II. Prohibition of Deliberate Starvation

Forms of Deliberate Starvation

States can employ deliberate starvation as a means to an end against their own population in various ways. Hunger can be provoked by active measures of a state to prevent (part of) the population from getting access to adequate food (1). Starvation can also be caused by a lack of state activity: This is the case when hunger results from insufficient protection against improper practices of non-state actors (2); or it can be the result of state inactivity, when its people are unable to feed themselves (3). Even in these two cases of deliberate passive behaviour, the state still makes an active decision to turn a blind eye to starvation. Most modern manmade famines combine active and passive attributes.\(^1\) The ‘Great Leap Famine’ in China shows clear marks of both commission and omission:

The largest famine in human history took place in China during 1959-61.\(^2\) Although drought was a contributing factor, this was largely a manmade catastrophe, for which Mao Zedong bears the greatest responsibility. The famine allegedly resulted from Mao Zedong’s Five-Year Plan (‘The Great Leap Forward’), launched in 1958, which focused on economic growth in heavy industry.\(^3\) Under this economic program, existing small agricultural collectives were merged into larger people’s communes, and party leaders ordered new, unscientific agricultural techniques be implemented. Livestock and farm implements were brought under collective ownership and private food production was mostly banned. Many peasants were ordered to work on massive infrastructure projects to produce iron and steel.\(^4\) A disproportionately large amount of the harvest was seized for state use, for use primarily in urban areas but also for export. These projects, combined with cyclical natural disasters, led to massive drop in grain production and subsequently to a famine.

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2. According to Vaclav Smil, the Chinese famine is perhaps the most overlooked cause of 20th century mortality, rating alongside the two world wars as a prime example of public manmade death (\textit{ibid.}, p. 1619).
3. For details about Mao Zedong’s utopian economic strategy, see Yang, pp. 21ff.; Kung/Lin, pp. 53ff.; Dikötter, pp. 15ff.
4. A chronology of the events is provided at Dikötter, pp. xix ff. For details, see also Yang, pp. 33ff.; Becker; Chang/Halliday, pp. 519ff.; Riskin, pp. 331ff.; Lin/Yang, pp. 125–140.
There are no precise numbers of casualties, but the best demographic reconstructions indicate that about 30 million people died.\(^5\)

Another paradigm of a local government violating its own citizens’ right to adequate food through independently-made policy choices is the previous example from Zimbabwe. In Zimbabwe, the government is alleged to have significantly failed to fulfil all three of its obligations: the obligation to respect, protect and fulfil the right to food within its territory. In 2000 and 2001, following years of inequitable land distribution during Zimbabwe’s colonial past, the Zimbabwean government reportedly supported militias in their forcible invasion of farms. The government also expropriated thousands of farms without compensating the owners for the cost of the land.\(^6\) As a result of the land reform program implemented in 2001, and a drought in 2002, access to food disastrously deteriorated in the country.\(^7\) Zimbabwe’s government allegedly responded to the food shortage by restricting international food aid to the country and denying food to its political opponents.\(^8\)

The complex interaction of various factors in most famines can be confusing when assembling a human rights analysis of deliberate starvation policies. To clearly illustrate state duties it is most useful to consider these scenarios separately. The three different cases of application correspond to the trichotomy of duties necessary to protect human rights. A joint analysis of all cases would not enlighten, because these obligations are so different in purport, legal force and recognition. Beetham goes so far as to assert that what matters are not categories of rights (ESCR or CPR), but the different types of duties necessary to their protection.\(^9\) For the sake of clarity, I analyse each case category separately.

The specific focus on starvation practices of a state against its own population does not pose a problem within the present part A of the book, since hu-

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5 Smil, p. 1619. Dikötter even speaks of at least 45 million dead (ibid., p. xii). The Chinese official estimate puts the death toll at only 15 million (Kung/Lin, p. 51).


8 Butcher; Narula, pp. 708-709.

9 Beetham, pp. 51-52. See also the approach by Shue, p. 52.