

State-induced Famine in Eritrea: Persecution and Crime against Humanity

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Received: March 25, 2017

Accepted: April 13, 2017

Online Published: July 18, 2017

doi:10.5539/jpl.v10n4p1

URL: <https://doi.org/10.5539/jpl.v10n4p1>

Persistent hunger in today's world is neither inevitable nor acceptable. Hunger is not a question of fate; it is manmade. It is the result either of inaction, or of negative actions that violate the right to food. It is therefore time to take action. Jean Ziegler, former Special Rapporteur on the Right to Food¹

Abstract

Famine remains one of the major causes of deaths and displacements in the Sub-Saharan African countries where people have continuously been compelled to cross international borders in search of livelihood securities. There is no question that the continent has been exposed to erratic rainfalls, crop failures and droughts, but contemporary famine has less to do with natural-related crop failures and much to do with poor governance. The author argues that state's premeditated action, inaction and incompetency to respond to insecurity and threats are largely responsible for African famines. Due to historical misperception of African famine and oversimplification of refugees' motives from Africa, however, food-based persecution has not been a common subject of research. Besides, the absence of drought does not necessary mean the absence of famine either, because the aforementioned factors frequently cause it to happen even in the middle of plenty. Therefore, the purpose of this paper is to explore how government's action or inaction can lead to famine in the absence or presence of drought which in return forces people to escape from drastically deteriorating conditions of existence by flight. The goal of this paper is mainly to challenge the common perception that famine as being the drought-induced outcome of humanitarian crisis in Africa and refugees as being victims of the natural circumstance. Thus, this paper argues that a government that deprives its citizens of the basic necessity such as the right to food is as dangerous as the one that persecutes its citizens on the five Convention grounds. Hence, taking Eritrea as a case example, this article discusses chronic food insecurity and mass starvation as a state-induced disaster, which I believe should be considered a crime against humanity under the Rome Statute of the International Criminal Court.

Keywords: Eritrea, famine, persecution, crime against humanity, politics, refugees, asylum-seekers

1. Introduction

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

Throughout much of human history, the occurrences of famine was justifiably linked to natural circumstances, and the absence of advanced technological capacity to respond to deteriorating conditions had allowed it to reoccur periodically (Jonassohn 1993:72). Since the mid-20th century, however, with the emergency of "technology of storing, preserving and transporting food stuffs in large quantities over long distances has made it possible to deal with natural disasters so efficiently that famines should no longer be expected. But famines do persist and

¹ "The Right to Food," report submitted by the Special Rapporteur, Jean Ziegler, in accordance with Commission on Human Rights resolution 2002/25.

continue to be blamed on natural events”(ibid). Thus, this paper argues that, the African continent may have been exposed to erratic rainfall patterns and crop failures, but famine has to do more with political omission and recklessness than with natural disaster.

Of course, the inter/intra-state conflicts and wars are responsible for the deaths and displacements of millions of Africans. They have also been one of the contributing factors to famine in Africa as it destroys infrastructure, dislocates populations, destroys livelihoods and food productions, diverts public resources to finance military expenses etc. Nonetheless, politically induced famine crisis is one of the most overlooked humanitarian disasters in Africa. Therefore, drawing from the Eritrean example, this paper argues that a government that deprives its citizens of the basic necessity of life such as food is as dangerous as the one that persecutes its citizens on the grounds of race, religion, political opinion, nationality and social affiliation. In fact, politically induced deprivation of one of the most fundamental needs in Africa is a persecution far more likely to pose a significant existential threat to humanity than some Convention-based persecutions. Therefore, the paper concludes by emphasizing that the presence of chronic food insecurity and mass starvation is a state-induced humanitarian disaster and fleeing politically induced famine should be a ground for refugee status and the act should be considered a crime against humanity under the Rome Statute of the International Criminal Court.

2. Global Context

Thomas (2002) aptly notes that, both the First and Second World Wars had claimed around 30 million lives but every year 15 million people die from hunger-related causes in the world (113). Hence “we can say that every two years the number of people who die of hunger is roughly equivalent to the number killed in eleven years of world wars” (ibid.) Famine literature indicates that, in the 20th century only, nearly 4-5 million people had died from famine-related causes in Sub-Saharan African countries (Devereux, 2000:6). Although there is no accurate data available, probably more people have died in Africa from famine-related deaths than have been brought about by ethnic conflicts, targeted persecutions and inter/intra-state wars.

In Sub-Saharan African countries, drought has been synonymous with famine, the literature, however, is not short of evidence to support that famine in the sub-Saharan African countries, and the world, for that matter, has not always been triggered by drought but often related to governments’ action or inaction. For instance, “some of the worst human rights catastrophes of the twentieth century” were manmade famines (Marcus, 2003:245). The case of Ukraine famine known as the *Holodomar* “murder by hunger” where a politically induced famine had claimed as many as 5-11 million Ukrainian lives in one year time by the Soviet government, while hunger was essentially non-existent across the border in Russia (Marcus, 2003:245; Robert, 1987:327). The Soviet Union Government had initiated forceful requisition of any grain held in excess of quotas, collectivization of farm, and legal sanctions to detain any peasant who attempted to sell grain on the market “effectively eradicated individuals’ rights to their own labor and their own product” which in turn contributed to food shortage and famine but also removed the incentives to work and produce (Marcus, 2003:253).

