

International Law against Starvation in Armed Conflict

Epilogue to a Multi-Faceted Study

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1. Introduction

There is a growing perception that, of all the ways in which death can result from an armed conflict, starvation is one which humanely we cannot accept¹ — *inter alia* for the prolonged suffering associated with it, for its powerful grip on the weakest, for the fact that it strikes indiscriminately. And yet, as the law related to starvation is commonly interpreted, not all such instances of food insecurity in a situation of armed conflict are diagnosed as unlawful. The relationship between shortage of objects indispensable for survival, armed conflict and international law remains problematic — in a typical example of how the tension between humanitarian considerations and military necessity may result in a legal compromise. Notwithstanding such compromise, even those very limited instances in which belligerents could potentially argue that starvation is lawful are questionable.

Liberation from hunger, and man-made food insecurity in particular, is certainly a process to be continuously worked at. International law plays an admittedly circumscribed role in such endeavour, but a non-negligible one nonetheless. In this light, the contributions contained in this special issue showed how the rules of international law prohibiting and sanctioning starvation could be interpreted and implemented in a more effective way.

Our epilogue to this multi-faceted study of starvation in armed conflict does not purport to summarize or re-hash the content of the various contributions. Rather, our purpose is simply

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¹ Jordash, Murdoch and Holmes would call it ‘morally toxic’. See W. Jordash, C. Murdoch, J. Holmes, ‘Strategies for Prosecuting Mass Starvation’, in this special issue: 17 *Journal of International Criminal Justice (JICJ)* (2019), Section 5.

to identify common themes, to highlight the main points of contention and to humbly attempt to tie any loose ends related to the legal regulation of this odious phenomenon. Let us proceed, then, to analyse what factors are currently clipping international law's wings in its potential to completely outlaw starvation in armed conflict (Section 1). We will then offer a reflection on avenues which could lead up to the achievement of such potential (Section 2).

2. Challenges to an Outright Legal Ban of Starvation in Armed Conflict

From the contributions contained in this special issue, it appears that there are at least four challenges to an outright legal ban of starvation in armed conflict: the difficulty of apprehending the multiple facets of the starvation process by legal analysis (*sub A*); the significance of military necessity during warfare (*sub B*); the prevailing intention of states to preserve their sovereign interests (*sub C*); and the complexity of adequately predicting, preventing and responding to starvation crises (*sub D*). Let us briefly recall each of these challenges in turn.

A. The Multiple Facets of Starvation versus the Sobriety of Legal Concepts

Needless to say, starvation is often the result of a long and complex process of deprivation of food and other objects indispensable to survival. Hence, it is not surprising that apprehending its multiple facets from a legal perspective is not an easy task and generates discord among lawyers. As Conley and de Waal have clearly shown in their article, such complexity can be explained by several reasons.² First, starvation can manifest itself in many different manners, including in both international and non-international armed conflicts. Depriving people of food is certainly the most usual component of such a phenomenon. This does not only include denying the availability of or destroying objects indispensable to survival, but also preventing or obstructing working or trading activities — not to mention hindering the delivery of humanitarian assistance.³ Other deprivations are relevant, including degrading public health systems, disrupting access to clean water or degrading habitat and habitation. Second, starvation is often committed in connection with many other violations — such as killings, sexual violence, forcible transfers or persecutions — and thus may not be immediately perceptible, getting lost in a context of generalized violence. Third, deliberate starvation intersects with other causes of deprivation of objects indispensable to survival, be they external to the concerned society (environmental stress, natural disasters, economic shocks, etc.) or internal to it (economic inequality, divisions amongst communities, weak healthcare and social services systems, etc.). Fourth, starvation can be committed for several different purposes: gaining territorial control, extracting material and enrichment, advancing political agendas, displacing

² B. Conley, A. de Waal, 'The Purposes of Starvation: Historical and Contemporary Uses', in this special issue: 17 *JICJ* (2019).

