thus if political policies are anti-people as is the case with governments of impunity there is bound to be disharmony or no development. In actual fact, governments of impunity are

places where underdevelopment is imminent. The paper therefore, argues that good governance means development and bad governance equals no development.

Good governance as a political system is well supported by what A. Sen and M. Nussbaum when they argue that the government ought to be there for the people and when they say that the role of government or what government ought to do is to ensure that the ordinary people have a satisfactory life.

As a philosopher of economist, Sen who advocates for liberal and welfarist state. His departing point is that the government ought to be for the people. Implicitly this may be construed as meaning that governments ought to be accountable and responsible to the citizens. In arguing for a liberal-welfarism Sen (1989), argues that human freedoms and socialist ideas should be concurrently utilized in order to ensure that the ordinary person is covered from any kind of hardship and manipulation by the political leaders. While there is the covering up of the ordinary person from hardships, Sen also advocates that individuals should utilize their abilities to better themselves or realize what they can be. Whereas welfarism argues for the protection of the ordinary person, his ideas imply that there should be no dictatorship and autocratic governing. As already shown in the above paragraphs any kind of dictatorship (as shown in non-accountability and non-responsible governments) there really is no protection of the ordinary person rather there exists exploitation and manipulation of the ordinary person. Within the welfare state, Sen advocates for the realization of all liberties that are accorded a person by virtue of being born in the human family.

The ideas of Sen are further spelt out by Martha Nussbaum. Nussbaum (2000) and Sen (1989) both then argue that restrictions and preference ought not to be part of how society should be like. When referring to restrictions and preference what comes to mind is the fact that only a certain group of individuals are protected by the government system and the rest are thwarted by the governing powers. The philosophers further argue that when such a situation exists then development in its real sense is not achieved. Development for the philosophers then is premised upon people's functioning. That is people fully exercising their full capabilities without being constrained by the government. In discussing the issue of capabilities, Sen and Nussbaum argue that liberty ought to be the major signal of development. The idea of the philosophers is that people should work towards their own development or advancement and that there should be no hindrance to the attainment and realization of their ability. Government or state should complement people's efforts by doing everything good for the ordinary people. This may even mean calling for accountability and responsibility on the part of the government. Such situations can be achieved by removing any member of society who is not responsible from offices of responsibility.

It is however apparent that in governments of impunity, human freedom is not respected. As a matter of fact, when people are not granted the freedom to shape their own lives it is apparent that they are forced to become what they don't intend to be. In other words, people become far removed from their selves since they are limited and forced into a particular way of living. In fact alienation as Marx termed it comes into play. This is the case with land that was forcibly taken from some white farmers in Zimbabwe and the case with the exorbitant school fees in primary, secondary and higher institutes of learning. As if that were not enough, owning a piece of land is also a prerogative of a few advantaged persons. For example fertile farm lands belong to the rich and the poor are in arid areas, a close analysis will reveal that the rich are the same political leaders who

have everything at their disposal. On one hand the political leaders have land and on the other hand they make decisions that are anti-people. This is revealed through non-establishment of policies that are pro-poor people and also by maintaining corrupt figures in high governmental offices. Policies such as ensuring that the poor are lifted from poverty such as free-education, free medical treatment, poor acquisition and access to fertile productive land among others as promulgated by the millennium goals are ignored. It would be expected that the government provide the necessary inputs for farmers until such a time that they can sustain themselves, such a system can be viewed as cushioning people from hardships. Though the farmers would be expected to be able to give back and in turn help others to become self sufficient but alas this is not the case, officials receive the inputs first and do not pay back. In reality this would mean no perpetual dependence on donations or charity. Such practices are unsustainable as people will always continue being poor and in want.

