



For a world without hunger



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WHEN HUNGER BECOMES A WEAPON OF WAR

Deliberate starvation as a method of warfare must be outlawed internationally

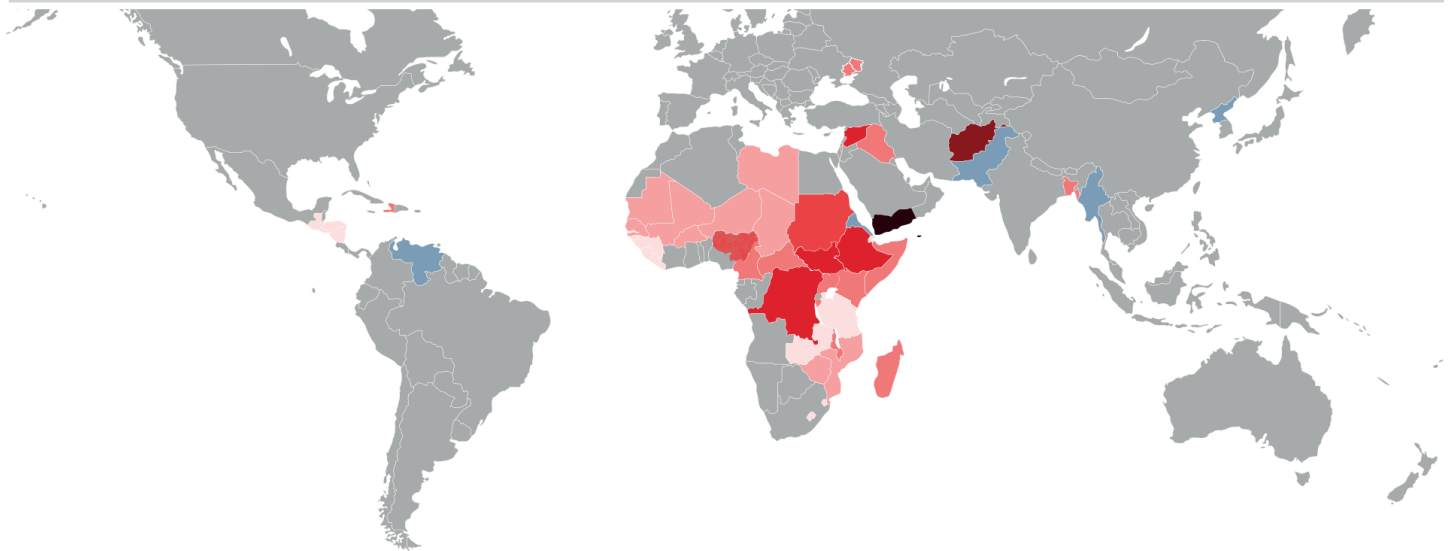
Many of the most dramatic famines are the consequences of political calculation: be it the starving out of the historic city of Carthage or the current civil war situation in Yemen. Over the past 30 years, it seemed as if this cruel method of warfare was gradually becoming part of the past. But in recent years it has been used increasingly again and thus the UN declared it a war crime in 2018 in Resolution 2417. Germany's membership in the UN Security Council offers the opportunity to ratify together with as many states as possible measures for the practical implementation of this resolution and to take specific actions.

In 2019, the number of people suffering from hunger rose for the third year in a row; currently 821 million people are affected (FAO figures from 2019). This development is in

direct contradiction to the second global goal of the Agenda 2030 for Sustainable Development: to end hunger! Long-lasting armed conflicts such as those in Myanmar, Syria, Nigeria, Yemen, Southern Sudan, the Sahel region or the Central African Republic are one of the main causes. Furthermore, the effects of climate change intensify distribution conflicts over land and water. A method of warfare that had been contested successfully over the past 30 years is again being used more and more frequently: the targeted starvation of the civilian population. In addition, humanitarian aid workers are increasingly prevented from accessing the people in need or are being attacked during aid deliveries: a clear violation of protection provisions under international law.

