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POLICY BRIEF

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This briefing paper is in series produced by Global Rights Compliance and the World Peace Foundation as part of a joint project, "Accountability for Starvation: Testing the Limits of the Law."

The project aims to identify how international law may be used to advance the prevention, prohibition and accountability for mass starvation.

GLOBAL RIGHTS COMPLIANCE specialises in services associated with bringing accountability for violations of international humanitarian law, international human rights law and other serious crimes. Drawing on decades of experience in conflict affected areas and transitional justice environments. Global Rights Compliance provides bespoke technical expertise and support to State and non-State bodies involved in all stages of accountability.

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Movement towards accountability for starvation

OVERVIEW

Can starvation be prosecuted? While international criminal law ('ICL') has become increasingly sophisticated and robust over the past decades, it has largely failed to address crimes related to starvation. This is partially due to lacunae in the relevant law, but it is also due to prosecutorial and political will, or rather the lack thereof, to apply the existing law. Following the 2017 UN warning of three threatened famines in, Yemen, Somalia and northern Nigeria and a declaration of famine in South Sudan, in addition to a number of reports drawing attention to deteriorating humanitarian conditions in a range of conflict-affected countries, global policymakers began to test the water for how they could strengthen international response.

Given the international trend towards focusing on national prerogatives, this may be an inauspicious time to promote innovations in international law. Nonetheless, during 2018, governments reached consensus that international law prohibits starvation as a weapon of war. This briefing paper summarizes two key advances: the adoption of UN Security Council Resolution S/RES/2417 ('UNSC 2417') and a move to amend the Rome Statute so that the prohibition of starvation applies in both International Armed Conflicts (IAC) and in Non-international Armed Conflicts (NIAC).

UNITED NATIONS SECURITY COUNCIL RESOLUTION 2417

On March 23, 2018, The Netherlands, during its term as president of the UNSC, introduced a discussion of the connections between food insecurity, hunger and conflict. The discussion revealed a wide range of understandings among various country representatives of how these issues intersect with the UNSC's mandate.¹

Various national representatives expressed concern about structural issues, like root causes of conflict, development, agricultural policies, cycles of poverty, and unemployment. Others focused more narrowly on the nexus with conflict, drawing attention to violations of international law, including through

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obstruction of humanitarian aid and attacks against humanitarian aid workers. Concern that the issues of hunger and food insecurity went beyond the UNSC's mandate were expressed by Russia, Ethiopia, China and Kazakhstan, who argued that the Security Council should only address issues directly related to peace and security.

Emerging out of this discussion and responding to stated concerns, on 24 May 2018, the UNSC passed Resolution 2417 (full text is available in Annex I), which tightened the focus to the context of hunger in armed conflict. UNSC 2417 drew heavily on exist-

ing IHL to address three criminalized acts: starvation, depriving civilians of objects indispensable to their survival ('OIS') (notably mentioned, those required for food production and distribution), and impeding humanitarian access (including protection for humanitarian aid workers). In so doing, the Resolution echoes language found in Article 8(2)(b)(xxv) of the Rome Statute, which prohibits:

“Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including willfully impeding relief supplies as provided for under the Geneva Conventions.”

While the Resolution recalled that the UNSC can impose sanctions for obstructing the delivery of aid, it did not make explicit a mechanism to attend to such a process. Rather, the Resolution tasked the Secretary General with providing information on risks of famine and food insecurity in conflict-affected countries as part of already existing monitoring requirements on specific countries and in the annual briefing on civilian protection. A third, more ambiguous reporting request was also included: “to swiftly bring to the Council's attention when there is a risk of conflict-induced famine or food insecurity in countries with armed conflict.” While risk of famine is fairly circumscribed, the inclusion of broader language regarding risk of “food insecurity” in conflict-affected countries suggests latitude for interpretation.

Early impact

Since the Resolution passed in May, it was separately referenced by the governments of the Netherlands (23 October 2018)² and Sweden (31 December 2018),³ in reference to Yemen. Likewise, Adama Dieng, the UN Special Advisor on Genocide Prevention, referenced

1 The session began with presentations by Mark Lowcock, Under-Secretary General for humanitarian Affairs, and David Beasley, Executive Director of the United Nations World Food Programme; and was influenced by the Secretary General's presentation in 2017 regarding the four threatened famines in Somalia, South Sudan, Yemen and northern Nigeria, and a Food and Agriculture Organization report, “Global Report on Food Crises 2018,” published March 22, 2018. See Security Council Report, ‘Overview of Security Council Meeting Records’ S/PV.8213. 23 March 2018. Available at <https://www.securitycouncilreport.org/un-documents/document/spv8213.php> Accessed January 24, 2019.

