



THE POLITICS OF FOOD ASSISTANCE IN ZIMBABWE

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I. SUMMARY

Zimbabweans' access to food in 2004-05 could be threatened on multiple fronts.

In May 2004, the government of Zimbabwe told international donors that their general food aid is not needed. Harare has stated that it expects a bumper harvest in 2004-5. Representatives of non-governmental organizations (NGOs), United Nations (U.N.) agencies and donor countries feel, however, that Harare has over-stated this year's crop yield and that a large number of rural and urban Zimbabweans will require assistance as the year progresses. In June, a Member of Parliament raised questions about the government's estimate, leading Parliament to authorize an investigation.

Now, should the government's projections of a bumper crop not be met, Zimbabweans' primary access to food assistance will be through the government's Grain Marketing Board (GMB). Since 2002, donors have provided food aid to Zimbabweans through a program separate from the GMB program. The government's persistence, however, in permitting the GMB to conduct its operations and distribution practices without transparency renders uncertain Zimbabweans' access to domestically-managed food assistance. The GMB refuses to publish detailed accounts of its imports or maize purchases, leaving unknown its capacity to meet the basic food needs in 2004-05 of the estimated 4.8 million citizens who will become primarily dependent on its subsidized maize program. GMB distributions are often irregular and insufficient to meet high demands. Many Zimbabweans also cannot afford to buy the GMB's subsidized maize.

Although international donors maintain an active presence in the country, their reluctance to provide food aid and agricultural inputs (seeds, fertilizer, etc.) strictly on the basis of need in resettled areas, where black Zimbabweans have been given land under the fast track land reform program, has further compromised Zimbabweans' access to adequate food.

Problems with access to food could also be compounded in the months approaching Zimbabwe's March 2005 parliamentary elections. Representatives of civil society, relief agencies and donor countries warn that access to subsidized maize distributed by the GMB is likely to be subject to political interference in the pre-election period, with supporters of the opposition suffering most, as was reported to have been the case in previous elections. Relief agencies expect interference and restrictions on their operations during the election run-up, including with respect to their targeted feeding

programs that provide food to acutely vulnerable Zimbabweans, such as orphans and households with chronically ill members.

The right to food is guaranteed by the *Universal Declaration of Human Rights* and the *International Covenant on Economic, Social and Cultural Rights*. In particular, the Covenant obligates both the government of Zimbabwe and the international community to utilize all available resources and capacities to ensure Zimbabweans' have access to sufficient quantities of food. Compliance requires that assistance to those in need be provided without discrimination on any basis, and with respect for the principles of accountability and transparency. States Parties to the Covenant also have the responsibility to ensure that State actions do not undermine their citizens' right to food.

This briefing paper is a follow up to the report "Not Eligible: The Politicization of Food in Zimbabwe," produced by HRW in October 2003. It finds that the situation has improved somewhat, though cause for concern remains, given the lack of verifiable information concerning grain supplies and the government's decision not to renew its appeal for international food assistance.

II. RECOMMENDATIONS

To the Government of Zimbabwe:

- Publish all figures on maize imported into Zimbabwe and traded internally by the GMB as well as figures on the size of the government's strategic maize reserve.
- Develop and publish a 2004-5 policy and plan of action for the GMB to distribute and sell food to all persons in need irrespective of their race, religion, ethnicity, regional origin or residence, sex, or political affiliation. The policy and plan should be widely disseminated throughout Zimbabwe.
- Implement a transparent registration and distribution system that provides for community participation beyond traditional leadership and facilitates GMB maize distributions to all vulnerable persons, irrespective of political affiliation.
- Instruct politicians and traditional leaders that food is not to be used to influence or reward constituents or voters.
- Guarantee and facilitate unrestricted access for independent food and vulnerability experts, relief agencies and the U.N. to conduct comprehensive crop and vulnerability assessments and to provide humanitarian assistance to all vulnerable persons.

- Engage in dialogue with the international community to seek durable solutions to problems with access to adequate food in Zimbabwe. Invite the U.N. Special Rapporteur on the Right to Food to Zimbabwe to report on the food situation and allow him unrestricted access.

To International Donors, including the European Union, the United Kingdom, Germany, and the United States:

- Increase donor support for agricultural inputs to farmers, including resettled farmers, throughout Zimbabwe.
- Provide food aid strictly on the basis of need throughout Zimbabwe.
- Engage in dialogue with the Government of Zimbabwe to seek durable solutions to problems with access to adequate food in Zimbabwe.

