

ZIMBABWE

Not Eligible: The Politicization of Food in Zimbabwe

Table of Contents

Glossary of Acronyms.....	i
I. Summary.....	1
II. Recommendations.....	4
To the Zimbabwe Government.....	4
To the International Community.....	6
III. Background of the Politicization of Food.....	9
The Humanitarian Crisis.....	9
Politics, Land Reform and Human Rights Abuse.....	12
An Economy in Disarray.....	17
Food Assistance Programs in Zimbabwe.....	20
IV. The Right to Food: Obligations under International Law.....	22
V. Human Rights Violations.....	28
Politicization of International Relief Assistance.....	28
Politicization of the Government Food Program.....	34
Politicization of Aid in the Ex-commercial Farming Areas.....	46
VI. Methodology.....	51
VII. Acknowledgements.....	51

Glossary of Acronyms

AIDS	Acquired Immune Deficiency Syndrome
CCJP	Catholic Commission for Justice and Peace
CIO	Zimbabwe Central Intelligence Organization
C-SAFE	Consortium for Southern Africa Food Emergency
DRC	Democratic Republic of the Congo
EMOP	UN Emergency Operation
FAO	UN Food and Agriculture Organization
FCTZ	Farm Community Trust Zimbabwe
FEWS	Famine Early Warning System
FOSENET	National NGO Food Security Network
GDP	Gross Domestic Product
GMB	Grain Marketing Board
Ha	Hectare
HIV	Human Immunodeficiency Virus
IRIN	UN OCHA Integrated Regional Information Network
MDC	Movement for Democratic Change
MOH	Ministry of Health
MOU	Memorandum of Understanding
MT	Metric Tons
OCHA	UN Office for the Coordination of Humanitarian Affairs
ORAP	Organization of Rural Associations for Progress
RRU	UN Relief and Recovery Unit
SADC	Southern African Development Community
SCF UK	Save the Children Fund, UK
UNDP	United Nations Development Program
UNICEF	UN Children's Fund
USAID	US Agency for International Development
WFP	UN World Food Program
WVA	Zimbabwe Liberation War Veteran's Association
ZANU PF	Zimbabwe African National Union, Patriotic Front
ZAPU	Zimbabwe African People's Union
ZBC	Zimbabwe Broadcasting Corporation
ZDF	Zimbabwe Defense Force
ZIMVAC	Zimbabwe Vulnerability Assessment Committee

I. Summary

Today one-half of Zimbabwe's population of nearly 14 million is considered food-insecure, living in a household that is unable to obtain enough food to meet basic needs. A three-year drought, international sanctions and the withdrawal of international non-humanitarian support, the government's mismanagement of the economy, and the fast-track land reform program all worked together to cause the current food emergency. The international aid community, led by the UN World Food Programme (WFP), is currently providing relief rations to over five million people and the number may well exceed seven million by 2004. The government subsidizes grain through its own program of importation and distribution, managed by the Grain Marketing Board (GMB) and the government's Food Committee.

Local and international rights and relief agencies have been complaining for more than a year that food distribution is being manipulated for political ends, favoring those who support the government and the Zimbabwe African National Union Patriotic Front (ZANU PF), the ruling political party. This politicization is widespread in the GMB program and is present to a far lesser degree in the international relief program. Manifestations of shortcomings differ between the two food regimes. In addition to politicization at all levels of grain procurement and distribution, the GMB suffers from corruption. The international relief efforts become politicized unavoidably when they must rely on local authorities when determining beneficiary status. But, the international programs are also politicized. According to insiders of the international aid regime, some international donors are opposed to funding aid for those who have participated in Zimbabwe's land reform program. A policy excluding resettled farmers, like many of Zimbabwe's government policies, ignores the only proper condition to receive aid – need. Human Rights Watch investigated these claims of politicization in Zimbabwe in February and March 2003 and found evidence to support them.

Despite efforts by many international relief organizations to prevent politicization, local officials – mostly ZANU PF – have been able to manipulate the processes for registering beneficiaries, preventing non-ZANU PF-supporters from receiving food aid. The WFP

and international donors, as well as the local implementing partners, are aware of this weakness and are trying to impose tighter controls on their programs. Nonetheless, observers close to the ground state that politicization is an ongoing and serious problem. In 2002, there were a few incidents in which local government politicians used international food aid to reward supporters, but the international community quickly responded to stem the problem.

The wider politicization of the GMB program affects many people at all levels of the food aid structure. The program and its management task force lack transparency and accountability, making observation and judgment of its effectiveness very difficult. Nonetheless, widespread corruption and profiteering characterize the GMB program, and assessments indicate that a great deal of the grain never reaches its targeted population. Instead, local officials in a position to profit divert the grain through other channels for sale at inflated prices. Much of the grain ends up on the black market, where the price of maize (and other foods) soars several times above the official price. Some grain may also end up in neighboring states where maize prices are even higher. The resulting shortages of GMB maize in towns and villages mean that more and more people must rely on international assistance and relief aid.

Those experiencing trouble accessing GMB maize share a common identity: they are perceived political enemies of ZANU PF and the government. Known members of the main opposition party, the Movement for Democratic Change (MDC), top this list of perceived enemies. But the list also includes many teachers and ex-commercial farm workers – both thought to support the MDC. The government also regards urban residents in general as disaffected and suspect, mostly because, in elections since 2000, many have voted for the MDC. In effect, rural or urban people without ZANU PF party cards are unable to register for or receive GMB maize. They must, instead, turn to the more expensive black market. Witnesses reported that they had seen ZANU PF officials selling GMB maize to ZANU PF cardholders at relatively low prices during election campaigns, often in areas where maize had been unavailable for some time.

The government further compounded food shortages and consolidated its control by halting private merchants, the MDC and all but a handful of NGOs from importing grain. The government also closed down relief operations in areas where residents were thought to support the MDC. For instance, the government disrupted feeding operations in the MDC-stronghold of Binga by the local Catholic Commission for Justice and Peace, and by Save the Children Fund-UK.

The supply of relief maize (maize supplied by the WFP and international donors) is insufficient to meet the requirements of those in need. People cannot register for relief maize if they earn a wage; but the wages do little since there is insufficient GMB maize to purchase and black market maize is costly. Experienced humanitarian and relief agency workers point out that the combination of grain shortages and restricted access to GMB and relief supplies makes the Zimbabwe situation particularly acute.

The politicization of food takes place within the larger national context, where party-political violence and repression are widespread. The government uses veterans of the war for independence, police, ZANU PF youth, and the recently created youth brigades to enforce its food distribution policies. Army leaders are central to the operation of the GMB and its Food Committee. Even as international humanitarian assistance helps feed hungry Zimbabweans, the longer-term humanitarian and political dilemma of how to help the impoverished ex-commercial farm workers and new settlers on the old white farms remains.

II. Recommendations

In any food relief program, not all people in need will receive aid. Because resources are limited, a line will always have to be drawn. Relief agencies must determine who will receive aid and how much and what kind of aid they will receive. The difference between a fair and an unfair or politicized relief program is the criteria that are used to make these decisions. International relief agencies have determined that the guiding principle behind relief must be need and they have established guidelines to guarantee fair delivery of food.¹ For instance, the European Union's principles state that aid is provided in Zimbabwe "on the basis of priority of human need alone and without conditionality." Management and distribution are "based purely on criteria of need and not on partisan grounds," and transparency is a "key component of all processes."² The WFP also targets beneficiaries based on need.

To the Zimbabwe Government

- In accordance with the Zimbabwe Constitution, the government should permit all people to buy GMB maize at set prices without reference to their race, religion, ethnicity, regional origin or residence, sex, or political affiliation. The government should instruct authorities in charge of beneficiary and distribution lists to abide by the principle of non-discrimination. Special effort should be made to ensure access to highly vulnerable populations, such as women head of households, children, and those affected by HIV/AIDS.
- The government should impress upon the leadership of all political parties that it is prohibited for politicians and party supporters to use food to influence or reward

¹ UN Organisation for the Coordination of Humanitarian Affairs (OCHA), *UN Consolidated Inter-Agency Appeal in Response to the Humanitarian Crisis in Southern Africa – Zimbabwe, July 2002 – June 2003*, Sec 3.2. See <http://www.reliefweb.int/w/rwb.nsf/s/E047A96FBE2B164AC1256BFA0058AA9D>

² European Commission, *Guidelines for Food Distribution in Zimbabwe*, n.d.

constituents or voters. Punitive action should be taken against those who flout this regulation.

- Neither the security forces nor the youth militia should oversee the food distribution process. Civilian authorities should oversee the deployment and conduct of the police and other security forces, limiting their involvement to quelling disturbances and responding to public complaints of illegal food distribution activity. In all cases, the police and the security forces should act in accordance with international humanitarian and human rights law.
- The Zimbabwe government should make serious efforts to end corruption at all levels of the food importation and distribution process, to follow the tendering procedures outlined by government regulations, and to police the importation of food, ensuring that all grain purchased externally is delivered to Zimbabwe.
- The government should enhance monitoring of all aspects of the food distribution process. It should track the level of food-insecurity in all communities and monitor the domestic food chain to ensure that GMB grain brought into the country reaches GMB depots, millers, local authorities, and the population without being diverted illegally into the black market. The findings on these and other food-related issues should be published regularly and made available to the general public.
- The government should take steps to improve access to and the availability of food. Private entrepreneurs and other organizations should be permitted to import and sell grain, with donor support. Grain milling and flour and bread production should be opened up to all millers and bakers regardless of their political affiliation. And, the government's public works program, cash-for-work, should be opened to all people in need, regardless of their political affiliation or views.
- Relevant departments and bodies within the Zimbabwe government should cooperate and collaborate more fully with the international aid regime to improve its ability to ensure that food is accurately directed to and reaches populations in need. These departments include the Ministry of Finance's Food and Security Council, the

Ministry of Lands, Agriculture and Resettlement, the Grain Marketing Board, the Grain Distribution Task Force, the National Early Warning Unit, the Drought Management Committee, the Provincial and District Drought Relief Committees and Logistics Committees, and the Civil Protection Unit

- The Zimbabwe government should fully support the current United Nations-led effort to create and implement a new set of humanitarian principles to govern current and future feeding programs. The UN Development Programme (UNDP) and the UN Office for the Coordination of Humanitarian Affairs (OCHA) convened, in April 2003, a workshop to develop a system of checks and balances that would improve coordination and cooperation between the Zimbabwe government and donors. The participants – representatives from the Zimbabwe government, the UN, bilateral donors, and national and international non-governmental organizations (NGOs) – drafted a Memorandum of Understanding (MOU). The Zimbabwe government should immediately adopt and begin implementation of this MOU.

To the International Community

- The United Nations and major international food aid donors, such as the United States (U.S.) and the European Union (E.U.), should continue to fight politicization of food in Zimbabwe through its efforts to maintain tight controls on food distribution and to implement all aspects of relief efforts directly or through local NGOs. Under no circumstances should international relief efforts be carried out through government channels.
- The donor community, especially the U.S., the E.U., and the United Kingdom (U.K.), which provide the bulk of Zimbabwe's food aid, should not condition aid on any factor other than need. In particular, farmers who were resettled under the fast-track land reform program should be made eligible to receive food aid from all international sources. Donors that have withdrawn support for humanitarian programs in Zimbabwe should reconsider their duty, under international law, to assist those in need.

- International relief efforts should be highly coordinated to prevent severe humanitarian repercussions when one of the implementing agency's programs is disrupted by elements attempting to use relief food for political ends.
- The WFP should increase efforts to assist populations currently excluded from food aid, including large groups such as those living in urban areas and in the ex-commercial farming districts; and smaller groups, such as those who are unable to purchase GMB grain because distributors intentionally exclude them.
- The international community should mobilize resources to supervise and train those responsible for registering beneficiaries. Politicization and discrimination occurs most pervasively during the registration process.
- WFP workers, NGO staff, and local authorities involved in the food relief program should re-emphasize the principle of non-discrimination by talking to communities, local leadership, district and provincial authorities, party members and leaders, and any others involved in the food relief program. These agencies and authorities should help to train distributors as well as those responsible for registration. In particular, local NGOs should be targeted for training and oversight to ensure that they understand and comply with this requirement.
- The international community should work more closely with a wide selection of local NGOs and community based organizations to target international aid distribution. Local NGOs have a better understanding of society and politics at the grassroots level.
- To relieve shortages, the international community, especially the UN, the U.S., the E.U and the U.K., should continue to press for the importation of grain by private entrepreneurs and other organizations. These international actors should advocate directly with the Zimbabwe government for an end to the current ban on this activity.

- To foster trust and accountability, the UN's Relief and Recovery Unit should publicly report confirmed incidents of politicization, or the corrupt use of international food aid or GMB grain.
- The UN and other international relief donors should encourage and assist the Zimbabwe government and its agencies to comprehensively survey the nutritional and food-security status of all populations, including those in the ex-commercial farming areas. The findings should be made public and used to better target aid to those in need.
- Given the on-going food shortage and the general economic breakdown in Zimbabwe, the UN, in particular the WFP, and other international relief donors, should extend their programs into 2004 and raise funds for ongoing hunger relief efforts.