2 “International Community Must Take Action To Stop Catastrophic Famine in Yemen, Top Humanitarian Affairs Official Tells Security Council,” SC/13550. 23 October 2018. Available at: <https://www.un.org/press/en/2018/sc13550.doc.htm> . Accessed January 24, 2019.

3. Government Offices of Sweden, “Swedish Statement at the UN Security Council Briefing on Yemen,” 23 October 2018. Available at: <https://www.government.se/statements/2018/10/swedish-statement-at-the-un-security-council-briefing-on-yemen/> Accessed January 24, 2019.

2417 in his condemnation of the coalition offensive on the crucial port city of Hudaydah in Yemen (14 June 2018):

Starvation of civilians as a method of war is a war crime and was condemned by the Security Council in resolution 2417 of 24 May 2018. It seems that the first test of this resolution is Yemen: the Yemeni port of Hudaydah is a lifeline for the delivery of aid and the Coalition's air strikes can kill many more people over time through famine and hunger when damaging such civilian infrastructure.⁴

A subsequent UN resolution related to Somalia (UNSC 2431, 30 July 2018), referenced 2417 as it related to the "ongoing humanitarian crisis," in relation to the obstruction of humanitarian aid, including through attacks on humanitarian aid workers.

Developments concerning South Sudan, as expressed in a closed meetings of the UNSC of August 2018 demonstrate how UNSC 2417 can be harnessed to galvanise action in response to critical situations of starvation,⁵ even when it is not directly referenced. The Netherlands and co-penholders of UNSC 2417, requested a briefing on the food security risks in South Sudan, followed by the circulation to the Council in July of a white paper by the UN Office for Coordination of Humanitarian Affairs, drew attention to the extreme malnutrition in the country. As a result, UNSC S/RES/2428 (2018) was swiftly passed on 13 July 2018, imposing an arms embargo and additional targeted sanctions, expressing grave alarm and concern at the conflict, which had led to "great human suffering", including "conflict-induced food insecurity and threat of famine" in the country.

The question of specificity

In addition to the mechanisms for reporting, as noted above, there are several other aspects of UNSC 2417 that are open to interpretation.

The first set of issues concerns whether 2417 is too

narrowly conceived. Is it understood to relate to only acts of internationally starving people, or does it encompass acts that may not have the express goal of starvation, but nonetheless produce starvation conditions? The language condemning "starvation as an act of war" suggests the former, but the inclusion of language discussing destruction of OIS to civilians

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broadens the scope, particularly if and when it is referenced in relation to such acts that have been committed repeatedly and over a long duration. Support for a broader interpretation of the language OIS found in UNSC 2417 may be gleaned from a UNSC Resolution S/RES/2451 (2018) relating to Yemen, which appears at paragraph 10 to have enlarged the definition of OIS to "all those objects which are necessary for food distribution, processing and storage."

A further concern is whether the resolution will be referenced primarily in relation to obstruction of humanitarian aid and targeting of humanitarian actors. While the language of UNSC 2417 does not suggest this limitation, if reporting is primarily compiled by humanitarian organizations, a risk arises that this important focus might become the primary issue, leaving aside criminal acts that create conditions under which people become reliant on aid in the first place.

A different concern should be raised in relation to whether UNSC 2417 will be applied broadly, in regard to generalized food insecurity or hunger. While the Resolution focuses on conflict contexts, it introduces some imprecision through reference to increases in undernourished and food insecure populations, root causes of conflict, and "a vicious cycle between armed conflict and food insecurity." While all of these points

4. "Note to Correspondents: Statement by Adama Dieng, United Nations Special Advisor on the Prevention of Genocide, on the Situation in Hudaydah, Yemen," 14 June 2018. Available at: <https://www.un.org/sg/en/content/sg/note-correspondents/2018-06-14/note-correspondents-statement-adama-dieng-united-nations> Accessed January 24, 2019.