In current armed conflicts, these norms are being violated and undermined more and more systematically. "Surrender or starve" is the tactic with which Assad's troops repeatedly boycott aid deliveries to besieged civilians in Syria. In 2018, 54 percent of the country's population, 13.1 million people, were dependent on food aid, half of whom suffered from acute hunger. In Yemen last year, 65,000 people were acutely malnourished and 1.2 million were at serious risk. Food prices have risen 150-fold since the war began. In Somalia, North Nigeria and the Lake Chad region, conflicting parties are deliberately destroying crops in the fields or food stocks,

Number of food-insecure people in need of urgent assistance in 2018 (IPC/CH Phase 3 or above)



Colour code	Estimates of food insecure population in need of urgent assistance in 2018	Countries
Dark red	Above 10 million people	Yemen
Red	Between 7 and 9.99 million people	Afghanistan
Dark red	Between 5 and 6.99 million people	Democratic Republic of Congo, South Sudan, Ethiopia, Syria
Red	Between 3 and 4.99 million people	North Nigeria, Sudan
Light red	Between 1 and 2.99 million people	Somalia, Kenya, Uganda, Burundi, Madagascar, Haiti, Central African Republic, Malawi, Iraq, Palestine, Cameroon, Ukraine (Donetsk and Luhansk oblasts), Bangladesh
Light red	Between 0.5 and 0.99 million people	Zimbabwe, Mozambique, Chad, Niger, Mali, Burkina Faso, Mauritania, Senegal, Libya
Light pink	Below 0.5 million people	Lesotho, Swaziland, Guatemala, Tanzania, Sierra Leone, Guinea, Liberia, Gambia, Guinea-Bissau, Djibouti, Honduras, Nicaragua, Zambia, El Salvador
Blue	Countries of concern for which no forecast estimates were produced	Democratic People's Republic of Korea, Myanmar, Pakistan, Eritrea, Venezuela

killing livestock and blocking food and aid supplies for the civilian population. And in Southern Sudan, about 383,000 people died between 2013 and mid-2018 in the civil war, around half of them as a result of hunger and disease.

Hunger as a weapon of war is also used in countries where Welthungerhilfe is active. In two studies on Mali and Southern Sudan, Welthungerhilfe examined the specific circumstances in more detail. With the support of international law experts from Global Rights Compliance, representatives of non-governmental organizations, of UN organizations and of governments were consulted in interviews and workshops (between July and December 2019). The results showed that after an extremely long civil war, there is a glimmer of hope for peace in Southern Sudan. Mali, on the other hand, is spiralling deeper and deeper into unresolved local conflicts linked to Islamist terror. Both countries have in common the methods of deliberate starvation that have been or are being used: in a very drastic form in Southern Sudan between 2013 and 2017, in Mali only recently. Both countries urgently need international support in securing peace, because the existing institutional structures and humanitarian aid organisations cannot cope alone with the political failures of the past years. In the Sahel region, attempts are being made to blur the boundaries between development-promoting measures and actors and security interests: an approach that tends to exacerbate existing conflicts.

Germany is the world's second largest donor of humanitarian aid and in 2020 a member of the UN Security Council and the UN Human Rights Council. In addition, Germany will hold the EU Council Presidency in the second half of the year. In this context, the Federal Government can make a decisive contribution to strengthening international law. For in the event of war or other international armed conflict, international humanitarian law ensures the greatest possible protection of people, buildings, infrastructure as well as the natural environment from the effects of hostilities. It is forbidden to obstruct humanitarian aid, to use sieges or blockades and to destroy vital facilities. This includes agricultural areas, crops and livestock, drinking water and irrigation systems. The supply of food must be allowed, as must the distribution of essential goods such as medicines, clothing or shelter materials. Warring parties must allow humanitarian organisations access to the civilian population.

For this reason, the UN Security Council unanimously adopted Resolution 2417 (UNSC S/RES/2417) in May 2018: starvation as a method of war and the deliberate blockade of humanitarian aid are expressly condemned and declared war crimes. On December 6, 2019, the Assembly of States Parties to the International Criminal Court supplemented the Rome Statute: with immediate effect, starvation can also be prosecuted in non-international armed conflicts without having to prove that civilians have actually starved to death. UN

Resolution 2417 calls on all states to punish violations. In addition, the UN Secretary-General is to provide information on impending famine and food insecurity in countries with armed conflicts as part of his regular country-specific reporting. Regular reporting on the implementation of the resolution in the context of the annual briefing of the UN Security Council with regards to the protection of the civilian population is also envisaged.