³ The rules regulating the delivery of humanitarian assistance are analysed by two different contributions within this special issue: D. Akande, M. Gillard, 'Conflict-induced Food Insecurity and the War Crime of Starvation of Civilians as a Method of Warfare – the Underlying Rules of International Humanitarian Law', 17 *JICJ* (2019), Section 4; and F. D'Alessandra, M. Gillett, 'The War Crime of Starvation in Non-International Armed Conflict', 17 *JICJ* (2019), Section 3.

populations, punishment, exploitation, or comprehensive societal transformation — to name but a few.

Despite the seriousness of the starvation process, the law of armed conflicts seems ill-equipped to respond to these challenges. The language adopted in international legal instruments prohibiting and sanctioning starvation appears to be at times rather ambiguous, and possibly outdated. Indeed, the prohibition of starvation is formally associated with the destruction or removal of ‘objects indispensable to the survival of the civilian population’⁴ while, as stated above, there are other means by which deliberate starvation can materialize during hostilities. Moreover, the main provisions governing starvation only protect civilians. They seem to exclude from their scope of application combatants (or fighters) and prisoners of war, even though these persons can also be the victims of such a criminal act.⁵ In this regard, Conley and de Waal alluded to the case of British prisoners of war held in starvation conditions to build up a railway connecting the Japanese controlled area in Thailand and Burma during World War II — what entailed devastating consequences for these detainees.⁶ Furthermore, the specification in international conventions that starvation is prohibited when used ‘as a method of warfare’⁷ is sometimes interpreted as limiting the prohibition’s scope of application to instances in which, by means of starvation, belligerents are seeking to obtain a military advantage.⁸ Such a narrow interpretation would paradoxically and absurdly exclude all cases of starvation used for any other reason, such as ‘ethnic cleansing’, forcible displacement or persecution of a civilian population — thus, as convincingly explained by Akande and Gillard, it should be discarded.⁹

The effectiveness of international human rights law in outlawing starvation, as shown by Hutter, is also jeopardized. Indeed, any analysis based on the right to food must take into account possible lawful limitations to the right and the fact that — as any other economic, social and cultural right — it is subject to progressive realization.¹⁰

It should also be noted — at the present moment and hopefully not for much longer¹¹ — that the Statute of the International Criminal Court only establishes the Court’s jurisdiction for starvation of civilians as a war crime when committed in the context of an international

⁴ Art. 54 AP I; Art. 14 AP II; Art. 8(2)(b)(xxv) ICCSt.

⁵ Akande, Gillard, *supra* note 3, Section 3.C; M. Ventura, ‘Prosecuting Starvation under International Criminal Law: Exploring the Legal Possibilities’, in this special issue: 17 *JICJ* (2019), Section 2.A. However, use of starvation against enemy fighters may well violate several other legal provisions related to humane treatment of prisoners and resort to means and methods of warfare of a nature to cause superfluous injury or unnecessary suffering.

⁶ Conley, de Waal, *supra* note 2, Section 4.G.

⁷ See Art. 54 AP I; Art. 14 AP II; Art. 8(2)(b)(xxv) ICCSt.

⁸ See in particular S. Zappalà, ‘Conflict Related Hunger, “Starvation Crimes” and UN Security Council Resolution 2417 (2018)’, in this special issue: 17 *JICJ* (2019), Section 6. Zappalà notes in this regard that: ‘[i]t is unsatisfactory that current IHL and ICL rules are ambiguous, in particular as far as they prohibit starvation of civilians “as a method of warfare”. This is perplexing as civilians cannot — as a general rule — be the object of military violence and hence no act against civilians could be employed as a lawful method of warfare.’

⁹ Akande, Gillard, *supra* note 3, Section 3.C.

¹⁰ S. Hutter, ‘Starvation in Armed Conflicts – An Analysis Based on the Right to Food’, in this special issue: 17 *JICJ* (2019), Section 2.A.