III. BACKGROUND

Erratic weather patterns, the fast track land reform program's flawed implementation,¹ and a shortage of agricultural inputs have resulted in acute food shortages in Zimbabwe since late 2001. Other contributing factors include the government's mismanagement of the economy, which has led to hyperinflation, shortage of foreign currency and high unemployment; and HIV/AIDS, which has infected almost 25 percent of Zimbabwe's population.² In response to previous years' food shortages and the GMB's limited capacities, the government requested international food aid to supplement the GMB's food distributions.³ The efficiency and effectiveness of international food aid has been undermined, however, by the highly opaque nature of information—made possible in large part by the government's crackdown on the media and other basic civil liberties and political freedoms⁴—surrounding the GMB's operations, agricultural production, and other issues considered to reflect poorly on the fast-track land reform program.

¹ Under the fast track land reform program, black Zimbabweans were resettled onto commercial farm land formerly owned by minority white farmers. See Charles Utete, *Report of the Presidential Land Review Committee on the Implementation of the Fast Track Land Reform Programme, 2000-2002* ('The Utete Report'), (Harare: Government of Zimbabwe, 2003) and Human Rights Watch, "Fast Track Land Reform in Zimbabwe," *A Human Rights Watch Short Report*, Vol. 14, No. 1 (A), March 2002, <http://www.hrw.org/reports/2002/zimbabwe>.

² Farmers have also been discouraged from growing maize due to government price controls on maize.

³ The main donor countries funding food aid in Zimbabwe are the European Union, the United Kingdom and the United States. U.N. Office for the Coordination of Humanitarian Affairs, *Revised Consolidated Appeal for Zimbabwe – 2004*, (New York/Geneva: U.N. Office for the Coordination of Humanitarian Affairs, 2004), p. 148.

⁴ In particular, the Access to Information and Protection of Privacy Act (AIPPA), the Public Order and Security Act (POSA), and the Miscellaneous Offences Act have been used to undermine the freedoms expression and association. In September 2003, Associated Newspapers of Zimbabwe (ANZ), publisher of *The Daily News*, Zimbabwe's only independent daily, was closed when the Supreme Court ruled that it was operating in violation of AIPPA. The Administrative Court subsequently ruled that the ANZ could reopen. The government is now appealing the Administrative Court's decision and the ANZ is contesting the constitutionality of select section of

The GMB purchases imported maize (and locally produced maize in productive years) that it sells at a subsidized price. GMB maize is distributed to traditional leadership (chiefs and headmen) who collect money from their communities and oversee the distribution. The international food program, which began distributions in February 2002, is split into two food pipelines, managed by the World Food Programme (WFP) and the Consortium for Southern Africa Food Emergency (C-SAFE) respectively.

These programs have averted famine by providing millions of Zimbabweans with food assistance. Both the government and the international food programs, however, have been criticized for failing to ensure equal access to food for all Zimbabweans.⁵ In a 2003 report, Human Rights Watch found that the GMB's operations and distributions lacked transparency and that Zimbabweans who were suspected or actual supporters of the main opposition party⁶ were routinely excluded from purchasing GMB maize.⁷ Vulnerable persons, including many farm workers formerly employed by commercial farmers, were also excluded from food aid, as a result of the government's restrictions on relief agencies' access to the resettled areas.⁸ In addition, donors were generally reluctant to fund food aid and/or agricultural inputs in resettled areas, as they did not want to be perceived as supporting the government's land reform program.⁹ Zimbabwe African National Union Patriotic Front (ZANU PF)¹⁰ supporters have often prevented non-ZANU PF supporters from registering for international food aid. Despite relief

AIPPA. The Supreme Court has heard these matters jointly, but has reserved judgment and the ANZ remains closed. *The Tribune*, an independent weekly, was closed in June 2004, also under AIPPA. See also: Human Rights Watch, "Under a Shadow: Civil and Political Rights in Zimbabwe", *A Human Rights Watch Short Report* (NY: HRW, June 6, 2003).

⁵ See Physicians for Human Rights Denmark, *Zimbabwe: Post Presidential Election March to May 2002 – 'We'll Make Them Run'*, pg. 14-24, at http://www.phrusa.org/healthrights/phr_den052302.html. The International Federation for Human Rights reported politicization of the government food program in a statement "Political causes at the root of the current food crisis" (Harare), December 17, 2002, at http://fidh.org/article.php3?id_article=450. See SCF-U.K., *Household Economy Assessment Report: A1 Resettlement Areas & Mutorashanga Informal Mining Communities, Zvimba District, Mashonaland West, Zimbabwe*, (Harare: 2003), pp. 20-33 for findings on donor reluctance to fund food aid in resettled areas (hereafter referred to as "SCF Zvimba report").

⁶ The main opposition party is the Movement for Democratic Change (MDC).