III. Background of the Politicization of Food

The Humanitarian Crisis

By early February 2003, when Human Rights Watch was researching this report, there were 7.2 million food vulnerable people in Zimbabwe.³ The country was in the midst of a severe and complex humanitarian emergency that had been gathering momentum since 1999. By 2001, drought monitors, the Southern African Development Community (SADC), the Famine Early Warning System (FEWS), and humanitarian agencies were all indicating that a regional food crisis was emerging in southern Africa; a crisis induced by a complex web of events and government policies.

Harvests in Zimbabwe, Malawi, Mozambique, Zambia, Swaziland, and Lesotho were, for the third year in a row, adversely affected by floods and drought. The poor weather conditions further exacerbated production declines induced by HIV/AIDS, which was destroying the productive adult population across the region, leaving the elderly and children to run the farms. In Zimbabwe, previously a major exporter of grain to its neighbors, the seizing of commercial farms that began in 2000 under the fast-track land reform program caused massive production disruptions. These disruptions, combined with the adverse weather conditions, led to a severe drop in national grain production.⁴ Zimbabwe's farms were not producing enough to feed the domestic population, let alone the region. The government's mismanagement of the economy and institutionalized corruption compounded these food production shortfalls by making the little grain that was produced over-priced and difficult to obtain.⁵ The UN argues that

³ UN Relief and Recovery Unit, *Zimbabwe Humanitarian Situation Report*, January 13, 2003. This population consisted of 850,000 urban needy, 929,000 current and former commercial farm workers, and 5.4 m rural people.

⁴ For example, maize production in Zimbabwe dropped by more than seventy-five percent from the 1999/2000 season to the 2001/2002 season. Zimbabwe National Vulnerability Assessment Committee (ZIMVAC), *Zimbabwe Emergency Food Security Assessment Report*, (Harare: September 16, 2002) pp. 6.

⁵ Food and Agriculture Organisation of the UN (FAO) and the UN World Food Programme (WFP), *Special Report: FAO/WFP Crop and Food Supply Assessment Mission to Zimbabwe - 1 June 2001*, Sec 2 & 3; Oxfam International, *Crisis in Southern Africa*, June 2002, pp. 4-7; OCHA, *UN Consolidated Inter-Agency Appeal in Response to the Humanitarian Crisis in Southern Africa – Zimbabwe, July 2002-June 2003*, Sec 2.2 & 3; WFP, *Southern Africa Crisis Response*, (EMOP 10200), July 1, 2002-March 31, 2003, Sec A, B and C.

the Zimbabwe crisis is not a normal “complex emergency.” Its causes are varied and unusual (i.e., weather, policy choices, and economic stagnation and HIV/AIDS). Moreover, the government’s incapacity, macro-economic policies, and tense relationship with donors, complicate the solution.⁶ FEWS predicted the onset of famine without immediate international relief.

Though the Zimbabwe government initially refused to acknowledge the full extent of the food shortage, it supported, along with NGOs already in the field, supplementary feeding and public work programs for targeted populations. In mid-2001, the UN argued that these programs were inadequate and “unable to tackle the magnitude of the current and anticipated problems.”⁷ The WFP began pouring aid into southern Africa in September 2001. But Zimbabwe’s government did not request assistance from the WFP until October 2001, so WFP aid did not arrive until February 2002. The international community raised more than one hundred million US dollars for the feeding operation.⁸

Initially, the WFP program in Zimbabwe targeted 558,000 beneficiaries, out of 4.6 million beneficiaries in the entire southern Africa region.⁹ By July 2002, hunger had spread significantly in the region and new assessments identified 6.1 million beneficiaries, 3.8 million of which were in Zimbabwe. The WFP estimated that by the peak of the seasonal need cycle in December the regional need would grow to nearly 13 million people and the number of targeted WFP beneficiaries would reach 10.2 million. In Zimbabwe, however, the WFP projected that the number in need, 6 million, would remain constant and therefore expected to target 3.8 million beneficiaries throughout 2002.¹⁰ But its estimates proved too conservative and the number of Zimbabweans in need grew to 6.7 million by September 2002,¹¹ and to 7.2 million by early 2003.¹²

⁶ OCHA, July 2002-June 2003, Sec 3.

⁷ Food and Agriculture Organisation of the UN (FAO) and the UN World Food Programme (WFP), *Special Report: FAO/WFP Crop and Food Supply Assessment Mission to Zimbabwe – 1 June 2001*, Sec 6.

⁸ OCHA, July 2002-June 2003, Sec 2.1.

⁹ WFP, July 1, 2002 – March 31, 2003, pp. 6.

¹⁰ *Ibid*, pp 2, 9, 10. According to the report (pp. 7): “Humanitarian response to the current crisis will have to coincide with increasing needs leading up to the next main harvest in April/May 2003. ... [T]hree time periods capture the seasonal trends: July – August, September – November, December – March 2003. ... The most

Generally, estimates of the number of people in need range between twenty and seventy-five percent of the population, depending on district, population group, and season.¹³ The Integrated Regional Information Networks (IRIN), part of OCHA, identifies four separate populations of concern: the farm families living in the communal areas,¹⁴ urban populations,¹⁵ newly settled farmers, and ex-farm workers and their families on the ex-commercial farms. Details about the vulnerability and nutritional status of the latter two communities on the old white farms are largely unavailable, which makes it difficult to assess need and design feeding interventions. The UN has requested a full survey of ex-commercial farm areas. Despite the government's stated plans to conduct a needs assessment, at the time of this writing no assessment had begun. Although, in March the UNDP and the WFP undertook a joint pilot assessment in Marondera with the Ministry of Social Welfare. But the government has made no further indication that it will conduct a comprehensive assessment of these areas.

The most vulnerable amongst the population of concern include households with orphans, large families, female-headed and child-headed households, and families without or with only small plots of land, who own no animals, who must care for disabled members and/or who receive no agricultural subsidies. Some families have

critical food security period will be December through March, when food stocks will be depleted, prices will be high, and the humanitarian needs will be great."

¹¹ "Southern Africa: More than 14 million at risk from hunger," *IRIN News*, September 16, 2002.

¹² UN Relief and Recovery Unit, January 13, 2003: This population consisted of 850,000 urban needy, 929,000 current and former commercial farm workers, and 5.4 m rural people. "Zimbabwe: Crop and vulnerability assessments will map needs," *IRIN News*, April 23, 2003: In March 2003, WFP provided food for 4.7 million Zimbabweans.

¹³ Ministry of Health and Child Welfare and UNICEF, *An Assessment of the Nutritional Status and Food Security Situation in Zimbabwe*, draft June 25, 2002; Zimbabwe National Vulnerability Assessment Committee (ZIMVAC) in collaboration with the Southern African Development Community (SADC) Food Agriculture and Natural Resources (FANR) Vulnerability Assessment Committee, *Zimbabwe Emergency Food Security Assessment Report*, September 16, 2002 and December 20, 2002; UN Relief and Recovery Unit, *Zimbabwe Humanitarian Situation Report[s]*, November 26, 2002 and January 13 and 11, 2003 and February 24, 2003.

¹⁴ 'Communal areas' refers to land that is used primarily for subsistence farming. These areas were traditionally farmed by native Zimbabweans, as designated under various land distribution laws passed under the colonial government and also after independence.

¹⁵ Generally, urban residents have been expected to purchase food. Nearly half of the GMB's maize was sent to towns in the last year. For instance, 110 kg maize/person of GMB maize was reportedly imported into Bulawayo and Harare compared to 26 kg/person for (rural) Mashonaland East residents and 12 kg/person to (rural) Matabeleland North. ZIMVAC, *Estimate of Food Availability by Province and Urban Area, February – October 2002*, n.d. Urban populations are more likely to receive food aid under the 2003-2004 international relief program. See "ZIMBABWE: Feature - Food security worsening in south," *IRIN News*, April 10, 2003 and "ZIMBABWE: Food 'monetization' aims to reach urban poor," *IRIN News*, May 21, 2003.

been stressed (i.e. they planted and then have lost crops) repeatedly since 1999-2000, when Zimbabwe had erratic rains, a cyclone and flooding. Many more families were unable to harvest significant amounts of food due to drought in different areas in 2000-01, 2001-02, and in 2002-03.

Faced with mounting needs and little prospect of accessing grain, people have developed coping strategies. People feed their families by borrowing food or buying it on credit, picking wild plants or hunting animals. They eat fewer meals and eliminate expensive foods (such as meat or fish) each day. Families reduce expenditures on other “non-essential” items such as education and health services. As money runs out, families are forced to sell important assets such as goats and bicycles, which can often place their long-term livelihoods at even greater risk. When no longer able to survive where they are, people migrate to the cities in search of better prospects (which do not exist in the urban areas where unemployment is rampant), attempt to emigrate, or turn to prostitution or crime. Unfortunately, these coping strategies often fail to provide proper nourishment. Nutritional surveys since 1999 indicate increased malnourishment in children under five years-old.¹⁶

Politics, Land Reform and Human Rights Abuse

Zimbabwe’s ten-year war for independence from Britain ended in late 1979 with the signing of the Lancaster House Agreement by Britain and the liberation forces led by Robert Mugabe of ZANU and Joshua Nkomo of Zimbabwe African People’s Union (ZAPU). Among its other provisions, the agreement preserved the white colonial farmers’ rights to their land and barred compulsory acquisition of land by the new government.¹⁷ In 1980, white commercial farmers owned more than 15 million hectares of the agricultural land while small-scale black commercial farmers owned only 1.4

¹⁶ ZIMVAC and SADC FANR Vulnerability Assessment Committee, September 16, 2002, pp. 9; OCHA, July 2002-June 2003, Sec. 3.3 and “Queues to get out”, *South African Broadcasting Corporation (SABC) News*, September 10, 2003.

¹⁷ In 1980, most of the remaining farm families lived on the congested communal lands (comprising less than 50 percent of agricultural land). United Nations Development Programme (UNDP), *Zimbabwe: Land Reform and Resettlement: Assessment and Suggested Framework for the Future, Interim Mission Report*, January 2002, pp. 8.

million hectares. After ten years, the government changed the law to permit compulsory acquisition of land for redistribution and resettlement at “fair” (though not necessarily market) prices set by a committee. By 1997, only 71,000 families out of a targeted 162,000 had been resettled on roughly 3.5 million hectares of land.¹⁸ However, less than twenty percent of this land was “prime land”.¹⁹ In contrast, some 4500 commercial farmers, mostly white, still owned 11 million hectares of the richest land.²⁰

Illegal land occupations escalated in 1997, but it was not until the economy collapsed, that land reform again took center stage. In response to persistent demands for assistance by the Zimbabwe Liberation War Veteran’s Association (WVA) the government announced that it planned to compulsorily acquire nearly 1500 farms (3.9 million hectares). But Zimbabwe and international donors, including Britain and the International Monetary Fund (IMF), increasingly disagreed on the funding of land resettlement. Among other concerns, the donors contended that many of the beneficiaries of the early land reform program were the well-connected and relatively wealthy elite, not struggling farmers. Thus, in September 1998, the government held a conference to establish a set of principles for selecting beneficiaries for land resettlement and to receive donor pledges. But donor-government relations soured at the conference and new governance conditions were imposed on the funding for land reform. By 1999, only 35 of the nearly 1500 targeted farms had been purchased for resettlement.

As donors were making funding conditional on transparency in land resettlement and pressing President Mugabe to implement governance reforms, the political opposition in

¹⁸ Human Rights Watch (HRW), *Fast Track Land Reform in Zimbabwe*, (New York: HRW, March 2002) pp. 6: Technical Committee of the Inter-Ministerial Committee on Resettlement and Rural Development and the National Economic Consultative Forum Land Reform Task Force, *Inception Phase Framework Plan: 1999 to 2000, An Implementation Plan of the Land Reform and Resettlement Programme – Phase 2* (Harare: Government of Zimbabwe, undated (1998)), paragraph 1.2.

¹⁹ HRW, March 2002: Tapera Knox Chitiyo, “Land Violence and Compensation: Reconceptualising Zimbabwe’s Land and War Veterans’ Debate,” *Track Two Occasional Paper*, vol. 9, no. 1, (Cape Town: Centre for Conflict Resolution, May 2000), p.16.

²⁰ HRW, March 2002, fn. 10: “According to the Commercial Farmers’ Union (CFU), basing its summary on official government figures, 39,079,000 hectares of land in Zimbabwe are split among: large scale commercial sector, 11,020,000 hectares (28.2 percent of the total), of which CFU members own 8,595,000 ha; small scale sector, 1,380,000 ha (3.15 percent); communal areas, 16,350,000 ha (nearly 42 percent); resettled areas, 3,540,000 ha (9.1 percent); national parks and forest land, 6,339,000 ha (16.2 percent); state-owned land through ARDA, 250,000 ha (0.6 percent); urban land, 200,000 ha (0.5 percent). CFU statement, October 19, 2001. All CFU documents cited are available on the CFU website: www.mweb.co.zw/cfu.