5. Associated Press, "UN gravely concerned at South Sudan's 'food security crisis,'" August 10, 2018. Available at: <https://www.apnews.com/c3091aa26df24f9f85eae8d7e375c7e3> Accessed January 24, 2019.

are valid, they stray from the more narrow set of acts that might be criminalized. This creates a dilemma and a risk: either the consensus supporting 2417 at the UNSC would be jeopardized by bringing situations in which there isn't any clear criminality to the attention of the UNSC, or the specific prohibition on starvation would be diluted by reference to other factors creating hardship, thus depoliticizing the actions that create famine. Additionally, it introduces areas of enormous complexity that require response through many different sets of policy tools. Blurring the lines may weaken the implications of criminal behaviour by actors who should be sanctioned for creating and perpetrating starvation conditions.

A move to amend the Rome Statute

A quieter and subtler, but nonetheless significant, development also occurred in relation to how the Rome Statute addresses starvation, which at present only criminalizes starvation in an international armed conflict (IAC). Switzerland proposed in April 2018 an amendment to article 8 of the Rome Statute to include within the list of war crimes capable of being committed in a non-international armed conflict (NIAC).

“Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including willfully impeding relief supplies.”

There was general support for the substance of the proposal from State delegates.⁶ However, Switzerland took the decision in October 2018 to defer the decision on the proposal to the 18th session of the Assembly of State Parties to the Rome Statute (December 2019).

Starvation has long been prohibited under IHL in both a NIAC and an IAC⁷ and has been included as a rule from which no derogation can be made.⁸ The International Committee of the Red Cross (‘ICRC’) considers the prohibition to be part of customary international law, regardless of conflict classification.⁹ The ICRC also includes starvation of civilians within its list of serious violations of IHL applicable in a NIAC.¹⁰ There is evidence of state acceptance of the customary status of starvation with eight national jurisdictions criminalizing starvation in both a NIAC and an IAC.¹¹ It is also a crime in both conflict designations under the Protocol on Amendments to the Protocol on the Statute of The African Court of Justice and Human Rights (‘the Ma-

6 Annex IV Non-paper submitted by Switzerland: proposed amendments to article 8 of the Rome Statute on the inclusion of starvation as a war crime in non-international armed conflicts, 20 September 2018, para 11. https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/ICC-ASP-17-35-ENG.pdf

7 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts 8 June 1977, (‘Additional Protocol I’, ‘AP I’), article 54(1) and Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflict, 8 June 1977, (‘Additional Protocol II’, ‘AP II’), article 14 APII. See also articles 23, 55, 59, of the Geneva Conventions IV which introduced relevant obligations relating to the free passage of humanitarian relief.

8 Commentary on the Additional Protocols, p. 1456, para. 4795.

9 J. Henckaerts and L. Doswald-Beck (eds), Customary International Humanitarian Law, (2005) Cambridge University Press (‘ICRC Study on Customary IHL’), Commentary on Rule 53.

10 ICRC, War Crimes: Working Paper Prepared by the ICRC for the United Nations Preparatory Committee for the Establishment of an International Criminal Court. ICRC, War Crimes: Working Paper Prepared by the ICRC for the United Nations Preparatory Committee for the Establishment of an International Criminal Court (1997) at 1 May 2004.

11 Croatia, Criminal Code (2011), Article 91. available at: https://narodne-novine.nn.hr/clanci/sluzbeni/2011_11_125_2498.html; Netherlands, International Crimes Act, 2003, Article 5(5)(I), (amended 2018), available at: https://iccdb.hrlc.net/documents/implementations/pdf/Netherlands_ICC_Implementation_Act_2002.pdf; Republic of Korea, Act on the Punishment of Crimes within the Jurisdiction of the International Criminal Court (2007), Article 13, available from <https://cjad.nottingham.ac.uk/en/legislation/206/>; Germany Law Introducing the International Crimes Code (2002), Section 11(1)(5), available at: <http://www.iuscomp.org/gla/statutes/VoeStGB.pdf>; France, Criminal Code, Article 461-1, 461-25, (consolidated version up to November 2017), available at: <https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LEGITEXT000006070719>; Nicaragua, Draft Penal Code [1999] Article 463 relating to the impediment of humanitarian aid; and El Salvador, Draft Amendments to the Penal Code [1998], Article entitled ‘Omission y obstaculización de medidas de socorro y asistencia humanitaria’ relating to the impediment of humanitarian aid, Nicaragua and El Salvador taken from Henckaerts, Doswald-Beck, Alvermann, (2005), Customary International Humanitarian Law, Volume I Practice. There are approximately 22 countries which reference starvation or willfully impeding humanitarian access in their criminal legislation but do not specify whether the conduct is criminalized in a NIAC or IAC. Approximately 8 countries follow the ICC and feature the crime only in a IAC (Australia, Georgia, Iraq, Mali, New Zealand, Slovenia, Trinidad and Tobago, and The United Kingdom)

labo Protocol').¹² It is further recognised as a crime in a NIAC in a range of authoritative military manuals.¹³