Moreover, the 1958-1961 famine in China, which had also claimed the lives of 30 million people “from the compounded effects of disastrous agricultural policies, natural calamities, and the complete refusal of the government to respond to the crisis”(De Waal, 2008:1538) are some of the typical examples of politically manipulated famines. Research also indicates that around 2 million North Koreans have died from a politically manipulated famine since 1994, while the South Koreans, “affected by similar weather patterns, have remained completely untouched by famine”(Marcus, 2003:245). Despite the severity of the starvation, however, North Korean Government responded to famine with a “Let’s eat two meals a day” campaign (Oberdorfer and Carlin, 2014:294).

In the same manner, Zimbabwe, a former breadbasket for many of Southern African countries has been tormented by manmade famine, while the relatively dry and landlocked neighbor, Botswana, has been famine-free since its independence in 1966(Rubi, 2011:42; New York Times, 7 August, 2002). Despite the international reports that half of Zimbabwe’s population was crippled by food insecurity and “unable to obtain enough food to meet basic needs”(Human Rights Watch 2004), President Mugabe has denied international relief agencies permission to feed the starving civilian population (Howard-Hassmann, 2010:898-920). On the contrary, he allocated state-owned grains only to those who support the government and ruling party, the Zimbabwe African National Union Patriotic Front (ZANU PF) and withheld food from suspected members of the opposition group (Human Rights Watch, 2003; Human Rights Watch, 2004). Consequently, all the aforementioned factors have led to the “chronic food insecurity in ways that has impelled large numbers of people to cross international borders in search of livelihood opportunities” (Betts, 2013:17-18). In this case, famine was caused neither by natural disaster nor a policy failure (Howard-Hassmann, 2010:898-920). As a

matter of fact “[i]t was the result of policy success; [a deliberately choreographed policy of socio-economic deprivation to control the population and] to maintain Mugabe and his inner circle in power” (ibid). In his book, *Survival Migration*, Betts(2013) also explains that, how complex, different and heterogeneous refugee motives from Zimbabwe may be, politically-induced famine has been their common causal denominator:

the underlined cause of most of the movement has been the desire of individuals and families to develop survival strategies in the context of a politically and economically collapsing state, in which the complex interaction of state fragility, livelihoods failure and agricultural decline have left the majority of the population destitute and without access to subsistence, employment, or health-care services within the country(57-58).

Persecution by deprivation of opportunity and livelihoods may not have been recognized as a ground for refugee status, but throughout history, there have been many instances where economic deprivations were used as politically designed persecutory policy against the major or minor sectors of a population and/or as a political weapon to control populations which led to famine and poverty (McInnis, 1986:220). Such kinds of policy can be traced back to the 19th century Russian political strategy directed in opposition to Russian Jews, which was designed to undermine their economic position, which subsequently, made survival impossible (Zolberg, Suhrke, and Aguayo, 1989:32). Flight has become the only alternative where it was difficult to differentiate between economic and political refugees (ibid).

However, refugees’ flight in the absence of ethnic conflict, war and drought has automatically been labeled as “economic migrants” in search of economic opportunities. Due to the historical misperception of famine and oversimplification of refugees’ motives, food-based persecution such as deprivation and exclusion from access to food has not been a ground for refugee status. But some countries to some extent have begun to understand the gravity of socioeconomic persecution by deprivation. Recently, the United Kingdom’s Immigration Appeal Tribunal has granted a Zimbabwean asylum seeker a refugee status on the ground that:

the government of Zimbabwe has used its control of the distribution of food aid as a political tool to the disadvantage of those thought to be potential supporters of the MDC. This discriminatory deprivation of food to perceived opponents, taken together with the disruption of the efforts of NGOs to distribute food by means of the ban introduced in June 2008, amounts to persecution of those deprived of access to this essential support (United Kingdom Asylum and Immigration Tribunal, Appeal Number: AA/04057/2006,para. 250).

In the same manner, the United States Board of Immigration Appeals (BIA) has also recognized an asylum applicant stating that an applicant:

need not demonstrate a total deprivation of livelihood or a total withdrawal of all economic opportunity in order to demonstrate harm amounting to persecution. . . . Government sanctions that reduce an applicant to an impoverished existence may amount to persecution even if the victim retains the ability to afford the bare essentials of life. A particularly onerous fine, a large-scale confiscation of property, or a sweeping limitation of opportunities to continue to work in an established profession or business may amount to persecution even though the applicant could otherwise survive (In *re TZ* (2007) 251 I&N Dec. 163 at 171, 172–3).

Although famine is believed to have been eradicated from Asia and Europe, several Sub-Saharan African countries, including Niger, Malawi, Ethiopia, Somalia and Eritrea have been hit by famine since the beginning of the twenty-first century (Devereux , 2009:25). However, each of the aforementioned cases of famine was developed to a full-blown humanitarian crisis, because of lack of accurate information, ineffective humanitarian intervention, political malfeasance, recklessness and poor governance or no governance (ibid.,28). In the case of Niger for instance, Keenan (2005) notes that famine had stricken Niger because of the absence of political will to protect the vulnerable where Mamadou Tanja of Niger had ignored the famine warnings and “stubbornly refused to admit that his country faces a famine [and he] thus made it extremely difficult for the external agencies to provide timely assistance” (Keenan, 2005:405). This is a typical example where the drought-prone continent along with political malfeasance and governments’ failure to respond to natural circumstance turned sporadic crop failures into famine, exposing populations to shortages of food and disastrous famines in several Sub-Saharan African countries. Jappah and Smith (2012) argue that:

Natural disasters, including drought, do not necessarily result in famine if governments anticipate and respond to these disasters adequately. A people-centric government provides care for the vulnerable and creates the necessary political and environmental conditions for its citizens to prosper (24).