Zimbabwe was gaining strength. A broad spectrum of interest groups came together in 1999 to form the MDC, the first major opposition party since ZANU and ZAPU merged to form ZANU PF. The MDC called for broader, more people-driven land reform and opposed the 2000 referendum on a new constitution that would permit Mr. Mugabe to seek two additional terms in office and sanction the seizure of white-owned farms. In the President's first defeat in more than 20 years, 55 percent of voters opposed the proposed constitution. Pressing economic need had distracted voters, despite the free land that the proposed seizures promised. Only 26 percent of eligible voters cast ballots; "there were bigger queues in Harare ... for precious supplies of diesel fuel than there were at referendum voting points."²¹ Most observers mark this defeat as the beginning of nationwide state-sponsored violence for it made clear that the first post-independence, viable and nationwide alternative political party had emerged.

Thus, in July 2000, on the tail of defeat and facing mounting opposition, Mr. Mugabe announced the fast-track land reform program. Under the program, the government aimed to acquire five million hectares of land by the end of 2001 and eventually to see nine million hectares divided between 160,000 poor family farms (A-1 model) and 51,000 small- and medium-sized commercial farms (A-2). Despite the referendum's defeat, parliament passed a new bill legitimizing the fast-track program. By June 2002, more than 5800 farms, comprising 10.5 million hectares, had been listed for compulsory acquisition. In defense of fast-track, Mr. Mugabe argued that his government was:

... fighting a Third 'Chimurenga' ... to achieve economic justice for the black majority.... This gross social and economic injustice could not be allowed to continue. Thus when the landless people 'spontaneously' invaded white farmland to register their protest against this gross injustice, Government then felt compelled to act. It thus embarked upon its fast-track resettlement programme. The ... MDC was formed as a front for the whites to resist the moves towards the redistribution of the economic assets of Zimbabwe. Britain

²¹ Peter Hawthorne, "Power to the People: Zimbabwean voters just say no to President Mugabe's proposals for constitutional reform," *Time Europe*, Vol. 155 No. 8, February 28, 2000.

and other European powers are sponsoring the MDC because they want to protect the property rights of whites and are vigorously opposed to the expropriation of white-owned farmland.²²

Human rights groups held instead that:

... the fast-track resettlement program began in early 2000, when the Government's popularity had reached an all-time low. The first land occupations were not, as claimed by the Government, a spontaneous protest by land-hungry people. They were planned, organized and executed by ZANU (PF). Large-scale, synchronized invasions of farms by 'war veterans' occurred throughout the country within days of the referendum rejecting the constitution. The farm occupiers were transported to farms in Government vehicles. Once there, they received monthly payments and regular food supplies, delivered in Government vehicles. Government Ministers, parliamentarians, Provincial Governors, other high-ranking ZANU (PF) politicians, local party officials and CIO and army personnel were involved in this process, linking up with the 'war veterans' and directing or participating in the invasions and in the ensuing violence. The invasions were ... an essential part of a political strategy to combat the growing influence of the MDC and to win back rural support by promising land reform.²³

Violence and rights abuses have characterized the fast-track process, as previously reported by Human Rights Watch.²⁴ Motivated by political bias, the process denies whole classes of people, such as MDC supporters and many commercial farm workers, the right to acquire land. Women also have fared poorly under the fast-track program, receiving much less than their fair share of the distribution.

²² Zimbabwe Human Rights Non-Governmental Organizations Forum, *Politically motivated violence in Zimbabwe 2000-2001: A report on the campaign of political repression conducted by the Zimbabwean Government under the guise of carrying out land reform*, August 2001, Introduction. Also see Zimbabwe Human Rights Non-Governmental Organizations Forum, *The Unleashing of Violence: A report on violence in Zimbabwe as at May 15, 2000*, May 16, 2000.

²³ Zimbabwe Human Rights Non-Governmental Organizations Forum, *Politically motivated violence in Zimbabwe 2000-2001: A report on the campaign of political repression conducted by the Zimbabwean Government under the guise of carrying out land reform*, August 2001, Background.

²⁴ HRW, March 2002, pp. 18-35.

Parliamentary elections took place in mid-2000, following the implementation of fast-track. During the elections, reports of violence, electoral irregularities, and the intimidation of opposition leaders were typical occurrences: a reported 35 MDC members were murdered during campaigning. The MDC won a slight majority of votes, but ZANU PF captured 62 seats while the MDC won only 57.

Opposition to seizures and illegal occupations under fast-track continued at home and abroad. Faced with international condemnation, in September 2001, the government agreed at Abuja to uphold the rule of law: to cease compulsory acquisition of land, and to end violence on the farms and the government-backed farm occupations. Nonetheless, commercial farm acquisitions, politically motivated discrimination, violence and rights abuse continued.²⁵

Serious rights abuses again reportedly marred the presidential election in March 2002, mostly against MDC supporters. Abuses included electoral fraud, torture, abduction and kidnapping, murder, assault, theft, rape, unlawful arrest and detention, looting, and destruction of property.²⁶ Violence also plagued the local government elections that followed.²⁷

As a result of these reported election-related abuses, European and US governments refused to acknowledge the presidential election as valid and the re-elected government as legitimate. Their targeted “smart” sanctions against more than 70 prominent people aim to deny Mr. Mugabe, his close advisors, and their families the right to travel and hold property and money abroad.²⁸ On September 24, 2001, Zimbabwe was declared

²⁵ “ZIMBABWE: Year-ender 2002 - Chronology of fast-track land reform,” *IRIN News*, January 20, 2003; The Ministry of Local Government, *Formally Resettled Households Under the Fast Track Land Reform Program, June 2000 to 5th March 2002: Model A1 Scheme*, n.d.; “Resettled War Vets Abandon Farming for Gold Panning,” *The Daily News*, February 20, 2003 reporting the findings of the Parliamentary Portfolio Committee on Public Service, Labour and Social Welfare, which toured the newly settled farms.

²⁶ Zimbabwe Human Rights NGO Forum, *Are they Accountable? Examining alleged violators and their violations pre and post the Presidential Election March 2002*, December 2002. The Public Order and Security Act (January 2002) is used frequently to arrest opponents. It is abusive of rights and freedoms, especially the right to organize, assemble and express opinions freely.

²⁷ See, for instance, Amnesty International, Press Release: “Zimbabwe: local elections marred by state-sponsored violence”, October 1, 2002.

²⁸ Peter Slevin, “Bush Freezes Assets of Mugabe, Zimbabwean Officials,” *The Washington Post*, March 8, 2003.

ineligible to use the general resources of the IMF and removed from the list of countries eligible to borrow resources under the Poverty Reduction Growth Facility because it had been in arrears to the Fund since February.²⁹ Since then, the government has blamed donor withdrawal, as well as repeated drought, for the nation's economic troubles. In the aftermath of these events, tensions have been high between the government and the international community. Face-to-face meetings between ZANU PF politicians and influential western diplomats in Harare are infrequent and strained. Zimbabwe's leaders interact mostly with lower-level foreign diplomats or senior UN officials for working meetings. There is thus little common planning, coordination, collaboration, or even negotiation between western governments and Zimbabwe's government.

An Economy in Disarray

The fast-track land seizures created severe hardship in Zimbabwe in several ways. Production on commercial farms was massively disrupted. Commercial maize production declined once fast-track was announced and land invasions began in earnest. New settlers did not want to see departing farmers harvest their crops and therefore, food had to be abandoned in the fields. Similarly, farm animals and seeds were eaten by hungry settlers waiting for inputs from the government.³⁰ On farms that were listed but not yet acquired, planting and forward planning (such as investing in new equipment) declined as uncertainty increased. In 2001, as maize production dropped and prices rose, the government set prices and decreed that all grain must be bought and sold through the GMB. Some confiscation of grain followed. These policies discouraged growers, and production threatened to decline even further.

²⁹ Ibid. Regarding withholding of loans and grants and technical assistance, see International Monetary Fund, "IMF Adopts Declaration of Non-cooperation for Zimbabwe and Suspends Technical Assistance", June 14, 2002.

³⁰ Human Rights Watch interview with John Robertson, a Zimbabwean economist, February 26, 2003: The Justice for Agriculture provided an example: "On Mervyn Jelliman's farm in Kadoma, center pivots and sprinklers lie dormant over dry fields. Normally at this time of year [Dec 2002] some 300 hectares of maize would have been growing, in addition to the 2,400 to 3,200 tons of wheat and barely he would have already produced. This year he was chased off the farm three weeks before his cereal crop came to fruition. On an average some 6 to 8 tons per hectare would have been harvested off this land, but the settlers turned off the sprinklers and failed to maintain the crop. When they eventually carried out a very late harvest using his combine, they obtained no more than 450 tons. Since then, no further planting has been done." (www.justiceforagriculture.com)

Both the Grain Producers' Association and the Commercial Farmers' Union warned of significant national crop reductions due to the disruption of commercial farm work. But the government disregarded these warnings. The Minister of Agriculture declared: "We are now seeing the (white) farmers and their backers... targeting local people with crude warnings and prophecies of doom that land reform will lead to hunger in Zimbabwe. Nothing can be far (sic) from the truth than these warning."³¹ By the end of 2001, nearly one-third of commercial farms stopped operating completely or operated at significantly diminished capacity. Prices were allowed to rise in early 2002, but the farms had grown too little maize, so scarcity continued, accompanied by high prices.³²

The commercial farming declines caused by fast-track also meant that 150-200,000 farm workers were thrown out of employment, the lives and livelihoods of these workers and their families (an estimated 1.5 to 2 million people) disrupted.³³ Many of these workers, immigrants or descendants of immigrants from neighboring countries such as Malawi and Mozambique, lack alternative networks of support. As non-citizens, they have no access to fast-track land or to land in the communal areas.³⁴ Some may have cash remaining from the retrenchment packets paid by departing white farm owners, but many are destitute. Most have remained in villages on the commercial farms where they worked, now co-existing in an uneasy relationship with the WVA members, other organized war veterans, and other new settlers.

On newly settled farms, the government provided little support in terms of inputs, training, equipment, capital or social facilities. Heavy equipment was underutilized or

³¹ Rangarirai Shoko, "Zimbabwe Debates Impact of Land Reform On Food Security," *PanAfrican News Agency*, January 10, 2001.

³² Human Rights Watch interview with John Robertson, February 26, 2003 and "Focus on economic impact of land reform," *IRIN News*, October 3, 2002.

³³ The Parliamentary Portfolio Committee found that many people who lived on the farms previously complained that their "lifestyle was fast deteriorating." Human Rights Watch interview with senior local relief official, February 26, 2003.

³⁴ The use and occupation of communal land, as designated under the Communal Land Act, is determined by rural district councils, subject to certain constraints outlined in the Act. The act further specifies that land shall be allocated only to member and relatives of the traditional community according to traditional law. Thus, workers who are not indigenous to Zimbabwe have no access to this land. *The Communal Land Act*, Ch. 20:04, <http://faolex.fao.org/docs/pdf/zim8836.pdf>

destroyed.³⁵ Most newly resettled farmers have no access to farm equipment and by the end of 2002, “half the government-owned tractor fleet [was] out of service because of the lack of foreign exchange to purchase spare parts.”³⁶ Among those that do have access to large equipment, many have little experience or training on commercial farms and are ill prepared to manage the equipment. Irrigation lines have been destroyed. Farmers have been unable to obtain the constituent ingredients for fertilizer, due to the lack of foreign exchange and raw materials. And, government-promised seed and fertilizer have arrived late to the farms.³⁷

It is not only the agricultural sector that has been crippled in recent years. Zimbabwe’s entire economy is in a decline so severe that the average Zimbabwean is worse off in 2003 than in 1980 at independence.³⁸ This decline can be traced to several developments, including the World Bank’s structural adjustment programs that abolished government industry protections, and health care and education subsidies. Also, under extreme pressure from the WVA, the government agreed, in 1997, to pay each veteran a one-time payment of Z\$50,000 and a Z\$2,000 per month pension for life. These payments were an enormous burden to the economy. But, according to several analysts, recent government policies have sped the decline of Zimbabwe’s already contracted economy.³⁹ The government’s introduction, in 2001, of price controls on basic goods led to food

³⁵ Justice for Agriculture reported “the wastage in terms of infrastructure is phenomenal. It is not only irrigation systems that lie idle, either because pumps or pipes are stolen or damaged, or because the new settlers lack the necessary skills to run them. Tractors all over the country, having been appropriated from farms through illegal or violent means, have been literally driven into the ground due to lack of care and maintenance. Ploughs and disc harrows, milking machines, tobacco curing and handling facilities, pumps and generators, all being damaged and lost through untrained usage and wanton vandalism.” (www.justiceforagriculture.com).