¹¹ See the ICC Assembly of State Parties, *Report of the Working Group on Amendments*, ICC-ASP/17/35, 29 November 2018, at 12-13; and Switzerland, *Proposal of Amendment*, UN Doc C.N.399.2019.TREATIES-XVIII.10, 30 August 2019. The proposal is analysed in D’Alessandra, Gillett, *supra* note 3.

armed conflict. However, it is sadly evident that starvation is often employed, with equally devastating consequences, in civil wars and other non-international armed conflicts. As convincingly demonstrated by D'Alessandra and Gillett, 'a broad-based body of practice supports the customary rule against the starvation of civilians during war irrespective of the legal characterization of the conflict.'¹² In addition, Ventura emphasizes that starvation is often committed in the context of a massive or systematic attack against a civilian population — which may not necessarily amount to an armed conflict — and is often connected to other criminal acts that are constitutive of crimes against humanity, be they murder, rape, forcible transfer, persecutions or other inhumane acts.¹³ Despite such intimate connection with the notion of an attack against the civilian population, starvation is, however, not formally listed among crimes against humanity.

Lastly, the many debates surrounding the definition of the intentional element of starvation illustrate the ambiguity of this prohibition under both international humanitarian law and international criminal law. Indeed, it remains unclear whether starvation is only prohibited in situations in which the belligerents actually had the precise purpose to starve the civilian population — or whether it also covers cases in which, although not the belligerents' purpose, starvation is a foreseen consequence of their conscious course of action.¹⁴ It goes without saying that, should the more restrictive interpretation be retained — as we will discuss more in detail below — proving the occurrence of such a complex violation will be more difficult.

B. The Principle of Humanity versus Imperatives of Military Necessity

In our view, there is no doubt that employing starvation tactics is morally unacceptable — as it always causes unspeakable suffering to the people targeted. If humanitarian considerations prevailed over the imperative of military necessity, starvation would be prohibited in all circumstances. As pointed out by Zappalà, the rule prohibiting starvation is, like any other principles governing means and methods of warfare, sensitive to military considerations and, thus, subject to a restrictive interpretation by several states. In his detailed analysis of Security Council Resolution 2417 Zappalà reminds, in this regard, that:

some Member States, in negotiating the resolution, might have been influenced by the notion that under IHL there are a number of caveats and requirements linked to military necessity that make it possible to justify denial, as well as delay or obstruction of delivery of assistance; and that the obligation on parties to a non-international armed conflict to allow delivery of humanitarian assistance is not devoid of ambiguities. The idea being, at least broadly speaking, that there might be justifications which — under the umbrella of non-unlawful military measures — would allow for restrictions. Moreover, these States were probably influenced by the idea that sieges and blocks on the delivery of food, water, medicines and other essential supplies might be permissible. In this regard, it is true that the starvation of civilians appears to be prohibited (and criminalized) only to the extent that it is used as a method of warfare.¹⁵

¹² D'Alessandra, Gillett, *supra* note 3, Section 1.

¹³ Ventura, *supra* note 5, Section 3.A.6.

¹⁴ Akande, Gillard, *supra* note 3, Section 3.B; D'Alessandra, Gillett, *supra* note 3, Section 8.A.3.; Jordash et al., *supra* note 1, Section 2(B); Ventura, *supra* note 5, Section 2(A).

¹⁵ Zappalà, *supra* note 8, Section 4.