Kenny (2011) also makes the argument that “famine deaths in modern world are almost always the result of deliberate acts on the part of governing authorities. That is why widespread starvation is a crime against humanity and the leaders who abet it should be tried at the International Criminal Court” (Kenny, 2011).

2.1 The Case of Eritrea

Nearly 80 percent of the Eritrean population lives in the rural areas and depends on subsistent agriculture and nomadic pastoralism. For Eritrean farmers, like many African societies, the ties of community bond, ethnicity, kinship, and lineage are much more important and stronger than national boundaries. Hence, a disruption of the communal and interdependent livelihood can expose the population to food insecurity and weak social cohesion making them refugees within their own country without having to cross international boundaries. Peasants often live in a communal livelihood where each farmer is mutually dependent on their extended family, tribe, and village. Consequently, community support in times of hardships is one of the many survival mechanisms peasants employ. However, as a way of controlling and breaking up homogenous population, the Eritrean government has introduced an involuntary relocation of farmers coupled with forced collectivization of agriculture and confiscation of peasants’ food products which involves taking over farming lands, criminalization of selling of grains in the markets, looting of farmers’ food to feed its army and forcing farmers to sell their surplus food products to the government at a nominal rate of 8% of the market value (Harter 2009; Ghebrehiwet, 2009). Subsequently, the government rations 22 pounds of grain to a family each month (Kemenade, 2011).

Although the government claims it was voluntary, the policy of forced resettlement of farmers from highland and midland to western lowland has assaulted the foundation of village life and destroyed the coping mechanisms and interconnected relationships among communities, making peasants refugees within their own country (Shabait.com, 6 October, 20016; OCHA, 2009). Among many other fundamental right deprivations, freedom of movement is also highly restricted in Eritrea. Subsequently, the fact that citizens are not allowed to freely travel within and without the country has limited peasants’ ability to grow, harvest and market their produce freely. It has severely limited pastoralists’ and nomads’ seasonal movements as a coping strategy to mitigate the effects of drought in times of irregular climatic patterns.

Besides, similar to the Ukrainian case, the collectivization of farm has dispossessed farmers’ land ownership and the criminalization of selling of surplus grains in the markets has legally forbidden farmers from selling their own produce on the market to buy household necessities. Given the government’s ban on sale and transportation of grains, however, farmers not only have been deprived of their rights to work and/or sell their produce but also to transport from one place to another. Confiscations of grains have become so pervasive that farmers begun transporting grain in the form of flour and dough. The President had once emphasized that, “it is illegal to sell grains in this country and we are aware that some people are bypassing the law by transporting it in the form of dough” (Afwerki, 2009). Again, similar to the Zimbabwe case, the regime allocates food to the army and to its loyal supporters. Even regime supporters from the diaspora receive subsidized food at a minimal price. It is a classical clientelism mainly done to buy or maintain their loyalty. Ironically, farmers are deprived of the food they have grown with their own hands, while regime loyalists from the diaspora get food provisions at a minimal price. Thus, many farmers have lost control over their means of production, livelihoods and lineage connections.

Adding insult to injury, all farmers above the age of 18 have been conscripted into the national service with no safety net for vulnerable family members (women, children and elderly)-thus paralyzed the socio-economic function and survival mechanisms of the entire society (U.S. Agency for International Development, 2010). All people of military recruitment age are not allowed working and acquiring food through work for cash or food, which coupled with the rising state inflation led to loss of purchasing power as another source of vulnerability to famine. Not being able to work, farm and produce enough food during the critical farming season, farmers would fail to achieve self-sufficiency during the dry seasons and face rising food prices. It is also worth noting that, “By virtue of its location in the Sahel, Eritrea is affected by periodic drought and food shortages. Even in times of good rainfall, domestic food production is estimated to meet between 60 to 70 percent of the population’s needs” (World Bank, 2016).

The state-controlled media on the other hand has been utilized to cover-up the mass starvation by exaggerating about crop harvest in order to justify refusal of food aid. The massive human rights abuses are at their peak and the mismanaged economy is a fiasco and the rampant corruption and absolute monopoly of national resources has enabled the top military officials to accumulate immense amounts of wealth while mass starvation has been used as a political weapon to control the public. Operating above the law and beyond public scrutiny, the military commanders have been given sweeping powers over the entire civilian population. The expropriation of resource,

monopolization of the economy and state sponsored terror in Eritrea is similar to that of Haiti under Duvalier's dictatorial regime era where "wealth was systematically extracted by a political regime based on terror and the division of the society. Social groups could not easily organize to improve their economic situation because of political conditions" (Zolberg, *et al*, 1989:194).

