

Unless Israel Changes Course, It Could be Legally Culpable for Mass Starvation

Gaza is on the brink of famine. If the US and UK fail to use every possible lever to stop the catastrophe, they will be complicit

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Gaza is experiencing mass starvation like no other in recent history. Before the outbreak of fighting in October, food security in Gaza was precarious, but very few children – [less than 1%](#) – suffered severe acute malnutrition, the most dangerous kind. Today, almost all Gazans, of any age, anywhere in the territory, are at risk.

There is no instance since the second world war in which an entire population has been reduced to extreme hunger and destitution with such speed. And there's no case in which the international obligation to stop it has been so clear.

These facts underpinned South Africa's recent case against [Israel](#) at the international court of justice. The international genocide convention, article 2c, prohibits "deliberately inflicting [on a group] conditions of life calculated to bring about its physical destruction in whole or in part".

In ordering provisional measures to prevent potential genocide last Friday, the ICJ didn't rule on whether Israel is actually committing genocide – that will take years of deliberation – but the judges made it clear that the people of [Gaza](#) face "conditions of life" in which their survival is in question. Even Justice Aharon Barak, appointed by Israel to sit on the panel, voted in favour of immediate humanitarian relief.

But a humanitarian disaster such as Gaza's today is like a speeding freight train. Even if the driver puts on the brakes, its momentum will take it many miles before it stops. Palestinian children in Gaza will die, in the thousands, even if the barriers to aid are lifted today.

Starvation is a process. Famine can be its ultimate outcome, unless stopped in time. The methodology used to categorize food emergencies is called the integrated food security phase classification system, [or IPC](#). It's a five-point scale, running from normal (phase 1), stressed, crisis, and emergency, to catastrophe/famine (phase 5).

In categorizing food emergencies, the IPC draws on three measurements: families' access to food; child malnutrition; and the numbers of people dying over and above normal rates. "Emergency" (phase 4) already sees children dying. For a famine declaration, all three measures need to pass a certain threshold; if only one is in that zone, it's "catastrophe".

The IPC's famine review committee is an independent group of experts who assess evidence for the most extreme food crises, akin to a high court of the world humanitarian system. The committee has already [assessed](#) that the entirety of Gaza is under conditions of "emergency". Many areas in the territory are already in "catastrophe", it said, and might reach "famine" by early February.

Yet whether or not conditions are bad enough for an official declaration of "famine" is less important than the situation today, which is already killing children. Bear in mind that malnutrition makes humans' immune systems more vulnerable to diseases sparked by lack of clean water and sanitation, and that those diseases are accelerated by overcrowding in unhealthy camps.

Since the IPC was adopted 20 years ago, there have been major food emergencies in Afghanistan, the Democratic Republic of the Congo, Ethiopia's Tigray region, north-east Nigeria, Somalia, South Sudan, Sudan and Yemen. Compared to Gaza, these have unfolded slowly, over periods of a year or more. They have stricken larger populations spread over wider areas. Hundreds of thousands died, most of them in emergencies that didn't cross the bar of famine.

And in the most notorious famines of the late 20th century – in China, Cambodia, Nigeria's Biafra and Ethiopia – the numbers who died were far higher, but the starvation was also slower and more dispersed.

Never before Gaza have today's humanitarian professionals seen such a high proportion of the population descend so rapidly towards catastrophe.

All modern famines are directly or indirectly man-made – sometimes by indifference to suffering or dysfunction, other times by war crimes, and in a few cases by genocide.

The Rome statute of the international criminal court, article 8(2)(b)(xxv), defines the war crime of starvation as "intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under the Geneva conventions".

The main element of the crime is destruction and deprivation, not just of food but of anything needed to sustain life, such as medicine, clean water and shelter. Legally speaking, starvation can constitute genocide or war crimes even if it doesn't include outright famine. People don't have to die of hunger; the act of deprivation is enough.

Many wars are starvation crime scenes. In Sudan and South Sudan, it's widespread looting by marauding militia. In Ethiopia's Tigray, farms, factories, schools and hospitals were

vandalized and burned, far in excess of any military logic. In Yemen, most of the country was put under starvation blockade. In Syria, the regime besieged cities, demanding they “surrender or starve”.

The level of destruction of hospitals, water systems and housing in Gaza, as well as restrictions of trade, employment and aid, surpasses any of these cases.

It may be true, as Israel claims, that Hamas is using hospitals and residential neighbourhoods for its own war effort. But that doesn't exonerate Israel. Much of Israel's destruction of Gazan infrastructure appears to be away from zones of active combat and in excess of what is proportionate to military necessity.

The most extreme historical cases – such as Stalin's Holodomor in Ukraine in the 1930s and the Nazi “hunger plan” on the eastern front during the second world war – were genocidal famines at immense scale. Gaza doesn't approach these, but Israel will need to act decisively if it is to escape the charge of having used hunger to exterminate the Palestinians. Starvation is a massacre in slow motion. And unlike shooting or bombing, the dying continues for weeks even if killing is halted.

This is the challenge facing the UN security council when it will soon debate the ICJ's provisional orders to Israel. Just allowing in aid and putting some restraints on Israel's military action are not going to stop this thundering train of catastrophe quickly enough.

More than a month ago, the famine review committee [wrote](#): “The cessation of hostilities and the restoration of humanitarian space to deliver this multi-sectoral assistance and restore services are essential first steps in eliminating any risk of famine.” In other words, an immediate end to fighting is essential to prevent a calamitous toll that may far exceed the numbers killed by violence.

That's the operative line. For the survival of the people of Gaza today, it doesn't matter whether Israel intends genocide or not. Unless Israel follows the famine relief committee recommendations, it will knowingly cause mass death by hunger and disease. That's a starvation crime.

And if the US and UK fail to use every possible lever to stop the catastrophe, they will be complicit.

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