Nevertheless, the importance of these considerations should not be exaggerated at the expense of pressing humanitarian concerns. The interpretation of rules of international humanitarian law, which are the result of a compromise between the principles of humanity and military necessity, can and must evolve as our sense of what is humane and acceptable evolves. Even more so, if one accepts the need for a harmonious interpretation of international humanitarian and international human rights law. Any interpretation of the law of armed conflict should be acceptable only insofar as it allows protection for the minimum core of the right to food, which would definitely include the right to be free (and not die) from hunger.¹⁶

Moreover, even a restrictive view of the prohibition of starvation is substantially attenuated by the parallel application of essential and longstanding rules of international humanitarian law. For instance, as rightly emphasized by Akande and Gillard, it is absolutely prohibited to resort to starvation of enemy combatants (or fighters) in an indiscriminate manner.¹⁷ Furthermore, any ‘collateral’ starvation of civilians that may be expected to occur as a result of attacks directed against combatants (or fighters), or other military operations, must be taken into account under the relevant proportionality assessment.¹⁸ And belligerents always have an obligation to take all feasible precautions ‘with a view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects’.¹⁹

C. Clinging to State Sovereignty versus the Non-Consensual Nature of Relief Operations

Rules governing relief operations conducted by humanitarian actors play an essential role in preventing and alleviating conflict-induced food insecurity. ‘[W]illfully impeding relief supplies as provided for under the Geneva Conventions’ is even listed in the ICC Statute as one of the ways in which the war crime of starvation can be committed.²⁰ Despite the importance of such rules, their application remains largely conditioned by the consent of states.²¹ In other words, states must authorize the conduct of relief operations by third parties on their territory before they are undertaken. Security Council resolution 2417 (2018) — which, for the first time, formally establishes a link between food insecurity and armed conflicts, and which acknowledges that such insecurity may constitute a threat to international peace and security — is grounded on the same traditional approach based on the consent of the concerned states.²² As aptly summarized by Lander and Richards, ‘[t]he tools available to the international community to address starvation in conflict settings are limited and challenged by the precepts of sovereignty, despite the recognition that the deliberate creation of famine is fundamentally counter to the principles of humanity’.²³

¹⁶ Hutter, *supra* note 10, Section 3.

¹⁷ Akande, Gillard, *supra* note 3, Section 3.C.

¹⁸ *Ibid.*

¹⁹ Art 57(2)(ii), AP I. Cf. also ICRC Study on CIHL, Rules 15 and 17.

²⁰ Art. 8(2)(b)(xxv) ICCSt.

²¹ Akande, Gillard, *supra* note 3, Section 4.A.

²² Zappalà, *supra* note 8, Section 4.

²³ B. Lander, R. Richards, ‘Addressing Hunger and Starvation in Situations of Armed Conflict – Laying the Foundations for Peace’, in this special issue: 17 *JICJ* (2019), Section 1.

Nevertheless, also the importance of state sovereignty in this domain should not be exaggerated. Rule 55 of the ICRC study on customary international humanitarian law expressly states that: ‘... consent must not be refused on arbitrary grounds.’ It also adds that: ‘[i]f it is established that a civilian population is threatened with starvation and a humanitarian organization which provides relief on an impartial and non-discriminatory basis is able to remedy the situation, a party is obliged to give consent.’²⁴ More precisely, Akande and Gillard explain that the withholding of consent must never: (i) lead to the violation of the obligations of States under international law vis-à-vis the protected civilian population; (ii) violate the principles of necessity and proportionality; or (iii) be unreasonable, unjust, lacking in predictability or be otherwise inappropriate.²⁵ In addition, it should be recalled that Security Council resolution 2417 (2018) provides for mechanisms to report directly to the Security Council obstructive behaviours by States when man-made food crises occur in the course of armed conflicts, in order for the Council be able to take appropriate measures.²⁶ As noted by Zappalà, ‘... this could be seen as the first step towards the institutionalization of a mechanism of reporting, and it creates the potential for further sanctions for non-compliance; and it could be seen as a sort of “obligation” (or at least a political commitment) for the Council to look specifically into the matter of obstacles to the delivery of humanitarian assistance to civilian populations.’²⁷