³⁶ Brian MacGarry, *The Zimbabwe Economy in 2001-2*, British Zimbabwe Society newsletter, February 2003 pp. 2-3.

³⁷ “Focus on economic impact of land reform,” *IRIN News*, October 3, 2002 and “ZIMBABWE: Year-ender 2002 - Chronology of ‘fast-track’ land reform,” *IRIN News*, January 20, 2003; Blessing Zulu, “Attempts to Revive Agriculture Falter,” *The Zimbabwe Independent*, February 14, 2003; and Vincent Kahiya, “Irrigation Projects No Solution to Food Security,” *The Zimbabwe Independent*, February 21, 2003. Also, Energy Bara, “Hungwe Accused of Harassing Farmers,” *The Daily News*, February 27, 2003; and Simba Chabarika, “Land Reform: A Revolutionary Move or Political Gimmick?,” Opinion, *The Daily News*, March 3, 2003. Not only was maize affected, but there were reduced outputs of soybeans, wheat, sorghum, groundnuts, and sunflowers, milk, meat and other dairy products (such as cheese and yogurt), as well as commercial crops such as sugar and tobacco, both significant earners of foreign exchange previously.

³⁸ Human Rights Watch interviews with John Robertson, 26 Feb 2003 and Peter Robinson, a local economist, March 4, 2003. Also see MacGarry, February 2003 and Peter B. Robinson, *Repairing and Restructuring Zimbabwe’s Macro-Economy*, IDASA Conference on Solutions for Zimbabwe, March 2003.

³⁹ *Ibid.*

shortages and higher prices. As a result of the price controls, sales revenues were significantly diminished and many producers could no longer cover their costs.⁴⁰ Similarly, it was unprofitable for vendors to sell price-controlled goods. A black market in staple goods at prohibitively high and escalating prices soon developed. By November 2002, the list of goods subject to government price controls had expanded to include, among others, salt, sugar, oil, milk, beef, flour, yarn, and soap. Zimbabwe's economic collapse harmed the purchasing power of poor and middle-income Zimbabweans in particular because food price inflation climbed faster than overall inflation rates and because wages failed to keep pace with prices.

Since 2001, the overall economic crisis, and the dire food shortage in particular, has affected both urban and rural Zimbabweans. Without land or steady work, urban dwellers cannot feed themselves. Subsistence farmers in rural areas fare no better. Both newly settled and longtime farmers face drought-ridden crops and poor farming conditions. Reduced production and access to food made the relief program essential. More pernicious, Zimbabweans' dependency on food handouts has fostered a dangerous environment for the politicization of food and actually empowered the ZANU PF. One trade union leader opined, "ZANU likes droughts. They thrive on droughts because people are eating from their hands."⁴¹

Food Assistance Programs in Zimbabwe

Two separate food programs operate in Zimbabwe, one run by the government, and the other by donors and NGOs. The government's grain management system uses the Grain Marketing Board (GMB) to import and distribute government-owned grain. In the first half of 2002, it imported 80 percent of the grain brought into the country [over

⁴⁰ National Foods (producer of flour, stock feed, cooking oil etc) stated in its annual report that the government's price controls on most of its products meant that "volumes were down on the previous year by about 10 percent ... [creating] high overheads in respect of underutilized plant. Shortages have contributed to a burgeoning black market for the company's products, which are sold by the company at controlled prices but eventually acquired through the trade by vendors who on-sell at significantly higher amounts," "NatFoods Feels Pinch of Price Controls," *The Zimbabwe Independent*, March 14, 2003. Similarly, Dunlop, the tire maker, has had to downsize operations due to price controls. It found it unprofitable to manufacture certain types of tires (especially those for light passenger vehicles and pick-ups), which are therefore unavailable. Transporters have thus been forced to park their vehicles, which has further "knock-on effects" on the economy.

⁴¹ Human Rights Watch interview, March 5, 2003.

300,000 metric tons (MT)] of maize by August. The government expected to bring in another 650,000 MT before the end of the 2002-03 season. But the situation deteriorated and Zimbabwe needed more maize. The government reported that it bought double the anticipated amount by December 2002, though only 700,000 MT actually arrived in the country.⁴²

The international program, which was initially expected to cost well over US\$200 million for 2002-2003,⁴³ consists of two major “pipelines.” The WFP manages the largest pipeline, which supplies a dozen NGOs who distribute the food in 49 (of 57) districts.⁴⁴ The WFP chose to import maize separately from the GMB’s infrastructure, and has contracted its own transport services, and constructed its own warehousing facilities.⁴⁵ The Consortium for Southern Africa Food Emergency (C-SAFE), a US-funded program implemented by World Vision, CARE and Catholic Relief Services, manages the second major pipeline. C-SAFE, which provides food to Zambia and Malawi as well, targets over 600,000 people in seven districts of Zimbabwe.⁴⁶ In the first half of 2002, the international relief agencies imported 68,000 MT of maize and planned to import another 150,000 MT by the end of the year. In total, the government and relief agencies expected to supply 84 percent of the food needed in 2002-03.⁴⁷

⁴² UN Relief and Recovery Unit, January 13, 2003. Gross monthly figures were provided to the donors by the GMB at the end of 2002: ‘Actual Grain Distribution’, n.d.

⁴³ OCHA, *Consolidated Inter-Agency Appeal in Response to the Humanitarian Crisis in Southern Africa – Zimbabwe: July 2002 - June 2003*, July 18, 2002. The UN agencies asked for \$285 million emergency aid (of which \$237 million was to be for food) for 2002-03. This figure does not include funding from non-UN sources, such as bilateral donors.

⁴⁴ UN Relief and Recovery Unit, ‘Zimbabwe Humanitarian Situation Report’, February 11, 2003: The WFP provided more than 42,000 MT in January 2003 to over 3.3m people, double the amount distributed the previous month. “ZIMBABWE: Crop and vulnerability assessments will map needs,” *IRIN News*, April 23, 2003: In March, it provided about 60,000 MT to 4.7 million Zimbabweans.

⁴⁵ Michael Grunwald, “In Hungry Zimbabwe, Food Used as Political Weapon,” *The Washington Post*, January 1, 2003, reported that the government tried to get the WFP to “distribute grain through its-party controlled marketing boards as well, but they refused. The haggling delayed WFP operations by more than three months.” According to a Human Rights Watch interview with an UN official, February 27, 2003, the UN is well aware there is a command economy, with party institutions at all levels to ensure the government retains control over political, economic and social processes, including food distribution. Therefore the UN is trying to design delivery systems to avoid using government structures or officials.

⁴⁶ United States Agency for International Development, *USG Food Assistance to Zimbabwe*, January 17, 2003.

⁴⁷ ZIMVAC and SADC FANR Vulnerability Assessment Committee, September 16, 2002, pp. 21.

The two programs do not fully feed Zimbabwe's hungry population. In late 2002, the Zimbabwe Vulnerability Assessment Committee (ZIMVAC) estimated that GMB and relief aid only met 20-50 percent of people's maize requirements (depending on province). Since official food programs meet less than half of Zimbabweans' needs, and little maize is grown or held in private stores, people have no option but to turn to the informal, black market to buy their staple food. There, the price of maize continues to climb to well above the set price.⁴⁸

The outlook for the 2003-2004 season is also bleak. Zimbabwe will need to import approximately 1.3 million MT of food to cover its deficit. In June 2003, the WFP announced that it had received a letter appealing for continued assistance, signed by the Minister for Social Welfare. In response, the WFP announced that it would begin preparations. It has estimated that up to 5.5 million people will be in need in the 2003-2004 season. In August, the WFP reported that shortfalls of cereals would be met by E.U. and U.S. donations but that "the cereal pipeline from December onwards remains a major concern, as there are presently no pledges."⁴⁹

IV. 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 a 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

⁴⁸ ZIMVAC and SADC FANR Vulnerability Assessment Committee, *Zimbabwe Emergency Food Security Assessment Report*, December 20, 2002, pp. 13-14.

⁴⁹ WFP, *Regional Consolidated Situation Report for the Southern Africa Crisis*, June 13, 2002 and *Regional Consolidated Situation Report for the Southern Africa crisis*, August 31, 2003.
<http://www.reliefweb.int/w/rwb.nsf/vLCE/Southern+Africa+Humanitarian+Crisis?OpenDocument&Start=1&Count=1000&ExpandView&StartKey=Southern+Africa+Humanitarian+Crisis>

services, and economic security.⁵⁰ The *Universal Declaration* sets the baseline for human rights protection.

In 1991, Zimbabwe acceded to the *International Covenant on Economic, Social and Cultural Rights*, which contains specific and detailed provisions about the right to food.

Zimbabwe 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

In 1999, the UN Committee on Economic, Social and Cultural Rights provided comment on the right to food – clarifying State Party duties. The Covenant warns State Parties against discrimination.⁵³

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*.

... any discrimination in 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 with the purpose or effect of nullifying or impairing the equal enjoyment or exercise of economic, social and cultural rights constitutes a violation of the Covenant.⁵⁴

Under the Covenant, women and men enjoy equal protection of the guaranteed rights; subsequent comments to the Covenant reaffirm that State Parties may never use food as a weapon or political tool.⁵⁵ Inequitable distribution of the right to food breaches the Covenant.⁵⁶

General Comment 12 defined the right to food, and the correspondent State Party obligations. Broadly, the General Comment characterized 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 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

⁵³ Art. 3, *CESCR*.

⁵⁴ 'The right to adequate food (Art. 11),' May 12, 1999. E/C.12/1999/5, *CESCR General Comment 18 and 37*. (General Comments).

⁵⁵ 'The right to adequate food (Art. 11),' May 12, 1999. E/C.12/1999/5, *CESCR General Comment 37*. (General Comments).

⁵⁶ 'The right to adequate food (Art. 11),' May 12, 1999. E/C.12/1999/5, *CESCR General Comment 26*. (General Comments).

right directly. This obligation also applies for persons who are victims of natural or other disasters.⁵⁷

A state violates its obligations as a State Party when it allows or engages in discriminatory distribution practices designed to consolidate control, or further political goals. Furthermore, primary responsibility for preventing and remedying hunger lies with the State Party. Even when financial constraints prevent action, the State Party must lead in seeking international assistance. The General Comment affirms the difference between a state's inability and its unwillingness to comply with its Covenant obligations. The General Comment states,

Should a State party argue that resource constraints make it impossible to provide access to food for those who are unable by themselves to secure such access, the State has to demonstrate that every effort has been made to use all the resources at its disposal in an effort to satisfy, as a matter of priority, those minimum obligations. ... A State claiming that it is unable to carry out its obligation for reasons beyond its control therefore has the burden of proving that this is the case and that it has unsuccessfully sought to obtain international support to ensure the availability and accessibility of the necessary food.⁵⁸

Although Zimbabwe may find itself incapable of providing food to all those in need from its own resources, it retains its leadership obligation to provide food for its people, without discrimination. The comment states that "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."⁵⁹ To fulfil this obligation, the government must administer the GMB food aid program fairly and without discrimination, regardless of the program's inadequate capacity.

⁵⁷ 'The right to adequate food (Art. 11),' May 12, 1999. E/C.12/1999/5, CESCR General Comment 15. (General Comments).

⁵⁸ 'The right to adequate food (Art. 11),' May 12, 1999. E/C.12/1999/5, CESCR General Comment 17. (General Comments).

⁵⁹ 'The right to adequate food (Art. 11),' May 12, 1999. E/C.12/1999/5, CESCR General Comment 36. (General Comments).

General Comment 12 further stresses the need for accountability and transparency in implementing national strategies for the right to food.⁶⁰ “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.”⁶¹ The war council devised to implement and oversee the food distribution program reflects the political, rather than humanitarian, nature of Zimbabwe’s food strategy. To the extent that such strategies involve a decentralized approach, the national government remains accountable under the Covenant for the actions of its agents implementing such strategy.⁶² Such accountability includes responsibility for the arbitrary and discriminatory decisions of village heads, youth militias, and other local community leaders who politicize the distribution of food.⁶³

As a member of the United Nations, and as a State Party to the CESCRC, Zimbabwe recognizes the right to adequate food for its people, free from discrimination or politics. When it engages in discriminatory distributive practices, and allows rampant corruption and opportunistic abuse, Zimbabwe abrogates its international legal and treaty obligations.

The CESCRC 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:

⁶⁰ ‘The right to adequate food (Art. 11),’ May 12, 1999. E/C.12/1999/5, CESCRC General Comment 23. (General Comments).

⁶¹ ‘The right to adequate food (Art. 11),’ May 12, 1999. E/C.12/1999/5, CESCRC General Comment 24. (General Comments).

⁶² ‘The right to adequate food (Art. 11),’ May 12, 1999. E/C.12/1999/5, CESCRC General Comment 20. (General Comments).

⁶³ ‘The right to adequate food (Art. 11),’ May 12, 1999. E/C.12/1999/5, CESCRC 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 . . .”

