

## Laying the Path to Accountability for Starvation Crimes

New memo series provides authoritative legal and case study analysis for why starvation can and should be prosecuted as an international crime.

Boston, MA/The Hague, The Netherlands – June 18, 2019 – Global Rights Compliance (GRC) and the World Peace Foundation (WPF) at The Fletcher School (Tufts University), partners in the project [“Accountability for Starvation: Testing the Limits of the Law”](#) have published a series of memos documenting how existing international law might apply to starvation conditions, and why it should be applied to Syria, South Sudan and Yemen (forthcoming).

“Mass starvation is not a natural phenomenon nor is it a haphazard by-product of war,” explains Alex de Waal (WPF), “it is the foreseeable result of intentional actions and should be treated as criminal. This memo series provides the legal and case-specific analysis that establishes how and why accountability for starvation can be pursued.”

“We are at the start of a long road to the effective criminalisation of starvation. While starvation has not yet been prosecuted by an international court,” explained Wayne Jordash Managing Partner of GRC, “there is no legal reason to believe that these challenges of prosecuting starvation are insuperable or even more significant than in the average international criminal law trial.”

[“The Crime of Starvation and Methods of Prosecution and Accountability,”](#) by GRC, offers unique insight into why the Rome Statute should be amended, as proposed by the Government of Switzerland, to allow starvation to be prosecuted in non-international armed conflicts. The authors also analyse the elements of the crime of starvation through the relevant international legal frameworks, including International Humanitarian Law (IHL) and International Criminal Law (ICL). It further clarifies the applicable legal framework, detailing how the conduct of warring parties and individuals may constitute a starvation violation.

In addition to the Legal Paper we are releasing two case study papers analysing starvation violations in specific contexts of Syria and South Sudan. The [Syria policy memo](#) by Mohammad Kanfash and Ali al-Jasem, from partner organization, Damaan Humanitarian Organization, analyses patterns of starvation crimes in the war in Syria. With focus on Eastern Ghouta, Aleppo, Deir Alzor and penal starvation, the report documents how segments of the population in what was previously a middle-income, food-exporting country, become exposed to starvation conditions. It addresses the patterns of siege and how the government’s ‘kneel or starve’ strategy repeatedly throughout the war brought entire civilian populations to the brink of starvation.

The [South Sudan policy memo](#) by Tong Deng Anei, Alex de Waal and Bridget Conley of the World Peace Foundation demonstrates how both government and opposition forces used starvation tactics, causing hunger, disease, social breakdown and heightened mortality. Humanitarian aid was also blocked, stolen and manipulated, and aid workers were attacked and killed. With focus on Unity State, Wau/Baggari (Western Bahr al Ghazal State), and Yei (Central Equatoria State), the memo details how conflict actors' decisions created famine or near famine conditions.

A third case study, of Yemen, is forthcoming. This memo series is timely: as the conflicts in both Syria and South Sudan appear to be winding down, the effects of using starvation as a weapon of war continue to impact millions. In Yemen, the use of starvation persists, impacting enormous segments of the civilian populations. Further, in May 2018, the United Nations Security Council affirmed that “starvation of civilians as a method of warfare may constitute a war crime” (UNSC Res. 2417).

This seminal report contributes to the goals of “Accountability for Starvation: Testing the Limits of the Law” project, which seeks to identify how international law may be used to advance the prevention, prohibition and accountability for mass starvation.

#### **Contacts:**

##### **Bridget Conley**

World Peace Foundation

Somerville, MA, USA

[Bridget.conley@tufts.edu](mailto:Bridget.conley@tufts.edu)

617-627-2243

##### **Catriona Murdoch**

Global Rights Compliance

The Hague, The Netherlands

[catrionamurdoch@globalrightscompliance.co.uk](mailto:catrionamurdoch@globalrightscompliance.co.uk)

+31 (0)611232482

#### **About Wayne Jordash and Catriona Murdoch at Global Rights Compliance**

Wayne Jordash QC is an internationally recognised expert in the global network of international tribunals and courts and international humanitarian law (‘IHL’) and the managing partner of Global Rights Compliance. He is ranked as a leading silk in both the Legal 500 and Chambers and Partners, where he was recommended as “one of the world's leading international criminal lawyers”. Catriona Murdoch leads the “Accountability for Mass Starvation: Testing the Limits of the Law” project and is an international criminal and human rights law expert. Called to the Bar of England and Wales she is ranked as a leading junior in both the Legal 500 and Chambers and Partners where she was recommended as “star of the future”. International legal advisory firm, **Global Rights Compliance**, specialises in services associated with bringing accountability for violations of IHL and international human rights law.

#### **About Alex de Waal and the World Peace Foundation at The Fletcher School**

Alex de Waal is Executive Director of the World Peace Foundation and a Research Professor at The Fletcher School. Considered one of the foremost experts on famine, his scholarship and practice has also probed humanitarian crisis and response, human rights, the Horn of Africa, HIV/AIDS and governance in Africa, and conflict and peacebuilding. The **World Peace Foundation** is an operating foundation affiliated solely with The Fletcher School, that provides intellectual leadership on issues of peace, justice and security.