⁷ See Human Rights Watch, "Not Eligible: The Politicization of Food in Zimbabwe," *A Human Rights Watch Short Report*, October 2003, pp. 34-45 for findings of politicization of the government food program.

⁸ *Ibid.*, pp. 46-50 for a discussion on the lack of access to resettled areas.

⁹ Donors are critical of the way the government implemented the reform, which led to serious human rights abuses, and had far-reaching consequences on Zimbabwe agricultural output and economy. See Human Rights Watch, "Fast Track Land Reform in Zimbabwe," *A Human Rights Watch Short Report*, Vol. 14, No. 1 (A), March 2002, <http://www.hrw.org/reports/2002/zimbabwe>.

¹⁰ ZANU PF is the ruling party in Zimbabwe.

agencies' efforts to prevent interference, such incidents have occurred as relief agencies must rely to some extent on local authorities to determine who qualifies for aid.¹¹

On a recent mission to Zimbabwe,¹² Human Rights Watch received reports from non-governmental organizations that unequal access to food assistance continues and that the GMB's monopoly on maize may compromise Zimbabweans' right to adequate food in 2004-5.¹³

IV. FOOD SECURITY IN 2004-2005

On May 12, 2004, the government announced that Zimbabwe does not require general food aid from the international community or food imports in 2004-5, as it has predicted a bumper harvest.¹⁴ The government has not, however, provided any information or data to support this prediction. Further, the government effectively "canceled" the FAO/WFP Crop and Food Supply Assessment Mission (CFSAM) by recalling the government members of the mission from research in the provinces.¹⁵ This year's actual crop yield is thus unknown.

In contrast to the government's predictions, representatives of non-governmental organizations, U.N. agencies and donor countries have predicted that Zimbabwe will experience a food deficit in 2004-5.¹⁶ The partial findings of the CFSAM, released in July 2004, cover three provinces: Mashonaland West, Manicaland, and Matabeleland North. According to the CFSAM assessment, this year's cereal production will be roughly

¹¹ See Human Rights Watch, "Fast Track Land Reform in Zimbabwe," *A Human Rights Watch Short Report*, Vol. 14, No. 1 (A), March 2002, <http://www.hrw.org/reports/2002/zimbabwe>, p. 28-34 for findings of politicization of the international food program by ZANU-PF supporters.

¹² Human Rights Watch fielded a mission to Zimbabwe for a three-week period in April and May 2004. Human Rights Watch interviewed representatives of national and international humanitarian NGOs; U.N. agencies; and donor countries. Almost all persons interviewed asked not to be named due to the political climate. Human Rights Watch sought but did not receive meetings with the relevant Ministries.

¹³ Under Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), Zimbabwe is obliged to respect, protect and fulfill the right to food. Zimbabwe acceded to the ICESCR on May 13, 1991.

¹⁴ "Zim will not require food aid: Mangwana," *The Herald* (Harare), May 12, 2004. The government predicted that Zimbabwe produced 2.4 million metric tons of maize. Zimbabwe requires 1.8 million metric tons of maize a year to meet human and livestock consumption needs. The government has requested that the WFP continue its targeted feeding program.

¹⁵ In previous years, the Food and Agriculture Organization (FAO) and the WFP, with the agreement and participation of the government of Zimbabwe, conducted a CFSAM, which is an established mechanism for informing the size and scope of food aid programs. As government officials facilitate access, the FAO and the WFP felt they had no option but to recall their team members as well. Human Rights Watch interview with U.N. representative, Harare, May 11, 2004. In a FAO report based on research conducted in three provinces before the team was withdrawn, the FAO predicted that Zimbabwe would have a cereal deficit of 325,000 metric tons. FAO, *Special Report Zimbabwe*, (Rome: FAO, July, 2004).

¹⁶ Human Rights Watch interviews with representatives of NGOs and donor countries, Harare, May 12-18, 2004.

950,000 metric tons. After accounting for government and commercial imports and stocks, there is still a deficit of 325,000 metric tons. The CFSAM further predicts that 30-40% of farmers produced enough grain to last no more than three months. The Zimbabwe Vulnerability Assessment Committee (ZimVAC) predicts that 2.3 million rural Zimbabweans will require food assistance in 2004-5.¹⁷ An earlier study by ZimVAC also found that as many as 2.5 million Zimbabweans living in urban centers were food insecure in late 2003.¹⁸