For Sen, the argument then is that true liberty is to be achieved through arguing for a person's ability to function in society through government's effort to help them. That is, a person should be able to realize his or her potential without any hindrances from government. Sen adds that society should actually be there to aid a person's realization of abilities through removing any form of hindrance through providing the necessary basics it is from this view that one can argue that it is the duty of the government to provide and promulgate policies that help in reducing and ultimately removing poverty through providing the basic needs for people. The basics such as social freedoms, nourishment, health-care, life without shame among others (expanded in the preceding paragraph) ought to be provided to the people so as for them to become self-sufficient. The role of the state then is to enhance a person's freedom in making preferences to one's life through making sure that any kind of deficiency is at its minimum or removed in society. In other words the idea is that a person should be responsible for making who they are in other words people becoming actors and agencies in their own development through having a variety of choices. People therefore can have a variety of choices when they have somewhere to begin from. Such a position can only be attained when poverty is absent in societies.

It is pertinent therefore to reveal that there is a close link between development and freedom. Freedom encompasses and brings with it happiness, satisfaction and cooperation etc. If ever development is to take place it has to be in an environment in which all become significant players. People become significant players in the sense that all people participate and work towards their own benefit and ultimately contribute significantly to the development of the whole country. In this sense then development is measured by what the ordinary person holds, does and can do and not through calculated Poverty Datum Lines (PDL). The weakness in using the PDL calculations is that the most deprived peoples' dispossessions are covered up by the very well to do. As such this becomes a distortion of the truth and at times will contribute to greater disturbances in country, when such things happen then activities come to a stand still and thus leading to underdevelopment. Not to mention that unsustainable development is developed.

UBUNTU AS A PHILOSOPHY FOR SUSTAINABLE DEVELOPMENT

Development viewed by Sen as encompassing the totality of human freedom and involving a holistic approach also has its resonance in the African thinking of Ubuntu philosophy. The Ubuntu philosophy is a philosophy that is people centered and that is interested in advancing the goodness of society as a whole. In other words it is a humanizing philosophy, a philosophy

that is against selfish centeredness of some present day African leaders. Ramose defines Ubuntu philosophy as the philosophy of activity rather than an act (Ramose: 1999). By saying it is a philosophy of activity, Ramose intends to say that it is a system that values a person within a larger context of the whole community. It therefore attempts to give meaning to a person through a system of ever evolving, ever unfolding and ever moving (Ramose: 1999).

The idea that Ramose advances is that people ought to be involved in activities that better their livelihoods without facing any difficulties that are placed by others in society. It is from this reason that the Ubuntu uses the maxim 'Umuntu ngumuntu ngabantu' (Zulu, South African language) or in Shona 'munhu munhu nevanhu' (Zimbabwean language). The English translation "to be a human being is to affirm one's humanity by recognizing the humanity of others and, on that basis, establish humane relations with them" (Ramose: 1999). The meaning of the maxim or statement is that there need to be mutual respect, mutual recognition complimented by mutual care and sharing in the construction of human relations (Ramose: 2003). Ideally, the maxim attempts at doing away with all motives that may be detrimental to human existence, through urging people to be altruistic in nature.

Expounding on the ideas above, it would be appropriate to argue that Ubuntu philosophy takes development as something that ought to involve people holistically. Ubuntu seeks to empower people through respecting them that are giving people their dues or their freedoms. In actual fact, one is tempted to argue that the philosophy of Ubuntu as an ethic takes people into cognition and takes care of exclusion through arguing for mutual care and sharing (Ramose: 2003). The ethic goes a step further to urge individual involvement as well. Thus individual involvement and caring for others somehow works against establishing selfish tendencies that are eminent in impunity.