D. The Strategic Shortcut of Starvation versus the Inefficiency of Mechanisms to Fight It

Starvation is rarely a simple side-effect of war. On the contrary, it is often the result of a deliberate policy and strategy, designed and implemented at a high level of the political and military hierarchy of belligerent states or armed groups. Indeed, starvation is often perceived as ‘... a powerful tool that can be employed relatively cheaply and with minimal effort.’²⁸ This partly explains why, as recently as 2017, famine-like conditions prevailed in several armed conflicts around the world, mainly in Nigeria, Somalia, South Sudan and Yemen. In total, some 20 million people were threatened by starvation, including 1.4 million children.²⁹

These figures are in stark contrast to the commitments expressed by the United Nations and its member states to eradicate starvation, as illustrated by the 2015 United Nations Agenda for Sustainable Development, in which member states declared their determination ‘to end poverty and hunger, in all their forms and dimensions, and to ensure that all human beings can fulfil their potential in dignity and equality and in a healthy environment’.³⁰ The numerous and diverse mechanisms deployed by these actors to fight starvation effectively — such as the

²⁴ International Committee of the Red Cross (ICRC), *Customary International Humanitarian Law — Volume I: Rules*, 2005, Rule 55, available online at https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule55 (visited 18 November 2019).

²⁵ Akande, Gillard, *supra* note 3, Section 4.B.2.a.

²⁶ SC Res 2417 (2018), § 4.

²⁷ Zappalà, *supra* note 8, Section 4.

²⁸ Lander, Richards, *supra* note 23, Section 1.

²⁹ *Ibid.*, Sections 2 and 4.

³⁰ United Nations General Assembly, *Transforming our world: the 20130 Agenda for Sustainable Development*, UN Doc. A/RES/70/1, 21 October 2015,

Integrated Food Security Phase Classification (IPC)³¹ — are not sufficient, often being overshadowed by political trepidations of states not wanting to be exposed as failing their populations. Hence, as pointed out by Lander and Richards, a radical shift in the current practices for addressing the early development of famine in war zones and in responding to it is urgently needed.³²

2. Legal Avenues to Further Limit Resort to Starvation

How to overcome these challenges with a view to better apprehending the multiple facets of starvation in armed conflict and to preventing its occurrence?

The ambiguity and uncertainties of the applicable legal provisions prohibiting starvation in international law should not be overestimated. Indeed, most of the contributors to this special issue agree that it is, in fact, plausible and legally sound to interpret the relevant provisions on starvation in a way which would better protect civilians against this phenomenon. For instance, there is a common understanding that prohibited starvation is not limited to cases of concrete destruction of ‘objects indispensable to the survival of the civilian population’. A violation of the prohibition of starvation could be brought about by many other activities, including severe limitations imposed on the passage of essential commodities.³³ The notion of ‘indispensable objects’ is also usually interpreted in a flexible manner to encompass not only food and water, but also other commodities — such as medicines and medical equipment — that are essential for the survival of the civilian population.³⁴ Moreover, it appears clear that a violation of the prohibition of starvation and the corresponding war crime do not require proof that civilians actually died or suffered as a result of the belligerents’ conduct; it suffices that civilians are actually deprived of the said indispensable objects.³⁵ From several contributions, it also emerges clearly that starvation is prohibited even when not aimed at obtaining any particular military advantage. In this sense, the expression ‘as a method of warfare’ simply designates any manner of conducting hostilities, whether dictated by military considerations or not.³⁶

Plausible legal solutions exist even for some questions related to the prohibition of starvation which — at first sight — would seem to remain more problematic.

A first problem is that the ICC Statute does not, at this moment, give the Court jurisdiction over the war crime of starvation in non-international armed conflict. There is absolutely no justification for the disparate treatment of the war crime of starvation between international and non-international armed conflict. However, what is more important, the fact that the ICC cannot (at the moment) exercise its jurisdiction over the war crime of starvation in non-international armed conflict is in no way an indication of the relevant customary international law. In this respect, D’Alessandra and Gillett have convincingly demonstrated the

³¹ The function of which is explained in Lander, Richards, *supra* note 23, Section 5.

³² *Ibid.*, Section 7.

³³ D’Alessandra, Gillett, *supra* note 3, Sections 3–4.