In April and May 2004, Save the Children Fund-U.K. carried out household economy assessments (HEAs) in two of its operation areas: Binga and Nyaminyami (Kariba Rural) Districts, Matabeleland North and Mashonaland West Provinces. These districts, located in the Zambezi Valley, are traditionally poor areas with little access to social services. The HEAs found that “the most significant food security problem in these two districts is access to adequate food ... Even if food is available on the market, around 50% of households (poor group) in Binga and Nyaminyami will not be able to purchase it as they will not have enough money or other means to do so.”¹⁹ Specifically, they found that the poorest 50% (poor group and social welfare cases²⁰) would require food aid for periods ranging from four to six months, in order to cover food deficits of 20% to 30%.²¹

The wide disparities between government and non-government crop assessments have led Zimbabwe’s Parliament to authorize the bi-partisan Portfolio Committee on Lands and Agriculture to probe and verify the government’s crop yield estimates. As of this

¹⁷ Highlights of ZimVAC’s preliminary findings of its April 2004 Rural Vulnerability Assessment on file with Human Rights Watch.

¹⁸ ZimVAC in collaboration with the Southern Africa Development Community (SADC) Food, Agriculture and Natural resources (FANR) Vulnerability Assessment Committee, *Food Security and Vulnerability Assessment – September 2003. Urban Report No. 1*, (Harare: ZimVAC, 2004), pp. 7-8. This number is unlikely to have changed, especially as the survey found that the main causes of food insecurity were high prices and inflation. Prices and inflation remain high, although inflation has fallen from over 600 percent in early 2004 to under 500 percent by June 2004.

¹⁹ Email letter signed by Rakash Katal, SCF-UK Emergency Food Security Advisor, and distributed with *Household Economy Assessments: Binga and Nyaminyami (Kariba Rural) Districts, Matabeleland North and Mashonaland West Provinces, Zimbabwe*, (Harare: SCF-UK, May 2004). The letter was received by Human Rights Watch on June 11, 2004.

²⁰ SCF-UK researchers interviewed community leaders who helped the researchers to divide the communities into “wealth groups”/socio-economic groups. These divisions were confirmed during community interviews. The “social welfare” division is actually a sub-group of the “poor group.” The socio-economic divisions are based on a range of factors that affect that wealth of a household in a given community, such as livestock ownership, land area under cultivation, level of education attainable by children, and the availability, length, value, and sustainability of income sources. See: SCF-UK, May 2004, pp. 6, 14.

²¹ Email letter signed by Rakash Katal, SCF-UK Emergency Food Security Advisor.

writing, the Committee had apparently not begun its investigation; it was expected to begin in August, once the Parliament had resumed sitting.²²

V. UNEQUAL ACCESS TO FOOD

In 1991, Zimbabwe acceded to the *International Covenant on Economic, Social and Cultural Rights* (CESCR), which contains specific and detailed provisions about the right to food. Zimbabwe thus recognizes the human right to adequate food, and as a State Party to the Covenant, agrees to “take appropriate steps to ensure the realization of this right ...”²³ The CESCR further binds Zimbabwe to work cooperatively with the international community to alleviate hunger within its borders. When the government of Zimbabwe does not fully disclose information vital to ensuring Zimbabweans’ access to food or consistently tolerates opportunistic abuse by local authorities or members of the ZANU PF, Zimbabwe abrogates its international legal and treaty obligations. (For further information please refer to the *Appendix, The Right to Food: Obligations under International Law*.)

The government’s food program

Much speculation exists about the GMB’s operations and the size of Zimbabwe’s strategic grain reserve. The government releases limited information about the GMB through state-controlled media, but does not allow independent observers to verify how much maize the GMB has imported or stored in its silos.²⁴ Donors and the U.N. resident representative and humanitarian coordinator have repeatedly tried to gather information about the GMB and Zimbabwe’s strategic maize reserve without success.²⁵ The lack of a comprehensive crop yield assessment, together with the scarcity of information about the GMB’s operations, makes it difficult for the international community to assess whether the GMB has the capacity to distribute sufficient maize in the coming year.²⁶ Past GMB distributions have been irregular and have not reached the outlying rural areas.²⁷ Many Zimbabweans do not have the money to buy GMB maize.

²² “House Adopts Motion to Ascertain Country’s Grains,” *The Herald* (Harare), June 3, 2004; Charles Rukuni, “Food Security Controversy Rages On,” *Financial Gazette* (Harare), July 29, 2004.

²³ Art. 11 (1), *International Covenant on Economic, Social and Cultural Rights* (CESCR), Resolution 2200 A (XXI), 16 December, 1966. Acceded to by Zimbabwe on May 13, 1991.

²⁴ “Zimbabwe predicts good harvest,” *The Herald* (Harare), May 14, 2004. This article addresses the GMB’s aims to purchase an estimated 1.2 million metric tons of maize internally.