A person's involvement in bettering ones' way of life means an involvement in economic activities. Generally, people get involved in economic activities so as to satisfy vital needs (Ya-mona: 2003). The very idea of involvement implies participating and realizing potentialities within a community. The realization of potentialities also implies the idea of evolving and inevitably working towards individual development or advancement. The individual advancement cannot be taken in isolation of the community. It is pertinent to remember that in the Ubuntu thinking, there is sensitivity of the other, in a sense the idea of care ethics came into play. One works to advance himself and the community at large through aiding others in their effort. The idea of aiding others is an on going exercise in the lives of the Bantu speaking people and the idea imply doing away with impediments that others in society may face. This ideology therefore exalts reciprocity in the lives of the community. As such it would be sensible to argue that when Ubuntu philosophy is utilized in the governing of states then the chances of development of the whole community will easily be attained. This will be realized through implementing systems or policies that are people centered or oriented towards helping others instead of working at advancing individual interests. In fact the Ubuntu philosophy in economics helps to remove all selfish motives and also help in establishing societies that are almost people centered.

From the foregoing discussion it is plausible Ubuntu philosophy attempts and searches to establish involvement, stability, peace and ultimately development of the whole community by removing several forms of discontentment and hindrances that

maybe encountered in different societies. The four concepts- involvement, stability, peace and development are intertwined and cannot be taken in isolation. If one of the concepts is missing the whole model of development then becomes a misrepresentation of what true development involves. In reality the maintenance or utilization of the concepts somehow denote a holistic approach to human development. In a sense it gives people a sense of belonging and a desire to work towards their own good and advancement. Once people belong and feel wanted they are free to contribute significantly to their own advancement and that of the society as a whole. It is apparent that development ought to begin with people being involved and people's working together to build peace and stability within a particular location or geographical area. A peaceful and stable environment that does not involve the masses or the people is generally not conducive for development. The argument being advanced here is that, peace and stability does not necessarily imply development. There might be peace and stability in a given geographical location mainly out of fear and intimidation. In such an environment, people become alienated from their capabilities and freedom; therefore people out of intimidation withdraw into cocoons of apprehension. As such people then opt not to cooperate but chose isolation and other egoistic tendencies that are by and large anti-development.

The whole ethos of the paper then is to appeal to sane and reasonable people to uphold the will of the people through using the ideas of philosophers and their philosophies. In particular the philosophical thinking that places people at the center of development and the idea of upholding good governance. Everything linked to development requires the input of the general populace's willingness and satisfaction that emanate from the mitigation of the state. It is from this reason that it is correct to argue that people of sanity would find the thinking of the philosophers appealing and useful in governing their states.

CONCLUSION AND RECOMMENDATION

Impunity is a way of evading the norm of caring for the community. In actual fact, it is a way of self aggrandizement at the expense of the rest of mankind. Since impunity is a means of doing the unexpected, its implementers employ different ploys that will assist them in becoming unquestionable members of society. It is for this reason that leaders ensure that they maintain a strong control over systems that may condemn them by making sure that no-one questions them. Close associates and sacrosanct therefore are appointed to positions of authority and ultimately act in the interests of the leader(s). it is therefore plausible to argue that impunity is equal to perpetuating a society of non-responsibility and non-accountability, ignoring people's rights and having injustice occurring in the world. This is done through leaders' control of all facets of questioning and ensuring justice in society.

Closely connected to the issue of impunity is the subject of underdevelopment. Underdevelopment emanates from the fact that people become uncooperative in any kind of initiative that the government may take. The uncooperativeness come from the fact that people realize that they have only become instrumental subjects in society. Instrumental in the sense that the leader takes the citizens for a ride or use people for their own selfish, egoistic interests, that is making lives better for themselves at the expense of the whole community. Hopelessness, despair and dejection therefore become the main character of people in the society. These characteristics are then what contribute to the uncooperative nature of people. Without doubt

their own downfall and non-active nature in attempting to move out of poverty since all channels will be shut for the ordinary people unless if connected to the leaders.

The whole idea being expressed is that development is not depended upon a group of people or one person. Individual aggrandizement is detrimental to the good of society, since it does not account for the general goodness and better standing of the whole society. It is for this reason that it has been argued that there is need for a system that is holistic in nature. A system that accord all a chance to show case their ability and contribute meaningfully to their own well being. Furthermore, the need for a welfarist system that also accord people the freedom to advance themselves within a cushioned by society from hardships. In taking the mentioned preference then in a sense the ideas of Ubuntu are being adhered to.

