GLOBAL RIGHTS COMPLIANCE (GRC) have been engaged on the issue of starvation since 2017 in conjunction with The Netherlands’s Ministry of Foreign Affairs, Welt Hunger Hilfe, the Federal Department of Foreign Affairs of Switzerland, and a range of civil society organisations, principally in Yemen, South Sudan and Syria. GRC, in partnership with the World Peace Foundation (WPF), are proud recipients of grant funding from the Ministry of Foreign Affairs of the Kingdom of the Netherlands for the project ‘Accountability for Mass Starvation: Testing The Limits of the Law’.

Overall, GRC are delighted to be able to report substantial measurable impact as we continue to elevate the impact of conflict and hunger and the moral toxicity of man-made starvation. Over the lifetime of the project with the WPF, the profile of starvation has risen on multiple plains. Media coverage of starvation has increased significantly in 2019 and with the project contributing expert insight across 13 key calendar events in 2019. Furthermore, the legal avenues for redress have developed and we have, with others, outlined a roadmap for future prosecutions of the war crime of starvation. With the recent unanimous passing of the amendment of the Rome Statute, the prospects of accountability for starvation are stronger than ever. 2019 has also seen extensive progress at project activity level, we highlight four key developments below.

1. ROME STATUTE SWISS AMENDMENT

The historic vote in December during the 18th Session of the Assembly of State Parties (ASP) to the International Criminal Court (ICC) on the amendment of the Rome Statute tabled by Switzerland, to include the crime of starvation as a war crime in non-international armed conflicts (NIAC), was an incredible moment for those working in this field and the high-water mark of GRC’s starvation work to date.

The importance of this amendment cannot be overstated. Its adoption:

i. enhances the protection of civilians in conflicts;
ii. aligns the Rome Statute with the position in International Humanitarian Law and Customary International Law which prohibits starvation in both types of conflict designation; and
iii. pushes the accountability envelope, encouraging states to mirror these legal provisions in their domestic laws.

Following on from our high-level event at the 17th session of the ASP in 2018, GRC have collaborated...
with the Swiss throughout 2019. The Amendment has underpinned all of GRC’s starvation outputs (including those with the WPF), such as: high-level panel events, including co-sponsoring with the Swiss the only side event during ASP 18 which focused on the starvation amendment; policy papers, advocacy interviews, and analysis.

GRC are privileged to have worked alongside Switzerland and the Netherlands on these issues, who have tirelessly and deftly achieved a remarkable international consensus, at a time where there is more division than ever. The need to continue to work cooperatively to ensure that starvation is not viewed as an inevitable consequence of war is critical. The unanimous amendment will act as a much-needed catalyst in changing the public perception of starvation. A significant debt is owed to Switzerland for championing this cause and successfully tabling this vital amendment. The galvanizing effect of the Amendment, supported by the momentum on conflict and hunger, will serve as a critical platform for further implementation of the tenets of the landmark UNSC S/RES/2417 (UNSC 2417), championed by the Netherlands and passed unanimously in May 2018. UNSC 2417 explicitly condemns the deliberate use of starvation as a weapon of war and the intentional blocking of humanitarian access and recognises such violations as war crimes for which perpetrators may be held accountable.

2. EXPERT REPORTS

After an extensive period of research and analysis, GRC and the WPF published between May and September 2019 a series of policy papers that offer focused and concise presentations on:

- three separate analyses on the current perpetration of starvation crimes in Syria, South Sudan and Yemen, assessing the violations and the prospects of accountability of those conflicts; and
- an overarching legal policy paper, identifying the priority issues for stakeholders, in particular senior civil servants, permanent representatives, ambassadors and special envoys.

We also commissioned historical expert case studies on Ethiopia, Cambodia and Bosnia. Versions of these papers will feature in the forthcoming book and on the website www.starvationaccountability.org.

Combined, these policy papers form the Expert Report which acts as a key reference tool for those engaged in the conflict and hunger agenda. The Expert Report is the first authoritative assessment of the potential for prosecuting mass starvation as a violation of human rights and international humanitarian law (‘IHL’) using international criminal law (‘ICL’) and/or national jurisdictions. The Expert Report seeks to emphasise the work on, and prosecution of, mass starvation, in furtherance of UNSC 2417, which stresses that the fight against impunity can be strengthened through the work on, and prosecution of, genocide, crimes against humanity, war crimes and other egregious crimes in national and international criminal justice systems, ad hoc and mixed tribunals as well as specialised chambers in national tribunals.

Following the publication, between 26–28 September 2019, WPF and GRC hosted a symposium at the European Center of Tufts University. The symposium was aimed at convening stakeholders that GRC and the WPF have engaged with, and been supported by, during Phase I.

