

Guidance Note: Strengthening UN Security Council action under Resolution 2417 to break the cycle of conflict-induced hunger

9 March 2021

On 11 March 2021, the UN Security Council (UNSC) will meet to discuss conflict and food security, including the implementation of UNSC Resolution 2417 (UNSC 2417). During the meeting, the UNSC should take decisive steps to strengthen the operation of UNSC 2417, so that it can act preventatively to effectively reduce the use of starvation as a method of warfare and ensure accountability for the commission of starvation as a war crime in conflicts globally. The following guidance note sets out the key minimum steps the UNSC should take if it is to achieve the objectives it set when it adopted Resolution 2417.

Establish a UN focal point on UNSC 2417

The need for a focal point on UNSC 2417, such as a Special Envoy, is acute and overdue, given the extent to which conflict-induced hunger currently threatens peace and security globally. UNSC 2417 recognizes the imperative to closely monitor and quickly report to the UNSC on conflict-induced food insecurity in armed conflict so that it may take appropriate remedial action. It tasks the UN Secretary General with 'provid[ing] information on the risk of famine and food insecurity in countries with armed conflict as part of his [annual] reporting on country-specific situations' (paragraph 11) and 'report[ing] swiftly to the Council when the risk of conflict-induced famine and wide-spread food insecurity in armed conflict contexts occurs' (paragraph 12). Critically, there is no formal mechanism by which information can be directed to the UN Secretary General to fulfil these reporting functions. The UN Secretary General and, consequently, the UNSC is reliant on the submission of information on an informal basis or through regular briefings by UN actors such as the UN Office for the Coordination of Humanitarian Affairs.

This limits the extent to which some actors can provide relevant information in a secure and timely manner, particularly humanitarian actors whose mandate to provide impartial humanitarian assistance may be jeopardized if they publicly condemn the conduct of parties to the conflict that threatens the food security and other humanitarian needs of the civilian population. The absence of a secure mechanism for submitting information can therefore lead to delays in reporting or, more problematically, prevent altogether the dissemination of information to the UN Secretary General and UNSC. This will inevitably result in delays in or the absence of action necessary to prevent conflict-induced hunger.

The establishment of a UN focal point with reporting procedures that ensure the anonymity of sources, where appropriate, could serve as a vehicle for all groups, including humanitarian actors, to submit verified, up-to-date information in a coordinated manner to the UN Secretary General on conflict-specific situations. This would, in turn, enhance the UNSC's ability to adopt timely decisions meeting the preventative and accountability objectives of UNSC 2417, and increase the profile of starvation as a weapon of war and the deterrent effect of the resolution.

Strengthen the operation of UNSC 2417

Given the increasing levels of conflict-induced food insecurity since UNSC 2417 was adopted, UN Member States should prioritize strengthening the operation of the resolution as a matter of urgency, including by:

- Ensuring that UNSC 2417 is referenced and meaningfully incorporated into other UN resolutions, mandates and investigations and be given the pre-eminence it demands.

- Forensically exploring the root causes of famine and grave food insecurity and establishing whether those causes violate international law.
- Supporting the collection and dissemination of information and evidence of the use of starvation as a weapon of warfare and measures to hold perpetrators accountable, including by:
 - Supporting initiatives to build the capacity of civil society organizations and others to bolster their expertise in evidence-gathering techniques and their ability to engage with accountability mechanisms at the domestic, regional and international levels;¹
 - Ensuring the effective criminalization of starvation as a method of warfare,² including through widespread ratification of the amendment to the Rome Statue making it a crime in non-international armed conflicts and criminalization of the offence in domestic law; and
 - Supporting initiatives to increase understanding of the legal framework governing starvation as a method of warfare,³ including by justice system actors, with a view to supporting the investigation and prosecution of starvation-conduct at the domestic level through the exercise of universal or other forms of jurisdiction.
- Taking action against those who may violate international law with the full range of responses and interventions available to the UNSC, including by supporting or requesting investigations, referring situations to the International Criminal Court, where appropriate, and imposing sanctions.

Act swiftly to address immediate humanitarian needs

When information is made available to the UNSC that parties to a conflict have engaged in attacks on objects indispensable to the survival of the civilian population (OIS) or humanitarian personnel and supplies, or that they have imposed restrictions on humanitarian access (collectively referred to as starvation as a method of warfare or starvation-conduct), the UNSC should take swift action using a range of preventative and accountability-oriented tools available under UNSC 2417 to ensure the civilian population can access humanitarian aid. In particular, UNSC Member States should:

- Act preventively to clearly label and condemn starvation-conduct during conflict and collectively place pressure on parties to a conflict to allow and facilitate humanitarian access under international humanitarian law (IHL).
- Operationalize UNSC 2417 swiftly, namely by:
 - Calling on parties to the conflict to comply with their obligations under international law, including IHL and international human rights law, and to allow and facilitate the rapid, safe and unimpeded access to relief personnel, equipment and supplies to all those in need;
 - Requesting the UN Secretary General to report to the UNSC within no more than 30 days, and thereafter every 30 days, on emerging situations, including on food insecurity, humanitarian access and any attacks on OIS and other violations of international law, with the support of a UN focal point on UNSC 2417 where established;

- Adopting measures to preserve information and evidence which may later be used to address the grievances of and provide remedies to victims of starvation-conduct and famine; and
- Calling for and supporting independent and impartial investigations into allegations of the use of starvation as a method of warfare, ensuring relevant starvation expertise is utilized.
- Encourage and facilitate the safe reporting of information about conflict-induced food insecurity to a dedicated UN focal point, the UN Secretary General and UNSC so that the extent of access is reliably monitored.

Prioritize countries facing famine or severe conflict-induced food insecurity

Numerous conflicts currently face the threat of famine or severe food insecurity and require the UNSC's immediate attention, particularly in the following contexts where starvation-related conduct has been a driver of displacement:⁴ Yemen,⁵ Ethiopia,⁶ South Sudan,⁷ Sudan, Northeast Nigeria, the Sahel, Syria,⁸ Central African Republic and Democratic Republic of Congo.

WHO WE ARE

Global Rights Compliance is a foundation made up of international lawyers and development experts focused on “democratising” complex international human rights, criminal and humanitarian 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. We possess unrivalled global expertise and granular knowledge on the crime of starvation and right to food violations, derived from a dedicated starvation portfolio established in 2017.

¹ See, for example, Global Rights Compliance, [Starvation Training Manual](#), 2019.

² See, for example, Global Rights Compliance, [Support for the Swiss Amendment to the Rome Statute of the ICC](#), September 2019.

³ See, for example, Global Rights Compliance, [Policy Paper #1 – The Crime of Starvation and Methods of Prosecution and Accountability](#), June 2019.

⁴ For further information on these countries please contact GRC for a country annex and see www.starvationaccountability.org for regular updates.

⁵ See Global Rights Compliance and World Peace Foundation, [Policy Brief – Accountability for Starvation Crimes: Yemen](#), September 2019.

⁶ See Global Rights Compliance and World Peace Foundation, [Ethiopia: A Test Case for UN Security Council Action under Resolution 2417](#), 4 March 2021.

⁷ See Global Rights Compliance and World Peace Foundation, [Policy Brief – Accountability for Starvation Crimes: South Sudan](#), June 2019.

⁸ See Global Rights Compliance and World Peace Foundation, [Policy Brief – Accountability for Starvation Crimes: Syria](#), June 2019.