²⁵ Human Rights Watch interviews with representatives of donor countries and the U.N., Harare, April 29 to May 5, 2004.

²⁶ The lack of information also means that the U.N. may not be able to respond as quickly as needed given planning constraints should the government request general food aid later this year. “Cancellation of UN food assessment mission jeopardizes future aid to Zimbabwe,” *IRIN News*, May 12, 2004.

²⁷ SCF-U.K., May 2004, pp. 9 and 17.

Representatives of NGOs and donor countries also reported that they were concerned the government would increasingly use food to “buy votes” in the run-up to the 2005 parliamentary elections, as witnessed in previous elections. For example, NGO representatives stated that during recent by-elections ZANU PF distributed food near polling sites, in an attempt to influence votes. Based on incidents reported during the 2000 presidential elections, several interviewees said that if food shortages materialized and if the GMB were the only source of grain, it was likely that in regions that generally supported the opposition, such as urban centers, it would be more difficult to obtain sufficient food in the run-up to the parliamentary election.²⁸

Government restrictions on access to resettled areas

According to international and national NGO representatives, the government continues to hamper their access to the resettled areas. As a result, vulnerable persons, including former farm workers, are largely excluded from food aid provided by the international food program.²⁹ Sources in the agricultural industry reported that the government restricts general distributions of international food in the resettled areas on the basis that such distributions would show that the land reform program has been a failure.³⁰

GMB distributions in the resettled areas have also been inadequate.³¹ The government reportedly perceives farm workers as supporters of the Movement of Democratic Change (MDC). It also asserts that farm workers who receive food aid become food aid dependent and are unwilling to work.³² Sources familiar with the farm workers’ situation have found, however, that food aid enables farm workers to work their own plots of land rendering them more self-sufficient and financially better off. Without food aid, farm workers are often compelled to work for less than minimum wage as casual farm laborers in order to buy food.³³

²⁸ Human Rights Watch interviews with representatives of NGOs and donor countries, Harare, April 29 to May 16, 2004.

²⁹ Human Rights Watch interviews with representatives from NGOs and the U.N. and sources in the agricultural industry, Harare, April 28 and May 7, 11 and 14, 2004.

³⁰ Human Rights Watch interview with sources in the agricultural industry, Harare, May 14, 2004.

³¹ SCF Zvimba report, p. 24.

³² Human Rights Watch interviews with government officials, Washington D.C., March 26, 2004.

³³ Human Rights Watch interviews with NGO representatives and sources in the agricultural industry, Harare, April 30 and May 14, 2004. See also “Positive impact of food aid measured in Zimbabwe,” *IRIN News*, June 15, 2004.

Reports of political interference with the international food pipeline

NGO representatives also reported that they were concerned that access to food would be undermined if incidents of political violence increased in the run-up to the 2005 parliamentary elections, as had occurred in earlier elections.³⁴ Several NGOs involved in distributing international food aid noted that ZANU PF supporters continue to interfere with food distributions in different areas of the country³⁵ and to intimidate persons who are suspected or actual MDC supporters.³⁶ These persons are then too afraid to collect food at distribution points. Further, some local authorities reportedly did not inform suspected or real MDC supporters about food registration exercises and/or food distributions.³⁷ ZANU PF and MDC politicians have reportedly claimed before and after food distributions that the distributions took place due to their efforts, in the expectation that the beneficiaries should support their party.³⁸ In some instances, involved communities or community leadership also reportedly excluded households marginalized by the community—often the most vulnerable members of the community, including widows, orphaned children of MDC supporters and other child-headed households—from food aid.³⁹

Donors have insisted that relief agencies closely monitor and verify the selection of beneficiaries before and after food distributions.⁴⁰ Relief agencies have established systems that enable members of the community to confidentially report incidents of manipulation, such as wrongful inclusion or exclusion of community members. Donor representatives note that these efforts have minimized exclusion errors and incidents of political manipulation.⁴¹ Several international NGOs and U.N. sources reported that the level of manipulation in Zimbabwe is below that in other countries, as generally the intended beneficiaries receive and are able to keep the food aid.⁴²

Human Rights Watch notes, however, that some forms of exclusion—such as of the highly marginalized groups mentioned above—or political manipulation are extremely

³⁴ Human Rights Watch interviews with NGO representatives, Harare, April 27 and May 30, 2004. See Human Rights Watch, "Under a Shadow: Civil and Political Rights in Zimbabwe," *A Human Rights Watch Short Report*, June 6, 2003, at <http://www.hrw.org/background/africa/zimbabwe060603.htm>.

³⁵ Human Rights Watch was not able to independently verify these reports during this research mission.