Given the nature and secrecy of the regime, access to information is extremely difficult and there is no exact statistical record of people who died from starvation, malnutrition and diseases related to famine. Before the government had officially ejected the humanitarian NGOs, they were good source of information second to refugees' testimony. However, given the nature of the government, data collected from diplomats and NGO workers should be taken with caution "because the observers are likely to omit or distort information that might get them evicted from the perpetrator country, or denied entry in the future"(Jonassohn 1993:72). In addition to the restricted activities and limited access to places and information, international organizations often accept information that the government feeds them. Hence, refugees are the ultimate source of information when it comes to the health, socio-economic and political situation of the country. This is because the people who have been deprived of their livelihood opportunities and fundamental rights can describe the conditions better than external researchers and/or observers. As one farmer puts it, "the government bleeds us farmers dry to feed the army. My husband is enlisted and I haven't heard from him in years. I couldn't wait any longer, not while my children were starving"(Kemenade, 2011). Other three farmers who recently crossed to Ethiopia also explained the detrimental situation and survival challenges they face while the government continuously denies farmers the right and opportunity to harvest during harvest seasons (Jeffrey, 2017).

Although it is not easy to gauge the magnitude of starvation-related deaths, malnutrition and child mortality rates, the Global Hunger Index (GHI) shows that between 1999-2012 an average of 65%-75% of the Eritrean population has been undernourished (Global Hunger Index (GHI), 2013:51; Harter, 2009). The 2013 FAO report also indicates that around two-thirds of all households (66%) lack food security and 70%-80% of the Eritrean population are not able to meet essential food requirements and 54% of all deaths of children under five are related to malnutrition (FAO, 2013). A recent UNICEF report also underlined that malnutrition rates in four out of six regions of the country has exceeded emergency levels, with 22,700 children under five projected to suffer from severe acute malnutrition in 2017(UNICEF, 2017).

The fact that the socio-economic and political situation has worsened to the point where people cannot support themselves and their families anymore, and they are fleeing en mass to the neighboring countries. It is not a matter of choices, but a matter of survival. People are forced to flee their country "in order to survive, either their own state is the cause of their predicament or because it is unable to meet these basic requirements, such people are genuine international outcasts, stateless, in the deep meaning of the term" (Zolberg, *et al*, 1989:33). Besides, for alleged involvement in assisting Al-Shabab(Somali's terrorist group), economic sanction has been imposed on the State of Eritrea since 2010 which in return has contributed to the socio-economic deterioration in the country.

The Sub-Saharan African countries have generally been vulnerable to droughts but the Horn of African region has been visited by drought at least four times in this decade or so. While the neighboring countries often appeal for emergency food assistance to avoid hunger and famine related deaths, Eritrea, which shares similar weather patterns, has consistently denied even the occurrence of drought. The 2015 El Niño phenomenon, which has caused massive drought and hunger in East Africa, Ethiopia is one of the many countries pleaded for emergency food assistance to the 10 million population affected by the weather patterns (ACAPS, 2016:18-19,57). Despite the UN satellite-based monitoring report which clearly indicate that Eritrea is severely impacted by the El Niño-induced drought, Isaias Afwerki of Eritrea continue to deny food crisis and reject UN food aid at the cost of the gravely starving population (*ibid.*,19).

As early as 2003, Jean Ziegler, the special Rapporteur on Rights to Food, expressed that he was "gravely concerned by the suffering and hunger of 38 million people across Africa, principally in southern Africa and in Ethiopia and Eritrea"(The United Nations Commission on Human Rights, E/CN.4/2003/54). Since then, the United Nations have been expressing its grave concern about the food crisis that nearly more than half of the Eritrean population are facing (FAO, 2005), but Isaias Afworki has disregarded the UN warnings and confronted the international community with denial and exaggerated crop harvest by saying that the country has had enough harvests that the people do not need food aid anymore. As a mockery, he underlined that his country is able and willing to contribute a "modest amount of food" to international aid agencies (Voice of America, 26 September, 2011).

Like the North Korea's "two meals a day" slogan, the Eritrean President's televised response to famine was that

he formally advised the public to reduce calorie and food intake (Afwerki, 2009). The government had previously ordered the ejection of all aid organizations from the country, which is a living proof of the government's disregard for the security, protection and assistance of its own citizens, even if they are starving. The pattern of recklessness and disregard for human security as well as the peculiar decisions to seize farmers' food production and land has led to mass-starvation, poverty, hunger, and malnutrition and food insecurity.

Former Ambassador to the United Nations, Susan Rice noted that "the people of Eritrea, who...most likely are suffering the very same food shortages that we're seeing throughout the region are being left to starve because there is not access, there's a clear cut denial of access by the government of Eritrea of food and other humanitarian support for its people"²(Rice, 2011). This is also against Article 2(1) and 11(1)(2) of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which underlines the significance of state cooperation and obligation to receive assistance for the realization of economic, social and cultural rights, including the right to food:

Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources...recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent...The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation (ICESCR, 1976).

Thus, Eritrea, as a signatory of the Convention, is legally bound to realize the right to food. Although States which are in a position to assist others have a moral obligation to provide food aid to other countries when needed to protect, and facilitate the right and access to food in accordance with Articles 55 and 56 of the Charter of the United Nations (HRI/GEN/1/Rev.5, 2008), the primary obligation to eradicate hunger and malnutrition, protect the vulnerable, provide its citizens access to food and create appropriate socio-economic and political infrastructures to avoid economic disruptions and vulnerabilities rests with local governments.