UNSC2417 also appears to reflect the customary international law position, drawing no distinction between the use of starvation of civilians as a method of warfare in a NIAC or an IAC. As the resolution clearly underlines (without any apparent limitation on its intended reach) "using starvation of civilians as a method of warfare may constitute a war crime."¹⁴ The above enumeration of the customary international law position thus begs the question, why the Rome Statute fails to criminalize starvation in a NIAC. There appears to be no principled or practical reason for this omission. The Preparatory Committee of the Rome Statute first considered the offence of starvation in 1996 and it originally included "starving of the civilian population and prevention of humanitarian

assistance from reaching them"¹⁵, this then evolved into the present wording under Article 8(2)(b)(xxv). The delegations agreed that the deprivation of OIS was not limited to food and drink, but should include a broader approach of something necessary to live.¹⁶ Notwithstanding that this was the first time the war crime of starving civilians was criminalized under ICL, its passage was not controversial and the delegation quickly reached agreement on the draft text.¹⁷

There is no indication from the drafting history why starvation was only criminalized in an international armed conflict. Indeed in 1998 there was a provision penalising starvation in NIAC, yet the final 'package' of the Rome Statute did not include it, leading to the conclusion that its omission was unintentional.¹⁸

12 Article 28 D War Crimes (e) (xvi).

13 Argentina Law of War Manual (1989) Leyes de Guerra, PC-08-01, Público, Edición 1989, Estado Mayor Conjunto de las Fuerzas Armadas, aprobado por Resolución No. 489/89 del Ministerio de Defensa, 23 April 1990, § 9); Australia LOAC Manual (2006) The Manual of the Law of Armed Conflict, Australian Defence Doctrine Publication 06.4, Australian Defence Headquarters, 11 May 2006, 10-11; Benin (Military Manual (1995) Le Droit de la Guerre, III fascicules, Forces Armées du Bénin, Ministère de la Défense nationale, 1995, § 13; Canada (LOAC Manual (2001) The Law of Armed Conflict at the Operational and Tactical Levels, Office of the Judge Advocate General, 13 August 2001, § 14); Colombia (Directive on IHL (1993) Normas de Derecho Internacional Humanitario, Directiva Permanente No. 017, Ministerio de Defensa Nacional, 17 August 1993, § 15; Croatia (Instructions on Basic Rules of IHL (1993 Instructions "Basic Rules of International Humanitarian Law Applicable in Armed Conflicts", Republic of Croatia, Ministry of Defence, 1993, §16; France (OAC Manual (2001) Manuel de droit des conflits armés, Ministère de la Défense, Direction des Affaires Juridiques, Sous-Direction du droit international humanitaire et du droit européen, Bureau du droit des conflits armés, 2001 § 18; Germany (IHL Manual (1996), ZDv 15/1, Humanitäres Völkerrecht in bewaffneten Konflikten – Grundsätze, DSK VV230120023, Bundesministerium der Verteidigung, June 1996, § 19; Hungary (Military Manual (1992) A Hadijog, Jegyzet a Katonai, Főiskolák Hallgatói Részére, Magyar Honvédség Szolnoki Repülőtiszt Főiskola, 1992, § 20; Kenya (LOAC Manual (1997) Law of Armed Conflict, Military Basic Course (ORS), 4 Précis, The School of Military Police, § 23; Republic of Korea (Military Law Manual (1996) Military Law Manual, 1996, § 24L Madagascar (Military Manual (1994) Le Droit des Conflits Armés, Ministère des Forces Armées, August 1994, § 25; Netherlands Ibid § 26; New Zealand (Military Manual (2005) Humanitair Oorlogsrecht: Handleiding, Voorschrift No. 27-412, Koninklijke Landmacht, Militair Juridische Dienst, 2005, § 27; Nigeria (Military Manual (1994) International Humanitarian Law (IHL), Directorate of Legal Services, Nigerian Army, 1994, § 28; Russian Federation (Military Manual (1990), Instructions on the Application of the Rules of International Humanitarian Law by the Armed Forces of the USSR, Appendix to Order of the USSR Defence Minister No. 75, 1990, § 29); Spain (LOAC Manual (2007) Orientaciones. El Derecho de los Conflictos Armados, Tomo 1, Publicación OR7-004 (Edición Segunda), Mando de Adiestramiento y Doctrina, Dirección de Doctrina, Orgánica y Materiales, 2 November 2007, § 30); Togo (Military Manual (1996) Le Droit de la Guerre, III fascicules, Etat-major Général des Forces Armées Togolaises, Ministère de la Défense nationale, 1996, § 33); and the Former Yugoslavia (Military Manual (1988) Propisi o Primeri Pravila Medjunarodnog Ratnog Prava u Oruzanim Snagama SFRJ, PrU-2, Savezni Sekretariat za Narodnu Odbranu (Pravna Uprava), 1988, § 36.