³⁶ Human Rights Watch interviews with NGO representatives, Harare, May 4 and 7, 2004.

³⁷ Human Rights Watch interviews with NGO representatives, Harare, May 4 and May 7, 2004.

³⁸ Human Rights Watch interviews with NGO representatives, Harare, May 14, 2004.

³⁹ Human Rights Watch interviews with NGO representatives, Harare, May 4 and 14, 2004.

⁴⁰ Human Rights Watch interviews with representatives of donor countries, the U.N. and relief agencies, Harare, April 28 to May 14, 2004.

⁴¹ Human Rights Watch interviews with representatives of the U.N., NGOs and donor countries, Harare, April 28 to May 14, 2004.

⁴² Human Rights Watch interviews with representatives of NGOs and donor countries, Harare, April 30 and May 4/5, 2004.

difficult to monitor and correct under the existing system, which relies to a large extent on community leadership and cooperation with local authorities. These parties reportedly contribute to unequal access in food distribution.⁴³ Through focus groups and town meetings, international food agencies make great efforts to avoid exclusion. However, these fora can still be influenced by local authorities and can still leave out the most marginalized, voiceless members of the community. The beneficiary selection system could be strengthened by further minimizing the role of the community leadership, and by more deliberately seeking out the most marginalized households.⁴⁴

The role of donors

Human Rights Watch and other NGOs have criticized donors in Zimbabwe for their reluctance to provide food aid and/or agricultural inputs in resettled areas, where large numbers of former commercial farm workers and some newly resettled farmers are food insecure.⁴⁵ Since 2002, donors have provided minimal funding to food aid in the resettled areas despite claiming to provide food aid strictly on the basis of humanitarian principles of need.⁴⁶ Donors continue to be reluctant, as they do not want to be seen as supporting the land reform program.⁴⁷

In early 2004, donors funded two pilot projects in two resettled areas. If the general food distributions had not been stopped at the government's request in May, the lessons learned from these projects would have informed donors about the feasibility of extending general food aid to other resettled areas. One donor representative noted, however, that these pilot projects were an inadequate response, as donors recognized they would have been unable to scale up the programs during the months of the beneficiaries' peak needs.⁴⁸ The same representative also suggested that providing food aid to resettled farmers based on need would have meant only a small increase in the

⁴³ See footnote 4.

⁴⁴ Concern Worldwide in Malawi, for example, introduced a system whereby three different groups in a community (one consisting of chiefs, elders and advisors and two others consisting of community members who are not leaders). Each group was asked to compare a list of the most vulnerable and then the lists were compared. See Valid International, "A Stitch in Time? – Volume 2: Appendices: Independent Evaluation of the Disasters Emergency Committee's Southern Africa Crisis Appeal July 2002 to June 2003," p. 38, at http://www.dec.org.uk/uploads/documents/A_Stitch_in_Time_v102_Vol_2_-_Appendices.pdf.

⁴⁵ See footnote 4.

⁴⁶ Article 1.4.2. of the 2003-4 MOU between the government and WFP states that "Food assistance will be distributed exclusively on the basis of need." The first point under the General Principles of the EU Guidelines for Food Distribution in Zimbabwe also stresses that "EU food aid is provided on the basis of priority of human need alone and without conditionality." The European Union, *EU Guidelines for Food Distribution in Zimbabwe*, p.1 at http://www.delzwe.cec.eu.int/en/eu_and_country/food_security.htm.

⁴⁷ Human Rights Watch interviews with representatives from donor countries, Harare, April 30 and May 4, 2004. Donors asked not to be named.

⁴⁸ Human Rights watch interview with representative of donor country, Harare, May 4, 2004.

international food program, which already provided food aid to millions of Zimbabweans.

The CESCR also binds donor countries and international humanitarian organizations. The General Comments specifically forbid conditioning food assistance on political issues. More specifically, although the primary responsibility for securing the right to food rests with the Zimbabwean government, the international community is also obligated to do its utmost to ensure sustainable access to adequate food, which includes providing agricultural inputs as well as food aid. (For further information please refer to the *Appendix, The Right to Food: Obligations under International Law.*)

Although the government has stated that Zimbabwe does not require general food aid from the international donors in 2004-5, it has agreed that they can continue to provide targeted feeding. Donors should provide targeted feeding to all Zimbabweans in need, including those in the resettled areas. Donors should also provide agricultural inputs strictly on the basis of need throughout Zimbabwe.⁴⁹

⁴⁹ Donors provided farmers in the communal areas with a total of U.S. \$19 million in agricultural inputs (cereal seeds, legumes, tubers and vegetables, and fertilizers) for the 2003-4 season. U.N. Relief and Recovery Unit (now known as Humanitarian Support Team), "Zimbabwe Humanitarian Situation Report," May 18, 2004.