The experts included the distinguished Andrew Clapham, Commissioner for the South Sudan Commission of Inquiry; Matthias Lanz Deputy, Head of the International Humanitarian Law and Criminal Justice Unit within the Federal Department of Foreign Affairs of Switzerland; Eran Nagan, diplomat for the Ministry of Foreign Affairs of the Netherlands and an integral part of the team which initiated and secured the unanimous passing of UNSC 2417; UN Office of the High Commissioner for Human Rights (OHCHR).
representatives; the World Food Programme; Syrian and Yemeni civil society organisations and experts who had authored the case studies which formed the heart of the Expert Policy Paper; the UNSC Panel of Experts on Yemen; the OHCHR Group of Eminent Experts of Yemen; and an array of distinguished food security scholars such as Mark Duffield and Daniel Maxwell.

The purpose was to reflect upon outcomes of the Expert Report and the Mass Starvation Project more generally, and collaborate on how to build upon the activities successfully delivered in Phase I in order to ensure that UNSC 2417 continues to be operationalised sustainably. The resulting multi-disciplinary dialogue, with leading experts in the field, provided creative strategies relating to the prevention, prohibition and accountability for deliberate starvation.

3. THE STARVATION TRAINING MANUAL

The Starvation Training Manual, launched in November 2019, is a unique toolkit designed for a wide audience, including: professional investigators, human rights defenders, journalists, civil society organisations, academics, military police officers, and humanitarian actors, interested in being able to identify the deliberate use of starvation, strengthen protection strategies and insulate their operations, reporting and responses.

The Manual – the first of its kind – is available in hard-copy for trainees, with sections available as an online resource. It is currently being developed into a portable device application for mobile phone and tablet use in the field. The Starvation App would mirror GRC’s main Basic Investigative Standards (BIS) App. The BIS App is an IHL innovation and the first free mobile phone app designed to ensure immediate access to essential IHL and ICL expertise. The App is available for free download via Apple and Android stores. For more information visit www.globalrightscollaboration.co.uk.

The Starvation Training Manual will be disseminated across a series of workshops in 2020.

---

4. WELT HUNGER HILFE PROJECT AND KOMPASS 2020 REPORT

Welt Hunger Hilfe (WHH) is one of Germany’s biggest private development and humanitarian organisations, focusing on the eradication of hunger and poverty.

In August 2019, WHH sought GRC’s expertise in relation to the law of starvation, contracting us to assist in their 2020 Kompass publication. The focus of this publication will be on the rise of conflict and hunger and how this intersects with Germany’s pledges to Sustainable Development Goal 2 – Zero Hunger, and their work at the UN Security Council on strengthening IHL.
In October and November 2019, GRC supported WHH in convening two in-country workshops on starvation with the WHH project teams in Mali and South Sudan, where the scale of recent and emerging food insecurity and starvation was revealed, in some instances for the first time, in this Kompass edition.

The Kompass Report poses five key recommendations aimed at the German government, the second largest humanitarian-aid donor globally. At the core of these recommendations are different policies around the implementation of the landmark UNSC 2417. The launch of the Kompass 2020 publication to the German Government, media and affiliated humanitarian organisations in Berlin is on March 25, 2020.

GRC is grateful to The Netherland’s Ministry of Foreign Affairs for enabling us to further our collaboration with them over the next two years and also to other project partners. It was a privilege to see GRC mentioned again in the Netherland’s Lower House of Parliament on 29 November as a partner in their leadership on conflict and hunger. The agenda for the coming year will be outlined early in January 2020.

GRC MEDIA COVERAGE AND 2019 PUBLICATIONS

Jordash, Murdoch, Holmes, Strategies for Prosecuting Mass Starvation, Journal of International Criminal Justice, Starvation Special Issue, 4 December 2019

Catriona Murdoch interviewed by Le Temps a leading Swiss newspaper on the Rome Statute amendment. Read the full interview here.

Starvation is a Weapon, Slate, 12 September 2019 (featuring Alex de Waal and Catriona Murdoch)


The Expert Report ‘Accountability for Mass Starvation: Testing the Limits of the Law’. The Expert Report entails the legal policy paper and three conflict case studies (Yemen, Syria and South Sudan, Cambodia and Ethiopia) written and edited by a range of country experts, GRC and the WPF. The Expert Report foreshadows the publication of the forthcoming Starvation Textbook by Oxford University Press, an edited collection led by the WPF and GRC. This text will be the first authoritative assessment of starvation for practitioners in international law, policy makers, and related humanitarian actors.

Syrians are watching their crops burn, These crimes of starvation must end, The Guardian, 11 July 2019 (support to partner organisation Damaan Humanitarian Organisation).

Blogpost, The Return of Famines and the Pursuit of Accountability, UK Human Rights Blog, July 2019

Blogpost, Clarifying the Contours of the Crime of Starvation, EJIL Talk, June 2019

Magazine Article Ending Starvation, The Diplomat Magazine, January 2019

For more information on GRC’s starvation portfolio and 2019 events see www.starvationaccountability.org

GLOBAL RIGHTS COMPLIANCE is a niche organisation that specialises in legal services associated with bringing accountability for atrocity crimes and other violations of international law. Drawing on decades of experience in conflict affected areas and transitional justice environments, our “root and branch” philosophy combines innovative full spectrum accountability strategies, building the capacity of states to implement international humanitarian and human rights standards, bespoke expertise in evidence gathering in conflict settings, and assisting communities to seek remedies for violations.

4