In view of these expanded possibilities for intervention, the German government, in cooperation with other governments such as Switzerland, Ireland and Sweden as well as NGOs, the World Food Programme (WFP) and the World Food and Agriculture Organization (FAO), should use its function in the UN Security Council and the EU to outlaw all forms of starvation as a method of war. This means that humanitarian aid workers can work without hindrance and starvation crimes are punished.



It is a clear violation of protection provisions under international law when humanitarian aid is prevented. Here the distribution of oil by a Welthungerhilfe employee in the refugee camp in Bentiu, South Sudan.

Recommendations to the Federal Government

- Ratification of the amendment to the Rome Statute of the International Criminal Court: the aim is to strengthen international legal standards that include deliberate starvation as a war crime in civil wars.
- Effective implementation of UN Resolution 2417: the German government should work to ensure that the current mandate of UN Expert Groups in specific conflict countries - here Mali, Southern Sudan and Yemen - includes deliberate starvation as a war crime.
- Moreover, the Federal Government should provide personnel and financial support to the UN mechanism for the investigation and prosecution of the most serious war crimes in Syria since March 2011 ("IIIM") based on Resolution A/71/248. Here too, war crimes based on deliberate starvation should be given additional consideration.

Glossary:

What we understand by the terms

The term **deliberate starvation** (of civilians as method of warfare) is used to describe the deliberate action when those responsible deny those affected access to essentials. It should be pointed out that means to satisfy basic needs and the term essentials encompass goods and services that go beyond mere nutrition, i.e. water (drinking water supply and facilities as well as irrigation systems), medicines, clothing, shelter, fuel and electricity. The term deliberate starvation of civilians basically implies intent.

Famine is defined as a condition in which access to and/or availability of food is and will be seriously limited. Those affected are completely dependent on food aid, which often triggers displacement. According to the Integrated Food Phase Classification (IPC), famine is classified as level 5, which means that even when coping strategies are fully implemented, households suffer from an extreme lack of food and other resources to meet their basic needs. Officially, a famine occurs when at least 20 percent of households are affected by IPC Level 5 conditions - hunger, death, misery - while acute malnutrition and mortality rates have reached alarming levels.

Hunger is an uncomfortable or painful physical sensation caused by insufficient intake of food energy. It becomes chronic if the regular, sufficient supply of calories (food energy) is not available, so that a normal, active and healthy life cannot be led. Hunger can manifest itself in various ways: **undernutrition** occurs when the calorie intake is insufficient to meet the minimum energy requirements of the human body; **malnutrition** is caused by an inadequate supply of protein, calories and/or micronutrients.

Food insecurity is a situation in which people do not have access to sufficient, safe and nutritious food for normal growth and development and for an active and healthy life. This can be due to the unavailability and/or lack of resources to obtain food.

The relevant legal provisions, with the applicable definitions, are set out below. This labelling is important because terms such as **hunger, famine, food insecurity**, while adequately describing the condition, do not reflect the intentional behaviour that almost always underlies it and therefore violates international humanitarian law.

Sources:

- *Global Rights Compliance (GRC) legal policy papers on Syria, Southern Sudan and Yemen (2019) at <https://starvationaccountability.org>.*
- *More on the definition of "deliberate starvation" and "starvation crimes" in the London Review essay by Alex de Waal, *Mass Starvation: The History and Future of Famine* (Polity Press, 2017); and also *Jordash et al. Starvation Article*; Conley, A. de Waal, *The Intent to Starve: Historical and Contemporary Uses of Starvation*; Alex de Waal, *Mass Starvation is a Crime: It's time we treated it that way* (January 14, 2019) Boston Review.*
- *World Food Programme, WFP Syria Country Brief, September 2018.*
- *UN OCHA and Relief Web, *The Humanitarian Response Plan at a Glance, February 2019; Integrated Food Security Phase Classification, Yemen: Acute Food Insecurity Situation, (July 2019), p.1**
- *WFP and FAO, Monitoring food security in countries with conflict situations A joint FAO/WFP update for the United Nations Security Council (January 2019); FAO, Hunger in conflict zones continues to intensify (January 29, 2018).*

The entire study by Welthungerhilfe with the support of Global Rights Compliance is available as part of the publication "Compass 2020 - Report on the Reality of German Development Policy", May 2020

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