VI. APPENDIX

The right to food: obligations under international law

Both the *Universal Declaration of Human Rights* and the *International Covenant on Economic, Social and Cultural Rights* guarantee the right to food. Adopted in 1948 by the General Assembly, Article 25 of the *Universal Declaration* couches the right within the broader context of an adequate standard of living that includes health, food, medical care, social services, and economic security.⁵⁰

In 1991, Zimbabwe acceded to the *International Covenant on Economic, Social and Cultural Rights* (CESCR), which contains specific and detailed provisions about the right to food. Zimbabwe thus recognizes the right of everyone to adequate food, and as a State Party to the Covenant, agrees to “take appropriate steps to ensure the realization of this right...”⁵¹ The Covenant further binds Zimbabwe to work cooperatively with the international community to alleviate hunger within its borders; Article 11 (2) states:

The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international cooperation, the measures, including specific programs, which are needed:

- (a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;
- (b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.⁵²

Article 2(1) similarly states, “Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and cooperation, ..., to the

⁵⁰ Art. 25, *Universal Declaration of Human Rights*, Resolution 217 A (III), December 10, 1948

⁵¹ Art. 11 (1), *International Covenant on Economic, Social and Cultural Rights (CESCR)*, Resolution 2200 A (XXI), 16 December, 1966. Acceded to by Zimbabwe on May 13, 1991.

⁵² Art. 11 (2), *CESCR*.

maximum of its available resources ...”⁵³ Regarding the nature of States’ obligations under the covenant, General Comment 3 specifies:

The Committee notes that the phrase: to the maximum of its available resources” was intended by the drafters to refer to both the resources existing within a State and those available from the international community through international cooperation and assistance.⁵⁴

Thus, the government of Zimbabwe has a legal obligation to utilize available international resources. If, with knowledge of need, the government failed to take advantage of these resources or took actions—such as undermining the CFSAM—that impeded the availability of international assistance, then the government would be violating its citizens’ right to food. Likewise, the international community must make the maximum possible level of assistance available.

In 1999, the U.N. Committee on Economic, Social and Cultural Rights provided comment on the right to food, clarifying State Party duties. General Comment 12 defines the “core content” of the right to food as “the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals ...; the accessibility of such food in ways that are sustainable...”⁵⁵ Thus, for both the government of Zimbabwe and the international community, fulfilling this obligation means providing not only food but also agricultural inputs and technical assistance, which are essential to sustaining adequate availability of food in Zimbabwe.

General Comment 12 further defined the State’s obligation to provide a right to food as tripartite,

[A state has] the obligations to respect, to protect and to fulfill... The obligation to respect existing access to adequate food requires States parties not to take any measures that result in preventing such access. The obligation to protect requires measures by the State to ensure that enterprises or individuals do not deprive individuals of their access to adequate food. The obligation to fulfill (facilitate) means the State must pro-actively engage in activities intended to strengthen people's access to

⁵³ Art. 2 (1), *CESCR*.

⁵⁴ ‘The nature of States parties obligations (Art. 2, par.1): .14/12/90. CESCR General Comment 3 (13). (General Comments).

⁵⁵ ‘The right to adequate food (Art. 11),’ May 12, 1999. E/C.12/1999/5, CESCR General Comment 12 (8). (General Comments).

and utilization of resources and means to ensure their livelihood, including food security. Finally, whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, States have the obligation to fulfill (provide) that right directly. This obligation also applies for persons who are victims of natural or other disasters.⁵⁶

General Comment 12 stresses the need for accountability and transparency in implementing national strategies for the right to food:

The formulation and implementation of national strategies for the right to food requires full compliance with the principles of accountability, transparency, people's participation ... Appropriate institutional mechanisms should be devised to secure a representative process towards the formulation of a strategy, drawing on all available domestic expertise relevant to food and nutrition.⁵⁷

It is not sufficient for the government to assert that it will provide food should food shortages materialize. Rather, the government has an obligation to justify and support its capacity to do so. While the government continues to obscure the GMB's operations, the sources of GMB grain, and the size of the government's strategic maize reserve, it is difficult for Zimbabweans, let alone the international community, to plan appropriately for the future and to ensure access to sufficient quantities of food.

To the extent that the government's strategy involves a decentralized approach, the national government remains accountable under the Covenant for the actions of its agents who are implementing that strategy.⁵⁸ Such accountability includes responsibility for any arbitrary or discriminatory actions that deprive those in need of access to food, whether by village heads, other local community leaders, or ZANU PF supporters.⁵⁹

⁵⁶ 'The right to adequate food (Art. 11),' May 12, 1999. E/C.12/1999/5, CESCR General Comment 12 (15). (General Comments).

