Codifying state-sponsored famine as crime against humanity

Policy Brief

Famine remains one of the major causes of deaths and displacements in the Sub-Saharan African countries where people have continuously been compelled to cross international borders in search of livelihood securities. There is no question that the continent has been exposed to erratic rainfalls, crop failures and droughts, but contemporary famine has less to do with natural-related crop failures and much to do with poor governance. State’s premeditated action, inaction and incompetency to respond to insecurity and threats are largely responsible for African famines. The purpose of this paper is to explore how government’s action or inaction can lead to famine in the absence or presence of drought, which in return forces people to escape from drastically deteriorating conditions of existence. This paper challenges the common perception of famine as the drought-induced outcome of humanitarian crisis in Africa, and refugees as being victims of the natural circumstance. Taking Eritrea as a case example, this article discusses chronic food insecurity and mass starvation as a state-induced disaster, which should arguably be considered a crime against humanity.

WHAT’S AT STAKE?

Famine is believed to have been one of the fundamental driving forces for the overflow of a great deal of African refugees. Although it is one of the major causes of deaths and displacements in the Sub-Saharan African countries where people have continuously been compelled to cross international borders in search of livelihood securities, it has been perceived as more of a natural phenomenon than a man-made disaster (Jonassohn, 1993:72). Consequently, refugee study literatures largely treat refugee movements from the continent as a consequence of natural disasters and inter/intra-state conflicts, and have failed to acknowledge the occurrence of humanitarian disaster when the aforesaid factors are absent or
transpire mainly due to political negligence and malfeasance (Zegeye, 1993:441; Fischer and Vollmer, 2009:6-35; Mentan, 2014:141).

Inter/intra-state conflicts and wars have been one of the contributing factors to famine in Africa as they destroy infrastructure, dislocate populations, destroy livelihoods and food productions, divert public resources to finance military expenses etc. Nonetheless, politically induced famine crisis is one of the most overlooked humanitarian disasters in Africa. Therefore, drawing from the Eritrean example, this paper argues that a government that deprives its citizens of the basic necessity of life, such as food, is as dangerous as the one that persecutes its citizens on the grounds of race, religion, political opinion, nationality and social affiliation. The paper emphasizes that the presence of chronic food insecurity and mass starvation is a state-induced humanitarian disaster and fleeing politically induced famine should be a ground for refugee status and the act should be considered a crime against humanity.

THE GLOBAL CONTEXT

“We can say that every two years the number of people who die of hunger is roughly equivalent to the number killed in eleven years of world wars” (Thomas, 2002:113). Famine literature indicates that, in the 20th century alone, nearly 4-5 million people had died from famine-related causes in Sub-Saharan African countries (Devereux, 2000:6). Although there is no accurate data available, more people have probably died in Africa from famine-related deaths than have been brought about by ethnic conflicts, targeted persecutions and inter/intra-state wars. In Sub-Saharan African countries, drought has been synonymous with famine. However, the literature is not short of evidence to support that famine in the sub-Saharan African countries, and the world, for that matter, has not always been triggered by drought, but often related to governments’ action or inaction.

Throughout history, there have been many instances where economic deprivations were used as politically designed persecutory policies against the major or minor sectors of a population and/or as a political weapon to control populations, which led to famine and poverty (McInnis, 1986:220). Due to the historical misperception of famine and oversimplification of refugees’ motives, however, food-based persecution, such as deprivation and exclusion from access to food, has not been a
ground for refugee status. But some countries to some extent have begun to understand the gravity of socioeconomic persecution by deprivation.

THE CASE OF ERITREA

As a way of controlling and breaking up homogenous population, the Eritrean government has introduced an involuntary relocation of farmers coupled with forced collectivization of agriculture and confiscation of peasants’ food products, which involves taking over farming lands, criminalization of selling of grains in the markets, looting of farmers’ food to feed its army, and forcing farmers to sell their surplus food products to the government at a nominal rate of 8% of the market value (Harter 2009; Ghebrehiwet, 2009). Subsequently, the government rations 22 pounds of grain to a family each month (Kemenade, 2011). Although the government claims it was voluntary, the policy of forced resettlement of farmers from highland and midland to western lowland has assaulted the foundation of village life and destroyed the coping mechanisms and interconnected relationships among communities, making peasants refugees within their own country (Shabait.com, 6 October, 20016; OCHA, 2009).