States parties should refrain at all times from food embargos or similar measures which endanger conditions for food production and access to food in other countries. Food should never be used as an instrument of political and economic pressure.⁶⁴

In fact, parties to the CDESCR 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.⁶⁵

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 UN humanitarian agencies to promote and realize the right to food in places where they intervene.⁶⁶

⁶⁴ 'The right to adequate food (Art. 11),' May 12, 1999. E/C.12/1999/5, CESCR General Comment 37. (General Comments).

⁶⁵ 'The right to adequate food (Art. 11),' May 12, 1999. E/C.12/1999/5, CESCR General Comment 36. (General Comments).

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

V. Human Rights Violations

Politicization of International Relief Assistance

Compared to relief programs in other parts of the world, the international aid system in Zimbabwe functions relatively “tightly”. Several discussions conducted during Human Rights Watch’s research in Zimbabwe revealed that aid workers and program managers generally believed that, relative to other relief situations, in Zimbabwe less international relief food was being diverted or distributed unfairly and more was reaching the targeted population. More than other aid systems, Zimbabwe’s was designed to prevent leakage. Upon their arrival, as the food crisis was unfolding, specially trained emergency relief workers found a highly charged political situation. Tensions ran high between the government and its political opponents as well as between the government and major international donors. The donor community was worried that local politics would impinge on the functioning of the relief program.⁶⁷ Given this environment, these specialists gave particular attention to depoliticizing the international aid effort and controlling aid flows.

Nonetheless, diversion and manipulation are a problem. In 2002, a year of elections, politicians, organized groups of war veterans, members, ZANU PF party youth, youth militias tried, in a number of well-publicized incidents, to use relief aid for their own ends. In fact, the WFP suspended distribution of aid in Matabeleland North a week before the presidential election “to prevent politicians from using the food for political purposes.”⁶⁸

⁶⁷ Human Rights Watch interviews with UN officials, February 27, 2003; with donor officials, February 21 and 25, 2003 and NGO staff, February 24, 2003. One respondent explained that when the relief specialists arrived, they wondered “why are you development people are so uptight about politicization” of food aid? What is happening here, they said, is similar to other emergency situations: diversion and corruption are “part of the noise of the aid system.” They said that agencies in Harare are “trying to operate at levels of tolerance” unlike anywhere else. Another informant added that “its not that there is no politicization, or would be none, its just that the donor and NGO groups have taken active steps to halt it, otherwise it would happen.”

⁶⁸ Loughy Dube, Augustine Mukaro, “WFP resumes food distribution,” *The Zimbabwe Independent*, March 28, 2003.

In April, the MDC complained that the government manipulated food aid in a number of constituencies, and met with the WFP about the problem.⁶⁹ Events that followed seemed to justify the MDC's concern. In June 2002, the local Catholic Commission for Justice and Peace (CCJP) fed 40,000 children, but the program closed after the Minister of Local Government, ordered CCJP to disband it because its structures paralleled those of government. War veterans halted operations, and children at 17 pre-schools and 34 schools were deprived of food. Several weeks later, feeding resumed without the involvement of CCJP. Save the Children UK (SCF UK) initially encountered no problems from the government and was "able to negotiate with the local authorities and [distribute] without political interference."⁷⁰ But, in Binga, after the MDC won the local council elections, war veterans groups accused SCF UK of being "a front for British intelligence" and closed down its program for several weeks. After several months, during which no alternative program was operating, SCF UK and the government re-negotiated their Memorandum of Understanding and the agency restarted operations.⁷¹ These incidents suggest the breadth of control that ZANU PF tries to maintain over food supplies. In the latter case, the closing of the program immediately following MDC victory also served as a reprimand to the community for voting against ZANU PF. This incident was well publicized and it is likely that this action also served as a warning to other communities not to support the MDC.

In the middle of the year, the head of USAID publicly complained about politicization of aid and James Morris, Executive Director of the WFP, raised the issue with Mr. Mugabe, who assured him that he "would tell the world that there would be no political favoritism or disincentives."⁷² But within the month there were reports that the ZANU PF Member of Parliament for Beitbridge "bullied and threatened" World Vision employees distributing food, telling them they were there at the invitation of the

⁶⁹ "Zanu PF hijacks food aid distribution from WFP," *The Zimbabwe Independent*, April 12, 2002. The local NGO, ORAP, reported that "some groups [reportedly war veterans] wanted to hijack the program in Umsingwane district for political reasons."

⁷⁰ "ZIMBABWE: Feeding scheme resumed," *IRIN News*, July 29, 2002.

⁷¹ Human Rights Watch interviews with NGO staff, February 24, 2003 and UN officials, February 27, 2003.

⁷² "US offers more food for S. Africa," *Associated Press*, June 11, 2002.

government and had to follow government directives. World Vision stood firm, arguing that it would “distribute food to those people [identified as needy], irrespective of what political statements were made.”⁷³

Responding to these and other reports, in July the Executive Director of the WFP again met the President and told him that the WFP “would be out of the country in a second” if it encountered difficulties in delivering food. Mr. Morris said he delivered his message that food aid should not be politicized to Mr. Mugabe three times that month.⁷⁴ WFP Regional Director for Southern and Eastern Africa, Judith Lewis, provided more detail: “We have a zero tolerance policy for any type of food being used as any type of weapon, let alone a political weapon.... [We are] very strict. The NGOs that we work with go through an extensive training ... We have had one or two incidents where it has been a problem ... [but] we follow up immediately if there is a problem and we are prepared to take the steps necessary to ensure the integrity of the food.”⁷⁵

In spite of these assurances, some local NGO workers complain that the WFP fails to monitor events on the ground closely enough to stop the regular politicization of aid. Local aid workers suggest that while the overwhelming majority of politicization cases involve GMB grain, misuse of international aid does happen and that it usually occurs during beneficiary registration.⁷⁶

A mother of nine children reported that she “tried repeatedly during 2002 to get on to WFP feeding lists and was told by the local community leaders responsible for drawing up lists that she was not eligible as she was [a member of the] MDC. The kraal head... came to her home and told her she had to surrender her MDC cards if she wanted to

⁷³ “ZIMBABWE: Caution urged over food politicisation claims,” *IRIN News*, July 23, 2002. The Member of Parliament later said he’d been quoted out of context and “we do not want ZANU (PF) or MDC to take advantage of this [USAID/World Vision] program. We are here to feed the nation and not a section of the nation.” World Vision statement press statement, August 2, 2002.

⁷⁴ “UN warns Mugabe not to meddle with food aid,” *Financial Times (UK)*, July 12, 2002; “U.S. accuses Zimbabwe of political use of food aid,” *Reuters*, July 11, 2002; and Tim Butcher, “Mugabe opponents’ children ‘starving’,” *The Daily Telegraph (UK)*, July 12, 2002.

⁷⁵ “SOUTHERN AFRICA: Interview with WFP regional director Judith Lewis,” *IRIN News*, July 3, 2002.

⁷⁶ National NGO Food Security Network (FOSENET), *Assessment of the Food Situation in Zimbabwe December 2002/January 2003*, pp. 12.

benefit from ... donor food.”⁷⁷ Similarly, in Midlands ten MDC supporters were “called out by name and forced to leave the meeting” held to revise the list of beneficiaries for donor food. “This was done by ZANU PF officials before the arrival of the WFP officials.” In Masvingo district, “some households are reported to be omitted from the relief lists by their village heads” while in the Midlands, “one site reports political bias in making up beneficiary lists.”⁷⁸

Such cases are unlikely to come directly to the attention of NGOs or the WFP. The WFP does not have the capacity to monitor registration processes in every village and therefore the WFP may not hear of complaints. Those complaints that do reach the WFP are usually the higher profile incidents and are communicated through local NGOs.⁷⁹ Moreover, the WFP and its partner NGOs are aware that the current monitoring is inadequate and that relief food is being manipulated for political ends. They are therefore trying to combat these problems. They do this by working with the government and local NGOs to target districts and communities in need. Village relief committees are then created. These committees are comprised of villagers, including women, who are elected by the community. Importantly, these are not the same as the government’s Food Distribution Committees, which are made up of officials and local authorities.

The relief committees select beneficiaries according to set criteria, and the WFP’s partner NGOs check the lists of beneficiaries at public meetings with the local communities, where the criteria for selection are discussed. Beneficiaries are also told their “entitlement” (i.e., the type and amount of food they will receive), how people are selected, how many people will receive aid, and when and where food will be disbursed. At these meetings, the NGOs explain that food aid is not political business and that no one should wear political-party T-shirts or “party regalia” to a distribution site or try to

⁷⁷ Physicians for Human Rights, Demark, *Vote ZANU-PF or Starve, Zimbabwe: August to October 2002*, November 20, 2002, pp. 26.

⁷⁸ Ibid.

⁷⁹ Human Rights Watch interviews with UN officials, February 27, 2003 and March 1, 2003, with local NGO worker, February 24, 2003, and international aid worker, March 3, 2003.

turn the distribution process into a political event. No campaigning or “sloganeering” is permitted at the sites. Local people are then appointed to carry out the distribution under the supervision of NGO staff and the WFP. Women are involved in distribution as leaders and “scoopers”, which tends to reduce unfair practices generally. Some NGOs have gone on to introduce “complaint committees” at distribution sites, where people who are unhappy about targeting and disbursement may register their grievances. These will be investigated and changes made accordingly. Post-distribution monitoring also takes place. Monitors look for “errors of commission and omission” by visiting villages and talking to people about distributions, wealth indicators, vulnerability, etc.

During the by-election campaign in Insiza in October 2002, the Organisation of Rural Associations for Progress (ORAP), a local NGO, distributed food, but found that ZANU PF politicians wanted to use the distribution site to give political speeches. When MDC members saw this they wanted to give speeches too, and then ZANU PF youth became involved. ORAP tried to move locations but the ZANU PF youth followed, confiscated 3 MT of maize, and distributed it to their supporters. As a result, the WFP halted distributions in that area for six weeks. “Relief food distributions are not the place for any kind of political activity,” the WFP’s Country Director stated. “[The] WFP will only distribute its food on the basis of need and without regard to partisan affiliations.”⁸⁰ UN Secretary-General Kofi Annan supported the agency’s stance, appealing to the Zimbabwe government to hold firm to its commitment to ensure that political considerations did not affect food aid efforts within the country.⁸¹

Human Rights Watch received a number of reports that indicated that local authorities registered people for relief food, resulting in politically biased lists that favored ZANU

⁸⁰ Human Rights Watch interviews with UN staff, February 25, 2003; “Food distribution in Insiza still suspended,” *The Daily News*, November 20, 2002 and Physicians for Human Rights, Denmark, November 20, 2002, pp. 18, citing the WFP Country Director. Though WFP thought it took a strong stance, local activists feel that it should have been more resolute. One local NGO director (Human Rights Watch interview, February 25, 2003) noted about this incident, for instance, the donors “have not created a united front on food aid.” WFP says there will be “zero tolerance” but the local WFP office said it “is only three tonnes” of food. What they and the NGOs should have done, he said, was stopped feeding the whole country and this would have sent a strong signal to the government that politicians cannot interfere with feeding. It took SCF UK months to resolve the Binga problem, he added, because they had to fight that battle alone. If all NGOs had stood with SCF UK, the problem would have been solved more quickly.

⁸¹ William M. Reilly, “UN endorses food aid policy in Zimbabwe,” *The Washington Times*, November 14, 2002.

PF supporters and excluded actual or presumed supporters of the MDC. In response to these and other reports, the donors pressed the implementing NGOs to re-validate their registers in August 2002. NGOs did a sample survey as requested, redoing the beneficiary lists where necessary. Interviews with relief workers and UN officials indicated that not long after the survey the number of people needing food increased, and many who were left off the old lists were included on the new registers, helping reduce the number of complaints about politicization.⁸²

In response to the need for closer coordination of the food aid program, in October 2001 the UNDP established the Relief and Recovery Unit (RRU). The RRU, under the leadership of the UN Resident/Humanitarian Coordinator, coordinates the international response to the food security crisis. In December 2001, the RRU implemented that Humanitarian Assistance and Recovery Plan to monitor and coordinate the UN country team's programs. Under the Plan, the RRU provides regular humanitarian situation reports; liaises with donors; coordinates and tracks donations; facilitates relations between the humanitarian community and the government to enhance a shared understanding of the food crisis and to ease operational problems; develops contingency plans; coordinates vulnerability assessments for the country team; and develops programs to assist internally displaced people. Towards the end of 2002, the RRU's mandate was expanded to include data gathering and processing, coordinating inter-sectoral and IDP issues, and planning for the recovery phase of the emergency.⁸³ The RRU's field offices and its 'validation unit' monitor the use of food aid, but at the time of writing, the government had closed the field offices, claiming that the proper registration procedures had not been followed.⁸⁴

Also concerned with the growing crisis and the misuse of food aid, local NGOs formed a consortium in March 2002 to share their experiences and resources: the National

⁸² Human Rights Watch interviews with NGO staff, February 24, 2003; with senior international relief official, February 21, 2003; and with UN officials, February 27 2003.