³⁴ Akande, Gillard, *supra* note 3, Section 3.A; Ventura, *supra* note 5, Section 2.B.

³⁵ Jordash et al., *supra* note 1, Section 2.B.1; Ventura, *supra* note 5, Section 2.B.

³⁶ Akande, Gillard, *supra* note 3, Section 3.C.

customary nature of the relevant prohibition and of the corresponding war crime.³⁷ It is our hope that the amendment to the Rome Statute proposed by Switzerland — aimed at giving to the Court jurisdiction over the war crime of starvation in non-international armed conflict — will swiftly be adopted by the Assembly of States Parties and clarify the matter once and for all.

A second problem concerns the subjective requirement for violations of the prohibition of starvation, and consequently for the corresponding war crime. It is at times contended that such subjective requirement only covers situations in which starvation of civilians is actually desired by the relevant belligerent. Nobody doubts that such situations would be covered by the prohibition of starvation and also entail individual criminal responsibility. The real question is whether the prohibition of starvation in international humanitarian law also covers cases in which the actor has foreseen that their conduct (whatever its primary aim) will result in the starvation of civilians, and nevertheless deliberately decided to engage in such conduct. In light of the vagueness of Article 54 of Additional Protocol I on the point, not all contributors agree on the answer to this question.³⁸ However, by reading Article 54 as a whole, in light of the humanitarian purposes of the Additional Protocols, it is hard to conclusively rule out an interpretation which would outlaw foreseen incidental starvation of civilians. Article 54(3)(b) AP I, in particular, makes clear that ‘in no event shall actions against [objects indispensable to civilians’ survival] be taken which may be expected to leave the civilian population with such inadequate food or water as to cause its starvation or force its movement’, even when such objects are used in direct support of military action.³⁹ If the text of Article 54 was not clear enough, some guidance could come from international criminal law theory on *mens rea*. As both the contribution by Ventura and the one by Jordash, Murdoch and Holmes show, even according to the ICC Statute — which at Article 30 adopts a particularly stringent interpretation of ‘intent’ — ‘intentional’ conduct includes acting with the virtual certainty that a particular consequence will occur in the ordinary course of events.⁴⁰ Thus, the mental element requirement for the war crime of starvation would be satisfied by demonstrating that the perpetrator engaged in a certain conduct with the virtual certainty that such conduct will have resulted in depriving civilians of objects indispensable to their survival (i.e. ‘starvation’). If this is the general rule in international criminal law (at least, in its ICC iteration) it seems odd that international humanitarian law on the point would be more restrictive.

A third point of contention concerns the category of people protected by the prohibition of starvation. It is regrettable that international humanitarian law does not expressly prohibit the starvation of prisoners of war or of combatants who are seriously wounded or sick.

³⁷ D’Alessandra, Gillett, *supra* note 3, Section 2.

³⁸ See e.g. the various approaches by Akande and Gillard; *supra* note 3, Section 3.B; D’Alessandra, Gillett, *supra* note 3, Section 8.A.(3); Jordash et al., *supra* note 1, Section 2.B.2; and Ventura, *supra* note 5, Section 2.A.

³⁹ ICRC, *International humanitarian law and the challenges of contemporary armed conflicts — Recommitting to protection in armed conflict on the 70th anniversary of the Geneva Conventions*, October 2019, available online at <https://www.icrc.org/en/document/international-humanitarian-law-and-challenges-contemporary-armed-conflicts> (visited 18 November 2019), at 17. At 16, the ICRC makes clear that ‘a belligerent aiming to use starvation as a method of warfare against enemy forces, besieged in an area in which civilians are also trapped, must allow the civilians to leave the besieged area, because experience shows that in practice these civilians will share the privation caused by a siege and may be expected to be left with their basic needs unmet.’

⁴⁰ Jordash et al., *supra* note 1, Section 2.B.2; Ventura, *supra* note 5, Section 2.A.