Among many other fundamental rights deprivations, freedom of movement is also highly restricted in Eritrea. Subsequently, the fact that citizens are not allowed to freely travel within and without the country has limited peasants’ ability to grow, harvest and market their produce freely. It has severely limited pastoralists’ and nomads’ seasonal movements as a coping strategy to mitigate the effects of drought in times of irregular climatic patterns. Not being able to work, farm and produce enough food during the critical farming season, farmers would fail to achieve self-sufficiency during the dry seasons and face rising food prices. It is also worth noting that, “By virtue of its location in the Sahel, Eritrea is affected by periodic drought and food shortages. Even in times of good rainfall, domestic food production is estimated to meet between 60 to 70 percent of the population’s needs“(World Bank, 2016).

The state-controlled media has been utilized to cover-up the mass starvation by exaggerating about crop harvest in order to justify refusal of food aid. The massive human rights abuses are at their peak, the mismanaged economy is a fiasco, and the rampant corruption and absolute monopoly of national resources has enabled the top military officials to accumulate immense amounts of wealth while mass
starvation has been used as a political weapon to control the public. Given the nature and secrecy of the regime, access to information is extremely difficult and there is no exact statistical record of people who died from starvation, malnutrition and diseases related to famine. The growing number of men and women farmers who are leaving the country to escape the politically-induced shortages of food in the rural areas as well as the excessively expensive food prices in the cities are indicators of the existential threats at home.

**WHAT ARE THE POLICY IMPLICATIONS?**

On top of the well-documented records of the regime's involvement in physical torture, imprisonments, abuse and killings of its own citizens, and denial of opportunity, freedom, dignity and protection has violated the private and collective lives of the citizens preventing from establishing a family and maintaining a healthy socio-economic livelihood of the society. Although the concept of “persecution” used in the refugee Conventions and Protocols is not clearly defined, systemic violations of fundamental human rights and socioeconomic deprivations should never have been viewed as less persecutory than the five Convention grounds. In the case of Eritrea, the majority may not be facing individualized persecutions, because very small minorities, mainly the Jehovah Witness, have been persecuted on religious grounds. Hence, economic deprivation and Convention-related persecutions are not usually directed against certain race, religion, nationality, ethnicity or members of a particular social group. It is a silencing tool to which the whole population is subjected.

However, it is an issue of concern that there is no precise protection instrument under international law for people fleeing violations of economic rights who perceive their survival in minimally acceptable conditions is at risk or impossible. The Rome Statue defines persecution as the “intentional and severe deprivation of fundamental rights contrary to international law by reasons of the identity of the group or collectivity” (Rome Statue Art. 7). Therefore, one can argue that a government that deprives its citizens of the basic necessity of life such as food is a threat to human survival. The bottom-line is that the politically induced famine has imposed expulsive and unbearable conditions of existence regardless whether there was/is a drought or not. With or without drought, famine has been intensified through forceful displacement of people, disruption of agricultural activities and undermining social coping strategies, monopolization of commercial activities,
military conscription of farmers, food requisitions by military forces, seizing farmers’ lands and withholding of food aid.

When a state deliberately starves its people to death and abuses the fundamental rights of its own citizens all under the guise of sovereignty and national security, the displacements of significant portion of the population to “knock” on the international “doors” should not come as a surprise. Therefore, the internal human rights abuse, aggression and deprivations are producing international outpouring of refugees that need protection. Food security is a national security and it is mainly state’s responsibility to protect the vulnerable. More importantly, socio-economic deprivation and state-sponsored famine to maintain and sustain political control is not only a policy mistake, but also intentional infliction of condition of life and deprivation of access to food that should amount to a crime against humanity.

**KEY FINDINGS**

- Access to livelihood opportunities, freedom and protection are fundamental human rights that form the core values of human existence. It is the responsibility of the state to provide access and assistance to citizens in times of hardship. When a state shows the willingness and capacity to protect and provide security and assistance to its citizens, they are less likely to flee to an uncertain future and destinations.
- Even in situations such as natural or man-made catastrophes, relief assistance is the basic human right, to which the needy should be entitled. The State of Eritrea however has persistently failed to live up to its legal and moral obligation to either create conducive work environments where citizens can make a living or use its available resources to feed the hungry. Hence, when the state is the primary source of hardship and mass displacement, the leaders should be held accountable under international criminal law.
- The denial of farming opportunity and fundamental economic freedom can ultimately undermine the economic existence of the population, which equals to the denial of human and social security that destroys people’s livelihoods, fragments their social networks, and exposes them to food shortages and diseases. The fact that the regime has refused to accept international food aid while the people are starving is an indicator that starvation policy has been used as a political weapon to control the population.
➢ The bottom-line is that, the Eritrean government controls aid receipts, food distribution, land possession, and food rations, and hence dictates the population’s survival or demise. The population lives at the mercy of government’s limited rations.

➢ Therefore, the UN Security Council (UNSC) should pass a resolution to allow for unhindered and unconditional access to international food aid to the starving civilian populations in Eritrea.


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References


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