Studies also show that drought by itself does not always cause massive population movements across international borders as a politically initiated famine does (Bariagaber, 1997:32). When a government responds to drought responsibly, people would be able to get access to international food aid before necessitating to fleeing their country. For instance, "the 1973 drought that is estimated to have killed about 300,000 people in Tigray and other places in Northern Ethiopia did not generate sizable refugee flows to Sudan"(ibid). Dahl (1991) also noted that, despite the 90% of losses in livestock and complete failure of rains and crops, the 1984-1985 droughts that also stroke Eastern and Northern Eastern Sudan did not generate refugees (Dahl, 1991:189-191).

In the Eritrean case, however, in an effort to exploit the cheap manpower and starve the society into submission, the government has designed a pre-revolutionary Russian style policy where all citizens are considered wageless employees of the state and required to serve the nation endlessly (Zolberg, et al, 1989:17). Under Article 1 of the 1957 International Labor Organization (ILO) Abolition of forced labor Convention (No.105) which Eritrea has signed, it agrees to abolish and avoid the use of any form of forced or compulsory labor "as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system; as a method of mobilizing and using labor for purposes of economic development" (ILO) (1959), Abolition of Forced Labour Convention 1957 (No.105) Adopted on 25 June 1957). Contrary to this Convention, however, forced labor has been one of the most exploitative problems for Eritreans under the current regime. The protracted national service program in Eritrea has been forcing people from all walks of life to join the army, regardless of the economic, social and cultural consequences they may encounter or family responsibility they may have. The economic deprivation and social disruption of the Eritrean case has been clear that the most economically active, socially responsible and productive sector of society has been held in the army indefinitely (Malk, 2012). To put it into perspective, 54% of the 350,000 soldiers are between the ages of 20 and 29 and 78% are heads of households (Chatham House, 2007). The families whose breadwinners have been conscripted were left to fend for themselves, where there is no state protection in place to ensure and/or maintain their security in times of social, psychological and economic adversity. In 2004, in the context of the Beijing Platform for Action and the outcome of the 4th World Conference on Women³, the

² United States Mission to United Nations, Remarks by U.S. Permanent Representative to the United Nations, Ambassador Susan E. Rice at the UN Security Council Stakeout on Somalia, Syria, Eritrea, and Sudan, 2011

³ Eritrea, country report on the Implementation of the Beijing Platform for Action and the outcome of the 4th World Conference on Women

United Nations report explicitly stated that:

with the mobilization of the most able-bodied men into national service, more women had to assume the role of the family's breadwinner, creating a surge in female-headed households. The situation created a more daunting task of assisting even more female-headed households to be self-supporting (Country report on the implementation of the Beijing Platform for Action, 2004).

Consequently, aged parents, women and children were/are left without the protection of male heads of households and forced to survive without income. The 1996 UN Rome Declaration on World Food Security and Plan of Action emphasized on the importance of equal participation of men and women to achieving sustainable food security, including "the right to development and the progressive realization of the right to adequate food for all and the full and equal participation of men and women are also indispensable to our goal of achieving sustainable food security for all"(FAO, 1996). Therefore, economic deprivation is a politically motivated policy that violates the right to adequate food and freedom from hunger. There is clear evidence that the government in Eritrea not only failed to protect but has also imposed extreme social restrictions on the freedom to participate in the socio-economic life of their family and the community. Marcus notes that "...it is often not simply indifference born of political impunity but, rather, recklessness at best or homicidal malice at worst that leads governments to 'allow' famines. If governments by their callousness can really allow famine, they can also by their cruelty create famine"(Marcus, 2003:252).

Although the policy has equally impacted the entire society, the involvement of peasant conscription has taken its toll on farmers' socio-economic and health livelihood in an extremely burdensome manner. This is because in most Eritrean sub-regions, crop production is limited to one season a year. So, if the farming season is missed, there are no other opportunities for employment or income generation. In a country where most of the population depends on subsistent agriculture for living, food production is the primary source of food for the survival of the most vulnerable segment of the society. Therefore, in a society where women are entirely dependent on their husbands' food production, it is not very difficult to visualize the challenges that women have been going through to provide food and other basic needs for themselves and their families in the absence of their husbands and/or food assistance.

The growing number of men and women farmers who are leaving the country to escape the politically-induced shortages of food in the rural areas as well as the excessively expensive food prices in the cities are indicators of the existential threats at home. As one farmer who served 20 years in the national service describes it, "Living conditions in Eritrea are more dangerous than crossing the border"(Jeffrey, 2017). Hence, the deprivations of livelihood and opportunities have led to an unprecedented social and economic breakdown. The Economist has also emphasized the impact of peasant's conscription on the socio-economic and health of the society. While the majority of the Eritrean population are subsistence farmers:

so many are absent [during harvest season] that harvests routinely fail to meet the nation's food needs. Some interviewees had seven siblings in the army. 'My parents have suffered from poverty and depression as all of us were in national service,' said one interviewee. labor shortages have increased the price of manufactured goods, making them among the most expensive in Africa. Resources are routinely diverted to the military (The Economist, 10 March 2014).