⁸³ Email to Human Rights Watch from anonymous source: The work of the UN Relief and recovery Unit – Zimbabwe, August 31, 2003.

⁸⁴ "Zimbabwe: UN forced to close provincial field offices," *IRIN News*, September 2, 2003.

NGO Food Security Network, or FOSENET. Network representatives monitor food distributions throughout the whole country, and produce regular reports.⁸⁵

As suggested in the preceding discussion, there have been increasing reports and mounting evidence that government and ZANU PF officials have tried to manipulate international relief food to strengthen the ZANU PF and intimidate the MDC. Yet, ZANU PF claims that food is used by the NGOs to favor the MDC, which is why, for instance, the ZANU PF stepped in and temporarily closed down the Binga relief programs. The government blames MDC supporters, especially shopkeepers and millers, for shortages on the shelves, although last year it rejected the MDC's request for a permit to import food to distribute nationally. The government accuses shopkeepers of profiteering and of hoarding food to encourage price increases.⁸⁶ Such claims are infrequent and not well documented.

Politicization of the Government Food Program

The government's grain importation and distribution program is widely criticized for political bias; lack of transparency and accountability; and excessive levels of corruption and mismanagement. There have also been many complaints of violence and intimidation by war veterans, ZANU PF youth, youth brigade members, and the politicians who organize food distributions. The program operates outside the long-standing National Drought Management structure, which is comprised of officials and technical staff from the village level to the Vice President's office. Instead, the program is managed by the newly created Task Force on Maize Distribution, also known as the Food Committee. The Food Committee is chaired by the Minister of State for Security who answers directly to Mr. Mugabe's "war cabinet".⁸⁷ It is based at the Grain Marketing

⁸⁵ FOSENET comprises 24 organizations, which together have staff in all districts. They monitor food needs, availability and access to food, and abuses related to food.

⁸⁶ "Zimbabwe blocks food relief," *SABC News*, September 2, 2002 and "ZIMBABWE: Opposition accused of creating food crisis," *IRIN News*, July 5, 2002.

⁸⁷ The "war cabinet" was appointed in August 2002. *The Zimbabwe ZBC* called it "a fully fledged war council set to fight the country's economic problems... [and] a political war cabinet which will take into account the actions being taken by Britain and its allies against Zimbabwe." Cited by l'Agence France-Presse (AFP), "Zimbabwe 'war cabinet' sworn in", www.iafrica.com, August 26, 2002.

Board, comprised of representatives from the police and defense forces, the Central Intelligence Organization (CIO), and various ministries. And, in keeping with the enhanced role of the military in government in recent years, retired and active senior military officers play key roles on the Food Committee and in the operation and management of the GMB.⁸⁸

The Food Committee is mandated to import maize and sell it domestically at a subsidized price. The Committee channels maize from the GMB to traditional leaders (chiefs and headmen) who collect money from their people and take charge of delivery and distribution. It also channels maize to Committee-selected millers⁸⁹ who should then provide flour directly to outlets, such as shops, for sale at low set prices.⁹⁰

The Food Committee also oversees provincial and district food committees, which are chaired by provincial and district administrators, and include rural district council members, chiefs, army officers, war veterans, police, and CIO officials.⁹¹ The provincial and district food committees evaluate the extent of need in their areas; determine the amount of grain to sell to individuals; and distribute maize weekly at depots and other selling points.⁹²

Politicization of the GMB program appears at all levels. However, differentiating between profit motivated and politically motivated practices is difficult. It is also unclear

⁸⁸ Human Rights Watch interview, March 5, 2003.

⁸⁹ In large milling companies, there are individuals answerable to the Food Committee that ensure mealie meal and flour are delivered as directed. Human Rights Watch interview with John Robertson, February 26, 2003, and with MDC official, March 5, 2003. Control of milling appears to be important to the government. One economist asserted that government forces bakers to sell bread cheap, and harasses owners so that ZANU businessmen can buy their companies at a fraction of their value. Human Rights Watch interview with Peter Robinson, March 4, 2003. Regarding provincial millers, Eddie Cross of the MDC wrote, in Beitbridge "we have seen the sole miller (all other mills were closed some time ago by the ZANU PF) operating in this center [who] is instructed to sell his total output to 'War Veterans' and 'Border Gezi Youth'. The maize is coming from the Grain Marketing Board and the milled product is packed and then loaded onto trucks under the control of Zanu PF militia." "The Use of Food as a Political Weapon", Memorandum by EG Cross, 18 Oct 2002.

⁹⁰ Regarding the composition and role of the Food Committee, Human Rights Watch interviews, February 28 and March 5, 2003, and information supplied via emails, March 26 and May 13, 2003. See also "ZIMBABWE: Government sets up task force to tackle food shortages," *IRIN News*, July 11, 2001.

⁹¹ *Ibid.*

⁹² Where the MDC now controls local government, efforts have been made to force the task force to be transparent and accountable. See Ntungamili Nkomo, "Mayor Slams Food Distribution," *The Daily News*, December 4, 2002 re. Bulawayo.

to what degree and across what levels politicization is coordinated or undertaken individually. The following activities should be considered in this context.

At the highest level, large quantities of grain are diverted. In early 2003, ZIMVAC reported that the calculations it made comparing national GMB imports and local deliveries of GMB maize did not add up. In the course of less than a year, ZIMVAC and a SADC assessment committee could not account for more than two hundred thousand metric tons of maize. In December 2002, they reported:

Distribution of GMB imports at the community level is inconsistent with reported imports at the national level. For the time period April 1, 2002 to December 1, 2002 total maize available from domestic availability, GMB imports and food aid was 1.3 mil MT. The requirement for this time period was 1.1 mil MT, indicating a surplus of 200,000 MT at the national level. At sub-national level, however, availability of a wide range of basic commodities continues to be limited. Forty percent of the communities visited reported that cereals were 'not or rarely' available from the GMB and/or market. Other indicators.... support the conclusion that cereal is extremely unavailable at the community level, despite reported national numbers indicating a surplus. This discrepancy between reported import levels at the national level and community availability of cereals warrants further investigation.⁹³

Many of those interviewed by Human Rights Watch in February-March 2003 agreed that the availability of GMB maize had declined. As a result, people turned to the more expensive black market to buy grain and other staple items. (In February 2003, twenty kilograms of maize cost Z\$4000 on the black market, half or three-quarters of a

⁹³ ZIMVAC and the SADC FANR Vulnerability Assessment Committee, December 20, 2002, pp. 5. For commentary see "200 000t Maize Vanishes," *Financial Gazette (Zimbabwe)*, February 6-12, 2003 and "ZIMBABWE: Reality of food shortages inconsistent with official figures," *IRIN News*, February 6, 2003. Government said that the maize was in stuck in the ports or in transit, but lack of government transparency made this claim difficult to substantiate. Human Rights Watch interview, February 24, 2003. A donor official explained that some maize is sold in South Africa to pay for transport, which reduces the amount actually imported. Therefore, he said, "we don't know, even the government doesn't know" how much is missing. There is hoarding, corruption, cross border sales, etc., but "we have no figures." The GMB provided a sheet of figures to donors recently, but "do you believe it? There is no way to know" how accurate it is. Human Rights Watch interview with donor official, February 25, 2003.

domestic worker's monthly wage.) In some areas, GMB maize was unavailable for two months at a time, and people ate rice and potatoes instead of *sadzwa* (the staple maize porridge).⁹⁴ According to one UN official interviewed by HRW, the GMB brought in more food than expected in 2002 and it reached the districts; every ward supposedly received its share, though people waited six weeks between GMB deliveries. Now, not enough food is reaching the districts and people must wait three to four months.⁹⁵

Observers have found indications that some of the grain that is purportedly imported into Zimbabwe never actually reaches the country,⁹⁶ though where it goes no one is sure. Regional price differentials (the price is much higher further north), reports of other items (e.g., sugar) being illegally shipped out of Zimbabwe in large quantities, and evidence of surplus maize in neighboring countries suggest that some grain is diverted to Zambia, Malawi and the Democratic Republic of Congo.⁹⁷ Diverting maize on such a large scale requires well-developed transport and financial networks, as well as managerial and organizational capacity.

It is also likely that missing maize is sold on Zimbabwe's flourishing black market. Combined and depending on the province, GMB maize, relief maize, and household harvests typically account for only one-half of a person's grain needs.⁹⁸ Necessity drives people to the black market and enables suppliers to reap a hefty profit. Numerous reports indicate that some ZANU PF politicians, merchants, millers and other businessmen, with close connections to officials at the GMB, are involved in the black

⁹⁴ Human Rights Watch interview, local NGO senior staff, February 26, 2003.

⁹⁵ Human Rights Watch interview, UN official, February 27, 2003.

⁹⁶ The UN has staff at the ports facilitating its own imports, and they are aware of the amount of grain reaching South Africa and Mozambique bound for Zimbabwe. They can compare those figures with the amount imported across the Zimbabwe border. Human Rights Watch interview with UN staff, February 27, 2003. As tendering procedures for importing grain are weak, some grain ordered and paid for may never be delivered. For one such case concerning 100,000 MT, see Augustine Mukaro, "GMB Loses US\$20m in Grain Deal," *The Zimbabwe Independent*, March 14, 2003.

⁹⁷ Human Rights Watch interview with international NGO staff, February 24, 2003.

⁹⁸ ZIMVAC, *Estimate of Food Availability by Province & Urban Areas, February-October 2002*, n.d. shows that people in Matabeleland North had only 22 percent of its grain needs met by GMB maize, relief maize and own production. For Harare and Bulawayo that figure was 89 percent.

market.⁹⁹ An NGO manager told Human Rights Watch that GMB food is supposed to go to local millers and after it is milled, it should go to retailers for sale to the local population. Instead, grain goes to millers, who get it at Z\$9,000 per MT. from the GMB and sell it to black marketeers for Z\$4,000 for 20 kg, or Z\$200,000 per MT.¹⁰⁰ Sometimes it makes it to the shops, but it can be diverted there as well. “The ‘big fish’ are involved,” said one MDC activist. “For instance, in the OK Bazaars supermarket you cannot find sugar, but it is for sale outside the front door. Police come and go and never arrest the people selling sugar illegally. The only way it gets there is for OK shopkeepers to sell it to black market people outside their door.”¹⁰¹

ZANU PF politicians running for office may also receive diverted GMB maize. ZANU PF politicians often sell maize to supporters at low prices. “Food is now a very big campaign tool for ZANU PF,”¹⁰² stated one human rights activist. During a by-election campaign in Highfield (a Harare constituency) last year, 10 and 20 kg bags of maize were delivered to ZANU PF local offices. As the news spread, people descended on the offices where the police, members of the youth brigade,¹⁰³ and the party youth took

⁹⁹ Typically, ‘we cannot purchase maize at GMB ... [but] mealie meal is available if you are prepared to pay 3-6 times the price ... from a number of sources.... The GMB system works if you use the services of some important War Vet or any appropriately politically well placed official and you pay a fee. There is a cartel operating that is comprised of a number of politically correct people and Government officials who are ensuring that a certain amount of maize goes on the black market. They are all doing well financially from this get-rich program’. Letter sent from TC Ballance, Mugwezi Ranching to District Administrator, Chiredzi, November 25, 2002.

¹⁰⁰ Human Rights Watch interview, local NGO senior staff, February 26, 2003. He went on to finish the story: because of government controls, farmers have to sell their maize at a set price to GMB at \$30,000/tonne, though they could sell it on the open market for \$100,000 or more. Since they are not allowed to do so, they wonder, why grow it?

¹⁰¹ Human Rights Watch interview, MDC activist and ex-teacher, March 3, 2003.

¹⁰² Human Rights Watch interview, human rights activist, February 24, 2003.