14 [UNSC Resolution 2417, 'Protection of civilians in armed conflict', S/RES/2417 \(2018\), p.2](#), accessed at 31 May 2018.

15 M. Cottier, 'War Crimes - Para. 2(b)(xxv) Starvation of Civilians as a Method of Warfare' in O. Triffterer (ed.), Commentary on the Rome Statute of the International Criminal Court (Nomos, Baden-Baden, 1999), no. 218, p. 510, citing to the 1996 Preparatory Committee II 61.

16 Dörmann, Knut; Doswald-Beck, Louise Evangeline; Kolb, Robert, Elements of War Crimes under the Rome Statute of the International Criminal Court: Sources and Commentary, (Cambridge University Press 2003), online publication 2009.

17 M. Cottier, 'War Crimes - Para. 2(b)(xxv) Starvation of Civilians as a Method of Warfare' in O. Triffterer (ed.), Commentary on the Rome Statute of the International Criminal Court (Nomos, Baden-Baden, 1999), no. 218, p. 510. See also W. Schabas, The International Criminal Court: A Commentary to the Rome Statute, (2nd Edition) (Oxford: OUP, 2010), p.285.

18 Annex IV Non-paper submitted by Switzerland: proposed amendments to article 8 of the Rome Statute on the inclusion of starvation as a war crime in non-international armed conflicts, 20 September 2018, para 7. https://asp.icc-cpi.int/iccdocs/asp_docs/ASP17/ICC-ASP-17-35-ENG.pdf

While the discussion and amendment process is unlikely to move quickly, the proposed amendment closes an important gap in the Rome Statute and would better align it with general principles and customary international law.¹⁹

CONCLUSION: ADVANCING THE DISCUSSION

Criminalizing acts of starvation is an important step in changing global response to the political and military actions that create famine. Mass starvation is not primarily the product of poverty or forces of nature, but is a manmade condition that causes the deaths hundreds of thousands of people. These people are not victims of a lesser crime, and those whose actions produce dying at this level should be held to account. Despite having international laws on the book that were drafted to address such acts, there has to date been little effort to prosecute the crimes. Last year witnessed two important measures that increase the likelihood that this will change.

In order to capitalize on this momentum in the coming years, additional steps are required.

1 Continued pressure for, and clarity about how, UNSC 2417 will be addressed in existing country-specific and thematic reporting, and when special briefings should be undertaken;

Specifically, greater clarity is needed to specify when the “risk of conflict-induced famine and wide-spread food insecurity in armed conflict contexts occurs,” that would enable a coordinated and coherent response from states and humanitarian organisations

2 Development of standards for understanding IHL and ensuring effective enforcement through ICL with regard to acts of starvation;

3 Addressing other mechanisms along the full range of practicable transitional justice infrastructure which will further sustainable accountability for starvation crimes perpetrated in and out of conflict zones. This might include truth telling, reparations, reform and guarantees of non-recurrence, drawing on past and prospective examples; and

4 Discussions with and within the broader humanitarian community on how their work might intersect with the law, including in the sphere of negotiating with conflict actors. Testing whether the law help provide a structure for measuring when humanitarian negotiation meets a limit.