It is through adhere to the ideals of Ubuntu that accountability and responsibility are build within the political leaders. As such then, it is apparent that the essay appeals to the leaders to adhere to such ideals, that is to act in the best interests of the whole community through informing and communicating with the people and by listening, respecting and acting upon the views of the people. Acting in such a way then will imply that the government will work at best for the people and not for egoistic reasons and aims. Through Ubuntu then there is the give, take and act mentality involved in working towards bettering people's lives. Thus development in a sense starts with the people and end with the people.

The paper attempted to reveal the main issues attached to impunity that is the characteristics and implications of governments that do not respect the wishes of its citizens and the implications on development. At best, a government that is not accountable results in ruthlessness that emanate from their insensitivity towards the ordinary people. As a result of such insensitivity, the ordinary people end up frustrated and thereby becoming hopeless in a world that is full of possibilities. As a mitigation measure, leaders ought to appeal to systems and ideas that are holistic in nature such as those advocated for by Sen and the Ubuntu philosophers.

REFERENCES:

Bell A, 2010. 'Another Land Invasion Case Referred to International Court.'

<http://allafrica.com/stories/201012211136.html>

Bell R, 2002. *Understanding African Philosophy: A Cross-Cultural Approach to Classical and Contemporary Issues*. New York: Routledge.

Berki R. N, 1984. *The History of Political Thought: A Short Introduction*. London: Dent.

Campbell T, 2006. *Rights: A Critical Introduction*. London: Routledge.

Catholic Commission on Justice and Peace, 1989. *Breaking the Silence and Building True Peace: A Report on the Disturbances in Matebeleland and the Midlands 1980 – 1988*. Gweru: Mambo Press.

Feinberg J, 1970. *Doing and Deserving: Essays in the Theory of Responsibility*. Princeton: Princeton University Press.

Hativagone M, 2008. 'Zimbabwean Run-Off- Delay Fears' Published on 13 April 2008.

- <http://www.groundreport.com/World/Zimbabwe-Run-off-Delay-Fears/2859164>.
- Hart H. L. A, 1968. *Punishment and Responsibility*. Oxford: Oxford University Press.
- Hobbes T, 1998 edition. *Leviathan*. Published 1660. Oxford: Oxford University Press.
- Locke J, 1988 edition. *Two Treatises of Government*. 1689. Cambridge: Cambridge University Press.
- McNaughton N. 2002. *Success in Politics: A Comparative Study for AS and A2*. London: John Murray (Publishers) Ltd.
- Nozick R, 1974. *Anarchy, State and Utopia*. New York: Basic Books.
- Ramose M. B, 1999. *African Philosophy Thorough Ubuntu*. Harare: Mond Press.
- Ramose M. B, 2003. 'The Ethics of Ubuntu.' In *The African Philosophy Reader*. Edited by Coertze P. H and Roux P. J. A.
- Rawls J, 1971. *A Theory of Justice*. Cambridge: The Belknap Press.
- Sen A, 1999. *Freedom as Development*. Oxford: Oxford University Press.
- Shivji I, 1989. *The Concept of Human Rights in Africa*. London: Codesria Book Series.
- United Nations Commission on Human Rights, 2005. "Principles for the Protection and Promotion of Human Rights: Through Action to Combat Impunity." February 2005.
- Williams G. 2009. "Responsibility." <http://www.iep.utm.edu/responsi/> published March 9 2009. accessed on 7 January 2011.
- Ya-mona M M, 2003. 'Primacy of the Ethical Order Over the Economic Order: Reflections for and Ethical Economy.' In *The African Philosophy Reader*. Edited by Coertze P. H and Roux P. J. A.
- Zaba F, Mutsaka F, Chitemba B, 2010. 'Net Closes in on Zanu PF Looters.' In *Zimbabwe Independent*. 10 – 16 July 2010.