

## **Call for input - Human Rights and Starvation, with an emphasis on the Palestinian People's Food Sovereignty by the Special Rapporteur on the right to food:**

### **General Question, 2: If starvation is caused by political failures, what international institutional changes are necessary to avoid such failures?**

In taking a feminist approach to international law,<sup>1</sup> my response to the question above will highlight two distinct but overlapping points. Firstly, food sovereignty must use gender as a tool of analysis to understand, avoid and respond to situations of famine and starvation. Secondly, a gendered analysis of food sovereignty must carry over into transitional justice and post conflict planning.

Gender discrimination and biases are exacerbated during times of armed conflict and are too often present within the ideology of the parties engaged in conflict, prior to hostilities.<sup>2</sup> If the underlying gender biases found within a society's political and legal environment are not addressed, then there is a greater likelihood of conflict. Gender analysis, in this case, is not meant as merely focusing on women or identity, but instead understands that gender can be used as a tool to uncover embedded biases within political and legal systems.<sup>3</sup> For example, the motivations for withholding food as a tactic of war is reflective of patriarchal rule (a reliance on hegemonic masculinity), which permits starvation as an option to achieve victory. The inability of outside organisations and states to effectively intervene and provide food for the affected population during times of crisis is laced with narratives around masculinity and power, which must be broken down for effective negotiation and cooperation to take place.

Political and legal mechanisms themselves have a great deal of power in order to prevent famine and starvation, but can also be part of the problem. A lack of both political and legal awareness to the gendered assumptions found in policies and legal mechanisms has knock-on effects for how starvation is addressed and prevented. If there are both political will and effective negotiations to identify early and stop/prevent famine and starvation, then there will still likely be negative gendered outcomes. This is due to the fact that the very foundations of state structures and machinations of power are gendered.

People, depending on their gender, race, age, sexuality, religion, culture, ability and health, will face different experiences in regard to the loss of food sovereignty during conflict. They will have different needs to regain a baseline level of food security. When

---

<sup>1</sup> Gina Heathcote, Sara Bertotti, Emily Jones, and Sheri Labenski, *The Law of War and Peace: a Gender Analysis* (Zed Books 2021).

<sup>2</sup> As noted throughout the work of the United Nations; <https://www.ohchr.org/en/women/womens-human-rights-and-gender-related-concerns-situations-conflict-and-instability>.

<sup>3</sup> Dianne Otto (ed), *Queering International Law: Possibilities, Alliances, Complicities, Risks* (Routledge 2017); Hilary Charlesworth, 'The Hidden Gender of International Law' (2002) 16 *Temple International and Comparative Law Journal* 93.

aid reaches a population in need, this aid does not reach all in the same way, both in the physical sense, but in the deeper emotional connection to food. A gender analysis understands that there is a personal, emotional need for food, that hunger is not only very real and physical, but is also a part of mental health, keeping a hold of memories and loved ones, and as a way to heal and to move on.

When moving on, through international led transitional justice processes and post conflict initiatives, food (the losses to food and ways of repairing this loss) must include gender analysis. Famine and starvation must not be forgotten in transition, and the losses, or harms, that one experienced because of starvation and/or famine must be understood to be a focus in justice processes. The destruction of culture, for instance, is also linked to starvation and famine. Unique ingredients that a population may use and rely on for making food that is key to their cultural or religious identity, which are no longer accessible due to agricultural and environmental destruction, are harms all the same. This is echoed in the UN's work around gender justice, where the lived experiences of women must be understood to allow a society or community to reconcile and grow.<sup>4</sup>

My response to the question above is to prioritise a robust gender analysis that looks at the different factors that lead to starvation and famine, and then to carry such analysis to the way transitional and reconciliation is understood.<sup>5</sup> To centre a gender analysis is to understand that bias, power relations, hegemonic masculinity and gender discrimination harm all people, including men, and must be fully understood and unravelled to identify the range of harms that are allowed to exist as a result, such as starvation and famine.

I recommend, that food sovereignty be defined as including an absence of gendered discrimination and practices that produce gendered harms; for gender expertise to play a crucial role in understanding how to dismantle the systems that led to starvation and famine; and for transitional justice processes to centre the insights of gender expertise at all stages.

**Dr Sheri Labenski**  
**Lecturer in Law**  
**Goldsmiths, University of London**

**\*with special thanks to Professor Gina Heathcote for her feedback**

---

<sup>4</sup> As seen in the work of the UNDP, Gender Justice Platform; <https://www.undp.org/rolhr/justice/gender-justice>.

<sup>5</sup> See, Khanyisela Mayo, 'Feminism, Postcolonial Legal Theory and Transitional Justice: A Critique of Current Trends' (2012) 1(2) *International Human Rights Law Review* 237.