

Human Rights and Starvation, with an emphasis on the Palestinian People's Food Sovereignty

Response to the call for input made by the Special Rapporteur on the right to food, Michael Fakhri

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How can human rights provide a way of generating an “early warning” to prevent starvation?

The process of “early warning” involves gathering and analysing empirical data regarding the factors that lead to crises and armed conflicts, with the goal of pinpointing and suggesting strategic options for preventive measures. Regarding starvation and (acute) food insecurity, a significant limitation of the Integrated Food Security Phase Classification (IPC) system is that it sets the data threshold for the official declaration of famine so high that famines are only often declared after the fact.¹

In the context of intentional starvation, myriad interlinkages exist between forced displacement as a (warring) strategy² and what may be termed the “starvation–displacement nexus.” Since the siege of Aleppo City (Syria) in 2016, and over the past eight years in particular, the aggregated criminality of this nexus has been evident through its use to redraw and consolidate bases of political and/or ethnic support, including in Syria and South Sudan where demographics have been starved to be deliberately relocated.³ In Gaza, a strong case can be made for the interlinkage between forced displacement and starvation as a method of warfare and associated war crimes and crimes against humanity,⁴ that may have been used to drive civilian displacement south towards Rafah.⁵ The present submission highlights the ways in which human rights underpinning the “starvation–displacement nexus” can provide a way of generating an “early warning” to prevent intentional starvation and incidental hunger.

The “starvation–displacement nexus”

Given that contemporary armed conflicts and particularly non-international armed conflicts⁶ are increasingly localised, the effects on food security and nutritional outcomes are also highly

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¹ See, e.g., Jeremy Konyndyk, *Gaza's Famine is Underway*, JUST SECURITY (28 Mar. 2024), available at <https://www.justsecurity.org/93841/gazas-famine-is-underway>.

² Such conduct may also be apparent in peacetime, including where perpetrated as the crime against humanity of deportation or forcible transfer of population.

³ Yousuf Syed Khan, *Pandemic of Hunger Symposium: Population Transfers and the Civilian Toll of Starvation as a Method of Warfare in Syria and South Sudan*, OPINIO JURIS (20 May 2021), available at <https://opiniojuris.org/2021/05/20/pandemic-of-hunger-symposium-population-transfers-and-the-civilian-toll-of-starvation-as-a-method-of-warfare-in-syria-and-south-sudan>; see also *Sieges as Weapons of War: Encircle, Starve, Surrender, Evacuate*, Int'l Comm'n of Inquiry on the Syrian Arab Republic (29 May 2018), available at https://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/PolicyPaperSieges_29May2018.pdf.

⁴ Yousuf Syed Khan, *Gaza Arrest Warrants: Assessing Starvation as a Method of Warfare and Associated Starvation Crimes*, JUST SECURITY (31 May 2024), available at <https://www.justsecurity.org/96257/assessing-gaza-starvation>.

⁵ Yousuf Syed Khan, *The Directive to Evacuate Northern Gaza: Advance Warning or Forced Displacement?*, JUST SECURITY (19 Oct. 2023), available at <https://www.justsecurity.org/89617/the-directive-to-evacuate-northern-gaza-advance-warning-or-forced-displacement>.

⁶ ICRC, ALLIES, PARTNERS AND PROXIES: MANAGING SUPPORT RELATIONSHIPS IN ARMED CONFLICT TO REDUCE THE HUMAN COST OF WAR 16 (Mar. 2021).

specific to local contexts. In Syria, South Sudan, Ethiopia, and Gaza, the disruption of food availability and access has had far-reaching consequences on health services and basic sanitation. Indirect effects have also profoundly impacted feeding practices, overall nutrition, public health, and basic sanitation, with a resultant vicious cycle of nutritional and health insecurity.