⁵⁷ 'The right to adequate food (Art. 11),' May 12, 1999. E/C.12/1999/5, CESCR General Comment 12 (23) and (24). (General Comments).

⁵⁸ 'The right to adequate food (Art. 11),' May 12, 1999. E/C.12/1999/5, CESCR General Comment 12 (20). (General Comments).

⁵⁹ 'The right to adequate food (Art. 11),' May 12, 1999. E/C.12/1999/5, CESCR General Comment 19. (General Comments). "Violations of the right to food can occur through the direct action of States or other entities insufficiently regulated by States. These include ... denial of access to food to particular individuals or groups, whether the discrimination is based on legislation or is pro-active; the prevention of access to humanitarian food aid in internal conflicts or other emergency situations; ... and failure to regulate activities of individuals or groups so as to prevent them from violating the right of food of others"

The CESCR warns State Parties against discrimination.⁶⁰ General Comment 12 specifies that it is a violation of the CESCR to discriminate with respect to “access to food, as well as to means and entitlements for its procurement, on the grounds of race, color, sex, language, age, religion, political or other opinion, national or social origin, property, birth or other status...”⁶¹ Inequitable distribution of the right to food breaches the Covenant⁶² and a state violates its obligations as a State Party when it allows or engages in distribution practices designed to consolidate control, or further political goals.

Furthermore, primary responsibility for preventing and remedying hunger lies with the State Party. When financial constraints prevent action, the State Party must take the lead in seeking international assistance.⁶³ The comment states, “States parties should recognize the essential role of international cooperation and comply with their commitment to take joint and separate action to achieve the full realization of the right to adequate food.”⁶⁴

As a member of the United Nations, and as a State Party to the CESCR, Zimbabwe recognizes the right to adequate food for its people. When it does not fully disclose information vital to ensuring Zimbabweans’ access to food or consistently tolerates opportunistic abuse, Zimbabwe abrogates its international legal and treaty obligations.

The CESCR also binds donor countries and international humanitarian organizations. They must not politicize aid. Paragraph 37 of General Comment 12 specifically forbids conditional food assistance, and/or embargoes that use food as an economic or political lever:

States parties should refrain at all times from food embargos or similar measures which endanger conditions for food production and access to

⁶⁰ Art. 3, *CESCR*.

⁶¹ ‘The right to adequate food (Art. 11),’ May 12, 1999. E/C.12/1999/5, CESCR General Comment 12 (18) and (37). (General Comments).

⁶² ‘The right to adequate food (Art. 11),’ May 12, 1999. E/C.12/1999/5, CESCR General Comment 12 (26). (General Comments).

⁶³ ‘The right to adequate food (Art. 11),’ May 12, 1999. E/C.12/1999/5, CESCR General Comment 12 (17). (General Comments).

⁶⁴ ‘The right to adequate food (Art. 11),’ May 12, 1999. E/C.12/1999/5, CESCR General Comment 12 (36). (General Comments).

food in other countries. Food should never be used as an instrument of political and economic pressure.⁶⁵

In fact, parties to the CESCRC agree to help other state parties in need. The General Comment reminds States of their commitment to

Take joint and separate action to achieve the full realization of the right to adequate food. . . . States parties should take steps to respect the enjoyment of the right to food in other countries, to protect that right, to facilitate access to food and to provide the necessary aid when required.⁶⁶

Organizations, such as the WFP also play a special role in setting the example for proper protection of economic and social rights when implementing their programs. Paragraph 40 of General Comment 12 specifically calls upon U.N. humanitarian agencies to promote and realize the right to food in places where they intervene.⁶⁷

⁶⁵ 'The right to adequate food (Art. 11),' May 12, 1999. E/C.12/1999/5, CESCR General Comment 12 (37). (General Comments).

⁶⁶ 'The right to adequate food (Art. 11),' May 12, 1999. E/C.12/1999/5, CESCR General Comment (36). (General Comments).

⁶⁷ 'The right to adequate food (Art. 11),' May 12, 1999. E/C.12/1999/5, CESCR General Comment 12 (40). (General Comments). "The role of the United Nations agencies, including through the . . . UNDAF at the country level, in promoting the realization of the right to food is of special importance. Coordinated efforts for the realization of the right to food should be maintained to enhance coherence and interaction among all the actors concerned, including the various components of civil society." It further called upon the UN agencies such as UNICEF, the WFP, and the UNDP to cooperate more fully, and focus their efforts with the needs of the recipients in mind, rather than their own narrow mandates.