



Conflict and Hunger: Next Steps for United Nations Security Council Resolution 2417

Introduction

On April 24, 2019, United Nations agencies, lawyers, government representatives, and international non-governmental organizations gathered in London to discuss implementation of UN Security Council Resolution 2417 and ways forward in tackling conflict-related hunger. The day-long workshop aimed to build upon other discussions and events in recent months and to feed into upcoming discussions in New York on Protection of Civilians. This briefing presents areas for further development, as well as specific recommendations to UN Member States.

Given widespread food insecurity in conflict and the recurring use of starvation as method of war, it is of paramount importance that the UN and its Member States take action, sustain momentum, and identify further areas of intervention to make good on the principles and details of UN Security Council Resolution 2417.

Summary of Discussion

The workshop in London was structured around three interdependent and overlapping core areas of discussion. These were:

Role of the UN Security Council (UNSC)

UN Security Council Resolution 2417 (UNSCR 2417) was a milestone toward in building global consensus on the links between conflict and hunger – including, for the first time, the issue of food security within the Protection of Civilians Agenda and as a matter of importance for the UN Security Council. UNSCR 2417 set out processes for reporting and early warning, restated the political and economic sanctions available to the Council in situations of starvation, and emphasized that inducing hunger in conflict is a violation of international law.

Workshop discussions explored how and when the UNSC should be briefed on situations of concern, what responses could be expected, and how the broader international and multilateral system can best coordinate and inform the UNSC on conflict and hunger. Specifically, groups discussed the need for increased information for the UNSC to address the conflict-related drivers of hunger, including issues of humanitarian access and the role of the UNSC in taking measures to address acts of starvation – which may include triggering additional action, as appropriate and in line with the text of UNSCR 2417.

Data, Monitoring, and Informing

The importance of having the right information, presented in the right format and in the right forums was discussed throughout the day. While important data and information exist currently, they may not be used sufficiently, partly because there are no systems in place to centrally collate and share such data. There are also significant data gaps – especially with a view to pursuing political action and accountability. More guidance and support are required to enable guide actors on the ground in

identifying, monitoring, and compiling information on components of starvation crimes – including, but not limited to, denial of humanitarian access. There are clearly risks involved in collecting and using such sensitive data.

The use of standardised indicators and both qualitative and quantitative information is crucial for bringing situations of concern to the UNSC under UNSCR 2417 in a timely way. While there exists a large body of work and expertise on early warning and early action, including measures to monitor food security such as the IPC and emerging tools to trigger response to severe food insecurity such as the Famine Action Mechanism (FAM), none of these options emerged as a natural fit or are independently sufficient to compel UNSCR 2417 briefings at UNSC level.

Accountability for Starvation Crimes

Participants discussed the range of provisions in international law which apply to starvation – beyond UNSCR 2417. The momentum behind UNSCR 2417 should be harnessed to pursue the strengthening of international law and compliance with it. However, accountability for starvation is multifaceted and should be treated as such. It will require input and action from stakeholders beyond the UNSC, which will take time and be politically sensitive and complex.

There was support for the proposed amendment to the Rome Statute to include starvation of civilians as a war crime in non-international armed conflicts, thereby closing a gap in the statute. The amendment first and foremost aligns with the fundamental principles of IHL that demand the protection of civilians and civilian objects, thereby strengthening worldwide enforcement, but would also enable awareness-building and associated legal action. Further, severe situations of food insecurity around the world drives an urgency to amend the statute. There is a humanitarian imperative to change the behaviour of parties to conflict.

More broadly, the need to improve the monitoring and compiling of information on the components of starvation crimes came up repeatedly as a priority. Currently, there is no coordinated and useable data on core aspects of starvation crimes – for instance, attacks on relevant infrastructure and the denial of humanitarian access. Some agencies already collect relevant data and information, but there is a need for enhanced formal and informal collaboration, capacity building, and guidance for those collecting data and delivering humanitarian response. There was rich discussion on the need to strike a balance between correctly labelling starvation crimes and building on existing accountability mechanisms – for instance, the Convention Against Torture, UN Children and Armed Conflict Monitoring and Reporting Mechanism, UN Commissions of Inquiry, and the International Humanitarian Fact-Finding Commission.

Recommendations

While we are confident that these recommendations are credible and should be pursued, the list is neither exhaustive nor final. It is our intention to continue developing and iterating these proposals with support from UNSC Member States, partner organisations, and technical experts.