In Tigray, Ethiopia, for example, at least 700,000 Tigrayan women, men, and children currently remain displaced without sustained and unhindered access to humanitarian aid, unable to access fields during the planting and harvest (*Meher*) seasons.⁷ Moreover, repairing the damage wrought upon the agricultural sector during the conflict in Tigray has not been prioritised by the State.⁸ In South Sudan, the timing of certain attacks and seasonality of organised violence during planting and harvest periods was used to force displacement, exacerbated the preexisting situation of hunger, and led to additional months of food insecurity.⁹ Similarly, in Gaza, repeated directives to evacuate parts of Gaza, which likely constitute forced displacement,¹⁰ have affected at least some 67 percent of the territory, forcing the abandonment of cultivated land and other food production means.¹¹

The United Nations' Human Rights Council-mandated Commissions for Syria,¹² South Sudan,¹³ and Ethiopia,¹⁴ just by example, have all made findings of starvation as a method of warfare, to varying degrees of precision and legal analysis, particularly as regards the *mens rea* of intent.¹⁵ Each Commission did so in that context of overlapping motives to displace civilian populations. While international organisations such as the Office of the United Nations High Commissioner for Refugees (UNHCR) use “forced displacement” as a term of art and not a legal qualification, it is in the nuance of the legal qualification that potential starvation-related motives and conduct are found to regularly manifest.

A way forward

In addition to the more traditional monitoring and reporting role, or investigative role, played by human rights practitioners, artificial intelligence-based predictive analysis can be used to provide detailed displacement forecasts. The Danish Refugee Council's Foresight model, for example, is a machine learning model developed to predict displacement outcomes (including persons internally displaced, refugees, and asylum seekers) at the national level, with a scope of prediction 1 to 3 years into the future.¹⁶ While, as noted above, the IPC classification framework tends to offer an ex post-facto confirmation of the famine classification, AI-generated predictive

⁷ United Nations Office for the Coordination of Humanitarian Affairs, *Ethiopia Situation Report* (10 Jun. 2024), available at <https://reports.unocha.org/en/country/ethiopia>.

⁸ Alexandra Lily Kather and Yousuf Syed Khan, *The Nexus Between Starvation Crimes and Sexual Violence: Indicia of On-going Extermination in Tigray, Ethiopia*, OPINIO JURIS (9 Oct. 2023), available at <https://opiniojuris.org/2023/10/09/the-nexus-between-starvation-crimes-and-sexual-violence-indicia-of-on-going-extermiation-in-tigray-ethiopia>.

⁹ Between January 2017 and November 2018. A/HRC/45/CRP.3, para. 9.

¹⁰ Yousuf Syed Khan, *The Directive to Evacuate Northern Gaza: Advance Warning or Forced Displacement?*, JUST SECURITY (19 Oct. 2023), available at <https://www.justsecurity.org/89617/the-directive-to-evacuate-northern-gaza-advance-warning-or-forced-displacement>.

¹¹ *Briefing on Food Security Risks in Gaza*, Security Council Report (27 Feb. 2024), available at <https://www.securitycouncilreport.org/whatsinblue/2024/02/briefing-on-food-security-risks-in-gaza.php>.

¹² A/HRC/38/CRP.3.

¹³ A/HRC/45/CRP.3.

¹⁴ A/HRC/51/46.

¹⁵ On the intent threshold, see, e.g., Tom Dannenbaum, *Siege Starvation: A War Crime of Societal Torture*, 22 Chi. J. Int'l L. 71 (2022).

¹⁶ Danish Refugee Council, *Foresight: Displacement forecasts*, available at <https://pro.drc.ngo/what-we-do/innovation-and-climate-action/predictive-analysis/foresight-displacement-forecasts>.

analysis on displacement trends and patterns has the potential to provide human rights practitioners with the empirical data that has been so inextricably linked to starvation and hunger over the past eight years. Stated another way, the “starvation–displacement nexus” may be more closely monitored through predictive AI-analytical modelling, which can assist in pointing to specific crises and conflicts that warrant closer attention and scrutiny for purposes of “early warning,” as regards monitoring situations of deliberate displacement and, in turn, potential intentional starvation or incidental hunger-related outcomes stemming therefrom.