Thus, the conscription of hundreds of thousands of men and women contributed to the massive overflow of refugees in so many major ways. Firstly, the most productive peasants and skilled professionals have needlessly been kept in the trenches for more than 21 years which has led to the decline of agricultural production and the growing economic deterioration of the country. Secondly, the state has absolute control over the economy, political power, food production, distribution, living and working conditions of citizens, and the fundamental rights (including the right to work and farm) along with the generalized violence of human rights have served as collective primary push factors leading to the flights of the most productive sector of society to vote with their feet.

In other words, the regime has dismantled the agricultural and social order that exposes vulnerable people (women, children and the elderly) to poverty-related catastrophes, which are threats to health and survival. When people lose their coping mechanisms, safety nets and livelihoods, they are usually exposed to malnutrition, morbidity, mortality and other "diseases of poverty." Thus, deprivation of farming is literally the denial of life and physical safety, which reinforces mass exodus as a strategy for survival, because the choice is either to

and of the 23rd special session of the General assembly, entitled "women 2000: gender equality, development and peace for the twenty-first century."

perish or flee to neighboring countries. This clearly demonstrates the fact that economic problems of this kind “i.e., starvation, malnutrition, and poverty are traceable to political decisions which are forms of individual or group persecution” (Keely and Elwell, 1981:8). The policy is implemented, simply to maintain and sustain power by making sure that people prioritize their survival over any kinds of revolution or dissent. As Zolberg, *et al.* explain that “people cast abroad by famine are refugees to the extent that famine itself is a form of violence, as in the case of confiscatory economic measures or extremely unequal property systems maintained by brutal force, the inability to meet subsistence needs because of unsafe conditions, or the refusal of the state to accept international assistance”(32) which is the case in Eritrea.

Shacknové(1985) also notes that “[a]ll other human rights are meaningless when starvation results from the neglect or malice of the local regime. Thus, in some dire circumstances, what appears on the surface to be the result of natural forces may, on closer scrutiny, reveal state negligence or indifference” (280). That being said, despite the existence of abundant evidence to support it, the international community has overlooked the link between human rights violations and famine in Eritrea. Like any fundamental human rights, access to food and livelihood is one of the most fundamental human rights, which is closely related to economic rights, the right to own and access land, the right to farm, the rights to fish, the right to freedom from hunger and the right to generate income without which other rights are more or less meaningless. To that end, the right to food security has been adopted as a universal human right by the United Nations. For instance, Art.11(2) of the International Covenant on Economic, Social and Cultural Rights “recognize[s] the fundamental right of everyone to be free from hunger.”(ICESCR, Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966□entry into force 3 January 1976, in accordance with article 27). Furthermore, Article 25 of the Universal Declaration of Human Rights (adopted in 1948) states, “[e]veryone has the right to a standard of living adequate for the health and well- being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control”(UN General Assembly, *Universal Declaration of Human Rights (UDHR)*, 10 December 1948, 217 A (III).) So, the state has the obligation and responsibility not only to secure those freedoms but also to protect its citizens from both natural and manmade disasters. As Sen(1993) explains:

[T]he stipulation of economic freedom is one of the most important social justices that allow individuals to enjoy the kind of life he or she ‘reasons to value’. The economic deprivation on the other hand is individuals’ capability deprivation which undermines a community’s or individuals’ survival possibilities leading to loss of work motivation, skills, psychological harm, self-confidence, increase in ailments and morbidity (and even mortality rates), disruption of social and family relations, social exclusion, political tension and exposes for an impoverished life. ... Thus, economic oppression is the violation of fundamental human rights, which robs people of the freedom to establish family, to cultivate, to satisfy hunger, to achieve sufficient nutrition; the opportunities to be adequately sheltered and flourish (3,4,11).

On top of the well-documented records of the regime’s involvement in physical torture, imprisonments, abuse and killings of its own citizens,(UN Commission of Inquiry on Human Rights in Eritrea (A/HRC/29/42) deprivation and denial of opportunity, freedom, dignity and protection has violated the private and collective lives of the citizens preventing from establishing a family and maintaining a healthy socio-economic livelihood of the society. Although the concept of “persecution” used in the refugee Conventions and Protocols is not clearly defined, systemic violations of fundamental human rights and socioeconomic deprivations should never have been viewed as less persecutory than the five Convention grounds. In the case of Eritrea, the majority may not be facing individualized persecutions, because very small minorities mainly the Jehovah Witness have been persecuted on religious grounds. Hence, economic deprivation and Convention-related persecutions are not usually directed against certain race, religion, nationality, ethnicity or members of a particular social group. It is a silencing tool to which the whole population is subjected.

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

conscription of farmers, food requisitions by military forces, seizing farmers' lands and withholding of food aid.