Nonetheless, the lack of an explicit prohibition of starvation does not mean that the corresponding behaviour is to be condoned. Quite plainly, starving persons who no longer represent a threat to the enemy because they are *hors de combat* amounts to inhumane treatment incompatible with common Article 3 to the Geneva Conventions, Article 75 AP I, other relevant provisions of international law and the principle of humanity. It would also certainly constitute a war crime.

Fourth, a lacuna exists in the modern definitions of crimes against humanity, which do not list, among their underlying acts, starvation. Given the inextricable link between starvation and the concept of an attack directed against the civilian population, such lacuna is regrettable. However, as aptly demonstrated by Ventura, other categories of crimes against humanity — such as murder, torture, persecution or other inhumane acts — could well encompass acts of starvation, in presence of the relevant requirements for those crimes.⁴¹ Whilst it seems unlikely, at the moment, that an underlying act of starvation is added — let us say — to the list of crimes against humanity contained in Article 7 of the ICC Statute, this possibility is not to be ruled out altogether. An amendment of this kind would represent a welcome addition to the ICC Statute, and would do justice to the criminal specificity of a repugnant phenomenon like starvation.

3. A Way Forward

As amply explained in the contributions to this special issue, the international community already has many instruments to predict, prevent and respond to starvation crises. Unfortunately, they are not used as they could and should be. One of them deserves particular attention, given the traditional scope of inquiry of this journal: the prosecution and trial of persons who bear criminal responsibility for starvation. Indeed, no major trial has ever been conducted at the international level for the war crime of starvation specifically, despite its horrendous consequences and the threat that starvation of civilians represents to international peace and security. True — proving the *mens rea* of perpetrators and properly assessing their conduct in the midst of complex and fluctuating factual circumstances raises significant challenges.⁴² Nonetheless, the prosecution of many other international crimes is confronted with similar difficulties but takes place anyway. The problem maybe lies not so much in questions of law and evidence, but in defining priorities and crafting appropriate prosecutorial strategies.

It is undeniable that criminal prosecutions alone — be them at the international or at the national level — would not be an effective tool to fight starvation. On the contrary, a broader cultural, political and diplomatic strategy is needed in order to prevent and respond to starvation and man-made food insecurity. Still, the role of criminal law is not to be undervalued either. As forcefully stressed by someone outside the legal profession, like Jane Ferguson,

[i]t is necessary that those who are responsible for these famines fear that they could be prosecuted for their crimes. However, since the beginning of the war in Syria, things have significantly changed in this regard. Flagrant and shameless violations of international humanitarian law are occurring on a daily basis without any repercussions for those who are responsible of these violations. No action is taken by the international

⁴¹ Ventura, *supra* note 5, Section 3.A.

⁴² Jordash et al., *supra* note 1, Section 3.

community to prosecute the authors of these crimes. Thus, they do not fear anything. In addition, the reports of journalists on these crimes have no impact anymore. In this context, I do not exactly know what solution must be implemented in order to build more accountability. But this should be the priority and, ultimately, decisions-makers must be a lot more afraid of human rights lawyers.⁴³

These words also recall our attention to the fact that establishing accountability for violations of international law — including the use of starvation in armed conflict — is not a mission of exclusive pertinence of judicial institutions. Civil society can and must play its part, as it increasingly is doing, in monitoring armed conflicts and other situations of emergency and speaking up whenever any violation is detected. The role of international legal scholars in this endeavour is not to be neglected either: we believe it is part of a scholar's mission to better explore and explain the law related to the life we live in, suggest plausible interpretations of such law which could better protect the weakest and, if even such interpretations are ineffective or unsatisfying, indicate avenues for change. We hope that the ideas hosted in this special issue will all contribute to fulfilling these missions.

⁴³ “‘It is necessary that those who are responsible for these famines fear that they could be prosecuted for their crimes’: An interview with Jane Ferguson’, in this special issue: 17 *JICJ* (2019).