¹⁹ https://ihl-databases.icrc.org/customary-ihl/eng/docs/v2_rul_rule53_sectiona

ANNEX I

United Nations Security Council Resolution 2417 (2018) S/RES/2417(2018)

Adopted by the Security Council at its 8267th meeting, on 24 May 2018

The Security Council,

Recalling all relevant Security Council resolutions, including resolutions 1296 (2000), 1894 (2009), 2175 (2014), and 2286 (2016) and its Presidential Statement of 9 August 2017 (S/PRST/2017/14),

Deeply concerned about the level of global humanitarian needs and the threat of famine presently facing millions of people in armed conflicts, as well as about the number of undernourished people in the world which, after decades of decreasing, increased over the last two years, with the majority of food insecure people and seventy-five percent of all stunted children under the age of five living in countries affected by armed conflict, amounting to 74 million people facing crisis food insecurity or worse in situations of armed conflict,

Noting the devastating impact on civilians of ongoing armed conflict and related violence, and *emphasising* with deep concern that ongoing armed conflicts and violence have devastating humanitarian consequences, often hindering an effective humanitarian response, and are therefore a major cause of the current risk of famine,

Expressing concern over the growing number of armed conflicts in different geographic areas all over the globe, and *underlining* the urgent need for redoubled efforts for their prevention and resolution, addressing where pertinent the regional dimensions of armed conflicts with specific emphasis on regional diplomacy and arrangements,

Reiterating its commitment to pursue all possible avenues to prevent and end armed conflicts, including through addressing their underlying root causes in an inclusive, integrated and sustainable manner,

Recognising the need to break the vicious cycle between armed conflict and food insecurity,

Reiterating its primary responsibility for the maintenance of international peace and security and, in this connection, its commitment to address conflict-induced food insecurity, including famine, in situations of armed conflict,

Reaffirming the full respect for the sovereignty and territorial integrity of States in accordance with the Charter of the United Nations,

Recognising that armed conflict impacts on food security can be direct, such as displacement from land, live-stock grazing areas, and fishing grounds or destruction of food stocks and agricultural assets, or indirect, such as disruptions to food systems and markets, leading to increased food prices or decreased household purchasing power, or decreased access to supplies that are necessary for food preparation, including water and fuel,

Noting with deep concern the serious humanitarian threat, posed to civilians by landmines, explosive remnants of war and improvised explosive devices in affected countries, which has serious and lasting social and economic consequences for the populations of such countries and their agricultural activities, as well as of personnel participating in law enforcement, humanitarian, peacekeeping, rehabilitation and clearance programmes and operations,

Stressing the particular impact that armed conflict has on women, children, including as refugees and internally displaced persons, and other civilians who may have specific vulnerabilities including persons with disabilities and older persons, and stressing the protection and assistance needs of all affected civilian populations,

Reaffirming the important role of women in the prevention and resolution of conflicts and in peacebuilding, and stressing the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security, and the need to increase their role in decision-making with regard to conflict prevention and resolution,

Recalling the Geneva Conventions of 1949 and their Additional Protocols of 1977, and the obligation of High Contracting Parties and parties to armed conflict to respect and ensure respect for international humanitarian law in all circumstances,

Underlining that using starvation of civilians as a method of warfare may constitute a war crime,

Stressing that responding effectively to humanitarian needs in armed conflict, including the threat of conflict-induced famine and food insecurity in situations of armed conflict, requires respect for international humanitarian law by all parties to conflict, *underlining* the parties' obligations related to protecting civilians and civilian objects, meeting the basic needs of the civilian population within their territory or under their effective control, and allowing and facilitating the rapid and unimpeded passage of impartial humanitarian relief to all those in need,

Recalling its intention to mandate United Nations peacekeeping and other relevant missions, where appropriate, to assist in creating conditions conducive to safe, timely and unimpeded humanitarian assistance,

Demanding that all parties to armed conflicts fully comply with their obligations under international law, including international human rights law, as applicable, and international humanitarian law, in particular their obligations under the Geneva Conventions of 1949 and the obligations applicable to them under the Additional Protocols thereto of 1977 and 2005, to ensure the respect and protection of all medical personnel and humanitarian personnel exclusively engaged in medical duties, their means of transport and equipment, as well as hospitals and other medical facilities,

Reaffirming the obligation of all parties to an armed conflict to comply with international humanitarian law, in particular their obligations under the Geneva Conventions of 1949 and the obligations applicable to them under the Additional Protocols thereto of 1977, to ensure the respect and protection of all humanitarian personnel and United Nations and associated personnel, as well as with the rules and principles of international human rights law and refugee law,