¹⁰³ The newest group of state enforcers is the National Youth Service, sometimes called the Border Gezi youth, the youth brigade, or the “green bombers” (because of the color of their uniforms). It was created in 2000. National Service youth are recruited by government, which promises them food and shelter, excitement and political purpose (“the new *chimurenga*”), and training and jobs. Indeed, government has told young people they cannot go for post-graduate training (e.g., to become teachers or nurses) without going through the National Youth. They are involved in all aspects of life: managing fuel and bread queues, halting buses and checking for party cards, distributing food, etc. Their training consists of “elements of patriotism, discipline, and paramilitary training.” One young man told Human Rights Watch, “they teach political orientation and history of the liberation struggle.... They do teach some skills, like carpentry, but we did lots of military training and physical exercise. We learned songs. In military training we learned methods to interrogate and beat people.” Teachers who underwent the training explained to Human Rights Watch that it consisted of a lot of physical exercise – running especially – but that the “core” of the training is “to create hate,” hate for “anything which ZANU PF labels anti-government and anti-ZANU.” They tell the youth not to read the *Daily News* or the *Independent* newspapers, and not to listen to radio stations that are broadcast from outside the country. They tell them the “land issue [is a] matter of black and white.” They talk about colonization and “economic decay is blamed on the British....

control of the crowd. The press reported that “the youths ordered the people to queue according to their ZANU PF branches, while party officials clutching lists with the names of members collected money to pay for the maize meal.”¹⁰⁴

A similar incident took place in Zengeza in Harare in October: 10 and 20 kg packages of mealie meal were sold to supporters who reportedly ‘were asked to submit [their] names to local ZANU PF branch leaders’ the week before. Proof of eligibility was a ZANU party card. The Kuwadzana by-election was held in March 2003. There, ZANU PF candidate, David Mutasa was widely accused of providing GMB maize to people with ZANU PF cards. Again the MDC complained: “people must not be manipulated by a few bags of election food because of their empty stomachs.”¹⁰⁵ In an interview with Human Rights Watch, one MDC politician stated, “A mayoral election will be held in Gweru later and already maize is stored there. Mike Auret [an MDC politician] is giving up his parliamentary seat in Harare, and already they are selling [grain] via ZANU.”¹⁰⁶

Whether or not such grain is part of the missing 200,000 MT remains unclear. Figures coming from the government and the GMB are incomplete, making an accurate accounting of the government’s food program impossible. In fact, the lack of hard and detailed data about GMB imports and distribution is one of the donors’ main complaints. Lack of information about the timing and amount of food sent to districts and outlets inhibits collaboration and cooperation between the two programs, which can contribute to some needy communities and individuals being over-looked while others

Mugabe is an innocent guy trying to do good for his people, while white forces are working against him.” See “The role of militia groups in maintaining Zanu PF’s political power,” *AP Reeler*, March 2003 (www.ZWnews.com). Also see The Solidarity Peace Trust, *National Youth Service Training: “Shaping Youths in a Truly Zimbabwean Manner”*, September 5, 2003; “Nomination Court Sits Today,” *The Herald*, February 21, 2003 for the government’s statement re the Highfield election; and Ntungamili Nkomo, “Students Reject National Service Lectures,” *The Daily News*, March 1, 2003. Also Human Rights Watch interview with Progressive Teachers Union leader, March 5, 2003.

¹⁰⁴ “Zanu PF Card Passport to Maize Meal in Highfield,” *The Daily News*, June 12, 2002. Also see, “MDC Claims Zanu-PF Using Food to Woo Voters,” *The Daily News*, October 18, 2002. For a more recent examples, see Precious Shumba, “Candidates call for peaceful by-elections,” *The Daily News*, February 22, 2003 and “MDC Accuses Zanu-PF of Intimidation Ahead of Highfield Poll,” *The Daily News*, February 25, 2003.

¹⁰⁵ Precious Shumba, “Candidates call for peaceful by-elections,” *The Daily News*, February 22, 2003. Also, “Zanu PF Card Passport to Maize Meal in Highfield,” *The Daily News*, June 12, 2002; “MDC Claims Zanu-PF Using Food to Woo Voters,” *The Daily News*, October 18, 2002; “MDC Accuses Zanu-PF of Intimidation Ahead of Highfield Poll,” *The Daily News*, February 25, 2003. The MDC candidates won both by-elections.

¹⁰⁶ Human Rights Watch interview, MDC politician, March 5, 2003.

are over-supplied. It also makes planning difficult. Donors, required to supply relief aid in ever-larger quantities as the economy, agricultural production, and GMB supplies shrink, highlight the need for improved transparency and accountability.¹⁰⁷

Ordinary Zimbabweans can differentiate between the current GMB program and a more even-handed relief effort. Several people explained to Human Rights Watch how the current food program is different from the one implemented due to 1992 drought, under which “food flowed freely.” The reason, one elderly man said, was because the situation in Zimbabwe changed in 2000: since then the “government has become partisan.”¹⁰⁸ A professional woman agreed: the situation was not as “politicalized” even two years ago during the flood relief. And in previous droughts it was “much, much different.” For one thing, the old commercial farmers provided food to the people, who could buy it. Also relief food had “nothing to do with politics [and] people did not go without food. The atmosphere was different. [Then it] was all for one and one for all. [Now it is] survival of the fittest.”¹⁰⁹

Previous methods of accessing maize have broken down. Millers who are not sufficiently supportive of ZANU PF cannot get maize to mill and sell because “the government only gives maize to loyal millers.” Moreover, a person needs a ZANU PF party card to buy food from a miller since ZANU PF people tell shopkeepers how and to whom they must sell their maize. As a result, some shopkeepers “fear getting food” because there are so many problems associated with it.¹¹⁰ Another urban resident, a gardener, told Human Rights Watch that in his experience, GMB maize goes to the millers, but it never makes it to the shops at the government’s set price. The last time he managed to get 20kg of GMB maize was at a distribution site set up at St Katherine’s School in Harare, where he paid an inflated price (Z\$700) for it. ZANU PF youth distributed the maize, he

¹⁰⁷ Donors also feel that the situation would be improved if government allowed private companies to import maize. They tried to set up a basket fund to help local companies access foreign exchange to buy maize overseas, but that idea was rejected by government and “died a death.” Human Rights Watch interview with senior international relief official, February 21, 2003.

¹⁰⁸ Human Rights Watch interview, MDC member, Marondera, March 4, 2003.

¹⁰⁹ Human Rights Watch interview, professional in Harare, March 2, 2003.

¹¹⁰ Human Rights Watch interview, trade union leader, March 5, 2003.

said, and he had to show his ZANU PF card to get it. When relief maize is unavailable he turns to the black market, where, in early 2003, twenty kilograms of maize cost Z\$6,000-7,000 but a ZANU card was not required to purchase it. As for set-price maize sold in shops, “there has been none for some time.”¹¹¹

In the villages, the headman is responsible for organizing the supply and distribution of GMB maize. According to the process established by the GMB, the headman would collect money from his people and go to the GMB to buy the maize, which a respondent said once sold for Z\$580 for a 50 kg bag. But as supplies have diminished, this procedure no longer works. One respondent explained that in his village, someone goes to the GMB, purchases maize, and then breaks the larger sacks into little pails of grain and sells them to people at high prices.¹¹²

Interviews reveal the process of politicization of the food system: the GMB Food Committee decides where maize is to be milled, and millers have no voice about where it is sent after that. Millers may only decide how to distribute to their own staff. The GMB allocates maize meal to shops and other buyers. Buyers use lists, created by local ZANU PF councilors. Where the MDC is in charge of a council, the ZANU party structure draws up the lists, without MDC input. The lists are used to distribute grain to loyalists.¹¹³ One informant explained that in Mashonaland West, a ZANU PF area, those in charge “may steal four-fifths of it. But they will sell you 5 kg or so.” It is under the control of youth, she continued, and you cannot register for food if you are not a member of the party. “No ZANU card, no mealie meal.”¹¹⁴ Another noted that in Mutoko, his mother and others, whom he said no longer support ZANU PF, “are buying party cards for security, because to get GMB maize you have to have a party

¹¹¹ Human Rights Watch interview, gardener, March 2, 2003.

¹¹² Human Rights Watch interview, local human rights worker, February 24, 2003.

¹¹³ Human Rights Watch interview, MDC politician, March 5, 2003.

¹¹⁴ Human Rights Watch interview, professional in Harare, March 2, 2004.

card.” Therefore “you buy the card, you pay the money, nothing else will do.... You can’t refuse. If you refuse you get no maize. [The card] is a must in the rural areas.”¹¹⁵

Groups specifically targeted by ZANU PF officials have particular difficulty gaining access to GMB maize. Two local activists reminded Human Rights Watch that the government’s use of food as a weapon is neither new nor rare. “Almost every village” reports political interference, especially with regard to GMB maize, one said.¹¹⁶ The other noted that the same thing happened in Matabeleland against ZAPU people during the 1984 drought.¹¹⁷ As part of a widening problem, ex-commercial farm workers, teachers, and MDC activists struggle for grain access. Other suspects include urban residents (many of whom voted for the MDC), and locals of Matebeleland.¹¹⁸

Accessing maize on the ex-commercial farms is a “complicated issue” for some residents, one NGO worker explained to Human Rights Watch. Food distribution is handled on each farm by a “council of seven,” on which three guaranteed seats include: a war veterans representative, a youth representative, and a ZANU-PF Women’s League representative.¹¹⁹ A human rights worker explained that the local leadership, the council of seven, acquires the maize and gives it to ZANU PF supporters and members. Farm workers cannot access this maize, which is given “courtesy of ZANU PF.” Because many farm workers have opposed the fast-track land reform process, ZANU PF considers them “enemies of the state.”¹²⁰ According to a third informant, it is so difficult for farm workers to obtain GMB maize that, even though they have nowhere else to go, some of these workers are leaving the old white farming areas.¹²¹

¹¹⁵ Human Rights Watch interview, gardener in Harare, March 2, 2003.

¹¹⁶ Human Rights Watch interview, local human rights worker, February 24, 2003.

¹¹⁷ Human Rights Watch interview, trade union leader, March 5, 2003.

¹¹⁸ “Teachers Forced to Join Zanu PF to Obtain Food,” *The Daily News*, February 28, 2003 and Progressive Teachers’ Union of Zimbabwe, *Violence against Teachers, Feb 2000-April 2002*. Human Rights Watch interview with executive director, Progressive Teachers’ Union, March 5, 2003. Also, the Zimbabwe Human Rights NGO network: www.hrforumzim.com.

¹¹⁹ Human Rights Watch interview, NGO official, March 24, 2003.

¹²⁰ Human Rights Watch interview, local human rights worker, February 24, 2003.

¹²¹ Human Rights Watch interview, UN official, February 26, 2003.

MDC activists tell similar stories. One young woman said she fled Muzerabani because of her political views. She “went to the GMB several times but was refused [grain] by the authorities” on every occasion. She could not complain to the headman because he belonged to ZANU PF and worked with the war veterans. With no donor food in her area, she came into Harare for assistance.¹²² At Waterfalls, in Harare, another MDC activist faced a serious dilemma: when he sent his wife to buy GMB food without a party card, she could not access it. But attempting to obtain new party cards draws suspicion from ZANU PF leaders. The leaders in Waterfalls would ask her for a letter from the head of ZANU PF in her home village, which she could not produce. They had no choice but to buy grain on the black market.¹²³ To forestall such a problem, one prescient Harare resident explained that she deliberately bought her ZANU PF card right after the referendum, when she could see that having it would offer her some sort of protection. She now carries it everywhere and uses it to get GMB maize.¹²⁴ But, sometimes, even having a card is not enough. In some places, one must appear “very active” and pro-ZANU PF (willingly attending rallies, joining the local ZANU PF women’s or youth group, etc.) to access food.¹²⁵

Distributors often see teachers as opposition too. A teachers’ union organizer explained to Human Rights Watch that one way to “make sure people are not part of the opposition is food.” The current scarcity of maize makes it easier to politicize the food, and control the opposition. Teachers and other people used to be able to go to town and buy food, but now it is not available. And, teachers and others who earn a wage do not qualify for relief maize. Therefore, they are forced to look for food in the rural areas near where they teach. There, GMB maize “distribution is done by the [ZANU PF] party functionaries” so one must have a party card to get food. This system forces teachers to buy party cards to access maize. Buying cards to access maize is “pretty prevalent,” he added. Even when teachers manage to purchase some maize, they may face

¹²² Human Rights Watch interview, MDC activist, March 3, 2003.

¹²³ Human Rights Watch interview, MDC activist and ex-teacher, March 3, 2003.

¹²⁴ Human Rights Watch interview, professional in Harare, March 2, 2003.

¹²⁵ Human Rights Watch interview, union activist and teacher, March 3, 2003.

discrimination. One teacher in Matabeleland South managed to buy a sack of GMB maize, but when local ZANU PF authorities identified him as a teacher, they took it from him. Some teachers in Wedza in Mashonaland East report that to get food student teachers must trade sex with war veterans for GMB grain.¹²⁶

People manage to circumvent the politicized system of distribution in a number of ways. “The whole thing started when I joined the MDC” in 1999, a grandmother in a provincial town explained. Authorities destroyed her house and beat her. Even today “it is not safe to move freely.” When asked if the government allows her to collect GMB maize, she said “they don’t like to see my face” so she sent a friend to get it for her. But, “corrupt youth” sell maize in a “racket”, she explained. After she confronted the racketeers, and paid a Z\$100 bribe, they added her name to a ward distribution list.¹²⁷ Her friend, another elderly woman activist, said that as an MDC member she is also unable to access GMB maize, but her friends on the local ZANU PF committee get it for her.¹²⁸ Another MDC activist agreed: he cannot buy maize from the GMB: “They do not want to see us [MDC members].” So, he asked someone else to buy GMB maize for him under that person’s name.¹²⁹

The government’s cash-for-work program and its agricultural inputs program appear similarly politicized. For instance, one old MDC supporter east of Harare explained that cash-for-work is available in his area but “only for ZANU supporters.” “If you join and they find out that you are MDC they will beat you. Generally it is the local councilors who select who can work on public works projects,” he said, “and they only select ZANU supporters.”¹³⁰ Another man complained to a government official about a similar situation:

¹²⁶ Human Rights Watch interview, teachers union leader, March 5, 2003.