Deprivation of farmers of their own means of subsistence and disruptions from using the limited farming seasons has led to reduction or elimination of agricultural yields, which in return has led to famine. There is no question that drought can lead to harvest failure but it is neither a cause for famine nor a "push factor" in itself, while a State's incompetency, unwillingness, inaction and/or omission to respond to insecurity and threats is. After all, the absence of drought does not necessarily mean the absence of famine. This is because famine doesn't often happen because of scarcity of rain but it can be made to happen in the middle of plenty. For instance, in 2014, Eritrea had an early agricultural season with significant and widespread rainfall (FAO, 2014), which under normal circumstance would have amounted in great agricultural production, but the farmers were not there to make the best out of the wet season. Many of them have already been conscripted into the army and the rest were "called in the middle of the harvesting month for military training and they were forced to go leaving behind heaps of bundled stalks that they gathered in the middle of the fields to dry. A lot of crops perished, damaged by rain before they were collected and properly stored"(Awate.com, 31 December, 2014). The president stubbornly justified the policy by saying, "regardless of age and gender, the public should be armed for any military eventualities. I know it is a farming season and farmers were not able to harvest, but military training and readiness is our priority, harvesting is not an urgent matter and it can wait. Military training is a matter of national security and we have made 'tradeoff' to have farmers lose their crops instead of missing scheduled military training"(Afwerki, 2014; Awate.com, 31 December 2014).

The government's policy has clearly prioritized military training over responding to food insecurity and practically ignored the severe consequence of missing a farming season, a rainy season as such. This is a famine and poverty amidst plenty. Apparently, the government is interested in pursuing a political control under the guise of "state security" from external treats rather than solving the food insecurity imposed on its people within the state's own borders. This is political recklessness and/or deliberate starvation to say the least. Subsequently, as a survival strategy, fleeing the country has become a mass phenomenon, which in return facilitated the process of social, economic and family disintegration. In situations, such as this, the distinction between flight from political persecution and flight from famine or hunger is practically non-existent. In this case, farmers who are escaping the absence of basic subsistence are not much different from those who are fleeing the absence of political, social and religious freedom and liberty. Both are crossing international borders in search of security, dignity and protection but the latter often receives international protection as political refugees while the former gets "economic immigrants" label.

Much to the asylum seekers dismay, the sheer number and magnitude of survival refugees along with the growing anti-immigrant's political attitudes and compassion fatigue in the West has triggered a collective labeling of Eritrean asylum seekers in Europe. For instance, in their effort to justify rejection of Eritrean refugees in Denmark, the Danish Immigration Service (DIS) initiated a country of origin information collection from anonymized international organisations and Western embassies without interviewing any asylum-seekers or potential refugees who are affected by Eritrea's policies. Subsequently, it had concluded that, regardless how horrible the condition of military service is and/or how indefinite people have been kept in the service, these are economic migrants and nothing is likely to happen to them if they returned to Eritrea, except that they will be returned back to the same horrible conditions (Danish Immigration Service (DIS), 2014:7). The UK has picked up the report and issued a related version of country information and guidance, which rejects military service evasion as ground for protection (UK Home Office, 2015). But given the costs involved and the life threatening risks associated with the Saharan and Mediterranean route, it is clear that their flights are often not attracted by wealth but exiled by extremely dangerous and life threatening situation at home. This is a lesser of two evils: a movement away from something perceived to be extremely dangerous vs. a movement towards less dangerous (Kunz, 1973:136). The great number of the refugee population have not been pulled out by economic opportunity in the industrialized countries as many claims but pushed out by life threatening situation at home.

For instance, in 2013, the biggest portions of refugees were from Eritrea and Syria. Sheila Keetharuth, U.N. special rapporteur on the situation of human rights in Eritrea emphasized that, between January and September of 2013, around 30,100 refugees reached Italy illegally and out of which 7,500 were Eritreans and 7,500 Syrians (Peter, 2013) Eritrea, a warless country with a population of 5 million has produced as equal number of refugees as the war-ravaged Syria, country of 22 million populations. Many have died in the Saharan Desert, Sinai Desert and Mediterranean Sea in their quest for a better life. Of course, these are genuine refugees in search of security and protection and escaping oppressive regime in Eritrea, and civil war created by their excessive desire for power, wealth and control in Syria. Both the 'economic migrants' and refugees have had the same political experiences at home; have used the Sahara Desert and Mediterranean Sea routes to reach Europe; motivated by

the desire for protection, security, survival and/or prosperity. Any attempt to draw a sharp line between “economic” and “refugee” would be an oversimplification as the distinction between them is very blurry and at times overlapping. As Grahl-Madsen(1983) notes:

Today more than any other period, it is difficult to distinguish between events, which are political, and those, which are [natural]. [For the fact that a] man’s economic situation is no longer looked on as a ‘natural’ phenomenon, but as a responsibility of the state. The view is steadily gaining ground that modern state is responsible for the living conditions of its nationals- a perfectly reasonable view given the part played by the state in organization and direction of the national economy....In a great many States any measures, whatever its nature, is a political event. In recent years, the States initiating strictly controlled economies have enforced drastic changes in the working and living conditions of many sections of their population, arbitrarily directing them to new occupations (13).

This is not to suggest that earthquake, flood and hurricane and other unpredictable natural disasters that are beyond state’s control are ground for refugee status. Nor do I intend to argue that every person fleeing his or her country in search of food is a refugee. As McInnis (1986) notes “[a]lthough starvation and poverty have long been recognized as violations of economic, social and cultural rights, all citizens of economically deprived countries are not refugees. No country is obliged to resettle all the world’s poor. If, however, the economic state of a group of citizens is the result of blatant discrimination or persecution, in essence these individuals qualify as refugees”(220). Besides, when a state deliberately starves its people to death and abuses the fundamental rights of its own citizens all under the guise of sovereignty and national security, the displacements of significant portion of the population to “knock” on the international “doors” should not come as a surprise. Therefore, the internal human rights abuse, aggression and deprivations are producing international outpouring of refugees that need protection.