Reaffirming the need for all parties to armed conflict to respect the humanitarian principles of humanity, neutrality, impartiality and independence in the provision of humanitarian assistance, including medical assistance, and *reaffirming* also the need for all actors engaged in the provision of such assistance in situations of armed conflict to promote and fully adhere to these principles,

Stressing that the fight against impunity and to ensure accountability for genocide, crimes against humanity, war crimes and other egregious crimes has been strengthened through the work on and prosecution of these crimes in the national and international criminal justice system, ad hoc and mixed tribunals as well as specialized chambers in national tribunals,

Reaffirming the primary responsibility of States to protect the population throughout their whole territory,

1. *Recalls* the link between armed conflict and violence and conflict-induced food insecurity and the threat of famine, and *calls* on all parties to armed conflict to comply with their obligations under international humanitarian law regarding respecting and protecting civilians and taking constant care to spare civilian objects, including objects necessary for food production and distribution such as farms, markets, water systems, mills, food processing and storage sites, and hubs and means for food transportation, and refraining from attacking, destroying, removing or rendering useless objects that are indispensable to the survival of the civilian population, such as foodstuffs, crops, livestock, agricultural assets, drinking water installations and supplies, and irrigation works, and respecting and protecting humanitarian personnel and consignments used for humanitarian relief operations;
2. *Stresses* in this regard that armed conflict, violations of international humanitarian law and international human rights law, and food insecurity can be drivers of forced displacement, and, conversely, forced displacement in countries in armed conflict can have a devastating impact on agricultural production and livelihoods, *recalls* the relevant prohibition on the forced displacement of civilians in armed conflict, and *stresses* the importance of fully complying with international humanitarian law and other applicable international law in this context;
3. *Stresses* the need for humanitarian assistance to be gender- and age- sensitive, and to remain responsive to the different needs of the population, ensuring that these needs are integrated in the humanitarian response;
4. *Calls* on all parties to armed conflict to comply with their obligations under international humanitarian law, and *underlines* the importance of safe and unimpeded access of humanitarian personnel to civilians in armed conflicts, calls upon all parties concerned, including neighbouring States, to cooperate fully with the United Nations Humanitarian Coordinator and United Nations agencies in providing such access, invites States and the Secretary-General to bring to its attention information regarding the unlawful denial of such access in violation of international law, where such denial may constitute a threat to international peace and security, and, in this regard, expresses its willingness to consider such information and, when necessary, to adopt appropriate steps;
5. *Strongly condemns* the use of starvation of civilians as a method of warfare in a number of conflict situations and prohibited by international humanitarian law;
6. *Strongly condemns* the unlawful denial of humanitarian access and depriving civilians of objects indispensable to their survival, including wilfully impeding relief supply and access for responses to conflict-induced food insecurity in situations of armed conflict, which may constitute a violation of international humanitarian law;
7. *Urges* all parties to protect civilian infrastructure which is critical to the delivery of humanitarian aid and to ensure the proper functioning of food systems and markets in situations of armed conflict;
8. *Urges* those with influence over parties to armed conflict to remind the latter of their obligation to comply with international humanitarian law;
9. *Recalls* that the Council has adopted and can consider to adopt sanction measures, where appropriate and in line with existing practice, that can be applied to individuals or entities obstructing the delivery of humanitarian assistance, or access to, or distribution of, humanitarian assistance;
10. *Strongly urges* States to conduct, in an independent manner, full, prompt, impartial and effective investigations within their jurisdiction into violations of international humanitarian law related to the use of starvation of civilians as a method of warfare, including the unlawful denial of humanitarian assistance to the civilian population in armed conflict, and, where appropriate, to take action against those responsible in accordance with domestic and international law, with a view to reinforcing preventive measures, ensuring accountability and addressing the grievances of victims;
11. *Requests* the Secretary-General to continue to provide information on the humanitarian situation and

response, including on the risk of famine and food insecurity in countries with armed conflict, as part of his regular reporting on country- specific situations;

12. *Further requests* the Secretary-General to report swiftly to the Council when the risk of conflict-induced famine and wide-spread food insecurity in armed conflict contexts occurs, and expresses its intention to give its full attention to such information provided by the Secretary-General when those situations are brought to its attention;

13. *Further requests* the Secretary-General to brief the Security Council every twelve months on the implementation of this resolution within his annual briefing on the protection of civilians.

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