1. Identify leadership and coordination functions at the international level

Participants discussed the need for two roles:

- a. Political campaign: UNSCR 2417 requires an individual state, or group of states, to initiate and pursue a political campaign amongst Member States and regional organizations to sustain the momentum of UNSCR 2417, encourage more consistent

reporting, strengthen facilitation processes, and provide continued high visibility on the agendas of international, regional, and national fora.

- b. Facilitator: Enhanced collaboration is required across the UN system, INGOs, Member States, and other relevant stakeholders. A dedicated function to bring together information and data, compile action plans and guidelines, and convene technical expertise, discussions, and input into political processes.

2. Standardised reporting and responses under UNSCR 2417

More detail is required on the operationalisation of UNSCR 2417 – including when situations of concern should be raised, how they should be raised, through which pathways, and what tools should be available to guide responses. Therefore, we ask states to support a process which achieves:

- a. Agreement amongst key actors on triggers and activation of crisis specific reporting to the UN Secretary General under UNSCR 2417;
- b. Improved data gathering: supporting relevant actors to securely gather and share critical evidence, including the impact of longer-term policies and practices by armed actors, that indicates a breach of international laws related to the resolution;
- c. Increased scope for annual reporting on UNSCR 2417 within the Secretary General's Annual Report on the Protection of Civilians;
- d. Structured monitoring of access to vulnerable populations in conflict contexts, and appropriate platforms to use that information to address related food insecurity;
- e. Increased publication of evidence of denial of humanitarian access. Denial of access aggravating hunger and malnutrition could be further reflected in regular reporting, such as the Global Report on Food Crises;
- f. The development of a toolkit and guidance for the UNSC in response to situations of concern. This could include a suite of options available, such as establishing fact-finding missions and/or inquiries, template text for further specific resolutions and/or statements, best practice in improving food security in situations of conflict (e.g. five-point plan for Yemen), private briefings, and follow up processes.

3. Strengthening accountability for starvation crimes

States must resource and commit to efforts to strengthen accountability mechanisms – internationally and domestically. Starvation is one of the most widespread and severe threats to human security in conflict, and demands response. Specifically, we believe:

- a. States should offer strong support to the proposed amendment to the Rome Statute currently under discussion in the Working Group on Amendments to the ICC on criminalizing starvation of civilians as a war crime in non-international armed conflicts. This should be in time for the 2019 Assembly to State Parties, and would be in accordance with the wide-ranging commitments to UNSCR 2417 and the Protection of Civilians;
- b. States should also resource and support a process with a dotted line to UNSCR 2417 – potentially through the above proposed political campaign or facilitator – which is tasked with mapping and developing the multiple routes to accountability for starvation crimes;
- c. Supporting relevant actors to collect and share critical information that could increase access to affected populations in a timely manner.

Additional Considerations

In addition to the three core areas summarised above, further overlapping issues related to process were raised. While these relate less to the substance of the recommendations, they should be prioritised in the delivery of next steps.

First, stakeholders should recall the consensus and principles which led to the adoption of UNSCR 2417 and avoid 'cherry-picking' elements of the resolution text for their own agenda. The resolution should be seen as a whole and implemented as such.

Second, practical and technical expertise is fundamental – UNSCR 2417 should remain grounded in the experience of humanitarian, legal, and practical experts. This is especially true regarding the monitoring and reporting of data, the development of appropriate triggers, and in developing action plans in response to situations of concern. It should build on lessons learned from other similar agenda items – including Children and Armed Conflict (CAAC).

Third, there is a great deal of overlap across multiple UNSC agendas, protection and nutrition thematic issue areas, and tracks of work underway both at national and multilateral levels. These include CAAC, Women Peace and Security, the FAM, national efforts to strengthen Protection of Civilians and refresh relevant strategies, and efforts to strengthen compliance with relevant International Humanitarian Law. There are opportunities to harness these and learn lessons, but also a need to avoid duplication and ensure different aspects are correctly labelled – for instance, the distinction between the right to food and the deliberate use of starvation. A mapping of relevant strands of work would be useful to maximise opportunities, avoid silos, and use appropriate language.

Participants

The workshop was attended by representatives from WFP, FAO, UN OCHA, UN Group of Regional Experts on Yemen, Swiss MFA, Dutch MFA, Action Against Hunger, Concern, Save the Children, Global Rights Compliance, Oxford Institute for Ethics and Law of Armed Conflict, Norwegian Refugee Council, Orrick Law and ODI Humanitarian Policy Group – with whom this summary has been shared for comment.