¹²⁷ Human Rights Watch interview, grandmother and MDC member, March 4, 2003.

¹²⁸ Human Rights Watch interview, elderly woman MDC activist, March 4, 2003.

¹²⁹ Human Rights Watch interview, security guard and MDC member, March 4, 2003.

¹³⁰ Human Rights Watch interview, grandfather and MDC supporter, March 4, 2003.

[During] the planting season of 2002 the government gave people seeds for planting through Chiefs and Headman, people were written down [and] each village had its own list of villagers. Mr. K [name provided] struck off Mr. M [name provided] from the list on the grounds that Mr. M was an MDC party member. In the current Drought Relief Program, where families buy subsidized maize from the GMB, Mr. K again cancelled M's name from the list.... Before these sad incidents, Mr. M's property i.e., granary and chickens, had been burned for what was suspected to be politically motivated [reasons].¹³¹

Reporting to Human Rights Watch, people indicate that they have no recourse when they have been deprived of access to GMB maize or food from other programs. A Harare resident explained that the current situation differed greatly from the troubles in 1992, when “[there] was no sabotage.” According to this resident, in 1992, village headmen, chiefs and police did not steal or politicize the food and one could go to the police for help. But, “nowadays you cannot, they won’t help you.... The police are the same as the chiefs” in their loyalties and activities. “Complaints draw suspicions of membership in the MDC, causing trouble. No one complains to police, chiefs or village headmen. People remain silent.”¹³² An MDC activist concurred: when her husband died and she wanted to bury him, she went to get maize meal (to hold a traditional funeral feast for relatives and friends) from the GMB. The GMB refused to give her grain, so she had a friend go to the GMB for her. The GMB refused to sell her grain when she mentioned the activist’s name. When Human Rights Watch asked why she did not complain about this treatment, she said that if one complains, “you will have sold yourself” (i.e., identified yourself as MDC). The District Administrator, who would receive complaints, is also the local head of ZANU PF. Therefore, MDC members “only try to help each other.”¹³³

¹³¹ Letter from [anon] to Minister Goche, February 24, 2003 provided by Human Rights group.

¹³² Human Rights Watch interview, gardener in Harare, March 2, 2003.

¹³³ Human Rights Watch interview, elderly woman MDC activist, Marondera, March 4, 2003.

Politicization of Aid in the Ex-commercial Farming Areas

Conditions in the ex-commercial farm areas cause increasing humanitarian concern. As noted previously, the population in these areas consists of two groups: (1) new settlers, comprised of war veterans, ZANU PF youth, ex-communal farmers and others, and (2) ex-commercial farm workers and their families. Currently, little international food aid¹³⁴ reaches commercial farm areas, despite government's and international agencies' awareness that people are unable to access GMB easily. There are significant logistical difficulties involved in providing relief to these areas, but one of the main issues is the policy of several donors not to give aid to farmers who were resettled under the fast-track land reform programs. For example, FCTZ, a local NGO funded by the UK's Department for International Development and the WFP, is mandated to provide relief to only ex-farm workers and not to aid newly settled farmers. Though, they do not differentiate between children who show up to be fed.¹³⁵

Until the government completes its survey of nutritional status and vulnerability, it is impossible to assess the number of vulnerable people in these areas, the severity of their food insecurity, or their nutritional status. We do know that many farm workers find it difficult to access GMB food because the government considers them anti-ZANU PF; that few have been able to acquire land under the fast-track program; and that few have access to plots in the communal areas. And without other work, those workers who received retrenchment packets from white ex-commercial farmers are quickly spending them. At the same time, the newly settled farmers and war veterans who have money struggle to buy grain because GMB supplies are in short supply. Those who have no cash simply cannot obtain food. Finally, insufficient government investment in fertilizer and seeds for the resettled farms has hurt settlers' efforts to produce sufficient food for themselves. Food insecurity on some of the old commercial farms may prove worse than in the communal areas and cities.

¹³⁴ Human Rights Watch interview with an NGO official, February 26, 2003.

¹³⁵ Human Rights Watch interview with an NGO official, February 26, 2003.

Some food aid trickles into the ex-commercial farm areas through FCTZ, the Farm Orphans Trust of Zimbabwe, and the International Committee of the Red Cross, but pressure is mounting on the international aid regime to expand into these areas to feed and assist both farm workers and newly settled people. In May, the government declared the whole country, including the resettled areas, to be in a “state of disaster.”¹³⁶ Thus, given the “no aid” policy for new settlers, donors and relief agencies face a dilemma that is directly related to the issue of politicization of relief food: The farm workers are clearly in need, but it would be operationally impossible for relief agencies to differentiate between settlers and farm workers. First, feeding farm workers on a large scale, while continuing to exclude settlers, would exacerbate tensions between the two communities, and might even cause violence. Second, any international aid program would struggle to ensure that food reached its intended beneficiaries. “The problem of working in the ex-commercial farming areas is that there are no traditional authorities to work through or to identify the needed,” one local relief official explained. “You need legitimate traditional leaders to help with the aid program. The ‘committee of seven’ on the farms are ‘highly politicized’ [see above] and inappropriate for agencies to work through.”¹³⁷ Besides these logistical issues, donors must also consider that new settlers probably need food aid too and should abide by their obligations as parties to the *International Covenant on Economic, Social and Cultural Rights* by depoliticizing food aid, and conditioning its distribution only on need. The GMB cannot provide enough maize for even those who have money. Without money, settlers simply cannot get food.

Most international aid workers would provide food to both communities. One senior international relief official commented, “our food assistance is never conditional, never will be”¹³⁸ On the other hand, some international political officials have not yet made up their minds and they have been able to hold off making a decision about whether to feed one or both of these communities because there has been no hard data available on the

¹³⁶ “Resettled Areas in a State of Disaster,” *The Zimbabwe Standard*, May 25, 2003.

¹³⁷ Human Rights Watch interview with local relief official, March 3, 2003.

¹³⁸ Human Rights Watch interview with senior international relief official, February 25, 2003.

extent of need in the ex-commercial farm areas.¹³⁹ One UN official explained that some foreign ambassadors are having a hard time agreeing to assist these ex-commercial farm areas and the idea to do so would “not go down well” in the UK or EU Parliaments or in the American Congress.¹⁴⁰ In addition, some Zimbabwean organizations, especially those currently assisting victims of ZANU PF youth and the government’s security forces, find the notion of assisting new settlers unacceptable.¹⁴¹

International donors and agencies sat down with the Zimbabwe government in April 2003 to draw up a new unified set of “humanitarian principles” that would govern relief efforts and would be binding on all parties. While a memorandum of understanding was drafted, the government has not adopted it. If the MOU were adopted, its principles would presumably affect relief efforts in the ex-commercial farm areas as well as the rest of the country. One senior aid official commented in March 2003:

The problem is, the principles may “come back” on the donors. NGOs have raised the issue of feeding the new settlers, those on resettled farms, which is the “heartland” of the GMB food program. Agencies and donors must now decide whether to provide relief to these new settlers or not. If they do not, this would be politicization of aid of a different type, and against the new set of principles being written. At the same the EU, UK and US are uncomfortable feeding these new settlers, though some aid is reaching them quietly. They tell the

¹³⁹ “There is ‘no good information on ex-commercial farms’ so we don’t know the need of each group. Donor governments need to assess the need, need to show if there is a “real need.” We need to gain access to the area, which is difficult. An ethical argument can be made against the EU, US and UK if we do not feed them because of the political affiliation of the new settlers. Mr. Mugabe’s government is willing to ask for help to feed people on the farms, but they say the problem is drought not politics.” Human Rights Watch interview with senior international relief official, February 25, 2003.

¹⁴⁰ Human Rights Watch interviews, UN official, February 26, 2003 and international donor official, February 24, 2003. An NGO official provided the local view of the donors’ dilemma: “The British find it extremely difficult to include settlers, though unofficial ‘leakage’ is permitted; the Americans feel they could feed settlers in need but will not give them inputs; while the EU is ‘still scratching their heads’ trying to figure out what to do.” Human Rights Watch interview with local relief official, February 26, 2003.

¹⁴¹ One local aid worker said, we will not feed new settlers. ‘We will not reward them for their thuggery’. These people are now, still, used by government and are part of the government’s policy. We will feed them if there is a transitional government and we do it as part of a new policy. Human Rights Watch interview, February 25, 2003. An MDC official told Human Rights Watch in an interview on March 5 2003 that feeding the farm workers will “not legitimize the [government’s] land policy.” It is “not their fault” that they are hungry and living there. But, “no, no we should not feed [new] settlers.” Though some of these are victims too – not having benefited from the land policy – donors should not feed them. “They should go back to where they came from, and eat with their people there.”

implementing agency, “just don’t tell us about the leaky program.” Even the UN is reluctant to feed them. But this new set of principles cuts both ways. It’s an ethical issue.¹⁴²

According to one UN official, however, the UN does recognize the plight of the resettled farmers and is not opposed in principle to aiding these people. But before the UN can provide relief, the level of need in these areas and the populations in greatest need must be determined. The official explained: “Right now district officials are going to identify vulnerability and numbers and tell WFP how much maize is going into the districts. A lot of people on the farms were promised things falsely, and moved there under false pretences. They are victims too. Now there is government pressure to get aid agencies and the UN to feed these people. The point of entry for the UN is vulnerability.”¹⁴³

Limited information on need in these areas is available. Some agencies have undertaken independent assessments of the conditions of ex-farm workers. The Norwegian Refugee Council’s profile of internally displaced people in Zimbabwe included displaced farm workers. The Farm Community Trust of Zimbabwe completed a survey of farm workers in May 2003 and ZIMVAC continues to collect information on farm worker vulnerability. Data from these surveys is being used to encourage donors to support expanding WFP and NGO programs into the former commercial farm areas.

The question of whether to feed and ultimately to provide farming inputs (such as seeds, fertilizer, capital equipment, technical assistance, etc) to the people on the ex-commercial farms brings into focus the complexities of food distribution in Zimbabwe. How can the government reform the GMB program to make it fairer and more effective? Without transparency, accountability, and a clean sweep of corrupt officials, the GMB and the Food Committee will likely continue to operate for political gain and personal profit. And, so long as members of the government and ZANU PF use GMB food for political

¹⁴² Human Rights Watch interview, senior international relief official, February 21, 2003.

¹⁴³ Human Rights Watch interview with UN official, February 27, 2003.

ends, the program's coverage will not improve. Shortages will remain, people will have little choice but to continue to use the black market, and international relief assistance will be needed.

The rift between the donor community and government will more easily be healed when the Zimbabwe government undertakes these reforms. Healing this rift must be a priority for humanitarian reasons, if not for political ones. In August 2003, the Zimbabwe government declared that local authorities would oversee the distribution of donated food. Although the government then rescinded this statement, donors expressed increased concern over food aid manipulation, which threatens to impinge upon their continued support for relief efforts.¹⁴⁴ Since then, the WFP and the Zimbabwe government were able to reach agreement that food aid would continue to be distributed by local NGOs and "solely on the basis of need."¹⁴⁵ The two parties signed a Memorandum of Understanding on September 25, 2003. This agreement signals a step forward and may facilitate renewed donor support for WFP programs. But, the Memorandum must not be viewed as a guarantee against continued politicization. It applies only to UN-affiliated relief efforts. And, it apparently addresses neither the highly problematic registration process nor the expansion of relief into ex-commercial farm areas.

¹⁴⁴ Jonathan Katzenellenbogen, "UN Food Aid Hope Rests on Harare Agreement," *Business Day* (South Africa), September 29, 2003.

¹⁴⁵ Tendai Maphosa, "Zimbabwe to Allow WFP to Handle Food Distribution," *Voice of America News*, September 24, 2003.

VI. Methodology

Human Rights Watch relied on local informants for information, supplementing it with data that are widely available in documentary sources, including reports written or provided by the UN and relief agencies, newspapers, local and international human rights groups, economists, politicians, trade unions, journalists and pressure groups. During two weeks in February-March 2003, Human Rights Watch visited Zimbabwe and interviewed a wide range of people with first hand information about the economy, land reform, the international relief program, politics, human rights protection and abuses, the government's food importation and distribution program, youth brigades, etc. Groups of victims were questioned, as well as ordinary citizens. Relief officials, diplomats and human rights activists were interviewed as well.

VII. Acknowledgements

This report was researched and written by staff in the Human Rights Watch Africa division. The report was edited by Peter Takirambudde, executive director of the Africa Division, and Iain Levine, Program Director. Legal review was provided by Wilder Tayler, Legal and Policy Director. Contributions were also made by Kate Fletcher, associate in the Africa Division, Beth Golden, a pro bono consultant to the Africa division, and Joseph Cutler, the 2003 Klatsky Fellow. Jeffrey Scott, associate for the Africa Division, Andrea Holley and Fitzroy Hepkins, mail manager, provided production assistance.

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