Food security is a national security and it is mainly state’s responsibility to protect the vulnerable. More importantly, socio-economic deprivation and state-sponsored famine to maintain and sustain political control is not only a policy mistake, but also *intentional infliction of condition of life and deprivation of access to food* that should amount to a crime against humanity. Jappah and Smith (2012) explain that famine borne of natural disaster is not a crime *per se* but:

[a] crime occurs when a state has the capacity to predict and plan for a famine-related disaster in order to minimize its impact but fails in disaster preparation and in its ensuing response to mitigate the catastrophic effects, conceals relevant relief information from humanitarian agencies and/or donors, blocks humanitarian corridors, or engages in other faminogenic practices with an aim to exterminate or cause mass starvation of a group of people (25).

Art. (7)(2)(b) of the Rome Statute of the ICC on the other hand has clearly included mass starvation as a crime against humanity, if it is the intentional extermination of civilian population by the deprivation of food(Art.7(2)(b)).The Rome Statue defines extermination as “intentional infliction of conditions of life, *inter alia* the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population.” In line with the Rome Statue, Davidsson(2009) explains:

It appears therefore that policies imposing economic hardship on a civilian population, including the creation of conditions conducive to malnutrition, disease, low life expectancy and high infant mortality could amount to extermination as crime against humanity under the Rom Status only if it can be shown that the perpetrators were aware that massive deaths would ensue as a natural consequence of their act (173-212).

In an argument for the codification of politically induced famine as a crime against humanity, David Marcus identifies four degrees of faminogenic⁴ state behaviors as to why and how famine erupts: (i) *first-degree faminogenic behavior (intentional)*, occurs when “governments deliberately use hunger as a tool of extermination;” (ii) *recklessness* is categorized as a *second-degree faminogenic behavior* which erupts when “governments implement policies that themselves engender famine, then recklessly continue to pursue these policies despite learning that they are causing mass starvation;” (iii)*third degree faminogenic behavior* is “marked by indifference [which arises when] [a]uthoritarian governments, impervious to the fate of their populations even though arguably possessing the means to respond to crises, turn blind eyes to mass hunger;” iv) *the fourth degree faminogenic behavior* is a typical characteristics of an “incompetent or hopelessly corrupt

⁴ Marcus defines faminogenic practices as the implementation of policies by governments that engender famine and the continuation of these policies despite awareness that they result in mass starvation.

governments, faced with food crises created by drought or price shocks, are unable to respond effectively to their citizens' needs" (Marcus, 2003:246-47)

Although the People's Front for Democracy and Justice (PFDJ) rule has shown neither the willingness nor the competence to provide domestic remedy or solution for food insecurity, it has been militarily aggressive to engage in four wars in 14 years (wars against Yemen, Sudan, Ethiopia and Djibouti), and politically and economically strong to choke its people, and institutionally intact to manipulate the international community into offering them millions of dollars of military assistance (Garcia, 2004) that it cannot be categorized under Marcus's *fourth degree faminogenic or incompetent and/or weak state*. However, the deliberate, forced relocation of farmers, disruption of agricultural activities and undermining social coping mechanisms, conscription of farmers, food requisitions by military forces, land seizures and withholding of food aid that engendered the situation further and inflicted a great socio-economic hardship on the people ultimately meets Marcus's *first-degree (intentional) faminogenic behavior; second-degree faminogenic behavior (recklessness) and third-degree faminogenic behavior (indifference)*, which could amount to crime against humanity.

In June 2014, the UN Human Rights Council (UNHRC) has adopted Resolution A/HRC/RES/26/24 and established a Commission of Inquiry on Human Rights in Eritrea (COIE) to investigate all alleged violations of human rights in Eritrea. After the Commission had conducted 550 interviews and 160 written testimonies from witnesses, they have collected tremendous evidence of systematic, widespread and gross human rights violations committed in Eritrea some of which "may constitute crimes against humanity (A/HRC/29/CRP.1). Hence, in June 2015, the UN Human Rights Council (UNHRC) has revised and extended the Commission's mandate until June 2016 to achieve its mandated objective of documenting and investigating the possible crimes against humanity (A/HRC/29/16). Therefore, in the COIE investigative report that was released in June 8, 2016, it has indicated that "there are reasonable grounds to believe that crimes against humanity have been committed in Eritrea" where the government officials are clearly responsible for crimes of enslavement, imprisonment, enforced disappearance, torture, other inhumane acts, persecution, rape and murder (A/HRC/32/CRP.1). Be that as it may, the report has fallen short of including the man-made famine crisis in the country. Given the complex nature of the causal links and absence of explicit definition of famine crimes in international criminal law, the practicality of establishing a criminal prosecution against a State that intentionally induce famine may not be easy but the deliberate starvation, reckless and indifferent state action or inaction should clearly amount to crime against humanity. Although the ICC has limited its application to international wars, conflicts and violence-related crimes, its principles reflects the basic consideration of humanity in warless jurisprudence of crimes in which violations and deaths don't have to be committed during conflicts to qualify as crime.

3. Conclusion

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

Acknowledgements

I would like to thank Vladimir Rizov, a Research Scholar at the University of York, Department of Sociology, for his insights and comments in the draft of this article.

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